

**FEDERAL COURT**

**BETWEEN:**

**ATTORNEY GENERAL OF CANADA**

**Applicant**

**- and -**

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,  
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,  
CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL and  
NISHNAWBE ASKI NATION**

**Respondents**

**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 one of the respondents in this matter, 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. I make this affidavit in support of the Caring Society's motions to hold the within application in abeyance and for advanced costs and in response to the Applicant's stay motion..
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 nearly 35 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 also hold a Masters degree in management from McGill University and a Bachelors of Arts in Psychology from the University of British Columbia.

4. I have received Honorary Doctorates from Blue Quills First Nations University, the University of Western Ontario, the University of Saskatchewan, Waterloo University, Thompson Rivers University, the University of Northern British Columbia, Mount St. Vincent University, the University of Winnipeg, Ryerson University, Osgoode Hall Law School, St John's College, University of Manitoba, University of Toronto, Memorial University, the University of Ottawa, Dalhousie University, University of Victoria, McMaster University, Trent University and the University of Lethbridge.
5. I am an officer of the Order of Canada. In 2017, I received Amnesty International's Ambassador of Conscience Award and the Law Society of Upper Canada's Human Rights Award and was awarded the Janusz Korczak Medal for Children's Rights Advocacy. In 2018, I was the inaugural recipient of the Children's Aid Foundation of Canada's Lynn Factor Stand Up for Kids National Award. In 2019, I was awarded the Canadian Public Health Association's National Public Health Hero Award.
6. Attached as **Exhibit "1"** to this affidavit is a copy of my curriculum vitae.

### **First Nations Child and Family Caring Society of Canada**

7. The Caring Society is a national non-profit organization committed to research, training, networking, policy, and public education and engagement to promote the well-being of First Nations children, youth and families. We also support the First Nations child and family service agencies. 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, it is our role to

provide quality resources for communities to draw upon and to assist them in developing community-focused solutions.

8. The Caring Society does not receive any core funding from the federal government. It is completely supported by a diversified funding plan and the support of our 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" for failing 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 it to immediately cease its discriminatory conduct immediately.

### **Human Rights Complaint against Canada**

9. On February 27, 2007, the Assembly of First Nations of Canada ("AFN") and the Caring Society (the "Complainants") filed a human rights complaint (the "complaint") against the Applicant, the Government of Canada, through Indian and Northern Affairs Canada (now Indigenous Services Canada), alleging that it was discriminating against First Nations children on the basis of race and national and/or ethnic origin contrary to the *Canadian Human Rights Act* ("**the Act**").
10. Amongst other things, the complaint alleged that the federal government's First Nations Child and Family Services Program ("**FNCFS Program**") discriminated against First Nations children and families, and that jurisdictional disputes between and amongst federal, provincial and territorial governments cause First Nations children to be denied or to experience delays when seeking services to achieve outcomes that are otherwise available to Canadian children. The complaint alleged that this was discriminatory on the basis of race and ethnic and/or national origin contrary to the *Act*.
11. After numerous attempts by the federal government to have the case dismissed, hearings at the Canadian Human Rights Tribunal ("**the Tribunal**") began in February 2013, and concluded in October 2014. During this time, the Tribunal heard from 25 witnesses (18 for

the Commission and the complainants and 7 for the Attorney General). Approximately 500 documents were filed as evidence.

12. I attended nearly every day of the hearing. I also personally testified during the hearing on the merits for approximately 15 days. My evidence related to Canada's child welfare policies and services for First Nations children and families as well as the federal government's narrow definition and flawed implementation of Jordan's Principle.
13. The Tribunal ruled in favour of the complainants on January 26, 2016 (2016 CHRT 2), finding that Canada's FNCFS Program and the federal approach to Jordan's Principle discriminated against First Nations children and families, contrary to the *Act* (the "**Merits Decision**"). In particular, the Tribunal found that Canada's child welfare funding formulas promote negative outcomes for First Nations children and families and creates incentives to take children into care.
14. Following the Merits Decision, the Minister of Indigenous Affairs, the Honourable Carolyn Bennett, and the Minister of Justice, the Honourable Jody Wilson-Raybould, issued a joint statement stating that they welcomed the decision. On February 22, 2016, the Minister of Justice announced that Canada would not be seeking a judicial review of the Merits Decision. A copy of Minister Bennett and Minister Wilson-Raybould's statement, retrieved from Indigenous and Northern Affairs' website, is attached to my affidavit as **Exhibit "2"**.
15. Unfortunately, Canada took no immediate steps to comply with the Merits Decision after its release. For example, in March 2016, the federal government released Budget 2016. Canada's funding for First Nations child welfare services in this budget was determined before the Tribunal ruled and was not altered after the Merits Decision. Moreover, the Budget 2016 announcement employed First Nations child and family service funding formulas that the Tribunal found to be discriminatory and harmful to First Nations children, and delayed full implementation of the results of these funding formulas by three or four years. This was the first of many unfortunate indicators of what I consider to be Canada's

pattern of indifference towards the safety and best interest of First Nations children and families.

16. From the time of the Tribunal's Merits Decision in January 2016 to present, the Caring Society, the AFN and the interested parties involved in this case have taken various steps to try to assist Canada in complying to with the decision. Where Canada was unable or unwilling to comply with the Merits Decision, the parties filed motions of non-compliance with the Tribunal to compel Canada to end its discriminatory conduct. Our efforts have resulted in seven subsequent non-compliance orders by the Tribunal against Canada on April 26, 2016 (2016 CHRT 10), September 14, 2016 (2016 CHRT 16), March 29, 2017 (2017 CHRT 7), May 26, 2017 (2017 CHRT 14), February 1, 2018 (2018 CHRT 4), February 21, 2019 (2019 CHRT 7) and September 6, 2019 (2019 CHRT 39). These decisions document Canada's ongoing patterns of discrimination against First Nations children and inaction and/or inadequate action to comply with the Merits Decision. The result is that First Nations children in Canada continue to experience discrimination.
17. In addition to the compensation matter that remains before the Tribunal, four further non-compliance motions are under reserve: (i) definition of "First Nations child" for the purposes of Jordan's Principle; (ii) capital funding; (iii) reallocation of funding within the Department; and (iv) restitution for downward scaling for small First Nations Child and Family Services Agencies from January 26, 2016 to January 31, 2018). A number of other issues related to long-term reform of the FNCFS Program and with respect to Jordan's Principle remain outstanding, including the issue of the Tribunal retaining jurisdiction to ensure that its orders are effective.
18. Prior to this application for judicial review, the Attorney General applied to judicially review only one of the Tribunal's non-compliance orders. In particular, the federal government sought to quash certain specific provisions of 2017 CHRT 14 related to the federal government's obligation to respond to Jordan's Principle cases in a timely manner (see Federal Court proceeding T-918-17). Canada withdrew its application for judicial review after the parties reached a settlement regarding the wording for an amended order. The agreed upon wording was entered into an order by the Tribunal (2017 CHRT 35).

19. The Caring Society and the other interested parties prepared numerous affidavits in our collective efforts to have Canada comply with the Merits Decision in which Canada was ordered to cease its discriminatory conduct against First Nations children. We have also cross-examined a number of Canada's witnesses, and participated in further hearings regarding Canada's compliance on:

- a. March 20-22, 2017: Immediate relief regarding the FNCFS Program and Jordan's Principle;
- b. January 7, 2019: Interim relief regarding the definition of "First Nations child" for the purposes of the Tribunal's orders regarding Jordan's Principle;
- c. March 27-28, 2019: Definition of First Nations Child for the purposes of the Tribunal's orders regarding Jordan's Principle; and
- d. April 25-26, 2019: Compensation for victims of Canada's discrimination within the FNCFS Program and Jordan's Principle

20. On February 1, 2018, the Tribunal ordered Canada to enter into a Consultation Protocol with the complainants, the interested parties and the Canadian Human Rights Commission. A copy of the Consultation Protocol signed on March 2, 2018 is attached to my affidavit as **Exhibit "3"**.

21. The Consultation Committee on Child Welfare met for the first time on May 10, 2018 and held further meetings on:

- a. June 22, 2018;
- b. July 9, 2018;
- c. July 20, 2018 (by teleconference);
- d. August 2, 2018;
- e. September 5, 2018;
- f. October 23, 2018;
- g. November 19, 2018;
- h. December 11, 2018;

- i. January 17, 2019;
- j. February 12, 2019;
- k. April 2, 2019;
- l. June 17, 2019; and
- m. September 9, 2019.

22. The next CCCW meeting is scheduled for November 8, 2019.

### **Nature of the Compensation Entitlement Order**

23. I have reviewed the Canadian Human Rights Tribunal's Ruling and Order dated September 6, 2019 ("Compensation Entitlement Order"). In sum, the decision identified the victims who are entitled to compensation and the quantum of compensation that ought to be conferred to these individuals.

24. I am aware that the Compensation Entitlement Order is not the Tribunal's final and definitive order on compensation. In its decision, the Tribunal stressed that it was not making a final determination on the process that was to be followed to identify victims and compensate them ("**Compensation Process**"). For instance, on page 81 of the September 6, 2019 decision, under the heading "XIV. Orders", the Tribunal says "[a]ll the following orders will find application once the compensation process referred to below has been agreed to by the Parties or ordered by the Tribunal." My work with respect to this order has been shaped by my awareness that a Compensation Process must be agreed to or ordered before any compensation can be paid to the victims of Canada's discrimination.

25. To this end, the Caring Society is ready and willing to participate in the consultation that the Tribunal has ordered Canada to enter into with the AFN and the Caring Society, to discuss an independent process for distributing compensation to victims and to report back by December 10, 2019.

26. In its Compensation Entitlement Order, the Tribunal also welcomed the parties to make comments and suggestions or to request clarification regarding moving forward with the

Compensation Process or the wording or the content of the Compensation Entitlement Order. Canada has not written to the Tribunal to request more time to discuss a Compensation Process with the AFN and the Caring Society.

27. Contrary to what the Tribunal ordered, Canada has made no efforts to enter into discussions with the Caring Society or the AFN to propose a Compensation Process whereby compensation could be provided to victims of its willful and reckless discriminatory conduct.
28. On September 8, 2019, David Taylor (counsel for the Caring Society), wrote to Robert Frater, Q.C., counsel for Canada advising him that the Caring Society wished to begin a preliminary discussion relating to the Compensation Process. I attach a copy of this letter to my affidavit as **Exhibit “4”**.
29. On September 9, 2019, Mr. Frater responded to Mr. Taylor’s letter by stating that Canada needed to carefully consider the Tribunal’s Compensation Entitlement Order before discussions could occur. I attach a copy of this letter to my affidavit as **Exhibit “5”**. Mr. Taylor has advised me, and I believe, that he has not since received a letter from Mr. Frater to begin discussions with Canada regarding the Compensation Process.
30. Mr. Frater verbally confirmed the contents of his September 9, 2019 letter at the CCCW meeting on September 9, 2019. I was at this meeting. I was also advised by Departmental officials that consultations on the Compensation Process, even in the form of providing basic information to assist the Caring Society, could not occur until after the 43rd General Election on October 21, 2019.
31. Given that, to date, Canada has been unwilling to engage in discussions as directed by the Tribunal in the Compensation Entitlement Order, the Caring Society and the AFN have undertaken their own significant efforts to prepare submissions to the Tribunal on December 10, 2019 on the Compensation Process.



## **The Applicant's public statements since the ruling**

32. The relief sought in this application for judicial review by Canada does not correspond with a number of the public statements made by various government officials and representatives since the application was served and filed.
33. Various representatives of Canada have repeatedly stated in different forums that they agree that compensation ought to be granted to victims. In some cases, representatives have suggested that they do not oppose the Compensation Entitlement Order but simply need more time to have “conversations” about compensation. I find this odd, since this is precisely what the Tribunal has ordered Canada to do.
34. On October 4, 2019, the Honourable Seamus O'Regan, Minister of Indigenous Services Canada, tweeted that Canada agrees that compensation should be part of the healing process. He went on to state that the government is committed to engaging in discussions around compensation for the benefit of those individuals who were impacted by its discriminatory conduct. Attached as **Exhibit 6**” to this affidavit is a screen shot of these tweets.
35. On October 7, 2019 during the English language Leaders' Debate, which I watched, the Right Honourable Justin Trudeau, Prime Minister of Canada, was asked about this judicial review. He stated that Canada will be compensating the victims of discrimination. Attached as **Exhibit “7”** to this affidavit is a copy of the transcript of the debate.
36. On October 10, 2019 during the French language Leaders' Debate, Prime Minister Trudeau was asked about this judicial review. He stated that Canada agreed with the Tribunal, and said that the federal government “absolutely” had to compensate First Nations children and was committed to having discussions about compensating the victims of discrimination. In response to a question from Green Party leader Elizabeth May, noting that Canada's lawyers were seeking to quash the Tribunal's Compensation Entitlement Order in Federal Court, Prime Minister Trudeau reiterated that he agreed with the Tribunal. When asked by the moderator why the Compensation Entitlement Order was

judicially reviewed, Prime Minister Trudeau said that the timeline to December 10, 2019 set by the Tribunal did not give the federal government enough time. While I listened to this portion of the debate with the assistance of English simultaneous interpretation, the video of this debate can be found at <https://www.debates-debats.ca/fr/debats2019/regarder>. The exchange I note above is contained in the eighth clip under the heading “Services aux citoyens”, with the title “Confrontation à trois: Reconciliation avec les Autochtones”.

37. Mr. Trudeau’s government was re-elected on October 21, 2019. I reached out to Canada’s officials that night to ask who I should contact to discuss the Compensation Process. A copy of my October 21, 2019 email to Valerie Gideon, Senior Assistant Deputy Minister at Indigenous Services Canada, and to Joanne Wilkinson, Assistant Deputy Minister at Indigenous Services Canada, is attached to my affidavit as **Exhibit “8”**.
38. In response to my October 21, 2019 email, Mr. Frater wrote to Mr. Taylor on October 22, 2019 asking if the Caring Society expected talks regarding the Compensation Process to begin before a stay motion is heard, noting that such an expectation would inform Canada’s position on setting dates for the stay motion. Mr. Taylor responded the same day to advise that the Caring Society’s position was that these talks should begin as soon as possible, and that the identity of federal officials with whom the talks should be held should be ascertainable regardless of the stay motion. A copy of Mr. Frater’s and Mr. Taylor’s exchange of emails is attached to my affidavit as **Exhibit “9”**.
39. On October 13, 2019, Adam Vaughan, Liberal Member of Parliament for Spadina-Fort York and Parliamentary Secretary to the Prime Minister from 2015-2017 and to the Minister of Families, Children and Social Development from 2017 until the dissolution of the 42<sup>nd</sup> Parliament, tweeted that compensation would be granted but that Canada could not act until after the election. Attached as **Exhibit “10”** to this affidavit is a screen shot of this tweet.
40. The Prime Minister and Mr. Vaughan were re-elected on October 21, 2019.

41. On October 15, 2019, I received a letter from Chief Scott McLeod of the Nippissing First Nation in Ontario. He advised that he attended a meeting on October 11, 2019 with the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations, and Trish Cowie, the Liberal candidate for Parry Sound—Muskoka. According to the letter, Chief McLeod did not have writing materials with him during the meeting, so he recorded it with his cell phone. I have listened to the recording. During this meeting, Minister Bennett identifies herself as the client in the proceedings related to the Compensation Entitlement Order and stated that Canada was asking for a stay of the Compensation Entitlement Order because “there was no process” before the Tribunal to request an extension of the December 10, 2019 deadline. She also stated that Canada wants to “get to the table to sort out what would be fair” in terms of the Compensation Process and that Canada was not fighting the decision. She further notes that people should listen to what she and the Prime Minister are saying about compensation; not what the Attorney General filed in the current Federal Court matter. When asked why she was not talking to the Caring Society and AFN about the compensation matter, Minister Bennett notes that she does not want to speak to organizations- she wants to speak to the victims of the discrimination. Attached as **Exhibit “11”** is a transcript of an audio recording of the meeting, while **Exhibit “12”** to my affidavit is a copy of the letter dated October 15, 2019 that I received from Chief McLeod setting out the circumstances surrounding the meeting.
42. After I received the audio recording from Chief McLeod, I ordered an independent transcribing company to prepare a transcript of the tape. A copy of this transcript is attached to my affidavit as **Exhibit “13”**.
43. At no time did Canada request an extension of the December 10, 2019 deadline either to me, to my counsel, or directly to the Tribunal.

## **Steps taken by the Caring Society to comply with the CHRT's order to propose a Compensation Process**

44. Even prior to the release of the Compensation Entitlement Order, I made several efforts to engage Canada in discussions regarding a process to compensate victims of its discriminatory conduct.
45. From the time of the Merits Decision to present, I sent several letters to the Ministers responsible for Indigenous Services as well as the Prime Minister asking for meetings to discuss how we could work together to address the legal issues raised in the human rights complaint proactively and in the best interests of the children whose rights are at stake. Though I received letters to confirm receipt, none of the ministers addressed in these letters contacted me discuss how the government could proactively end its discriminatory conduct against First Nations children and their families. Attached collectively as **Exhibit "14"** of the affidavit are copies of these letters.
46. On March 19, 2019, I met with Indigenous Services Canada's Deputy Minister, Jean-François Tremblay, and Associate Deputy Minister, Sony Perron. At that time, I strongly urged them to accept the Tribunal's offer to participate in mediation. The offer was refused.
47. On or around April 25, 2019, I told Travis Henderson, who I understood to be legal counsel for Canada responsible for class actions that the Caring Society was always open to receiving clear and meaningful proposals from Canada, including on the topic of compensation for First Nations children and families. I never heard back from Mr. Henderson.
48. Upon receiving the Compensation Entitlement Order, I immediately took steps to ensure that the Caring Society would be ready to discuss the Compensation Process with Canada and to make submissions to the Tribunal on or before its December 10, 2019 deadline. Although I have asked federal officials on several occasions for the name of a representative from Canada to discuss compensation, no one has been named. Therefore, the Caring

Society in partnership with the Assembly of First Nations is working diligently to prepare a compensation proposal for the Tribunal's consideration to meet the December 10, 2019 deadline.

49. The Caring Society is a small non-for-profit organization. Taking the necessary steps to meet the deadline set by the Tribunal required us to devote significant staff hours to this objective. I personally have devoted many hours, including working weekends, after business hours and on statutory holidays, towards this objective. In addition to this, the Caring have also spent approximately \$68,000 to organize and hold activities required to comply with the Tribunal's Compensation Entitlement Order.
50. In particular, on September 20, 2019, the Caring Society entered into an agreement with Youth in Care Canada, a national charitable organization for youth in care and formerly in care across Canada, to organize a national consultation of First Nations youth in care regarding the Compensation Process. Pursuant to this agreement, the Caring Society provided funding to Youth in Care Canada in the amount of \$67,285 to organize and hold a consultation with 15-20 First Nations youth. Following the signing of the agreement, YICC hired a person to coordinate and facilitate the gathering which is scheduled for October 25, 2019, and to document the reflections and recommendations of these young people in a final summary report to be delivered to the Caring Society on or before November 8, 2019. The Caring Society intends to rely on this report in the formulation of its December 10, 2019 submissions to the Tribunal. Attached as **Exhibit "15"** to this affidavit is a copy of the proposal that was accepted by the Caring Society.
51. The Caring Society also arranged for Naiomi Metallic, a lawyer and a professor who holds the Chancellor's Chair in Aboriginal Law and Policy at Dalhousie University to explain the Compensation Entitlement Order to the YICC participants and answer any questions they might have.
52. In addition to this, I also took the following steps to comply with the Tribunal's Compensation Entitlement Order.

- a. On September 7, 2019 the Caring Society and the AFN agreed to seek advice from Elders, including Residential School Survivors, and the National Centre on Truth and Reconciliation,
- b. On September 9, 2019, I contacted the National Council of Child Advocates to request their input regarding the Compensation Process. In particular, I asked if the advocates could assist us in identifying a national forum where we could speak with provinces/territories who deliver child and family services on-reserve under agreements with the federal government. The availability of data available regarding such children must be determined, so that their eligibility for compensation can be identified. Arrangements will also have to be made for any compensation funds paid to be placed in trust for these children. I also asked if the advocates would be willing to distribute a "notice" within their respective provinces to identify First Nations children, parents and grandparents who may be eligible for compensation pursuant to the Compensation Entitlement Order. Further to this email, I had a call with the Child Advocates working group to obtain their suggestions regarding the Compensation Process.
- c. Also on September 9, 2019, I contacted Lisa Wolff, director of policy and research for UNICEF Canada to obtain her suggestions regarding the Compensation Process. I also asked her to contact her counterparts in other countries to determine whether they were aware of any process through which children in their jurisdictions were provided with compensation from human rights violations.
- d. On September 19, 2019, I sent an email to the Director of Strategic Policy for Saskatchewan's Ministry of Social Services to request a discussion with all provincial and territorial deputy ministers of social services to obtain their suggestions for the Compensation Process;
- e. On September 20, 2019, I wrote to Cheryl Milne, a former children's rights lawyer and current director of the Asper Centre for Constitutional Rights, requesting her input and suggestions for the Compensation Process. On the same day, I also wrote

to Tammy Law, a children's rights lawyer who was counsel at the Motherisk Hair Analysis Independent Review Commission, to also request suggestions.

- f. On October 6, 2019, I emailed Professor Barbara Fallon, of the University of Toronto, and Nico Trocmé, from McGill University, to request their assistance in structuring data questions to identify the victims who are entitled to compensation. The two professors agreed to assist us in formulating the data request questions for First Nations Child and Family Service Agencies and provinces/territories to identify the individuals who may be entitled to compensation. The two professors have hired research assistants to assist them with their research. The Caring Society will reimburse for any costs related to this undertaking not covered by other research programs.
  - g. Also on October 6, 2019, I emailed Susan Bissel, Visiting Scholar and Senior FXB Center for Human Rights Fellow, Harvard School of Public Health and former Chief of Child Protection at UNICEF to ask her for her input on the Compensation Process.
  - h. On October 21, 2019, I took part in a call with staff from the Assembly of First Nations and Ry Moran, the Director of the National Centre for Truth and Reconciliation. He provided us with his insight regarding the lessons learned from the distribution of compensation following the Indian Residential School settlement to assist us with our consultations with Canada and eventual submissions to the Tribunal.
53. In addition to the steps above, the Caring Society is following up on other matters related to the Compensation Process, including mechanisms to accommodate persons with disabilities and to ensure all persons can access reliable and cost-free financial advice regarding the payment of compensation under the *Act*, if required. The Caring Society has agreed to cover the costs of an ASL translator to ensure critical information such as the notice is available in ASL.

54. Since the release of the Compensation Entitlement Order, I have met with various AFN staff members on four occasions to discuss prepare a process for compensation before the Tribunal December 10, 2019 deadline.

55. On October 23, 2019, I attended a meeting of the First Nations members of the National Advisory Committee on First Nations Child Welfare (NAC) held in Ottawa. NAC is composed of experts in First Nations child welfare who are appointed by the Assembly of First Nations regional chiefs in their respective regions. The Caring Society and the Assembly of First Nations are also represented at NAC. NAC provides advice and recommendations to First Nations, First Nations child and family service agencies and Canada on child welfare reform. Canada chose not to send representatives to this meeting given the proximity of the meeting to the federal election so only First Nations members were present.

56. At this meeting, the issue of the Tribunal's compensation order was addressed. The First Nations members of NAC agreed that Canada ought not contact victims of discrimination, particularly children, to discuss compensation ordered by the Canadian Human Rights Tribunal. Canada should bring any ideas it has for consultation forward in discussions with the Caring Society and Assembly of First Nations to inform submissions to the Canadian Human Rights Tribunal on or before December 10, 2019. First Nations members of NAC do recognize that an independent process, such as the Truth and Reconciliation Commission, may be useful to enable victims to share their stories in a culturally safe and trauma informed manner but this process must be developed in full consultation with First Nations and First Nations experts.

### **The Applicant's actions since the Compensation Entitlement Order**

57. Despite Canada's numerous public statements claiming it agrees that compensation should be granted to victims, I am not aware of any steps taken by Canada to comply with the Tribunal's Compensation Entitlement Order. Similarly, despite various public statements from Canada suggesting that Canada wishes to have a "conversation" about compensation,



no Canadian official has contacted me to initiate this discussion. Furthermore, all of my own efforts to initiate such a conversation have been rebuffed, with Canada simply confirming they had not appointed a representative for the Caring Society to consult with regards to compensation.

58. For example, on September 16, 2019, I wrote to Gordon Deecker, Program Support for Indigenous Services Canada, to seek information that could be used to identify the victims of discrimination entitled to compensation. On September 18, 2019, Mr. Deecker responded to my email to say he was waiting to hear back from a few people and would keep me posted. Mr. Deecker then replied to me on September 19, 2019 noting that Canada would not be providing information to assist in the identification of victims at this time. A copy of my and Mr. Deecker's September 16 and 19, 2019 emails is attached to my affidavit as **Exhibit "16"**.
59. On October 16, 2019, I wrote to Prime Minister Justin Trudeau asking him to engage with the parties to determine the Compensation Process as ordered by the Tribunal. Attached as **Exhibit "17"** to this affidavit is a copy of this letter. I have not received a response to this letter.
60. On October 18, 2019, the leader of the Conservative Party of Canada, Andrew Sheer, stated that he agreed that First Nations children ought to be compensated for the harms they experienced. Attached as **Exhibit "18"** to this affidavit is a copy of the CBC News article regarding his statements.
61. On October 19, 2019, Prime Minister Trudeau stated that he agreed with the Tribunal's decision that First Nations children deserve compensation for the mistreatment they went through. He also stated that the federal government would be moving forward to compensate them. Attached as **Exhibit "19"** to this affidavit is a copy of the Global News article regarding his statements.

62. Canada is represented by the Department of Justice which often refers to itself as “Canada’s largest law firm”. The Department has over 2,500 lawyers. Since the beginning of this case, I am aware of at least 10 different lawyers who have worked on this file.
63. Based on documents I received following an access to information request, Canada has spent nearly \$9.5 million dollars in legal fees alone for this case up to 2016. Attached as **Exhibit “20”** to my affidavit is a spread sheet of the access to information requests documenting these expenses.
64. On January 11, 2019, Canada announced that it was committed to fundamentally transforming its relationship with Indigenous Peoples. To this end, it issued the Directive on Civil Litigation Involving Indigenous Peoples. It is my understanding that though the directive applies primarily to section 35 litigation, the principles ought to serve as best practices in other litigation involving Canada and Indigenous Peoples. At January 17, 2019 CCCW meeting, Mr. Frater, counsel for the Applicant, advised the CCCW that the federal government had been applying the principles underlying the Directive to this litigation for some period of time. Attached as **Exhibit “21”** to this affidavit is the press release issued by Canada the day of the release of the Directive. A copy of the Directive is attached to my affidavit as **Exhibit “22”**.
65. The former minister of Indigenous Services, the Honourable Jane Philpott, has stated that Canada has been aware for some time that a ruling on compensation was coming. She characterizes Canada’s decision to seek judicial review of the decision to challenge the order as a “big disappointment”. Attached as **Exhibit “23”** to this affidavit an article published on the Aboriginal Peoples Television Network on October 10, 2019 in which Ms. Philpott is quoted commenting on this application.

## **Caring Society's capacity to defend the CHRT's ruling before the Federal Court**

66. The Caring Society is a small non-for-profit organization. We currently have only two full time staff members and five part time staff members and an operational budget of approximately \$565K in fiscal 2018 and a forecast of approximately \$850K for fiscal 2019. The increase is owing to a planned office relocation and funding needed to complete a series of animated children's educational videos on reconciliation and related learning resources.
67. The Caring Society relies entirely on *pro bono* counsel for its litigation. We cover the disbursements of our lawyers with unrestricted funding sources and donations. The Caring Society does not have funds set aside to cover the travel costs, printing and filing fees or other disbursements of its lawyers for their work relating to Canada's judicial review of the Tribunal's Compensation Entitlement Order, or to make submissions to the Tribunal regarding the Compensation Process.

## **Harm to Canada**

68. I am not aware of any prejudice that Canada could suffer as a result of complying with the only requirement in the Tribunal's Compensation Entitlement Order: simply discussing a process to award compensation to the victims who meet the criteria set out by the Tribunal with the Caring Society and the AFN.
69. Moreover, the quantum of any possible awards as a percentage of Canada's overall financial revenue of approximately 300 billion is very small. It is also important to note that the amount Canada is paying is a direct result of its choice to willfully and recklessly discriminate against so many children and families.
70. In addition, Canada would greatly benefit from engaging in the compensation discussion process. Even I, as social worker with nearly 35 years of experience, have gained valuable information about what would be an appropriate process to award compensation by reaching out and listening to individuals with various perspectives on the issue.

71. I also believe that awarding compensation to those who have been most harmed by its discriminatory practices would greatly benefit Canada in the long term. In July 2019, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence tabled a report on the importance of compensation for victims of human rights violations. In this report, he wrote that the right to reparation is important for perpetrators of human rights violation as it helps them to understand that what they did was wrong. I attach the report to this affidavit as **Exhibit “24”**.

### **Harm to First Nations children**

72. At the time of the Merits Decision, based on Canada’s documents, I estimated that there were over 165,000 children and youth across the country who did not have access to equal child welfare services or who were denied equitable services because of Canada’s failure to implement Jordan’s Principle. Since 2007, tens of thousands of First Nations children did not receive equal child welfare services from Canada or who were denied equitable services because of Canada’s failure to implement Jordan’s Principle. The individuals who are eligible for compensation are those who have experienced the most harmful impacts of Canada’s ongoing discriminatory policies and practices on the evidence that was before the Tribunal.

73. Numerous reports document that First Nations children in Canada experience disproportionate rates of poverty. Attached as **Exhibit “25”** of this affidavit is a copy of a Discussion Paper entitled “Towards a Poverty Reduction Strategy”. The report shows that First Nations communities have the lowest well-being rates in Canada.

74. In 2019, the Commission of the Pan American Health Organization on Equity and Health Inequalities in the Americas delivered a report entitled “Just Societies: Health Equity and Dignified Lives”. This report is available online at [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/42/45](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/42/45). The report documents the disproportionate levels of poverty experienced by First Nations communities in Canada.

75. It is also well-documented that youth in care and former youth in care face the most significant structural barriers. These structural barriers are also reflected in the executive summaries and calls to action of the National Inquiry into Missing and Murdered Indigenous Women and Girls and the Truth and Reconciliation Commission. Both reports underscore the heightened structural risks faced by youth in care. The executive summary and calls for justice in the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls is available online at <https://www.mmiwg-ffada.ca/wp-content/uploads/2018/05/MMIWG-Executive-Summary-ENG.pdf> and [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls\\_for\\_Justice.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls_for_Justice.pdf). The Truth and Reconciliation's executive summary and calls to action are available online at [http://www.trc.ca/assets/pdf/Honouring\\_the\\_Truth\\_Reconciling\\_for\\_the\\_Future\\_July\\_23\\_2015.pdf](http://www.trc.ca/assets/pdf/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf) and [http://trc.ca/assets/pdf/Calls\\_to\\_Action\\_English2.pdf](http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf).
76. I believe it is in the best interests of the First Nations children currently and formerly in care that the Compensation Process be determined as quickly as possible. In my view, the sooner a final decision can be rendered regarding how the compensation can be distributed to First Nations children and their families, the better the chances that it will have life changing impacts for them. Though no amount of money could ever remediate the harms experienced by the victims, prompt compensation can provide some measure of assistance to them in overcoming the countless barriers they continue to encounter as a result of Canada's discriminatory conduct. Conversely, I believe that if the provision of compensation is delayed, it will significantly lessen the impact it will have on the lives of former children in care and their families. My view is based my discussions with former children in care and experience as a social worker and academic,
77. My direct experience with First Nations youth in care and formerly in care also confirms this view. On or around October 10, 2019, I traveled New Brunswick. While I was there, I met a young First Nations woman with a terminal disease that she has had since birth. She ought to have received services and products under Jordan's Principle, however, Canada was applying the discriminatory definition of Jordan's Principle when she was a child. This left her single parent to struggle to pay for the essential services the child needed to ensure

her optimal wellness and life-expectancy. I have no doubt that she would have been eligible for services under Jordan's Principle when she was a child. The young woman is doing well at the moment but we do not know if compensation will arrive in time for her and other youth facing terminal illnesses.

78. The lives of Indigenous youth continue to be at stake. On September 25, 2019, APTN reported that over 100 Indigenous youth lost their lives in care between 2013 and 2017. A copy of APTN's story is available online at <https://aptnnews.ca/2019/09/25/inside-a-child-welfare-system-where-102-indigenous-kids-died-over-5-years/>.
79. Between the time of the filing of the notice of application and the present date, I exchanged several emails with the father of First Nations children who passed away after they did not receive the medical and home care services they needed due to Canada's discriminatory implementation of Jordan's Principle. I believe that the services he requested for his sick children would have been covered by the non-discriminatory definition of Jordan's Principle endorsed by the Tribunal and that, as such, he is entitled to compensation. The uncertainty arising from Canada's appeal adds further stress to families who have experienced tragic losses of their children.
80. Between the time of the filing of notice of the application and the present date, I also became aware of a mother of a child who had to litigate against Canada to receive Jordan's Principle required hospitalization for a serious illness.
81. Since the release of the Compensation Entitlement Order, the Caring Society has received many inquiries from youth and parents and grandparents from across Canada asking whether they qualify for compensation and the process that will be followed.
82. I believe that in some circumstances, compensating former children in care quickly could have life-changing impacts for them. For example, as documented in the report entitled "A Place That Feels Like Homes: The story of Tina Fontaine", in her final months of life, and with multiple child and family service agencies involved, Tina did not receive the child and family service interventions and resources she required to support her through her

addictions and to protect her from the adults who were exploiting her. Though it is my view that such programs and resources must be provided by the government, it is often easier for youth to access them when their basic needs, such as housing, and food, are being met. I believe that financial compensation could help meet the basic needs of youth so that they are better able to access the life-saving services they need. A copy of this report is available online at <https://manitobaadvocate.ca/wp-content/uploads/MACY-Special-Report-March-2019-Tina-Fontaine-FINAL1.pdf>

83. I strongly believe that Canada's mixed messages regarding its position on the Compensation Entitlement Order is harming children, youth and their parents and grandparents. Attached as **Exhibit "26"** to this affidavit is a transcript of a news story done by Aboriginal Peoples Television Network regarding this application for judicial review. The youth featured in the story appear to be extremely upset by Canada's decision to seek a judicial review of the Compensation Entitlement Order

**AFFIRMED BEFORE ME** at the City of Ottawa, in the Province of Ontario, this 24<sup>th</sup> day of October, 2019.



A Commissioner for taking affidavits

David P. Taylor  
Barrister & Solicitor  
LSUC 63508Q



CINDY BLACKSTOCK

**This is Exhibit "1" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', is written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



# Cindy Blackstock (Gitxsan First Nation)

Executive Director, First Nations Child and Family Caring Society of  
Canada

Professor, School of Social Work, McGill University

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## **ACADEMIC RECORD** (4 Academic degrees; 20 Honorary Doctorates)

<b>PhD</b> (Social Work)	University of Toronto, Toronto, Ontario (2009)
<b>Master Degree</b> (Jurisprudence)	Loyola University (Faculty of Law) Chicago, Illinois (2016)
<b>Master Degree</b> (Management)	McGill University Montreal, Quebec (2003)
<b>Bachelor of Arts</b> (Psychology)	University of British Columbia Vancouver, British Columbia (1987)
<b>Doctor of Laws</b> (Honorary)	University of Northern British Columbia Prince George, BC (2012)
<b>Doctor of Letters</b> (Honorary)	Thompson Rivers University, Kamloops, BC (2015)
<b>Doctor of Laws</b> (Honorary)	University of Saskatchewan (2016)
<b>Doctor of Iyiniw Kiskeyihtamowing Asonamakew (Passing Knowledge on)</b>	Blue Quills First Nations University (2016)
<b>Doctor of Laws</b> (Honorary)	Western University (2016)
<b>Doctor of Laws</b> (Honorary)	Waterloo University (2016)
<b>Doctor of Letters</b> (Honorary)	Mount Saint Vincent University (2016)
<b>Doctor of Laws</b> (Honorary)	University of Winnipeg (2017)
<b>Doctor of Laws</b> (Honorary)	Ryerson University (2017)
<b>Doctor of Laws</b> (Honorary)	Osgoode Law School (2017)
<b>Doctor of Cannon Law</b> (Honorary)	St. John's College (November 2017)
<b>Doctor of Laws</b> (Honorary)	University of Manitoba (May 2018)
<b>Doctor of Laws</b> (Honorary)	University of Toronto (June 2018)
<b>Doctor of Laws</b> (Honorary)	Memorial University (June 2018)
<b>Doctor of Laws</b> (Honorary)	University of Ottawa (June 2018)
<b>Doctor of Laws</b> (Honorary)	Dalhousie University (May 2018)
<b>Doctor of Laws</b> (Honorary)	University of Victoria (2018)
<b>Doctor of Laws</b> (Honorary)	McMaster University (2018)
<b>Doctor of Laws</b> (Honorary)	Trent University (2019)
<b>Doctor of Laws</b> (Honorary)	University of Lethbridge (2019)

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## AWARDS AND HONORS (80)

2019	Officer of the Order of Canada: Investiture
2019	American Society of Pediatric Otolaryngology Kerschner Lecture
2019	National Public Health Hero Award: Canadian Public Health Association
2019	Human Concern International: Canadian Women Making a Positive Difference
2019	Chatelaine Magazine: Women of the Year
2018	TD Spotlight on Achievement, Family Physicians Assoc. of Canada
2018	Mahatma Gandhi Peace Prize, Mahatma Gandhi Assoc. of Canada
2018	Officer, Order of Canada
2018	Women Making an Impact: Status of Women Canada
2018	Indspire: Promising Practice: Spirit Bear and children make history
2018	Stand Up for Kids Inaugural Award
2018	Profile, The Lancet ( <a href="http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)30429-X/abstract">http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)30429-X/abstract</a> )
2017	Newsmaker of 2018 (CBC)
2017	Chiefs of Ontario Honouring
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 Progress Prize, 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: Kasohkewew 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

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**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

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**PROFESSIONAL APPOINTMENTS (7)**

2016–Present	Professor, McGill University, School of Social Work
2017–Present	Adjunct Professor, University of Alberta
2011–2016	Associate Professor (tenured), University of Alberta, Faculty of Extension
2003–Present	Executive Director First Nations Child and Family Caring Society <a href="http://www.fncaringsociety.com">www.fncaringsociety.com</a>
1999–2003	Executive Director Caring for First Nations Children Society <a href="http://www.cfncs.com">www.cfncs.com</a>
1995–1999	Assistant to the Social Development Director The Squamish First Nation
1987-1995	Senior Social Worker Province of British Columbia

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**RESEARCH (15)**

2019	SSHRC Aid to Scholarly Journals Grant Supplement: 2018–2021 – 5K per annum for 3 years (15K).
2018-2021	SSHRC Insight Research Grant: Just because we are small doesn’t mean we can’t stand tall (teacher’s perceptions of children’s direct engagement in reconciliation based social justice). Principle Investigator: Cindy Blackstock
2018-2021	SSHRC Aid to Scholarly Journals Grant for First Peoples Child and Family Review (2019–2022): Principle Investigator: Cindy Blackstock 26.5 per annum for 3 years (79.5)
2015-2019	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](http://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](http://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](http://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.*

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#### **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, Reimagining Child Welfare Symposium. Partnership with Osgoode Law School, TAG, African Canadian Legal Centre and the Caring Society
- 2016 Moderator: Big Thinking Lecture by Noaimi 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	Expert Panel on Health Literacy, Canadian Public Health Association
2004–2008	Canadian Incident Study on Reported Child Abuse and Neglect, research team member.
2003–2009	Co-director, Centre of Excellence for Child Welfare
2001	Grant Reviewer, Centre of Excellence for Child Welfare.
1997–2002	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.

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**ADVISORY BOARDS/EXPERT ADVISOR/EXPERT WITNESS (12)**

2018	Witness, Commission d'enquete sur les relations entre les Autochones et certain services publics au Quebec.
2018	Expert Witness, Murdered and Missing Indigenous Women's Inquiry
2016–Present	Commissioner, Pan American Health Organization, Review of Health Inequities and Inequalities in the Americas.
2017–Present	Advisory, Hand to Hold Campaign to ensure children who are medically transported in Quebec can travel with a guardian/other caring adult.
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

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## EXECUTIVE PRODUCER OF FILMS AND PHOTOGRAPHY EXHIBIT CURATOR (5)

- 2016 *(Dis)placed: indigenous youth and the child welfare system.* **Cindy Blackstock**, co-producer. Melisa Brittain, Director and film maker.
- 2013 *Fighting for Shannen and all the kids too!* **Cindy Blackstock**, Executive Producer. Andree Cazabon: Director and film maker.
- 2013 *Letters to Canada.* **Cindy Blackstock**, Executive Producer. Andree Cazabon: Director.
- 2012 *I am a witness: A short film.* **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.

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## REFEREED JOURNAL EDITORIAL BOARDS/REVIEWS (18)

- 2019 Reviewer, *Canadian Journal of Family Law*
- 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, *Violence Against Women*
- 2011 Reviewer, *Child Abuse Review*
- 2009–Present Reviewer, *First Peoples Child and Family Review*
- 2007 Co-wrote editorial, *First Peoples Child and Family Review*
- 2007 Reviewer, *Violence Against Women*
- 2006 Reviewer, *Violence Against Women*
- 2005 Guest Editor, *Pediatrics and Child Health*
- 2004–Present Founding Editorial Board Member, *First Peoples Child and Family Review*
- 2003 Guest Editor, *Journal on Developmental Disabilities*

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## PUBLICATIONS IN REFEREED JOURNALS (42)

- Blackstock, C.** (2019). Revisiting the breath of life theory. *British Journal of Social Work*, 2019 (49), 854-859.
- Blackstock, C.** (2019). Indigenous child welfare legislation: A historical change or another paper tiger? *First Peoples Child and Family Review*, 14(1). Retrieved May 5, 2019 at <http://journals.sfu.ca/fpcfr/index.php/FPCFR/article/view/367/299>
- Blackstock, C.** (2019). Learning to babble: Why children are essential to social justice and reconciliation. *Every Child Australia*, 25 (1), 4-7.

- Blackstock, C.** (2017). The United Nations Committee on the Rights of the Child: Does its structure and working methods optimize efficacy and promote child participation? *Canadian Journal of Children's Rights*, 4(1), 116-126.
- 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 à 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.
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## **BOOKS (2):**

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**Blackstock, C & Robinson, E. (2017).** *Spirit Bear and Children make history*. Ottawa, First Nations Child and Family Caring Society of Ottawa. *Note: received recognition as an Indspire Best Practice in Indigenous Education and over 17,000 copies have been sold/donated since December 2017. Available in Carrier, French and English.*

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## **NON-JURIED PERIODICALS AND SUBMISSIONS (26)**

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**Blackstock, C. (2019).** When will Ottawa end its willful neglect of Indigenous children? *Globe and Mail: Opinion*, July 16, 2019.

**Blackstock, C. (2019).** Will Canada continue to fail Indigenous girls? *Globe and Mail: Opinion*, June 6, 2019.

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Levesque, A. & **Blackstock, C. (2018).** *Reconciliation and human rights for Indigenous peoples: the pathway ahead*. Broadbent Institute Blog, January 16, 2018.

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- 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.
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- 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.

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## BOOK CHAPTERS (24)

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- 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: When enforcing the law takes all of us*. 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.
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- 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.
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- 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 21<sup>st</sup> 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 Wilfrid Laurier Press.
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- 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.
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- 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.
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## RESEARCH REPORTS (7)

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- 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](http://www.cecw-cecb.ca).

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### **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 Children's Aid Societies Journal*, Winter 2007, 51 (1), 27-28.

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### **CURRICULUM (11)**

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| 2017 | First Peoples Social Work, Bachelor of Social Work, McGill University   |
| 2018 | Advocacy Course, Master 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 Followership: 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)               |

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### **UNITED NATIONS COMMITTEES AND INTERNATIONAL ORGANIZATIONS (20)**

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| 2019 | Presenter: Pan American Health Organization (Health equity and inequity) |
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2018	Delegate, UN Committee on the Rights of the Child Day of Discussion: Children as Human Rights Defenders
2018	Presenter, Universal Periodic Review: Pre-session for Canada
2018	Presenter, Inter-American Commission on Human Rights
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

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**PRESENTATIONS TO SENATE COMMITTEES AND HOUSE OF COMMONS COMMITTEES (16)**

2019	Presentation to the House of Commons on Indigenous and Northern Affairs (Bill C-92)
2019	Presentation to the Senate Committee on Indigenous Peoples (Bill C-92)
2017	Presentation to the House of Commons Committee on Heritage (racial discrimination and First Nations children)
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

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#### **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

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#### **PRESENTATIONS AT JURIED CONFERENCE (144)**

2019	Keynote, Women in Medicine (Jordan's Principle)
2019	Keynote, American Society of Pediatric Otolaryngology (equity and Indigenous child health)
2019	Keynote, College of Alberta School Superintendents (Jordan's Principle)
2018	Keynote, Provincial Court Judges of British Columbia (CHRT)
2018	Grand Rounds, Montreal Children's Hospital (Jordan's Principle)
2018	Keynote: Early Childhood Australia (children's engagement in reconciliation)
2018	Workshop: Early Childhood Australia (mosquito advocacy)
2018	Conversation: Jackson Lecture, OISE U Toronto (First Nations children's rights)
2018	Keynote: International Social Work Conference (children's engagement in reconciliation)



- 2017 Keynote: Indspire (First Nations children's equity)
- 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<sup>th</sup> 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<sup>th</sup> 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<sup>th</sup> 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, Rheel Brant Memorial Lecture, Carleton University (First Nations children's rights)
- 2013 Keynote speaker, Connexus, Ottawa, ON (Children's Voices have Power)
- 2013 Keynote speaker, *Te Rangi Pūahotanga, Otaki, New Zealand (Children standing in solidarity with First Nations children)*
- 2013 Keynote speaker, Montreal Women's Canadian Club (Children's Voices have Power)
- 2013 Carol Harrison Memorial Lecture, Sick Kids Hospital, Toronto
- 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
- 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 *Structural Risks to Aboriginal Children*, Workshop, Childhoods Conference, Oslo, Norway
- 2005 *Indigenous Children's Rights*, 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 *National Policy Review*, 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 *Caring Across the Boundaries*, ISPCAN Conference, Brisbane, Australia
- 2004 Plenary speaker, International Conference Promoting Resiliency for Children Receiving Care. Ottawa, ON
- 2004 *Making Child Welfare Research Accessible: Workshop for Young People*, International Conference Promoting Resiliency for Children Receiving Care. Ottawa, ON
- 2004 Keynote speaker, Rheal 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

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**PRESENTATIONS AT COMMUNITY EVENTS/CONFERENCES (264)**

- 2019 Keynote: QATSICPP Conference, Brisbane, AU (Child Engagement)
- 2019 Master Class: QATSICPP, Brisbane, AU (Mosquito Advocacy)
- 2019 Panel: University of Ottawa IFSD: Democracies: Non-violent struggles for recognition
- 2019 Panel: Young Public Servants Conference (How does Government learn?)
- 2019 Keynote: Early Childhood Education BC (Jordan's Principle)
- 2019 Keynote: Aboriginal Child Welfare Conference, MCFD (Jordan's Principle and CHRT)
- 2019 Keynote: Walpole Island First Nation (Jordan's Principle)
- 2019 Presentation: Walpole Island Elementary School (Spirit Bear)
- 2018 Keynote: Ontario School Counsellors Association (Child engagement in reconciliation)
- 2018 Keynote: Seven Oaks School Division (Child engagement in reconciliation)
- 2018 Keynote: Vision Institute (Jordan's Principle)
- 2018 Keynote: Indigenous Bar Association (Child rights litigation)
- 2018 Keynote: Mahatma Gandhi Assoc./U Manitoba (CHRT)
- 2018 Keynote: Mi'kmaw Confederacy of PEI
- 2018 Keynote: AFN Jordan's Principle Conference (Jordan's Principle)
- 2018 Keynote: Prince George Friendship Center (CHRT)
- 2018 Keynote, Mozilla Foundation (Reconciliation)
- 2018 Panel, Finding Peter Bryce (Peter Henderson Bryce)
- 2018 Keynote Speaker, Elementary Teacher's Federation of Ontario
- 2018 Keynote Speaker, CUPE (Reconciliation)
- 2018 Keynote Speaker, City of Ottawa International Women's Day (human rights)
- 2018 Panel, McGill University Have a Heart Day
- 2018 Keynote, Dawson College Montreal (First Nations children and reconciliation)
- 2017 Presentation: Rotaract Ottawa
- 2017 Presentation: Canadian Association of Paediatric Health Centers (Jordan's Principle)
- 2017 Chiefs of Ontario: (Child Welfare Reform)
- 2017 Treaty 8 Jordan's Principle Conference (Jordan's Principle)
- 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 Wente
- 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)
- 2013 Ontario University Students Association
- 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
- 2010 Workshop presenter, Rise up for Rights, Canadian Labour Congress
- 2010 Keynote speaker, National Youth in Care Network 25<sup>th</sup> 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<sup>th</sup> 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

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#### **ACADEMIC PLACEMENT SUPERVISION/PhD COMMITTEE SERVICE (30)**

2018	PhD External, La Trobe University (Misha McMahan)
2017–Present	MSW Thesis Supervisor (Tyson Kensall), 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–Present	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

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### **SELECTED INVITED TEACHING (130)**

2019	Mount Allison University: Is it Genocide?
2019	First Nations University: Is it Genocide?
2019	Dalhousie University, Policy Matters: Equity
2019	Monmouth University, Greta Singer Memorial Lecture: Moral Courage
2019	Monmouth University, Bachelor of Social Work: Indigenous Peoples
2019	Queens University, Thomas Courchene Lecture: Equity and Reconciliation
2019	McGill Debating Team, Equity and Reconciliation
2019	Dalhousie University, Kawaskimhon National Law Moot
2019	Dalhousie University, Faculty of Law (Mosquito Advocacy)
2019	Thompson Rivers University, Faculty of Law (CHRT)
2019	Thompson Rivers University, School of Nursing (Jordan’s Principle)

- 2018 Harvard University, Faculty of Law (CHRT)
- 2018 University of Victoria, Faculties of Social Work and Indigenous Studies (First Nation's children's equity)
- 2018 McMaster University, Faculties of Social Work and Indigenous Studies (CHRT, ethics, etc.)
- 2018 Charles Sturt University, Australia (Breath of Life theory)
- 2018 Charles Sturt University, Australia (Moral Courage)
- 2018 Yale University, Faculty of Law, USA (CHRT case and Social Movements)
- 2018 McGill University, School of Social Work (Advocacy)
- 2018 University of Alberta, Faculty of Education (Child Engagement)
- 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)
- 2013 University of Toronto, Social Work
- 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

2012 University of Ottawa, Faculty of Law

2012 University of Ottawa, Faculty of Law

2012 York University, Children and Youth Studies

2012 University of Ottawa, Faculty of Law

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

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
2008	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

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### **INSTRUCTION (12)**

2019	Instructor, Evidence Based Advocacy, McGill University
2019	Instructor, First Peoples Social Work, McGill University
2018	Instructor, Community Organization: Advocacy, McGill University
2018	Instructor, First Peoples Social Work, McGill University
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.

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### **SELECTED MEDIA COVERAGE (239)**

2019	Wall Street Journal: CHRT Compensation
2019	CBC Mainstreet Halifax: CHRT Compensation
2019	CTV Regina: CHRT Compensation
2019	APTN Nation to Nation: CHRT Compensation
2019	CBC the House: CHRT Compensation
2019	CBC National News: CHRT Compensation
2019	CTV Power Play: CHRT Compensation
2019	CBC As it Happens: CHRT Compensation



2019 CBC Radio Winnipeg: CHRT Compensation  
 2019 CBC: Unreserved: Profile of Cindy Blackstock  
 2019 BBC5: MMIW  
 2019 BBC4: MMIW  
 2019 The Guardian: MMIW  
 2019 CTV News: MMIW  
 2019 CBC Metro Morning: MMIW  
 2019 CBC News: MMIW  
 2019 New York Times; MMIW  
 2019 CBC the Current: RCMP sexual assault interview with First Nations youth in care.  
 2019 CTV Powerplay: CHRT  
 2019 CBC Power and Politics: Jane Philpott and SNC Lavalin  
 2019 APTN: Bill C-92  
 2019 APTN: CHRT compensation  
 2019 CTV National News: Budget 2019  
 2019 APTN National News: Budget 2019  
 2019 CBC World at Six: Budget 2019  
 2019 CBC The National: Budget 2019  
 2019 Winnipeg Free Press: Budget 2019  
 2018 CBC the House: CHRT and Indigenous child welfare legislation  
 2018 APTN: Indigenous child welfare legislation  
 2018 CTV: Child Welfare and Spirit Bear  
 2018 Globe and Mail: MMIW and child welfare  
 2018 CTV: Stand Up for Kids Award  
 2018 Australian Broadcasting Corporation (radio): early childhood involvement in reconciliation  
 2018 Australian Broadcasting Corporation: Indigenous theory and children's rights  
 2018 Gamechangers with Tom Parkin (change leadership)  
 2018 TVO: Reconciliation in education in Ontario  
 2018 CBC the Current: Removal of John A. MacDonald's statue  
 2018 CBC News: Budget 2018  
 2018 APTN News: Budget 2018  
 2018 CBC the House: Emergency Meeting on First Nations Child Welfare  
 2018 CBC National News: CHRT non-compliance order  
 2018 APTN Nation to Nation: CHRT non-compliance and budget 2018  
 2018 CTV PowerPlay: CHRT non-compliance order  
 2017 CBC the House: Jordan's Principle Judicial Review  
 2017 CTV PowerPlay, Census data on Indigenous children  
 2017 Globe and Mail: Census data on Indigenous children  
 2017 CTV Winnipeg: Caring Society Gala and Spirit Bear  
 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: *Sisters in Spirit*  
 2010 Aboriginal Peoples Television Network, In Focus: *Child Welfare*

2010 Caama Radio, Alice Springs, Australia: *Human Rights Tribunal*

2010 CBC Sunday Edition: *Human Rights Tribunal*

2010 CBC The Current: *Native Child Welfare*

2010 Aboriginal Peoples Television Network: *First Nations Child Welfare Tribunal*

2010 CBC radio, Yukon Territory: *First Nations Child Welfare Tribunal*

2009 Toronto Star: *Caring Across Boundaries Photography Exhibit*

2009 CBC The Current: *Jordan's Principle*

2009 Toronto Star: *Atkinson Social Justice Fellowship*

2009 Toronto Star: Shortage of Funds: Surplus of Suffering

2009 CBC radio: Yukon Territory: *First Nations Child Welfare Tribunal*

2009 Aboriginal Peoples Television Network: *First Nations Gala*

2009 CHOU radio: *Canadian Human Rights Tribunal*

2009 The Aboriginal Peoples Television Network: *Canadian Human Rights Tribunal*

2009 The Devoir: *First Nations Child Welfare*

2009 The Courier Mail, Queensland: *First Nations Child Welfare*

2009 Contact, Aboriginal Peoples Television Network-*Child and Family Services*

2009 Globe and Mail: *Federal Budget*

2009 Aboriginal Peoples Television Network: Is this our Canada? project

2008 CBC radio: *First Nations Child Welfare Tribunal*

2008 CBC radio: *Dr. PH Bryce and Cindy Blackstock*

2008 Aboriginal Peoples Television Network: *Canadian Human Rights Complaint*

2008 Globe and Mail: *Child Welfare in BC*

2008 The Australian: ACWA Conference

2008 Indigenous radio-Northern Territory, Australia

2008 APTN: *Human Rights Case in Child Welfare*

2008 CBC news: *Attawapiskat School*

2008 APTN: Nomination for International Children's Peace Prize

2008 Maclean's Magazine: *First Nations child welfare*

2008 Victoria Times Colonist: *Jordan's Principle*

2008 Aboriginal Peoples Television Network: *Jordan's Principle*

2007 Australian Broadcasting Network (ABC): *Jordan's Principle*

2007 Te Ao Hou: The Maori Magazine: *Human Rights Complaint and Jordan's Principle*

2007 CBC news: *Manitoba Child Welfare*

2007 CBC news: *Jordan's Principle CMAJ editorial*

2007 Globe and Mail: *Jordan's Principle CMAJ editorial*

2007 Edmonton Sun: *Jordan's Principle CMAJ editorial*

2007 Belleville Intelligencer Newspaper: *First Nations child welfare*

2007 Press conference: Launch of the First Nations family and community institute in Saskatchewan, Saskatoon

2007 CTV news: *Launch of First Nations family and community institute in Saskatchewan*

2007 CBC radio: *Many Hands One Dream*

2007 Aboriginal Peoples Television Network: *Jordan's Principle tabled in the House of Commons*

2007 News conference- House of Commons, Canada: *Jordan's Principle*

2007 Aboriginal Peoples Television Network: *Norway House Cree Nation and Jordan's Principle*

2007 CBC radio, Winnipeg: *Norway House Cree Nation and Jordan's Principle*

2007 News conference, House of Commons, Canada: *Human Rights Complaint*

2007 CBC radio, Montreal: *Human Rights Complaint*

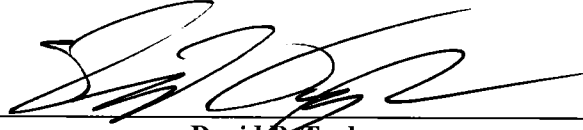
2007	Aboriginal Peoples Television Network: <i>Human Rights Complaint</i>
2006	Aboriginal Peoples Television Network: <i>Contact: Aboriginal child welfare</i>
2005	CBC Television: <i>Adoption of Aboriginal children</i>
2005	CBC Radio: <i>Reconciliation in Child Welfare</i>
2005	Global Television Network: <i>Reconciliation in Child Welfare</i>
2005	Aboriginal Peoples Television Network: Reconciliation in Child Welfare

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### **COMMUNITY WORK AND PROFESSIONAL MEMBERSHIPS (19)**

2015–Present	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
2015–2017	Advisory Board Member, Canadian Difference
2015–2018	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
2014–2018	Board Member, Federation of the Humanities and Social Sciences
2014–2018	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 "2" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read "D. Taylor", written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



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# Statement on the Canadian Human Rights Tribunal Decision on First Nations Child and Family Services

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## Statement

OTTAWA, ONTARIO (January 26, 2016) – The Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs, and the Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada, welcomed the decision of the Canadian Human Rights Tribunal on the Assembly of First Nations and First Nations Child and Family Caring Society of Canada human rights complaint with the following statement:

“We thank the Canadian Human Rights Tribunal for rendering such an important decision on the welfare of First Nations children in Canada.

This Government believes that all First Nation communities deserve adequate program supports and funding to ensure the needs of our most vulnerable members of society -First Nation children on reserve, are being met.



The Tribunal has made it clear that the system in place today is failing. In a society as prosperous and as generous as Canada, this is unacceptable. This Government agrees that we can and must do better.

The Prime Minister has tasked us to work with Indigenous Peoples to establish a nation-to-nation relationship, based on recognition of rights, respect, and co-operation, and partnership to make real progress on the issues like child welfare.

We must address the inexcusable number of children in care and make real progress on the social outcomes for children by working with First Nations leaders and communities, provincial and territorial partners. Child and family services issues are complex and require constructive dialogue through a renewed relationship built on trust and partnership. Together, we will make the right changes for better outcomes for First Nations children.

We would also like to recognize the work done by Cindy Blackstock and the First Nations Child and Family Caring Society, the Assembly of First Nations, and other organizations to understand the complex and deeply-rooted issues surrounding the needs of indigenous children in care. As we work together on improving the well-being and opportunities of First Nation children across the country, we will need the help and collaboration of all those involved in child and family services issues.”

Information regarding the [Government of Canada's child and family services](#).

The Canadian Human Rights Tribunal's Decision.

## For more information, please contact:

### Media Relations

Indigenous and Northern Affairs Canada

819-953-1160

Department of Justice

Media Relations Central Line

613-957-4207

[media@justice.gc.ca](mailto:media@justice.gc.ca)

Search for related information by keyword

Hon. Carolyn Bennett

Indigenous and Northern Affairs Canada

Society and Culture

**Date modified:**

2016-01-26

**This is Exhibit "3" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'D. P. Taylor', written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**

**CANADIAN HUMAN RIGHTS TRIBUNAL**

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA**

- and -

**ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

**CANADIAN HUMAN RIGHTS COMMISSION**

Commission

- and -

**ATTORNEY GENERAL OF CANADA**

**(Representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

- and -

**CHIEFS OF ONTARIO**

- and -

**NISHNAWBE ASKI NATION**

Interested Parties

**CONSULTATION PROTOCOL**

**(ENTERED INTO PURSUANT TO AN ORDER OF THE TRIBUNAL)**

**WHEREAS**, the First Nations Child and Family Caring Society of Canada (“Caring Society”), a non-profit organization committed to research, policy development, public education, and public engagement to support the well-being of First Nations children, youth and families, and the agencies that work with them, is a co-complainant in this matter;

**WHEREAS**, the Assembly of First Nation (“AFN”), a national advocacy organization that works on behalf of over 600 First Nations on issues such as Treaty and Aboriginal rights, education, housing, health, child welfare and social development, is a co-complainant in this matter;

**WHEREAS**, the Canadian Human Rights Commission (“Commission”), in appearing before the Tribunal at a hearing, represents the public interest pursuant to section 51 of the *Canadian Human Rights Act* (“CHRA”);

**WHEREAS**, the Attorney General of Canada, representing the departments responsible for meeting the Government of Canada's provision of services to Indigenous peoples, is the Respondent in this matter ("Canada");

**WHEREAS**, the Chiefs of Ontario ("COO"), is an advocacy forum and secretariat for collective decision-making, action, and advocacy for the 133 First Nations communities located in the Province of Ontario, which was granted interested party status to speak to the particularities of on-reserve child welfare services in Ontario;

**WHEREAS**, the Nishnawbe Aski Nation ("NAN"), is a political territorial organization that represents the socioeconomic and political interests of 49 First Nation communities located in Northern Ontario, which was granted interested party status in these proceedings, at the remedies stage to provide the perspective of delivering child and family services to remote and northern communities in Ontario;

**WHEREAS**, the Caring Society and the AFN (the "Complainants") commenced a federal human rights complaint under section 5 of the *CHRA* in 2007, joined by COO and Amnesty International in 2009 and by NAN in 2016 (the "Interested Parties"), as well as the Commission, alleging past and ongoing discrimination by Canada against First Nations children and their families by providing, amongst other things, inadequate funding to First Nations Child and Family Services Agencies ("FNCFS Agencies") for the delivery of child protection services on-reserve and in the Yukon, as well as by failing to implement Jordan's Principle;

**WHEREAS**, the Canadian Human Rights Tribunal ("Tribunal") issued its Decision, 2016 CHRT 2, on January 26, 2016, ("*Decision*") substantiating the Complaint, that made extensive findings of discrimination against Canada with respect to its administration of and delivery of services under the First Nations Child and Family Services Program ("FNCFS Program") and 1965 federal-provincial *Memorandum of Agreement Respecting Welfare Programs for Indians* ("*1965 Agreement*"), and amongst other things, ordered Canada to cease its discriminatory practices and reform the FNCFS Program and *1965 Agreement* to reflect its findings in the *Decision*; it also ordered Canada to cease applying its narrow definition of Jordan's Principle and take measures to immediately implement the full meaning and scope of Jordan's Principle;

**WHEREAS**, the Tribunal retained jurisdiction to ensure the implementation of its Decision, and subsequently directed that implementation be done in three steps, namely: (1) immediate relief; (2) mid to long term relief; and (3) compensation, and has reserved its ruling regarding the Complainants' motion for an award against Canada in relation to the costs of its obstruction of the Tribunal's process in relation to document disclosure and production;

**WHEREAS**, the Tribunal has thus far been focussed on immediate relief and has issued five compliance Rulings, including, 2016 CHRT 10, dated April 26, 2016 (immediate relief orders); 2016 CHRT 16, dated September 14, 2016 (further immediate relief orders); 2017 CHRT 7, March

29, 2017 (immediate relief orders specific to NAN motions); 2017 CHRT 14, dated May 26, 2017 (immediate relief and remedial orders regarding Jordan's Principle) (collectively "compliance Rulings"); and 2018 CHRT 4, dated February 1, 2018 (the "February 1<sup>st</sup> Ruling");

**WHEREAS** the February 1<sup>st</sup> Ruling included the following Order in paragraph 431:

[431] Canada is ordered, under section 53(2)(a) of the *CHRA*, to consult not only with the Commission, but also directly with the AFN, the Caring Society, the COO and the NAN on the orders made in this ruling, the *Decision* and its other rulings. Therefore, INAC is ordered to enter into a protocol on consultations with the AFN, the Caring Society, the COO, the NAN and the Commission to ensure that consultations are carried out in a manner consistent with the honour of the Crown and to eliminate the discrimination substantiated in the *Decision* by **February 15, 2018**. The parties will report to the Tribunal on the progress of implementation of this order and any issues that arise by **February 8, 2018**.

**WHEREAS** the orders made in the February 1<sup>st</sup> Ruling are attached as Schedule 1 to this Consultation Protocol;

**WHEREAS** Canada has endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP") and has repeatedly confirmed that Canada is a full supporter of UNDRIP, without qualification;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP"), applies to this Protocol, including but not limited to the following Articles: Articles 3 and 4, which declare that Indigenous peoples have the right of self-determination and self-government; Articles 2, 9, 15, 21 and 22, which provide that Indigenous peoples are to be treated equally and free from discrimination; Article 7(2), which provides that "Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group"; Article 8 (1), which says that "Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture"; Article 19, which provides that "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them"; and Article 24(1), which provides that "Indigenous . . . individuals also have the right to access, without any discrimination, to all social and health services.";

**WHEREAS** Canada has committed to implementing the Calls to Action of the Truth and Reconciliation Commission (TRC), including Nos. 1 – 5 on child welfare, particularly No. 1 ii, which calls on the federal government to reduce the number of Aboriginal children in care by "Providing adequate resources to enable Aboriginal communities and child welfare organizations to keep

Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments ..." and No. 3 , which calls "upon all levels of government to fully implement Jordan's Principle";

**WHEREAS**, Canada has committed to Reconciliation with Indigenous Peoples and to renew the Nation-to-Nation relationship with First Nations, and to develop policies in partnership with First Nations based on the recognition of rights, respect, cooperation and partnerships;

**AND WHEREAS**, in accordance with the Order in paragraph 431 of the February 1<sup>st</sup> Ruling, Canada, the Complainants, the Interested Parties, and the Commission ("the Parties") have worked in partnership to develop this Consultation Protocol;

**THEREFORE**, the Parties agree as follows:

**Purpose and Objectives**

1. The purpose of this Consultation Protocol is to fulfill the Tribunal's Order in paragraph 431 of the February 1<sup>st</sup> Ruling, to develop a protocol to govern consultations that Canada has been ordered to engage in direct consultation "not only with the Commission, but also directly with the AFN, the Caring Society, the COO and the NAN on the orders made in this ruling, the *Decision* and its other rulings . . . to ensure that consultations are carried out in a manner consistent with the honour of the Crown and to eliminate the discrimination substantiated in the *Decision*".
2. The objectives of the parties in pursuing the consultations contemplated by this Protocol are as follows:
  - a. To promote mutual understanding, meaningful communication, transparency and cooperation amongst the parties, and to facilitate Canada's consultation with First Nations, FNCFS Agencies and other rights holders and stakeholders in a manner that is consistent with the honour of the Crown, while at the same time ensuring that the immediate and mid and long term relief measures are developed and implemented in an effective and cooperative manner.
  - b. To ensure that the knowledge, skills, interests and expertise of the respective complainants, interested parties, and the Commission, and their employees, officers and consultants are combined and focused on the project of eliminating Canada's systemic discrimination in the delivery of child and family service on reserves and in the Yukon, which includes as a first step analyzing the needs assessments completed by FNCFS Agencies, and doing a cost-analysis of the real needs of FNCFS Agencies.
  - c. To ensure that all the parties work in a cooperative fashion to assist Canada in ensuring that it ceases its discriminatory practices and reforms the FNCFS Program

and 1965 Agreement to reflect the findings in the *Decision*, and ceases applying its narrow definition of Jordan's Principle and takes measures to immediately implement the full meaning and scope of Jordan's Principle.

- d. To address what the Tribunal in paragraph 47 of the February 1st Ruling refers to as the "mass removal of children". As the Tribunal states: "There is urgency to act and prioritize the elimination of the removal of children from their families and communities".
- e. To ensure Canada eliminates those aspects of its funding formulas/models that fully fund apprehensions but underfund prevention, thereby creating a perverse incentive, which results in unnecessary apprehension of First Nations children from their families and communities.
- f. To ensure Canada develops an alternative system for funding child and family services, including prevention, intake and investigation, building repairs, legal fees, the child service purchase amount and small agency costs for First Nations children and families on-reserve and in the Yukon, based on actual needs which operates on the same basis as Canada's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by FNCFS Agencies to be in the best interests of the child and to develop and implement the methodology including an accountability framework in consultation with the Complainants, Commission and Interested Parties.
- g. To promote substantive equality for First Nations children, families and communities on reserves and in the Yukon in the delivery of child and family services, particularly in light of their higher level of needs because of historical disadvantages suffered by First Nations families, children and communities as a result of the legacy of colonialism and Indian Residential Schools.
- h. To eradicate Canada's systemic discrimination in the provision of child and family services for First Nations children, families and communities on reserves and in the Yukon, and to prevent it from reoccurring by addressing and changing systemic behaviors and patterns that led to the systemic discrimination, which was substantiated by the Tribunal.
- i. To ensure that Canada's administration of the FNCFS Program and 1965 Agreement is delivered in a culturally appropriate manner, and in line with the diversity and unique cultural, linguistic, historical and geographical needs and circumstances of First Nations across the country, particularly in northern and remote communities.



### Principles and Parameters

3. The consultation contemplated by this Consultation Protocol shall be based on the following principles and parameters, which are acknowledged and accepted by all parties:
  - a. As the Panel reiterated at paragraph 180 of the February 1<sup>st</sup> Ruling, "... the best interest of the child is the primary concern in decisions that affect children. . . ."
  - b. However, the Panel also noted "that removing children from their families as a first resort rather than a last resort was not in line with the best interests of the child. **This is an important finding that was meant to inform reform and immediate relief (see the *Decision at paras 341-349*).**"
  - c. The consultation must respect First Nations' right of to self-determination, reconciliation, and the renewal of the nation-to-nation relationship with the Crown. In this regard, stopping the removal of children from their Nations and the unnecessary removal from their families is essential for First Nation self-determination and for rebuilding self-sustaining communities.
  - d. This Consultation Protocol will be rooted in the honour of the Crown and upholding and promoting the rights of Indigenous children, applying all relevant provisions and principles from the *CHRA*, the *Convention on the Rights of the Child (including UNCRC General Comment 11)*, the *United Nations Declaration for the Rights of Indigenous Peoples*; and other applicable rights frameworks.
  - e. Canada is obligated and has sufficient authority under Canadian law to effect the changes to its child and family services policies and programs, which were ordered by the Tribunal in its Decision and Rulings, and need not wait for the provinces to act.
  - f. The consultation provided for in this Protocol is intended to complement and support, but shall not be a substitute for, the direct relationship between Canada and First Nations at the regional and community levels.
  - g. Canada acknowledges that it also has a relationship with FNCFS Agencies, and that effective implementation will require Canada to continue to work directly with them, to negotiate funding agreements and terms that reflect actual needs of First Nations children, youth and families.
  - h. As the Tribunal noted at paragraph 67 of the February 1<sup>st</sup> Ruling, "Nations are distinct and have distinct needs. A one-size fits all approach is not helpful and was found to be discriminatory in the *Decision*. This is why the Panel has previously ordered [Canada] to respond to specific needs while reforming and consulting with partners, Indigenous communities, Indigenous governments, FNCFS Agencies, provinces and

parties in this case.”

- i. At the same time, the Tribunal said at paragraph 55 of the February 1<sup>st</sup> Ruling: “... while Canada advances that it needs to consult with all First Nations’ communities, which in our view remains paramount for long term reform, the Panel does not think consultation prevents Canada from implementing immediate relief.”
- j. The Tribunal has indicated at paragraph 236 of the February 1<sup>st</sup> Ruling that the Orders in that Ruling and the consultations provided for herein, are subject to the following additional parameters, that is, the orders apply “Until such time as one of the options below occur:
  1. Nation (Indigenous)-to Nation (Canada) agreement respecting self-governance to provide its own child welfare services.
  2. Canada reaches an agreement that is Nation specific even if the Nation is not yet providing its own child welfare services and the agreement is more advantageous for the Indigenous Nation than the orders in this ruling.
  3. Reform is completed in accordance with best practices recommended by the experts including the NAC and the parties and interested parties, and Eligibility of reimbursements from prevention/least disruptive measures, building repairs, intake and investigations and legal fees services are no longer based on discriminatory funding formulas or programs.
  4. Evidence is brought by any party or interested party to the effect that readjustments of this order need to be made to overcome specific unforeseen challenges and is accepted by the Panel.”

#### **Subject Areas of Consultation and Collaboration**

4. The Tribunal has directed that the implementation of its Decision be done in three steps, namely: (1) immediate relief, (2) mid to long term relief and (3) compensation. Canada commits to consult in good faith with the Complainants, the Commission and Interested Parties on all the three steps, to the extent of their respective interests and mandates.
5. The scope and processes for the consultation will vary for the three steps. As a general rule, and as indicated by the Panel, at paragraph 177 of the February 1<sup>st</sup> Ruling: “It is inevitable, consultations need to be meaningful and broad, including rights holders, different Indigenous governance, Indigenous youth, the parties and experts. However, the parties and the Tribunal had valuable information to assist the immediate relief aspect which was meant to provide remedy quickly. This is why the Panel distinguished between immediate and long term relief.”

### Consultations on Immediate Relief

6. As directed by the Tribunal, given the urgency of the immediate relief measures, the Parties shall focus consultations, as a priority, on implementing immediate relief measures identified in the Decision and in the Rulings, particularly those in the February 1<sup>st</sup> Ruling, attached as Schedule 1.
7. Canada agrees to engage in meaningful and good faith consultations with the other Parties respecting all the immediate relief orders issued by the Tribunal in the Decision and all of the Rulings, including the Orders in Schedule 1, and to report to the Tribunal according to the deadlines provided in the said Orders. Should the parties propose and the Tribunal agree to modifications to its Orders, this Consultation Protocol shall be updated accordingly. The orders and deadlines in Schedule 1 are summarized as follows:
  - **Needs Assessment and Cost Analysis** - Undertake a cost-analysis of the real needs of FNCFS Agencies, including prevention/least disruptive measures, intake and investigation, building repairs and legal fees related to child welfare, based on the needs assessments provided by FNCFS Agencies and other existing studies, to be completed and report to the Tribunal by **May 3<sup>rd</sup>, 2018**.
  - **New Funding System Based on Actual Needs** - To develop and implement an alternative system ( including methodology and an accountability framework) for funding prevention/least disruptive measures, intake and investigation, legal fees, and building repairs services for First Nations children and families on-reserve and in the Yukon, to be based on actual needs and operate on the same basis as Canada's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by the FNCFS Agencies to be in the best interests of the child; to be completed by **April 2, 2018** and report back to the Panel by **May 3, 2018**.
  - **Reimbursement Based on Actual Costs Retroactive to January 26, 2016** - Canada to provide funding on actual costs for least disruptive measures/prevention, building repairs, intake and investigations and legal fees in child welfare to be reimbursed retroactive to January 26, 2016 by **April 2, 2018**.
  - **Child Service Purchase Amount** - To develop and implement an alternative system (including methodology and an accountability framework) for funding child service purchase amount services for First Nations children and families on-reserve and in the Yukon, based on actual needs, which operates on the same basis as Canada's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by the FNCFS Agencies to be in the best interests of the child, by **April 2, 2018** and report back to the Panel by **May 3, 2018**.

- **Child Service Purchase Amount Reimbursement Based on Actual Costs Retroactive to January 26, 2016** -- Canada to provide funding on actual costs for child service purchase amount in child welfare, to be reimbursed retroactive to January 26, 2016 by **April 2, 2018**.
- **Small First Nation Agencies Needs Assessment and Cost Analysis** - Undertake a cost-analysis of the real needs of small FNCFS Agencies, based on the needs assessments provided by FNCFS Agencies and other existing studies, to be completed and report to the Tribunal by **May 3<sup>rd</sup>, 2018**.
- **New Funding System Based on Actual Needs for Small First Nation Agencies** - To develop and implement an alternative system (including methodology and an accountability framework) for funding small FNCFS Agencies, to be based on actual needs and operate on the same basis as Canada's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by the FNCFS Agencies to be in the best interests of the child; to be completed by **April 2, 2018** and report back to the Panel by **May 3, 2018**.
- **Small First Nations Agencies Reimbursement Based on Actual Costs Retroactive to January 26, 2016** -- Canada to provide funding on actual costs for small FNCFS Agencies, to be reimbursed retroactive to January 26, 2016 by **April 2, 2018**.
- **Reliable Data Collection, Analysis and Reporting Methodology** -- Canada, to provide by **March 5, 2018** a reliable data collection, analysis and reporting methodology, as well as ethical research guidelines respecting Indigenous peoples that include protection of Indigenous intellectual property for approval by the Panel upon further submissions by the parties, to guide all data collection process resulting from all the orders for actual costs in this ruling.
- **Stop Reallocation of Funds** -- Canada to stop unnecessarily reallocating funds from other social programs, especially housing, if it has the adverse effect to lead to apprehensions of children or other negative impacts outlined in the *Decision* by **February 15, 2018**.
- **Immediate Relief Investments to have no Adverse Impacts** -- Canada to ensure, that any immediate relief investment does not adversely impact indigenous children, their families and communities by **February 15, 2018**.
- **Evaluate Social Programs** -- Canada to evaluate all its Social Programs for Indigenous peoples by **April 2, 2018**, in order to determine and ensure any reallocation is necessary and does not adversely impact First Nation children and families.

- **Analyze Mental Health Programs to Identify Gaps** -- Canada to analyze all its programs that fund mental health for First Nations on reserve and in the Yukon and clearly establish which ones fund what in order to identify gaps in services to First Nations children by **April 2, 2018**.
  - **Fund Actual Costs for Mental Health Services in Ontario** – Gaps in mental health services available to First Nations children in Ontario were recognized as a discriminatory effect of the *1965 Agreement*. Canada was ordered to fund actual costs of mental health for services to First Nations children and youth from Ontario retroactively to January 26, 2016 by February 15, 2018, or within 15 business days after the receipt of documentation of expenses.
  - **Fund Actual Costs for Band Representatives in Ontario** – Canada was ordered to fund Band Representative Services for Ontario First Nations, Tribal Councils, or FNCFS Agencies at the actual cost of providing those services retroactively to January 26, 2016 by February 15, 2018 or within 15 business days after receipt of the documentation of expenses and until such time as studies have been completed or until a further order of the Panel.
  - **Assess FNCFS Agencies Deficits** -- Canada to identify which FNCFS Agencies including the NAN agencies have child welfare or health services related deficits, and assess those deficits, and report to the Tribunal by **May 3, 2018**.
  - **Communication of Immediate Relief Orders to FNCFS Agencies** -- Canada to communicate clearly to FNCFS Agencies any immediate relief ordered by the Panel in order to ensure that these measures are implemented fully, properly, and in a manner to reduce the adverse impacts on First Nations children by **March 15, 2018**.
8. The Parties agree to engage in good faith consultations with Canada on immediate relief measures, to the extent of their respective interests, mandates and constituencies. Without limiting the generality of the foregoing:
- a. The Caring Society will promote the interests of First Nations families and children as well as FNCFS Agencies;
  - b. AFN will represent First Nations, their citizens and institution's interests nationally,
  - c. COO will advocate for the interests of First Nations in Ontario;
  - d. NAN will represent the interests of First Nations, FNCFS Agencies and families and children within the NAN territory; and
  - e. The Commission will represent the public interest.
9. The Complainants, Interested Parties and the Commission each agree to work with their

respective constituencies to facilitate consultations on the development and implementation of immediate relief measures, to the extent possible given the urgency of these measures.

10. The other Parties will jointly review Canada's proposed policy changes, strategies, standards and communication materials to help ensure that Canada complies with the Tribunal's Decision and Rulings, and that the policies are in keeping with the best interests of the child under the United Nations Convention on the Rights of the Child, including as interpreted by the UN Committee on the Rights of the Child in General Comment #11, and the United Nations *Declaration on the Rights of Indigenous Peoples*. Alternatively, the Parties can offer alternatives where Canada's proposed policies, strategies, standards and/or communication materials fall short of compliance or meeting the best interests of First Nations children and their families.
11. The Complainants and Interested Parties will, where appropriate, jointly develop strategies to assist Canada in its implementation of the Tribunal's Decision and Rulings and Canada acknowledges the Complainants' and Interested Parties' expertise in this regard.
12. Canada accepts that it has responsibility for the full implementation of the Tribunal's *Decision*, the further existing compliance orders, and the February 1<sup>st</sup> Ruling.
13. The parties shall establish a **Consultation Committee**:
  - a. The role of the Committee shall be to oversee the development and implementation of immediate relief measures, including those under Jordan's Principle, and its role shall be extended to mid and long term relief measures unless otherwise agreed by the parties,
  - b. The Committee shall be composed of one (two) senior official(s) named by each of the parties, and each party shall be entitled to technical support including legal counsel,
  - c. Committee representatives will report and seek authority, as appropriate, from their respective political leaders,
  - d. The Committee shall be co-chaired by the Complainants,
  - e. The Committee shall develop its own procedures, and
  - f. Where the parties are unable to reach agreement on any matter, the Committee may consider engaging a mediator to assist in resolving the matter, or any party may refer the matter to the Tribunal.
14. As required, but at least once per year, the Minister of Indigenous Services, the National Chief of the AFN, the Executive Director of the Caring Society, the Chief Commissioner of the Commission, the Regional Chief of the COO, and the Grand Chief of NAN will meet to discuss high level issues related to this Consultation Protocol. The annual meeting will be held on a date set after consultation among the parties. Additional meetings will be

scheduled if all parties agree such a meeting is required. Meetings will be scheduled with not less than fourteen days' notice and subject to the availability of all parties.

15. Canada agrees to fund the work envisioned by this Consultation Protocol, as outlined in an agreed upon workplan, and with the exception of the participation of the Commission. Without limiting the generality of the foregoing, this will include the costs of the Committee, Committee meetings, preparing for meetings, memos, opinions, advices and all communications. It will also include the consultation-related fees and disbursements of experts and legal counsel (excluding litigation), and meetings and consultations of each of the Parties, with the exception of the costs of the Commission. The Committee shall establish a work-plan and budget at the outset.
16. Canada agrees to provide all information necessary for the Committee to do its work in a timely fashion, except where such information is explicitly and clearly protected by operation of law. In such cases, Canada will provide the requestor a detailed explanation in writing of its reasons for withholding the information within 5 business days of the request of withholding of the information. Where there are legal concerns about the provision of information, the parties will work to find solutions so that sufficient information may be shared.

#### **Building Awareness and Training**

17. Canada acknowledges that building awareness and training will be needed to address the systemic discrimination identified in the Decision and Rulings of the Tribunal, and that this extends to the consultations envisioned by this Protocol. Accordingly, upon signing this Protocol, the parties will work together to develop a plan to build awareness and training for all of Canada's employees and contractors who are or who will foreseeably be involved in the implementation of the protocol. Canada will provide a copy of the Protocol, as well as the Caring Society's information sheet, dated February 1, 2018, to all employees and contractors, and confirm with them that they have read and understood it.

#### **Consultations on Mid to Long Term Relief**

18. The Parties acknowledge that they have an obligation to engage in consultations on mid and long term relief, and to enter into a Protocol to guide these consultations. However, the Tribunal has not yet ruled on mid to long term relief issues, so a final Protocol on mid to long term relief may be premature. Nevertheless, the parties agree that this Protocol may be amended to apply to mid and long term relief, as well as compensation issues. The purpose and objectives in this Protocol, as well as the principles and parameters shall apply equally to mid and long term relief.
19. However, the scope of the consultations and the processes envisioned for the mid to long term relief shall be significantly different. Given the nature of the measures, the

consultations will be much broader. With regard to mid to long term relief, the Panel at paragraph 177 of its February 1<sup>st</sup> Ruling said: "It is inevitable, consultations need to be meaningful and broad, including rights holders, different Indigenous governance, Indigenous youth, the parties and experts."

20. Moreover, there is an expectation that the Parties will discuss the role of existing committees, including the National Advisory Committee and Regional Tripartite/Technical Tables in the carriage of mid to long term reforms. At paragraphs 176 and 177 of the February 1<sup>st</sup> Ruling, in response to a comment by Minister Bennett about reconstituting the NAC and the Regional Committees, the Tribunal agreed with the minister for the "long term aspect" of the reform process. In the meantime, the Parties will develop approaches, for the Tribunal's consideration, to address and resolve long-term relief requested but not yet ordered by the Tribunal such as, but not limited to, compensation.
21. The Parties, working with their respective constituencies as appropriate, will jointly develop strategies to address and implement mid-term and long-term reforms to the FNCFS Program and *1965 Agreement*, consistent with human rights, access to health, community capacity building, social development, First Nations' jurisdiction, treaty relationships, and the protection and retention of culture, language, customs and traditions in the First Nations context. This work will complement and not replace efforts towards mid-term and long-term reforms led by the NAC, Regional Committees, and First Nations.

### **Capacity and Funding**

22. Canada will provide the Complainants and Interested Parties with sufficient and adequate funding to ensure that their organizations can fully participate in the implementation of the Consultation Protocol, and in the consultation process itself, which includes the involvement of their respective legal counsel.
23. Canada will also make sufficient and adequate funding available to retain qualified experts or consultants to undertake any research, studies or assessment required to support the full implementation of the orders. Canada will consult the parties and pay for persons who may be deemed experts once it is agreed upon by all parties. Canada will fund parties to retain proposed experts where there is agreement between all parties that one or more of the other parties are better placed to enter into a specific needed contract. Prior to retaining a proposed expert, Canada shall disclose to the parties, the proposed expert's CV, proposal and Canada's proposed statement of work. No one will be considered an expert unless all parties agree.
24. Canada will provide the Complainants and Interested Parties with a yearly budget forecast on an annual basis setting out the allotment of funding for the coming year, based on an agreed upon workplan.



**Term, Termination and Amendment**

25. Consistent with the Order of the Tribunal, this Consultation Protocol shall remain in force until the immediate and mid to long term remedies are completely implemented, unless it is replaced by mutual agreement or the Parties or terminated earlier by determination of the Tribunal. It may be amended in writing at any time by mutual consent of the parties, and the amended version will be reported to the Tribunal.
26. The Protocol may be amended by agreement of the Parties provided such amendment is produced in writing.

**Non-derogation and Signing**

27. The Parties agree that nothing in this Agreement will be construed as abrogating, limiting or derogating in any way from First Nation's constitutionally protected Aboriginal and treaty rights. For greater certainty, this Agreement is not intended and shall not be construed to create, define, recognize, affirm, suspend, limit, deny, derogate or abrogate any Aboriginal or treaty rights of First Nation which may exist or be acquired in the future within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.
28. The Protocol may be signed in counter-parts. If signed in counter-parts, the Protocol becomes effective on the date of the last signature.

**THIS CONSULTATION PROTOCOL HAS BEEN EXECUTED BY REPRESENTATIVES OF CANADA, AFN, CARING SOCIETY, COO, NAN AND THE CHRC ON THE 2<sup>ND</sup> DAY OF MARCH, 2018.**

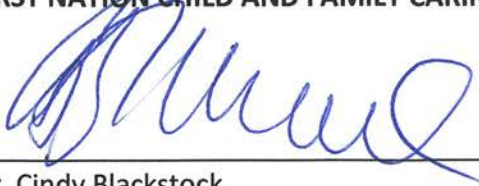
**CANADA**

  
\_\_\_\_\_  
The Honourable Jane Philpott

**ASSEMBLY OF FIRST NATIONS**

  
\_\_\_\_\_  
National Chief Perry Bellegarde

**FIRST NATION CHILD AND FAMILY CARING SOCIETY OF CANADA**



Dr. Cindy Blackstock

**CHIEFS OF ONTARIO**



Regional Chief Isadore Day

**NISHNAWBE ASKI NATION**



Grand Chief Alvin Fiddler

**CANADIAN HUMAN RIGHTS COMMISSION**



Per: Marie-Claude Landry  
Chief Commissioner

**This is Exhibit "4" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**

# CONWAY

Litigation/Litige

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September 8, 2019

## VIA EMAIL

**Robert Frater, Q.C.**  
Chief General Counsel  
Justice Canada  
50 O'Connor Street, Suite 500  
Ottawa, ON K1A 0H8

**Jonathan Tarlton**  
Senior Counsel  
Justice Canada  
5251 Duke Street, Suite 1400  
Halifax, NS B3J 1P3

Dear Sirs:

**RE: CONSULTATION COMMITTEE ON CHILD WELFARE  
PROCESS FOR COMPENSATION PURSUANT TO 2019 CHRT 39**

**OUR MATTER ID: 5204-006**

---

I write in advance of the September 9, 2019 meeting of the Consultation Committee on Child Welfare ("CCCW") and following the Tribunal's September 6, 2019 ruling regarding compensation in 2019 CHRT 39.

The Tribunal's September 6, 2019 order requires Canada to enter into discussions with the AFN and the Caring Society regarding options for the process of paying compensation to victims, such that the parties will return to the Tribunal with proposals by December 10, 2019 (para 269).

Given the length of time that many First Nations children and their families have been waiting, the Caring Society would like to begin preliminary discussions at the September 9, 2019 CCCW meeting. The topics for discussion could include (at a minimum):

1. Information in Canada's possession that would assist in identifying victims of discrimination (*Indian Act* status records, maintenance reports, adoption lists, records from Jordan's Principle reconsiderations, Service Access Resolution Funding applications that provide details of past service delays or denials);

**Conway Baxter Wilson LLP/s.r.l.**

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2. Compensation for Jordan River Anderson's estate and family (as they are excluded from the Panel's orders regarding Jordan's Principle, which take effect in December 2007);
3. Supporting First Nations youth in care and First Nations young leaders to provide expert advice on the distribution of funds (see, for example, section 4(d) of the CCCW Terms of Reference);
4. Processes Canada may have in place for the calculation of interest;
5. Mechanisms to ensure that costs to administer payments to victims do not reduce funds available to victims (either with respect to awards payable or re-allocation from programs (see re-allocation policy and the orders in 2018 CHRT 4)); and
6. Mechanisms to ensure the best interests of vulnerable victims (children, young adults in post-majority care, adults with addictions, adults with high special needs, and potentially others).

The Caring Society would also appreciate knowing which Government of Canada official(s) or representatives will be authorized to enter into these discussions with the Caring Society and AFN. We trust that this information will be available at the CCCW meeting on September 9, 2019.

Yours truly,



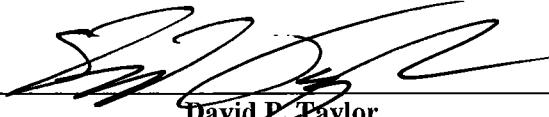
David P. Taylor

Copy: **Patricia MacPhee, Kelly Peck, Max Binnie and Tara DiBenedetto**  
***Co-counsel for the Attorney General of Canada***

**David Nahwegahbow, Stuart Wuttke and Thomas Milne**  
***Co-counsel for the Assembly of First Nations***

**Sarah Clarke and Barbara A. McIsaac, Q.C.**  
***Co-counsel for the First Nations Child and Family Caring Society of Canada***

**This is Exhibit "5" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', is written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



Department of Justice  
Canada

National Litigation Sector  
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Ministère de la Justice  
Canada

Secteur national du contentieux  
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Telephone: (613) 670-6289  
Facsimile: (613) 954-1920  
E-Mail: rfrater@justice.gc.ca

Our File: AR-800702  
Notre dossier:

*Via Email*

September 9, 2019

David Taylor  
Conway Baxter Wilson LLP  
400-411 Roosevelt Avenue  
Ottawa, ON K2A 3X9

Dear Mr. Taylor:

**Re: Consultation Committee on Child Welfare  
Process for Compensation Pursuant to 2019 CHRT 39**

---

Thank you for your letter of yesterday. As you can appreciate, because the decision is lengthy and complex, our client is seeking our legal advice on the decision. As well, the client is also considering the practical impacts of the decision. These are both matters that require careful consideration, and we need to have a full understanding of this decision before entering into discussions of the type suggested in your letter.

We are not, therefore, prepared to enter into the detailed discussions at the Consultation Committee meeting set for today contemplated by your letter. We are ready, however, to listen to any thoughts you or other parties may wish to share on these issues.

We look forward to this afternoon's discussions.

Yours truly,

Robert Frater, Q.C.  
Counsel for the Attorney General of Canada

cc. Jonathan Tarlton, Patricia MacPhee, Kelly Peck, Max Binnie and Tara DiBenedetto  
Co-counsel for the respondent Attorney General of Canada

Stuart Wuttke and Thomas Milne, David Nahwegahbow  
Co-counsel for the complainant Assembly of First Nations

Canada

Sarah Clarke  
Counsel for the complainant First Nations Child and Family Caring Society

Brian Smith and Jessica Walsh  
Co-counsel for the Canadian Human Rights Commission

Maggie Wenté and Sinéad Dearman  
Co-counsel for the interested party Chiefs of Ontario

Justin Safayeni and Ben Kates  
Co-counsel for the interested party Amnesty International

Julian Falconer and Molly Churchill  
Co-counsel for the interested party Nishnawbe Aski Nation



**This is Exhibit "6" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



**Seamus O'Regan** @SeamusORegan · 21m

The CHRT ruling touches on issues of great importance to our government. We agree that "what has been lost cannot be recovered".

We agree with many of the findings of the CHRT including the recognition of discrimination and mistreatment and the need for compensation.

2   4   8



**Seamus O'Regan** @SeamusORegan · 21m

Furthermore, we agree that compensation should be part of the healing process for those who have experienced significant wrongs – that’s exactly why our Government moved forward on resolving similar issues including the Sixties Scoop and Day School settlements.

2   2   5



**Seamus O'Regan** @SeamusORegan · 21m

The recent CHRT ruling is significant and raises important questions and considerations. In order to give us both clarity on the ruling and time to have these conversations with our partners, which are not possible during an election, we are seeking a judicial review and stay.

2   2   5



**Seamus O'Regan** @SeamusORegan · 21m

We believe that collaboration, rather than litigation, is the best way to right historical wrongs and advance reconciliation with Indigenous peoples, and the Government has committed to engaging in discussions around compensation for the benefit of those individuals impacted.

1   2   6



**Seamus O'Regan**

@SeamusORegan

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And, if re-elected, we will continue the conversation on compensation in a fair and equitable way that focuses on bringing healing and recognition of the harms suffered for First Nation children.

10:24 AM - 4 Oct 2019

**This is Exhibit "7" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', is written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



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THEME FIVE: ENVIRONMENT AND ENERGY

### THEME ONE: LEADERSHIP IN CANADA AND THE WORLD

**Lisa LaFlamme:** Welcome to the 2019 leaders debate. I'm Lisa LaFlamme from CTV News, and I am one of the moderators tonight. Our audience is made up mostly of undecided voters gathered here in the round so they're right at the heart of this important night. One note, however: we have asked them to hold back their applause throughout the debate so we can keep things moving. And just a couple of more things to know before we get started. We're going to tackle five major themes tonight based on the questions Canadian voters want asked and debated. There were more than 8000. So the themes tonight reflect those questions. The leaders will answer them based on an order selected in a random draw. We all want a meaningful debate tonight. Viewers want answers, so the leaders have all agreed to respect the time they are allowed tonight. And believe me, we will all make sure they do.

Our first theme is leadership in Canada and the world, and our first question is from Reagan Lee (ph) right here in the audience. Regan.

**Question:** Good evening, leaders. Sorry. Many Canadians have felt the implications of a divided world, more so than 2015, from US protectionism to Brexit to our growing tensions with China. As Prime Minister, how would you effectively defend both the interests and values of Canadians on the world stage? Thank you.

**Lisa LaFlamme:** Regan, thank you for that. And Mr. Trudeau, you are first to respond tonight. You have 45 seconds.

**Rt. Hon. Justin Trudeau:** Thank you, Reagan, for being here tonight, and thank you all for joining us in this important moment to talk about the future of our country and compare and contrast the various plans that we have.

We know we live in a very challenging time right now, from protectionism to fear-based politics to the transformative technological change people are facing. We need to make sure that Canadians are equipped and tooled to be able to succeed in an uncertain world, and that's why, over the past four years, we've invested directly in Canadians, helped people be optimistic about their future, have the tools to succeed and the tools to see their kids succeed. We know the environment is a massive and pre—pressing challenge, and building a stronger economy for the future means protecting the environment for the future as well. These are the things we're going to be talking about tonight.

**Lisa LaFlamme:** Mr. Trudeau, thank you for that. Mr. Bernier, your opportunity to respond.

**Hon. Maxime Bernier:** Thank you. We are the People's Party, and we put Canada first. The other leaders on this stage are globalist. They spend your money to buy a seat at the UN Security Council, and also, they are giving your money to other countries to fight climate change in Asia and build roads in Africa. The UN is a dysfunctional organization, and we must be able to fight for our country. Actually, we are the only party that will have a foreign policies that is based on our security and prosperity for our country.

**Lisa LaFlamme:** Mr. Bernier, thank you. The next opportunity for Mr. Singh to respond.

**Jagmeet Singh:** Thank you very much, Lisa. Thank you very much, Reagan, for your question. It's – I know it's tough to ask questions in front of a big crowd, so thanks for doing that. And thanks to Canada for joining and taking part in this discussion.

To me, leadership is about who you're fighting for, the choices you make, and whether you're doing what's right for people. And whether it comes to international affairs, standing up to Trump, making sure we fight to build better trade agreements that actually put Canadians first, for me, the question really comes down to do you have the courage to stand up to the powerful and wealthy interests, the corporations that are having too much influence of Canada. And I've seen so far in Ottawa, whether it's Liberal or Conservative governments, they haven't had the courage to stand up and fight for people. We're different. We're in it for you. I don't work for the rich and powerful; I work for people.

**Lisa LaFlamme:** Mr. Singh, thank you. Mr. Scheer, your opportunity to respond.

**Hon. Andrew Scheer:** Well, thank you very much. And of course I will always stand up for Canada and Canadians' interests and promote free trade and defend our interests all around the world. But Justin Trudeau only pretends to stand up for Canada. You know, he's very good at pretending things. He can't even remember how many times he put blackface on. Because the fact of the matter is he's always wearing a mask. He puts on a reconciliation mask and then fires the Attorney General, the first one of Indigenous background. He puts on a feminist mask and then fires two strong female MPs for not going along with his corruption. He puts on a middle class mask and then raises taxes on middle class Canadians. Mr. Trudeau, you are a phoney and you are a fraud, and you do not deserve to govern this country.

**Lisa LaFlamme:** There will be an opportunity later, during the open debate, to defend each other. First of all, Ms. May, if you'd like to answer mi—Reagan's question.

**Elizabeth May:** I would actually like to answer Reagan's question, in contrast to what we just heard. But I want to start by acknowledging that we're on the traditional territory of the Algonquin peoples, and, to them, megwitch.

Canada's role in the world is an enviable one. We have a historic reputation for being an honest broker, for being a country that stands up for multilateralism. We have a commitment as a nation to meet the Sustainable Development Goals, which means our future as a world is built on ending poverty and encouraging the education of women and girls. That's a cornerstone. On top of that, we really need to renegotiate the World Trade Organization and make it an organization that promotes climate action. We need a World Trade and Climate Organization. We need to support the rule of law and human rights around the world because we are world leaders.

**Lisa LaFlamme:** Ms. May, thank you. Again, the question: how would you, as Prime Minister, protect Canadian interests and values on this changing world stage. Mr. Blanchet.

**Yves-François Blanchet:** Prime Minister is a bit unlikely. However, first, good evening, everybody, and thank you for having me in – on behalf of the Bloc Québécois.

Having leadership, or showing leadership, sometimes mean not making mistakes. And arresting the Chief Financial—Financial Officer of Huawei might have been a big mistake, for which farmers growing soya or those doing pork or beef might have paid the price. When you're facing a powerful foe like China, you don't try to show biceps if you have only tiny biceps. and this is something that has to be learned. And we would support somebody with real leadership, not making mistakes.

**Lisa LaFlamme:** Mr. Blanchet, thank you for that. Continuing with our theme, leadership in Canada and the world, it's now my opportunity to ask a question on behalf of Canadians, again to a leader chosen by a random draw. So this question is for People's Party Leader Maxime Bernier. Every other leader will then have the opportunity to debate him. But Mr. Bernier, you like to tweet, so let me read some of your tweets back to you. You called diversity in Canada a cult and extreme multiculturalism. You've used the words ghetto and tribes to describe newcomers whom you say bring distrust and potential violence. On Greta Thunberg, the 16-year-old climate change activist, you called her, quote, clearly mentally unstable. Are these the words of someone with the character and integrity to lead all Canadians and represent us on the world

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**Hon. Maxime Bernier:** First of all, thanks for the question. You must tell the truth to Canadians if you want to be the leader of this country. And what I'm saying about extreme multiculturalism, it is not the way to build this country. Yes, this country is a diverse country, and we must be proud of that, but we don't need the legislation like the Multiculturalism Act to tell us who we are. We are a diverse country, and we are proud of that.

What I'm saying, because it's in line with the immigration, I'm saying that we must have fewer immigrants in this country to be sure for these people to participate in our society. So it is a great country, but it's time to have a discussion about the immigration. We don't want our country to be like other countries in Europe, where they have a huge difficulty to integrate their immigrants. And I'm a proud Canadian, and that's why I love this country, and I'm on – the only leader on this stage who wants to have a discussion about the level of immigration.

**Lisa LaFlamme:** So we're definitely going to have a lively debate tonight because now it is Mr. Singh's opportunity to debate Mr. Bernier on that very question, the temperament required for a good leader.

**Jagmeet Singh:** I mean, Mr. Bernier, after hearing what was just said, you could have just said hey, man, I messed up. Because those are pretty horrible tweets that you made. And really, for me, I mean, it should come as no surprise to you I believe a leader is not someone who tries to divide people or to pit people against each other. A true leader is someone who tries to find bridges, bringing people together. That's what a leader does. And a leader works for the people who need help, not helping those at the very top, which we've seen with governments in Ottawa for far too long. They've been working to make life easier for the multi-billionaires. They get massive corporate tax cuts. Billions of dollars go towards them. We see offshore tax havens continue. This is not the way to build a country.

**Jagmeet Singh:** The way to build a future is to help Canadians (crosstalk) need help. (Crosstalk).

**Hon. Maxime Bernier:** (Crosstalk) you want to help – if you want to help Canadians (crosstalk) you won't be able to help Canadians with your socialist policy. It will –

**Jagmeet Singh:** It's not going to help anybody.

**Hon. Maxime Bernier:** — it will hurt everybody.

**Lisa LaFlamme:** Mr. Singh.


**Jagmeet Singh:** It's not going to help anybody.

**Hon. Maxime Bernier:** It will hurt everybody. It's not the way to –

**Jagmeet Singh:** What you're going to do is not going to help anybody.

**Hon. Maxime Bernier:** Weal—wealth and growth in this country. You must believe in people.

**Jagmeet Singh:** Mr. Bernier —

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**Hon. Maxime Bernier:** You must give back their money in their own pockets.



**Jagmeet Singh:** Mr. Bernier, you're not (crosstalk) people. What you're saying is not helpful.

**Lisa LaFlamme:** I'm just – I'm just going to remind everyone this is a debate, and the viewers do have a difficult time even hearing anything if you're talking over each other. So this is a portion where the leaders can debate Mr. Bernier, and it is now the opportunity of Mr. Scheer to debate Mr. Bernier on the question of leadership.

**Andrew Scheer:** Well, what Mr. Bernier fails to understand is that you can absolutely be proud of Canada's history, you can be proud of our identity, you can be proud of the things we've done and accomplished in the world, while at the same time welcoming people from all around the world. And that is something that has made Canada strong. People come to Canada because of our freedom – our freedom to do what we want –

**Hon. Maxime Bernier:** Absolutely, Andrew, you're right. You're right.

**Hon Andrew Scheer:** – to be – to – to believe what we want, and freedom of speech.

**Hon. Maxime Bernier:** And that's why I want people to come to share our values, our Canadian values.

**Hon Andrew Scheer:** But you know, this –

**Hon. Maxime Bernier:** Equality before the law –

**Hon Andrew Scheer:** – this –

**Hon. Maxime Bernier:** – equality between man and woman.

**Hon Andrew Scheer:** But you – this –

**Hon. Maxime Bernier:** The separation of (crosstalk) –

**Hon Andrew Scheer:** Mr. Bernier, you have –

**Hon. Maxime Bernier:** – and the (crosstalk) –

**Hon Andrew Scheer:** – you have changed – you have changed from someone who used to –

**Hon. Maxime Bernier:** – who have support it. We want people to come here to share our values –

**Hon Andrew Scheer:** – believe – who used to believe –

**Hon. Maxime Bernier:** – (crosstalk).

**Lisa LaFlamme:** Mr. Bernier, we'll –

**Hon Andrew Scheer:** – in an immigration system –

**Hon. Maxime Bernier:** Yeah.

**Lisa LaFlamme:** — ask you question.

**Hon Andrew Scheer:** You have gone from someone who used to believe in a immigration system that was fair, orderly, and compassionate, and now you are making your policy based on —

**Hon. Maxime Bernier:** No.

**Hon Andrew Scheer:** — trying to get likes and retweets —

**Hon. Maxime Bernier:** No.

**Hon Andrew Scheer:** — from the darkest parts of Twitter.

**Hon. Maxime Bernier:** Absolutely not.

**Hon Andrew Scheer:** We can be a country that —

**Hon. Maxime Bernier:** Absolutely not.

**Hon Andrew Scheer:** — celebrates the contribution from people from all around the world.

**Hon. Maxime Bernier:** That's what I want to do. I want to celebrate what —

**Hon Andrew Scheer:** It's important — it's important —

**Hon. Maxime Bernier:** — unite us. I don't want to celebrate (crosstalk) —

**Hon Andrew Scheer:** You can do that.

**Hon. Maxime Bernier:** — on diversity.

**Hon Andrew Scheer:** You can do that without —

**Hon. Maxime Bernier:** We need to celebrate (crosstalk) —

**Hon Andrew Scheer:** — insulting people —

**Hon. Maxime Bernier:** — to celebrate who we are —

**Hon Andrew Scheer:** — people who have come to this country.

**Hon. Maxime Bernier:** — and we're not doing that (crosstalk).

**Hon Andrew Scheer:** That is the difference between Mr. Bernier and myself on this issue. We believe — we believe in making Canada stronger by welcoming people, adding it to our country, and celebrating the things that have made us great as a nation.

**Lisa LaFlamme:** Now we're going to hear from Ms. May and Mr. Bernier, on the same question.

**Elizabeth May:** As I understand the question, Lisa. It was also about the characteristics of leadership. So let me just say up front I think leadership is service. I think the things that – that make a good Prime Minister is recognizing that we're public servants. We haven't won some kind of lotto. We don't get to lord it over everybody. We're here as your employee, and we want to work. And I have a little quibble with our introduction tonight saying who will get invited back. It's not to be invited to go to Parliament; it's to sign up to work and to be a public service. I believe in service leadership.

That said, I find the things that – that Maxime Bernier has said to be completely appalling, and – and he knows that I feel that way about the things he says in the House. We used to sit together. And generally, when he said anything —

**Hon. Maxime Bernier:** Elizabeth – Elizabeth –

**Elizabeth May:** — I'd have to put my head in my hands —

**Hon. Maxime Bernier:** Elizabeth —

**Elizabeth May:** — because it was so horrific. But —

**Hon. Maxime Bernier:** I – I appreciate you, but you know, I don't share your policies.

**Elizabeth May:** I knew that.

**Hon. Maxime Bernier:** I don't share your socialist policies because, you know, we – we won't be able to create any wealth with your policies. You have the same kind of policies in socialist countries like Venezuela. That won't create any wealth.

**Elizabeth May:** Well —

**Hon. Maxime Bernier:** You must admit that.

**Elizabeth May:** No (crosstalk) —

**Hon. Maxime Bernier:** You will spend —

**Elizabeth May:** — the climate crisis —

**Hon. Maxime Bernier:** — \$60 billion.

**Elizabeth May:** — is the single biggest —

**Hon. Maxime Bernier:** That's your promises —

**Elizabeth May:** — economic opportunity —

**Hon. Maxime Bernier:** — \$60 billion (crosstalk) —

**Elizabeth May:** — in a generation or more.

**Hon. Maxime Bernier:** — that's not responsible.

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**Elizabeth May:** And supporting immigration is what we need for this economy.

**Hon. Maxime Bernier:** And I'm support immigration. I support —

**Elizabeth May:** I'm proud of the fact that the European Greens —

**Hon. Maxime Bernier:** You are not (crosstalk) —

**Elizabeth May:** — are the only party that would grow immigration, and so are we.

**Lisa LaFlamme:** Thank you, Ms. May. Now it is Mr. Blanchet's opportunity to debate with Mr. Bernier.

**Yves-François Blanchet:** How many seconds will we – will you leave me before you jump in? Somebody invoking the truth should not be somebody denying climate change. And the use of socialism seems to come a little bit too easy.

**Hon. Maxime Bernier:** I don't deny climate change.

**Yves-François Blanchet:** Oh, you make —

**Hon. Maxime Bernier:** I don't —

**Yves-François Blanchet:** — ten seconds. (Laughter). Immigration —

**Lisa LaFlamme:** See? And we worried they wouldn't pay attention.

**Yves-François Blanchet:** Immigration is not that much a matter of number; it's a matter of resources. We invest in it in order to have those persons welcome as well in Canada as they are in Quebec, with our desire for them to share our language, to share some of our values. And if we do have enough resources invested in that, this is workable. And you do not do it by saying or sending the message that they are not welcome —

**Hon. Maxime Bernier:** No, everybody is —

**Yves-François Blanchet:** — here in Canada or in Quebec.

**Hon. Maxime Bernier:** — welcome in – everybody is welcome in this country. And you know, 49 percent of all population believe that we must have fewer immigrants. They're not racist, they're not radical. So what you are saying, because I'm in line with the majority of our population, that I'm supposed to be a radical?

**Yves-François Blanchet:** Did anybody tell you —

**Hon. Maxime Bernier:** No. We have the right – we have the right in this country —

**Yves-François Blanchet:** Did anybody tell you that your ancestors —

**Hon. Maxime Bernier:** — to debate ideas, and that's what I'm doing.

**Yves-François Blanchet:** — were immigrants also?

**Hon. Maxime Bernier:** We have the right —

**Yves-François Blanchet:** We all are immigrants.

**Hon. Maxime Bernier:** Absolutely. And we are proud. We are proud Canadians.

**Lisa LaFlamme:** OK, and the final debate on this subject goes to Mr. Trudeau, to Mr. Bernier: again, the temperament required for a good leader.

**Rt. Hon. Justin Trudeau:** I think it's important to recognize that we're in a world right now where these discussions, this polarization, this fear of the other, has become easy currency for politicians who do want to strike up uncertainty in people's hearts and lift those anxieties and try to get people to vote against things.

**Hon. Maxime Bernier:** No.

**Rt. Hon. Justin Trudeau:** Unfortunately, Mr. Bernier on this stage is playing that role of trying to — to make people more fearful about the migrations that are happening in the world and the opportunities around globalization and our ability to continue to redefine every single day what it is to be Canadian, what it means to be Canadian. And yes, it will evolve.

**Hon. Maxime Bernier:** Monsieur Trudeau —

**Rt. Hon. Justin Trudeau:** It will transform itself as we — as we —

**Hon. Maxime Bernier:** Mr. Trudeau —

**Rt. Hon. Justin Trudeau:** — take leadership, as we move forward. And the values (crosstalk) —

**Hon. Maxime Bernier:** You always (crosstalk) —

**Rt. Hon. Justin Trudeau:** — are universal values (crosstalk) —

**Hon. Maxime Bernier:** — diversity.

**Rt. Hon. Justin Trudeau:** — people around the world (crosstalk) —

**Hon. Maxime Bernier:** We must celebrate our history. We must celebrate who we are. And I'm proud Canadian like you. And you know, we built this country together, and we want this country to be like that in 25 years. We love this country, and it's not because I want to have a discussion about immigration that I'm a radical.

**Rt. Hon. Justin Trudeau:** Mr. Bernier —

**Hon. Maxime Bernier:** Only six percent —

**Rt. Hon. Justin Trudeau:** — your role on this stage tonight seems to be —

**Hon. Maxime Bernier:** — only six perc-

**Rt. Hon. Justin Trudeau:** — to say publicly what Mr. Scheer thinks privately.

**Hon. Maxime Bernier:** No. Only six percent of our – six percent of Canadians wants more immigration, only six percent. So when you don't want to have a debate about that, you're not in line with the population. You just have unask—an unasked debate on that subject.

**Lisa LaFlamme:** OK. And on that, we want to hear from another Canadian tonight. There are obviously so many layers to the issue of leadership. So this question is coming from Susan Fernando (ph), who asks her question from Calgary. Again –

**Question:** Hi. I'm Susan Fernando in Calgary. More often than not, the provincial governments and federal government are on different wavelengths, no matter what the political party. Cooperation is key when it comes to issues of pensions, workers' rights, to education and health care. As Prime Minister, how would you demonstrate strong leadership when working with the provinces and territories?

**Lisa LaFlamme:** OK, thank you, Susan Fernando from Calgary. Again, based on a random draw, this goes to Mr. Bernier first, and then every other leader will have the chance to answer. Mr. Bernier.

**Hon. Maxime Bernier:** First of all, I will respect the Constitution. I will respect provinces, and that's very important. And I won't interfere in provincial jurisdiction. I won't interfere in health care because it is a provincial jurisdiction. And you know, we cannot in Ottawa solve the challenges that we're having for health care. And what we can do, we can transfer the money to the provinces. And what I will do, I will let provinces being able to deal with health care and with education. That's our Constitution. We'll transfer the GST so provinces will have the money to deal with that and they will be able to answer to your challenges.

**Lisa LaFlamme:** Mr. Bernier, thank you. It's now Mr. Singh's opportunity to respond to Susan's question.

**Jagmeet Singh:** Thank you. I want to thank Susan for the question. Really she's touched on a lot of concerns that Canadians have. Things are getting harder than ever before, and she touched on a whole host of issues: pensions and – and health care. I want to talk – I want to single in on health care. To me, that's one of the biggest concerns I hear about when I meet with people across this country. And I think of the people that I meet, you know, the young boy that I met that has a chronic illness and has to pay for – his family has to pay for medication and injections and blood work. And he told me he's not worried about the illness but he is worried about being a burden to his mom and dad. So that young person, Mr. Trudeau is saying, you know, you're not worth universal pharmacare, that the big pharmacare companies – the big pharmaceuticals are more important. I want to say to that young person, with a New Democratic government, we will bring in universal pharmacare for all. You would use your health card, not your credit card, for medication.

**Lisa LaFlamme:** Mr. Singh, thank you. Mr. Scheer, it's your opportunity now.

**Hon Andrew Scheer:** Well, Conservatives have always recognized the importance of working with provinces. We respect provincial jurisdiction. But we also understand that it will take federal leadership to get certain things done, like interprovincial free trade, something that Mr. Trudeau

has failed to accomplish. St. Joseph Communications uses cookies for personalization, to customize its online advertisements, and for other purposes. [Learn more](#) or change your cookie preferences. By continuing to use our service, you agree to our use of cookies.

But one thing I can promise voters across the country is that Premiers won't have to take a Conservative government to court to fight things like the carbon tax. And Mr. Trudeau has imposed his carbon tax on provinces that don't want to go along with his high-cost scheme. This carbon tax is increasing the cost of everyday essentials like gasoline, home heating, and groceries, and it will only go up after the next election. He is refusing to tell Canadians how high his carbon tax will go if he's re-elected. The Conservative government under my leadership will scrap the carbon tax.

**Lisa LaFlamme:** Mr. Scheer, thank you. Ms. May.

**Elizabeth May:** Yeah, thank you, Susan, for the question. It's very important. And as Greens, cooperation is in our DNA. None of the problems we solve are going – we face are going to be solved if we keep arguing and fighting with each other, whether it's within Parliament in our different parties or between the federal government, the provinces and the territories.

The Greens are proposing a reinvigorated form of federalism. Modelled after what has been done in Australia, we want a council of Canadian governments. So the federal government, provincial, territorial, municipal, and the local orders of government need a seat at the table; so too do Indigenous leadership – First Nations, Métis, and Inuit – around the same table, finding common ground on urgent issues like health care, on the climate emergency, and working together in the public interest.

**Lisa LaFlamme:** OK, Ms. May. Thank you. Mr. Blanchet, your opportunity.

**Yves-François Blanchet:** Thank you. If I remember well, I've seen a study today about – from Mr. Eric Montigny saying that this campaign is not about federal issues but about provincial and Quebec issues. And this is not a surprise. If you want cooperation with provinces or Quebec, you need to respect the jurisdiction. And something that you have to stop doing – and this is one of the demands of the Government of Quebec in many – on many issues – is giving a hand to this – to s—our money being held hostage by the federal government and giving back to us with conditions. The money that has to be given to provinces in their own fields of jurisdiction should be given back without conditions.

**Lisa LaFlamme:** Mr. Blanchet, thank you. Mr. Trudeau, your opportunity now.

**Rt. Hon. Justin Trudeau:** In ten years of Stephen Harper's government, he chose to stop meeting with Premiers in First Ministers' meetings. And we restarted that when we took office in 2015. We were able to strengthen the CPP for a generation. We were able to sign historic health accords with massive investments in – in home care and in mental health. We were able to invest in infrastructure like housing and public transit across the country, and we continue to work with provinces on renegotiating a NAFTA that in—had everyone playing on one Team Canada.

But yes, with certain provinces right now, we are fighting on the defining issue of our time because Jason Kenney and Doug Ford and other Conservative Premiers don't want to do anything on climate change. And we need a government in Ottawa that is going to fight them and fight for Canadians on climate change, and that's exactly what we're going to do.

**Lisa LaFlamme:** We will have the open debate coming up very shortly. We are going to switch gears now, though, and give a leader a chance to ask any other leader a question on any topic they choose. Again, the order of this was chosen by random draw. The first leader this time is NDP Leader Jagmeet Singh. Mr. Singh, you have 30 seconds.

**Jagmeet Singh:** Thank you. My question is to Mr. Trudeau. You know, you talk often about how Conservatives cut taxes for the wealthy and cut education and health care and other services. I'd agree with you, and I've heard you say this often. So my question is you criticize Mr. Harper on his climate targets but you failed to achieve them. You criticize Mr. Harper on the fact that he cut health care funding; you also cut them. You criticize Mr. Harper and Conservatives on giving billions to billionaires and corporations, but you gave \$14 billion more. My question is this. Why do you keep letting down the people that voted for you?

**Rt. Hon. Justin Trudeau:** First thing we did was cut taxes for the middle class and raise them for the wealthiest one percent. And on climate change, after ten years of Stephen Harper doing nothing, in just four years we've reached three-quarters of the way to our 2030 targets, which we will meet and surpass. But we know that's not enough. We're going to continue to do more, like planting two billion trees, like moving forward on giving money up front so people can retrofit their homes, on making Canada net-zero by 2050. We know how important it is to move forward, and right now Mr. Scheer has promised that the first thing he would do is rip up the only real plan to fight climate change that Canada has ever had.

These are the things we're going to be moving forward on because Canadians expect us to. We lifted 900,000 people out of poverty with our investments in families, with the Canada Child Benefit, and things that actually, Mr. Scheer and Mr. Singh, the NDP voted against. We will continue to invest in families because it's creating jobs and helping people out of poverty because that's what Canadians expect, and that's what we will continue to do.

**Lisa LaFlamme:** Now the leaders have an opportunity to have the open debate on this question. It's for four minutes. Mr. Singh, you may begin.

**Jagmeet Singh:** Thank you. I just wanted to say, I mean, we look at the track record of this government, and in reality Statistics Canada points out in 2017 the wealthiest actually paid less in tax and gained more in wealth. And when we look at one of the biggest problems that we're faced with as a country is offshore tax havens. Now, not only did your Finance Minister use offshore – offshore tax havens, but also the President —

**Rt. Hon. Justin Trudeau:** That's not (crosstalk).

**Jagmeet Singh:** — of the Treasury Board. She also used offshore tax havens. So how can you tell Canadians we don't have the money to fund things like universal pharmacare when your top two cabinet ministers don't pay their fair share?

**Rt. Hon. Justin Trudeau:** Mr. Scheer, you might remember that – Mr. Singh, you might remember that summer (crosstalk) —

**Jagmeet Singh:** I'm very (crosstalk) Mr. Scheer.



**Rt. Hon. Justin Trudeau:** Our – we – you – we had a huge fight with the wealthiest Canadians and the Conservatives when we closed tax loopholes that Mr. Scheer is going to reopen and give tax breaks worth —

**Hon Andrew Scheer:** So let's – let's —

**Rt. Hon. Justin Trudeau:** — \$50,000 —

**Hon Andrew Scheer:** — let's dive deep in that.

**Rt. Hon. Justin Trudeau:** — to the wealthiest Canadians.

**Hon Andrew Scheer:** You —

**Rt. Hon. Justin Trudeau:** We're going to keep moving forward —

**Hon Andrew Scheer:** — you (crosstalk) —

**Rt. Hon. Justin Trudeau:** — in a way that invests in Canadians. And that (crosstalk) —

**Lisa LaFlamme:** Mr. Trudeau, we'll give Mr. Scheer an opportunity to respond.

**Hon Andrew Scheer:** You called small business owners tax cheats. You called entrepreneurs who've created jobs and opportunities in our society tax cheats, all the while protecting your trust fund and those of your billionaire friends. What we are doing is lowering taxes for all Canadians. We've got a universal tax cut —

**Rt. Hon. Justin Trudeau:** And cutting services.

**Hon Andrew Scheer:** — that will lower the first bracket that will save (crosstalk) for the average income couple. We are going to bring in —

**Lisa LaFlamme:** Mr. Bernier —

**Hon Andrew Scheer:** — tax credits for kids' sports —

**Lisa LaFlamme:** — would you like to interject?

**Hon. Maxime Bernier:** Yes, for sure. What they are doing, they are spending, spending, and spending.

**Hon Andrew Scheer:** Tax cuts are not spending.

**Hon. Maxime Bernier:** Everybody here on this stage —

**Hon Andrew Scheer:** Ta—tax cuts are (crosstalk) —

**Lisa LaFlamme:** Mr. Scheer.

**Hon. Maxime Bernier:** Everybody here on this stage —

**Hon. Maxime Bernier:** — are spending more money. And you know, you cannot create wealth when the government is spending money. You must have the right policies for the entrepreneur, actually. We want the private sector to be able to invest. The private sector works quite well.

**Hon Andrew Scheer:** That's why we're going to undo his tax hikes.

**Hon. Maxime Bernier:** No, you won't — you won't balance the budget. You — nobody will balance the budget —

**Hon Andrew Scheer:** We're going to undo his tax hikes.

**Hon. Maxime Bernier:** I cannot understand —

**Lisa LaFlamme:** Ms. May, you'd like the opportunity.

**Elizabeth May:** Thank you. At the beginning of this segment, Mr. Singh pointed out that Mr. Trudeau has not changed the climate targets from those of Mr. Harper. It needs to be said very clearly, and I'm so disappointed because I believed the Liberals in 2015 that they would go with science-based, evidence-based policies. But the target —

**Hon Andrew Scheer:** Trudeau: not as advertised.

**Elizabeth May:** — that Mr. Trudeau is saying he will hit by 2030 is a target for losing the fight against climate change because it ignores the science, it ignores the IPCC advice. On this stage tonight, the Green Party's the only party with a plan, mission possible, that will —

**Elizabeth May:** — actually protect us —

**Jagmeet Singh:** You know that's not true.

**Elizabeth May:** It is true.

**Jagmeet Singh:** You know that's not true.

**Elizabeth May:** Yours is 38 percent —

**Jagmeet Singh:** (Crosstalk plan) —

**Elizabeth May:** — below 2005.

**Jagmeet Singh:** Our plan is to stay in line — in line with science. Our plan is this.

**Elizabeth May:** Which science did you find that (crosstalk) target?

**Jagmeet Singh:** (Crosstalk). Our plan is in line with the IPCC report —

**Elizabeth May:** Yes.

**Jagmeet Singh:** It's going to require the courage to fight big polluters. It's going to take the courage to stand up to the (crosstalk) lobbyists that Mr. Trudeau has caved in to and the

reason why we continue to pay subsidies to the fossil fuel sector.

**Rt. Hon. Justin Trudeau:** Mr. – Mr. Singh.

**Jagmeet Singh:** We would immediately end those subsidies —

**Rt. Hon. Justin Trudeau:** Mr. Singh, Ms. May —

**Jagmeet Singh:** — if (crosstalk) government.

**Rt. Hon. Justin Trudeau:** — (crosstalk) the experts are agreed that what a climate plan needs to do is to be ambitious and doable. And of the plans that are forward here on this stage, there's only one plan that the experts have qualified as both ambitious and doable, and that is the plan that we have begun to put in place over the past four years.

**Lisa LaFlamme:** (Crosstalk) last word.

**Hon Andrew Scheer:** Mr. Trudeau's plan is failing. It is making everything more expensive for hardworking Canadians, and he has granted a massive exemption to the country's largest emitters.

**Rt. Hon. Justin Trudeau:** That's not (crosstalk).

**Hon Andrew Scheer:** Our plan takes the climate change fight global, recognizing that Canada can do more to fight climate change by exporting our clean technology and helping other countries —

**Hon Andrew Scheer:** — lower their emissions —

**Lisa LaFlamme:** And that concludes — that is all the time we have for the open debate. That concludes this segment. (Laughter). You had an opportunity, you've got to jump right in. So thank you all very much for the conclusion of that segment.

## THEME TWO: POLARIZATION, HUMAN RIGHTS, IMMIGRATION

**Althia Raj:** Hello. I'm Althia Raj from HuffPost Canada, and the theme of this segment is polarization, human rights, and immigration. And we'll begin with my question to NDP Leader Jagmeet Singh. Mr. Singh, I want to ask you about Bill 21. Your campaign is about courage, but you have not shown the courage to fight Quebec's discriminatory law. It bars individuals who, like yourself, wear religious symbols from some provincial employment. If you were Prime Minister, would you stand back and allow another province to discriminate against its citizens? Aren't you — and, frankly, the other leaders on the stage — putting your own parties' interests in Quebec ahead of your principles and the equality rights of all citizens? You have a minute to answer.

**Jagmeet Singh:** Sure. It's probably pretty obvious to folks that I am obviously against Bill 21. It is something that hurts me, makes me feel sad. I think about all the times I grew up being told that I couldn't do things because of the way I looked, and I think about all the people in Canada that grow up being told they can't achieve more because of their identity or who they are. And I think about the people in Quebec right now that are being told, just because they wear hijab, that they can't be a teacher, or, if they wear a turban, they can't be a judge, a doctor, and so on. [Learn more](#) or change your cookie preferences. By continuing to use our service, you agree to our use of cookies.

it's wrong.

And it probably comes as no surprise that I'm opposed to laws that divide people. What I do every single day when I go to Quebec is I say hey, I'm here, I'm someone that believes in fighting climate – the fli—fighting the climate crisis. I'm someone that believes in, firmly and unequivocally, the rights of women, the right of women to choose and to build more access to abortion services. I believe firmly in making sure we tackle the powerful corporations that are – that are influencing government and that are not allowing – that are challenging our ability to ensure that we build services that lift up people.

**Althia Raj:** Thank you.

**Jagmeet Singh:** I'm doing that every single day.

**Althia Raj:** Thank you. Mr. Scheer, you and Mr. Singh may debate this question.

**Hon Andrew Scheer:** Well, Mr. Singh, I just want to start off by congratulating you on the way that you have handled so many issues around race and identity. As someone who has been the victim of these types of – of racist acts in the past, I certainly believe you have handled it with a lot of class, especially as it relates to some of the scandals that have come out during this campaign.

I believe it's very important for – for people to understand that, while we will not intervene in this court case as a Conservative government, we do recognize, and the Conservative Party always stands for freedom and equality and individual liberty, and we —

**Jagmeet Singh:** Mr. Scheer, if I —

**Hon Andrew Scheer:** — make sure that this does —

**Jagmeet Singh:** I – I appreciate that.

**Hon Andrew Scheer:** — and we will not pursue this type of bill —

**Jagmeet Singh:** I appreciate that.

**Hon Andrew Scheer:** — at the federal level.

**Jagmeet Singh:** I want to just touch on – on one of the themes of this discussion is polarization. And while Bill 21 is going to single out people because of the way they look, another thing that's happening in our country right now is that people are being pit against each other. And what's happening is people are – who are – can't find a home, can't afford their bills, can't get the medication or health care they need are being told that it's not the fault of powerful corporations and those who are not paying their fair share, but it's the fault of new Canadians, it's the fault of a twelyear—12-year-old refugee or an immigrant who's breaking his back working 12 hours a day. And that's why it's so important for us to tackle economic insecurity if we want to tackle the polarization.

**Althia Raj:** Thank you, Mr. Scheer and Mr. Singh. Ms. May, you may debate Mr. Singh on this question.

**Elizabeth May:** Yeah, if – I want to also echo Andrew’s comments because I think that Jagmeet has done, as we all have done through this rather strange period of an election campaign, confronting issues of – of privilege. And anyone with white skin has privilege. But when we look at Bill 21 in Quebec, I think it challenges all of us. Like the NDP, the Green Party opposes Bill 21. And then we’re left with the question of what is the best way for a federal government to protect human rights within Quebec – Quebecers are fighting this out within Quebec. Quebec groups are going to court to say that Bill 21 discriminates.

**Jagmeet Singh:** Elizabeth —

**Elizabeth May:** And as that goes forward —

**Jagmeet Singh:** — thank you very much.

**Elizabeth May:** — we are, frankly, looking at a situation where we don’t want to do anything that hurts —

**Jagmeet Singh:** I understand.

**Elizabeth May:** — that debate within Quebec.

**Jagmeet Singh:** I understand. But you know, what I – what I want to also just touch on, while Bill 21 is of course polarizing, on that point, I know you agree with me on this, that we’ve got to tackle those – the powerful corporations that are not paying their fair share, and that’s part of the reason why people aren’t able to earn a good living and part of the reason why people can’t find housing or they can’t get the medication they need, because those at the top aren’t paying their fair share —

**Elizabeth May:** It’s not even about paying their fair share.

**Jagmeet Singh:** — (crosstalk) we can’t build in —

**Elizabeth May:** I think we’ll agree on this —

**Jagmeet Singh:** — we can’t even build in the services we need.

**Elizabeth May:** — they have —

**Althia Raj:** OK, thank you very much.

**Elizabeth May:** — they have improper access —

**Althia Raj:** Ms. May, thank you.

**Elizabeth May:** — (crosstalk).

**Althia Raj:** Ms. May, thank you. Mr. Blanchet, your turn —

**Yves-François Blanchet:** Yes.

**Yves-François Blanchet:** With 70 percent —

**Jagmeet Singh:** I'll give you more than ten seconds.

**Yves-François Blanchet:** You're nice. With 70 percent of the population of Quebec supporting the Bill 21, and 70 percent of the Members of Parliament in Quebec supporting Bill 21, it's not really a polarization issue in Quebec. That's the problem. The problem is that — and in English tonight it will be quite clear everybody here has problems with the very idea of, I will say, laïcité because there's no exact translation for that word in English. Everybody has a problem with it, but say in best of cases that they would tolerate it. But Quebec does not need to be told what to do or what not to do about its own value —

**Jagmeet Singh:** But Monsieur Blanchet —

**Yves-François Blanchet:** — nor its language —

**Jagmeet Singh:** But Monsieur Blanchet —

**Yves-François Blanchet:** — nor themselves as a nation.

**Jagmeet Singh:** — this — this is a bill that just says to people, because of the way they look, that they can't do a job. That's —

**Yves-François Blanchet:** You know this is —

**Jagmeet Singh:** — that's wrong.

**Yves-François Blanchet:** — not true.

**Jagmeet Singh:** And instead — instead of that —

**Yves-François Blanchet:** Madame, we know this is not true. And your tweet that —

**Jagmeet Singh:** — instead — instead of that —

**Yves-François Blanchet:** — that said (crosstalk) —

**Jagmeet Singh:** — instead of that, Monsieur Blanchet, what we should be doing —

**Yves-François Blanchet:** — (crosstalk) the way people look was wrong.

**Jagmeet Singh:** Monsieur — Monsieur Blanchet, instead of what we should be doing is let's protect women's rights. Let's build up more —

**Yves-François Blanchet:** (Crosstalk) —

**Jagmeet Singh:** — protections for —

**Yves-François Blanchet:** — (crosstalk)

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**Yves-François Blanchet:** — (crosstalk) in the context I used it.

**Jagmeet Singh:** Let's – let's build up more protections for the LGBTQ community. Let's build up more protections in society to build a society —

**Yves-François Blanchet:** (Crosstalk) —

**Jagmeet Singh:** — where is the separation —

**Althia Raj:** OK, thank you —

**Jagmeet Singh:** — of church and state.

**Althia Raj:** — Mr. Blanchet, thank you. Mr. Singh. Mr. Trudeau and Mr. Singh can debate this question.

**Rt. Hon. Justin Trudeau:** Mr. Singh, you have spoken very eloquently about discrimination and fought against it all your life. And that's why it's so surprising to have heard you say, like every other leader on this stage, the federal government under you would not intervene in the question of Bill 21 in Quebec. It's a question where, yes, it's awkward politically because, as Mr. Blanchet says, it is very popular. But I am the only one on this stage who has said yes, a federal government might have to intervene on this because the federal government needs to protect minority rights, needs to protect language rights, needs to protect women's rights —

**Jagmeet Singh:** Of course.

**Rt. Hon. Justin Trudeau:** — and needs to do that right across the country. You didn't say that you would possibly intervene.

**Jagmeet Singh:** But Mr. Trudeau, I mean —

**Rt. Hon. Justin Trudeau:** You didn't even leave the door open —

**Jagmeet Singh:** — (crosstalk) —

**Rt. Hon. Justin Trudeau:** — and that's not (crosstalk).

**Jagmeet Singh:** Let's be honest for a second here. Every single day of my life is fighting a bill like Bill 21.

**Rt. Hon. Justin Trudeau:** So why won't you —

**Jagmeet Singh:** Every single day of my life —

**Rt. Hon. Justin Trudeau:** — fight it if you form government?

**Jagmeet Singh:** — is – every single day of my life is challenging people who think that you can't do things because of the way you look. Every single day of my life I channel the frustrations of people who feel that as well, that many people across our country who are told that they can't achieve what they want because of how they look.

**Rt. Hon. Justin Trudeau:** So why not act on your —

**Jagmeet Singh:** I'm running to become Prime Minister of this country —

**Rt. Hon. Justin Trudeau:** — convictions —

**Jagmeet Singh:** — and I'm going to Quebec —

**Rt. Hon. Justin Trudeau:** — and leave the door open —

**Jagmeet Singh:** — and telling people I want to be your Prime Minister.

**Rt. Hon. Justin Trudeau:** — to challenging it?

**Althia Raj:** OK. Thank you, Mr. Trudeau, Mr. Singh. Mr. Bernier, your chance to go head to head with Mr. Singh.

**Hon. Maxime Bernier:** Yes. About the Bill 21, we must respect the Constitution. And we won't interfere at the federal level. That's the decision from the federal — from the provincial government. And that's what we must do. But also, Mr. Singh, you said that you didn't want me to be here on the stage to have a discussion with you. So you're for diversity, but what about diversity of opinion? I have the right to have another opinion about immigration, and I don't know why you're not — you — you are a leader and you must be — try to have everybody on your side, but are you believing in free speech —

**Jagmeet Singh:** Let me answer that question. I can answer that question.

**Hon. Maxime Bernier:** — are you believing in free speech only when people are saying things that you want to hear?

**Jagmeet Singh:** You're asking the question; let me answer it. After a couple of minutes of this debate tonight, I think people can clearly see why I didn't think you should deserve a platform. The comments that you're making, the type of things you say — it's one thing to say that you disagree with somebody, that's fine, but when you incite hatred —

**Hon. Maxime Bernier:** No, I don't. No, I don't.

**Jagmeet Singh:** — when you incite division —

**Hon. Maxime Bernier:** It's not — you cannot say that.

**Jagmeet Singh:** — when you saying things (crosstalk) you insult a young girl —

**Hon. Maxime Bernier:** I just — I just want to have a debate.

**Jagmeet Singh:** — and ask about her mental stability, it shows a lack of judgment. You don't deserve a platform, and I'm happy to challenge you on that because your pl—your ideas are hurtful to Canada. I will always work to build unity and bring people together, unlike you —

**Hon. Maxime Bernier:** (Crosstalk) for people who agree with you.  
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**Althia Raj:** OK, thank you very much. Merci, Monsieur Bernier. Thank you, Mr. Singh. Continuing with our theme of polarization, human rights, and immigration, we have people watching this debate right across the country, including a big crowd at the Student Union building at the University of British Columbia. And our next question comes from Paige McDicken (ph), who joins us from Vancouver. Please go ahead, Paige.

**Question:** Hi, good evening. (Cheers). Hi, good evening. My name is Paige McDicken, and I'm here tonight at UBC but I live in Cold Stream, British Columbia. My question is along the lines of polarization. And to me, Canada feels more divided than ever before. If diversity is our strength but division is weakness, how will your leadership seek to provide a unified vision for Canada, and how will you ensure that all voices across the political spectrum are heard and considered? Thank you.

**Althia Raj:** Mr. Singh, you may begin. You have 40 seconds.

**Jagmeet Singh:** Sure. Paige, thank you so much for the question. I appreciate getting a chance to – to chat with you, and thanks for tuning in. When we talk about the divisions that we have in our – in our country, there are a lot of divisions, and – and they're growing. And I point to a lot of reasons for it: there's radicalization; there's – there's hateful discourse; there's a climate which allows people to be emboldened. But the other reason why people are being exploited into hating one another is because they're worried about the future. There's a lot of people that can't get the basic things that they need, like housing, like the health care they need, and it's really the neglect of federal governments that have brought us to this position. And I think the way we tackle a lot of the polarization is making sure people get the basic things they need, like housing –

**Althia Raj:** Thank you very much –

**Jagmeet Singh:** – health care –

**Althia Raj:** – Mr. Singh.

**Jagmeet Singh:** – and a good job.

**Althia Raj:** Mr. Scheer, your turn.

**Hon Andrew Scheer:** Well, it's very important that we understand why Canada is a country of such diversity. And it is because people come from all over the world to take refuge here, to build a better life here. It is because of our freedom. That is the common ground that everyone who has come here, no matter what generation, no matter from what part of the world, can agree on. And it's important that we remember that, promote that, and ensure that people who come here embrace that aspect that makes our country so great.

But what is very dangerous is when you have a Prime Minister like Justin Trudeau, who uses legitimate issues like racism and hateful – hateful language to demonize anyone who disagrees with him. Calling people un-Canadian for disagreeing with his failure on the border –

**Althia Raj:** Thank you very much –

**Althia Raj:** — Mr. Scheer. I'm sorry. Ms. May, your turn.

**Elizabeth May:** Thanks, Paige, and hey to UBC. Thank you. I raise my hands to the Musqueam, Squamish, and Tsleil-Waututh territory. We need the kind of leadership that lifts people up, that doesn't make people feel as if politics is rather disgusting and they'd rather not look at it. We have to restore the idea of real democracy, where every citizen has agency and power to work together. Mission possible for climate action we call all hands on deck. We're going to need everybody. And to have the kind of democracy that really reflects everyone, we need fair voting. We need to get rid—rid of first past the post because it creates each political party as rival, warring camps, even when the elections are over. We need to —

**Althia Raj:** Thank you very much —

**Elizabeth May:** — (crosstalk) democracy.

**Althia Raj:** — Ms. May. Monsieur Blanchet.

**Yves-François Blanchet:** Yes. I believe that democracy grows on information. So translating

“voter pour des gens qui vous ressemblent” by “vote for people who look like you” is at best dishonest. May I remind you that in 2011 the exact same phrase was said by Michael Ignatieff and that in 2015 the exact same sentence was said by Thomas Mulcair. So people may recognize themselves into a party —

**Althia Raj:** Thank you very much, Mr. Blanchet. I'm sorry, you're out of time. Mr. Trudeau.

**Althia Raj:** It's 40 seconds for each leader.

**Althia Raj:** I'm sorry. It has moved on to 40, sorry. Everybody has the same time. It's Mr. Trudeau's time, thank you.

**Rt. Hon. Justin Trudeau:** Thank you, Paige, for your question. It's great to see everyone at UBC, one of my alma maters. It's really important to recognize that, yes, we're in a time of polarization and differences that get highlighted by the kind of debate going on at this stage and in this campaign about how we're moving forward.

The reality is Canadians agree on most things. We want to raise our kids in a world that is getting better for them. We want to be able to pay for their futures. We want to be able to retire in comfort. We want to create opportunities for our neighbours as well. This is something that binds Canadians together right around the country. The fact that there is politics of fear and division that is continuing to dominate here underlies what we're actually doing together –

**Althia Raj:** Thank you very much Mr. Trudeau. Monsieur Bernier.

**Hon. Maxime Bernier:** Speaking about immigration it is not polarization. Actually Canada receives more immigrants per capita than any other western country, three times higher than the US, so we must have a discussion about that. It is the equivalent of one Nova Scotia every three years, like the population of Nova Scotia every three years here in Canada. There are for mass immigration. I'm for a sustainable immigration, and that's why we must have fewer immigrants, a maximum of 150,000 a year, with more economic migrants for our country.

**Althia Raj:** Thank you very much, Mr. Bernier. We are moving on to a one-on-one format, followed by an open debate. We start with Conservative Leader Andrew Scheer. You may pick any leader of your choice and ask any question of your choosing. (Laughter). You have 30 seconds.

**Hon. Andrew Scheer:** Mr. Trudeau, you broke ethics laws twice. You interfered in an ongoing criminal court proceeding. You shut down parliamentary investigations into your corruption, and you fired the only two people in your caucus who were speaking out against what you were trying to do just for telling the truth. Tell me, when did you decide that the rules don't apply to you?

**Rt. Hon. Justin Trudeau:** Mr. Scheer, the role of a Prime Minister is to stand up for Canadians' jobs, to stand up for the public interest, and that's what I've done and that's what I will continue to do every single day. The way I have worked for Canadians is around investing in them, unlike the vision that you're putting forward of giving tax breaks that help people who are making \$400,000 K a year, \$400,000 a year more than someone making \$40,000 a year. You're offering a \$50,000 tax break, which is more money than most Canadians earn, to the wealthiest Canadians with your plan. Of course we don't entirely know your plan because you haven't released your costed platform yet, which I think is a disrespect to every Canadian watching.

**Hon. Andrew Scheer:** Where is your costed platform?

**Rt. Hon. Justin Trudeau:** Our costed platform came out two weeks ago.

**Althia Raj:** Mr. Scheer, you'll have a chance to rebut.

**Rt. Hon. Justin Trudeau:** Our platform came out weeks ago and it is work—we worked with the Parliamentary Budget Officer, and we have a vision, but it is a different vision than yours because we're choosing to invest in people. You're choosing, just like Doug Ford did, to hide your platform from Canadians and deliver cuts and – cuts to services and cuts to taxes for the wealthiest. That's not the way to grow the economy.

**Althia Raj:** Mr. Scheer may begin to rebut, and anybody is free to join him.

**Hon. Andrew Scheer:** You know you are making things up again. Half of your platform isn't even costed. You are making announcements without any details and without any numbers and –

**Rt. Hon. Justin Trudeau:** That is entirely untrue, Mr. Scheer.

**Hon. Andrew Scheer:** You aren't telling Canadians how you're going to pay for it.

**Rt. Hon. Justin Trudeau:** You're the one who's hiding your platform.

**Hon. Andrew Scheer:** You aren't telling Canadians how you're going to pay for it, but we know that taxes will go up under your government if you are re-elected.

**Rt. Hon. Justin Trudeau:** (Crosstalk) we lowered taxes for the middle class and raised them on the wealthiest one percent, and you voted against that.

**Hon. Andrew Scheer:** (Crosstalk) you looked Canadians in the eye and you said that the allegations in The Globe and Mail were false. You said Jody Wilson-Raybould never came to you.

**Rt. Hon. Justin Trudeau:** They were false.

**Hon. Andrew Scheer:** You said you never put pressure on her. We now know that those were all lies. You have failed to tell the truth in this corruption scandal.

**Rt. Hon. Justin Trudeau:** Mr. Scheer, the responsibility of any Prime Minister is to stand up for jobs, and what you're saying is you would have (crosstalk).

**Hon. Andrew Scheer:** (Crosstalk) the CEO of SNC-Lavalin said they never threatened jobs or (crosstalk).

**Jagmeet Singh:** What we have here is Mr. Trudeau and Mr. Scheer arguing about who's worse for Canada. Really we've got to start presenting who is going to be best for Canada. (Laughter).

We think about what Canadians are going through, Mr. Scheer, your small tax cuts are not going to help a family that's struggling with the cost of child care, which costs thousands of dollars a month. Your small taxes aren't going to help out a family struggling with the cost of medication that can cost of hundreds of dollars a month.

**Hon. Andrew Scheer:** Canadians are struggling to get by, and we're going to put more money in their pockets.


**Jagmeet Singh:** (Crosstalk) what we're providing is this, a plan to make sure families save money –

**Hon. Andrew Scheer:** (Crosstalk) \$850 with the universal tax credit.

**Jagmeet Singh:** Let me finish my point here. We're going to save families money by investing in pharmacare for all, which is going to save families over \$500 a month.

**Hon. Maxime Bernier:** (Crosstalk) pharmacare is a provincial jurisdiction, Mr. Singh, it's a provincial jurisdiction.

**Jagmeet Singh:** We'll invest in child care – let me finish my point here. We'll invest in child care, which is going to save families thousands of dollars a month, and we're going to make sure that those families that earn less than \$70,000 get dental care. That's going to save families at least \$1,240 a month.

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**Jagmeet Singh:** This is a Conservative spin. Where we are going to find the money is this. We're going to ask the wealthiest Canadians, the wealthiest Canadians –

**Hon. Maxime Bernier:** In our pockets.

**Jagmeet Singh:** — those who have wealth of over \$20 million, those who have fortunes of over \$20 million, we're going to ask them to pay a bit more. Yes, we think they should. That's only going to apply to a small number of –

**Elizabeth May:** You know what's fascinating about this, Jagmeet? You know what's fascinating about that proposal, because we have the same proposal in our budget. When the Parliamentary Budget Officer reviews them, guess what they find is the single biggest uncertainty when we go for revenues from the wealthiest. They're worried that they will hire lawyers and avoid paying that tax. If you go look at the Parliamentary Budget Office reviews, people said oh, well, the Green Party is proposing to spend a lot of money, yes, on pharmacare; yes, on child care; abolishing tuition. The weakness, they say, in our revenue sources is that wealthy Canadians will continue to hire lawyers and evade their taxes. I think that's shocking. I think we need to say to people this is the most beautiful, blessed country on Earth, and if you have wealth you have obligation. You have responsibility. Pay your taxes.

**Yves-François Blanchet:** If I may I seem to remember that –

**Jagmeet Singh:** Everyone's got to contribute their fair share. It makes sense.

**Yves-François Blanchet:** I seem to remember that Mr. Scheer referred to the SNC-Lavalin scandal. I want to speak for 3,400 innocent people that did nothing wrong. When Mr. Trudeau tried to find a solution, he did it the wrong way and he admitted it. What you are doing, Mr. Scheer, is playing this old card. You're trading the idea that Quebec is corrupt. Those 3,400 people have done nothing wrong. Now the value of their shares are going down. Employees are leaving. Clients are leaving and we are losing it all because –

**Hon. Andrew Scheer:** Mr. Blanchet, with all due respect, there is never an excuse for a Prime Minister to interfere in an independent court case. We do not want to live in a country where someone –

**Yves-François Blanchet:** — (crosstalk) —

**Hon. Andrew Scheer:** — can abuse the power of their office to reward their friends and punish their enemies, and it is essential that we preserve —

**Yves-François Blanchet:** — (crosstalk) innocent people pay the price for that.

**Hon. Maxime Bernier:** I just want to add I knew that I was the only leader who said no corporation is above the law. I was the only one who said that.

**Hon. Andrew Scheer:** That's not true.

**Elizabeth May:** I think I said that too, Max. (Laughter). It may be the only thing on which we agree, that no corporation is above the law, and we need on the inquiry into what we put on in the SNC-Lavalin –

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**Hon. Maxime Bernier:** It's a nice beginning.

**Althia Raj:** What a wonderful show of unanimity on this wonderful topic.  
(Laughter). That wraps up this topic and this segment. Thank you very much.

### THEME THREE: INDIGENOUS ISSUES

**Susan Delacourt:** I'm Susan Delacourt from The Toronto Star. Welcome, leaders. I'm moderator for the next theme, which will be Indigenous issues. We're going to begin this segment, which was also chosen by random draw, with my question to Conservative Leader Andrew Scheer. Here it is. Mr. Scheer, you've said that a Conservative government would focus on practical things in its relationship with Canada's Indigenous people. As you pursue your promised energy corridor, practically speaking, how will you consult, accommodate, and obtain consent from Indigenous peoples? What will you do when your plans come into conflict with Indigenous rights and interests?

**Hon. Andrew Scheer:** Thank you very much for the question. As someone who has 12 First Nations reserves in his riding, I understand the importance of balancing treaty rights and also the ability for Indigenous Canadians to participate in the economy. That really is the key. What I have said is that a Conservative government will ensure that the proposal for the national energy corridor takes into account Indigenous concerns by ensuring that a cabinet minister is responsible specifically for Indigenous consultations. Unlike the court ruling that found that the current government mishandled the consultations under the TMX pipeline, we will ensure that it is dynamic, that is more than just ticking a box and listening to concerns. It's actually addressing those concerns. But we have to remember that we have to get to a place in this country where big things can get built again. Duty to consult means that concerns are heard and addressed, but that – also that we find a path to letting things get built in this country

**Susan Delacourt:** Ms. May.

**Elizabeth May:** Thank you. I am appalled by the fact that Mr. Scheer has forgotten that there was a duty to consult under the Harper government as well and that they also violated it in the findings of the court, identical to Trans Mountain on the case of Enbridge. The UN Declaration on the Rights of Indigenous Peoples needs to come into force of law in this country. I know you oppose it because of the debate we had at Macleans, but the reality of it is Section 35 of the Constitution already requires consultation, and it does not boil down to we will consult with Indigenous people until we get them to agree with us.

**Hon. Andrew Scheer:** No, but it also means –

**Elizabeth May:** It's about respect nation to nation of Indigenous territorial rights are inherent

**Hon. Andrew Scheer:** So what does free, prior, and informed consent mean for every single Indigenous community?

**Elizabeth May:** It means free, prior, informed consent –

**Hon. Andrew Scheer:** What about the dozens and dozens of Indigenous communities who want these projects to go ahead?

**Elizabeth May:** Why are you prepared to set aside the decision of the Human Rights Tribunal, to fight it in court just as Mr. Trudeau is, when they actually found as a matter of fact that our government committed acts that were reckless and willful in the violation of the rights of Indigenous children –

**Hon. Andrew Scheer:** There are dozens of Indigenous communities who want –

**Elizabeth May:** We must live up to that decision.

**Hon. Andrew Scheer:** There are dozens of Indigenous communities who want these projects to go ahead because they know that is the key to prosperity on their reserve.

**Elizabeth May:** The territory is a question of their fishing rights.

**Hon. Andrew Scheer:** They know that is the way for their young people to get jobs.

**Elizabeth May:** Territorial rights are inherently local.

**Hon. Andrew Scheer:** You and others cannot define what free, prior, and informed consent is.

**Elizabeth May:** I don't want to argue, I'll let you talk, but –

**Susan Delacourt:** Mr. Blanchet, it is now your turn.

**Yves-François Blanchet:** You say, Mr. Scheer, that you want to respect provinces and Quebec jurisdiction – jurisdiction, sorry. But when it comes to this pipeline of yours and this corridor énergétique, which translates – the French translation, I'm sorry, in English is pipeline – you don't fear the idea of expropriating territories belonging to provinces and saying the Constitution – yours, not mine – the Constitution says that I have the right to go through provinces, through Quebec, without their approval.

**Hon. Andrew Scheer:** Yes (crosstalk).

**Yves-François Blanchet:** May I remind you that Quebecers and the Prime Minister of Quebec said clearly that he does not want it.

**Hon. Andrew Scheer:** So that's completely false. What we're talking about here is addressing the environmental concerns and the Indigenous concerns up front, getting that out of the way so that there can be a geographic space where big projects can get built again, including Quebec sharing its hydro electrical energy –

**Yves-François Blanchet:** Now it belongs to Quebec and then it would not belong to Quebec.

**Hon. Andrew Scheer:** We're talking about the regulatory environment around it, and you know as well as I do that Quebecers purchase a huge percentage of their energy from the United States. I've made my choice. I believe Quebecers should get energy de chez nous, not buying

energy from the United States. I've made my choice, Mr. Blanchet.

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**Yves-François Blanchet:** (Crosstalk) you have done and Quebec will make his.

**Susan Delacourt:** Mr. Bernier, I remind you this is about how will we respect Indigenous rights – oh, Mr. Trudeau, sorry.

**Rt. Hon. Justin Trudeau:** Thank you. We all remember ten years of Stephen Harper, who did not respect Indigenous rights, did not respect Indigenous peoples, and, Mr. Scheer, you're putting forward exactly the same plan that didn't just fail Indigenous peoples, didn't just fail Indigenous communities and their kids, but they also failed to get important energy projects built. We need to keep moving forward in a way that respects Indigenous peoples, respects that there's going to be a range of views, but is grounded in the UN Declaration on the Rights of Indigenous Peoples that you have consistently blocked through your party's actions. That is not respect for Indigenous peoples.

Perry Bellegarde, the Grand Chief – the head of the Assembly of First Nations, has said that no government has done more for Indigenous peoples than this government, and he's one of your constituents Mr. Scheer.

**Hon. Andrew Scheer:** That's right. He comes from Little Black Bear in my riding. He's got my phone number.

**Rt. Hon. Justin Trudeau:** He'd love to talk to you. He asked me to give you a phone call.

**Hon. Andrew Scheer:** (Crosstalk) I have nothing to learn from Mr. Trudeau, who fired the first Indigenous Attorney General for doing her job. She said she would do politics differently, and you fired her when she did. You want to talk about getting pipelines built? You've cancelled two pipelines, and the one you bought you can't build. You've let tens of thousands of people in Alberta and Saskatchewan down, and you have failed to recognize that Indigenous communities are hurt by this –

**Rt. Hon. Justin Trudeau:** I am accepting the fact that I'm going to be attacked for not building pipelines from some and for building pipelines from others, and the balance we need to take is (crosstalk).

**Hon. Andrew Scheer:** (Crosstalk) you're doing nothing.

**Susan Delacourt:** Mr. Bernier.

**Hon. Maxime Bernier:** Mr. Scheer, you said that you're ready for building pipelines all across this country by the private sector, but at the same time you said you know Quebeckers are ready to buy oil and gas from Canada. I agree with that. I agree that Quebeckers know that it's safer to transport oil and gas by pipelines than by trains. But at the same time, the Quebec government said there is no social acceptability for a pipeline in Quebec. What will be your position on that? Do you think that you'll be able to use the Constitution, because after consultation, if we don't have any agreement, we must be able to use the Constitution Section 92.10 to be able to build a pipeline?



When you do that, the federal government will have the full authority, the full jurisdiction to approve pipelines, but what you're saying you're for pipelines but you don't have the courage to use the Constitution to be sure that we'll have pipelines in this country for the unity of our country and the prosperity of our country.

**Hon. Andrew Scheer:** That's just not the case at all. I've always said that the federal government must stand up for federal jurisdiction. We respect provincial jurisdiction, and when you've got the best idea, I am convinced that I can get support for this project because Quebeckers prefer Canadian energy –

**Hon. Maxime Bernier:** You don't have the support in Quebec. You don't have the support in BC.

**Hon. Andrew Scheer:** Quebeckers know that it's better to take energy from western Canada than the tanker after tanker of foreign oil coming up the St. Lawrence or oil and gas coming from Donald Trump's economy. I know Quebeckers will support this project because it will also allow them to share their hydro electrical power with other provinces as well.

**Susan Delacourt:** Mr. Singh.

**Jagmeet Singh:** I want to talk about a recent decision. The Human Rights Tribunal of Canada found that the Harper government and Mr. Trudeau's government wilfully and recklessly discriminated against Indigenous kids. These are kids that weren't getting equal funding. There's a landmark decision that said these kids should get equal funding, and it was received as finally some justice for those kids. Then Mr. Trudeau and his government are going to appeal that decision. He wanted to fight hard to keep SNC-Lavalin out of the courts, but he's going to drag Indigenous kids to court. That is wrong. How could someone do that? How could someone do that?

**Hon. Andrew Scheer:** This decision will have massive – huge ramifications for several aspects of the way the federal government provides services to Indigenous Canadians. It also is a very large, significant settlement amount, and I believe when you're dealing with these types of important public policy issues that it is legitimate to say that it should be reviewed – have a judicial review.

**Jagmeet Singh:** I disagree of course, but I want to talk about one other issue. We're talking about Indigenous issues. I went to Grassy Narrows again just recently. We've got a community impacted by mercury poisoning, and an Indigenous activist went to a private fundraiser where Mr. Trudeau mocked that Indigenous activist, saying thank you for your donation. Living with mercury poisoning, what kind of Prime Minister does that?

**Hon. Andrew Scheer:** Because he's phony.

**Jagmeet Singh:** Living with mercury poisoning, what kind of Prime Minister does that?

**Hon. Andrew Scheer:** Because he's a fraud. I wish I had that answer, but one that doesn't deserve to be re-elected.

**Susan Delacourt:** That's time for this section of the debate. The open debate is over, but we continue on our theme of Indigenous affairs. We have a question from an audience member here in Gatineau, Natasha Beatty. Go ahead, Natasha.

**Question:** Good evening. As a member of Beausoleil First Nation, my question is this. If elected, how would your parties work with provinces and territories on recognizing and affirming Indigenous rights, specifically noting the UN Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission's calls to action, and the calls for justice in the recent Missing and Murdered Indigenous Women and Girls Inquiry? Megwitch.

**Susan Delacourt:** The leaders will all have a chance to answer this question – thank you, Natasha – starting with Mr. Scheer.

**Hon. Andrew Scheer:** Thank you very much for the question. Of course there's a lot there for just 40 seconds. There are many areas in the Missing and Murdered Indigenous Women report that Conservatives have been calling for for quite a while, including combating human trafficking, something that is very important. Also, we support preserving Indigenous languages by ensuring that the federal government does what it can to prevent some of these languages that are at risk of being lost, to preserve them. When we're talking about the UN Declaration on the Rights of Indigenous Peoples, we need to remember that when you talk about free, prior, and informed consent, that leaves a great deal of uncertainty about what that means. There are large numbers of Indigenous communities who want these energy projects to succeed, and we need certainty and clarity around that.

**Susan Delacourt:** Alright. We will now go to Ms. May.

**Elizabeth May:** Natasha, megwitch. It's an extremely important question, and Greens across the country are united in this. We will honour the UN Declaration on the Rights of Indigenous Peoples. It must be brought into law in this country, and our existing web of laws and regulations, which were properly described by the Inquiry on Missing and Murdered Indigenous Women as constituting structural violence, must be reviewed and brought up to the standard of the UN Declaration. We must bring in the recommendations of the Inquiry into Missing and Murdered Indigenous Women and Girls and the calls to action of the Truth and Reconciliation Commission. It is not a short-term project. It is on us as settler Canadians to bring justice.

**Susan Delacourt:** Monsieur Blanchet.

**Yves-François Blanchet:** We also support the Declaration of the United Nations on the Rights of Indigenous People. I do believe and I've spent the most beautiful moments of this campaign with people from the First Nations. They are nations as well as Canada is a nation and Quebec is a nation. A nation does not put its culture, its language, its heritage in the hands of another nation. So what they ask for – and they have to ask because we are no better than they are to represent themselves – is that all those reports and inquiries and declarations bring something real and respectful for them.

**Susan Delacourt:** Mr. Trudeau.

**Rt. Hon. Justin Trudeau:** Thank you, Natasha, for your question. We have moved forward on reconciliation in ways that no previous government has been able to, but I am the first to recognize there is much more to do. We lifted 87 long-term boiled water advisories and we are on track to lifting 50 more, but we are continuing to invest in communities.

On the issue of child and family services, we recognize the tribunal's ruling that says that children need to be compensated, and we will be compensating them. But we've also moved forward to end the tragedies by moving forward on legislation that keeps kids in care in their communities with their language, with their culture.

We also want to move forward with Grassy Narrows, with the community, on a treatment centre, and money is not the objection to investing in what they need in that treatment centre.

**Susan Delacourt:** Thank you. Mr. Bernier.

**Hon. Maxime Bernier:** No other leader is ready to build a new relationship with our First Nations. They all support the status quo, but the system is broken. We still have extreme poverty on reserve. We need a bold reform, and we are the only party that will try to implement property rights on reserve and also establish a new relationship based on self-reliance for these communities. We need to build a new system, working with them, but that's not what they want because we cannot fix the system right now if we don't do a bold reform, and we are ready for that.

**Susan Delacourt:** Mr. Singh.

**Jagmeet Singh:** (Off microphone) thank you so much for your question. Really it's a matter of respect and dignity. All of the issues that you've raised come down to that basic question of respect and dignity. One of the first things we would do, we wouldn't take Indigenous kids to court and challenge a decision that says they were wilfully and recklessly discriminated against. We wouldn't do that. We would immediately address issues of justice. That means implementing all the recommendations from the reports that are so powerful and have a guideline towards solving the problems. We'd make sure there's clean drinking water. I don't accept any excuses why we can't in 2019. We'd make sure that we implement clean housing, good quality housing and education and welfare services. We can do these things.

**Susan Delacourt:** Thank you. So now we have time for another leader-to-leader debate on any topic. Leading this one off will be Green Party Leader Elizabeth May. Elizabeth May, you have, I believe, one minute.

**Elizabeth May:** Thank you, Susan. My question is to Justin Trudeau. Picking up from this very fractious discussion on Indigenous issues, but let's face it, right now Indigenous peoples, the Assembly of First Nations are telling us their number one concern is the climate emergency. We need to focus on real solutions. It's not good enough to have better rhetoric than Mr. Scheer, with all respect to Mr. Singh. It's not about rhetoric. It's about a target that's grounded in science and to do with 60 percent reductions by 2030, not Mr. Singh's 38 percent, not your 30 percent. Will you, Mr. Trudeau, join with all of us in an inner cabinet that gets rid of the partisanship and says after this election we move to protect our children's future together?

**Rt. Hon. Justin Trudeau:** We recognize that targets are important, and we're going to be surpassing the targets we inherited, but targets are not a plan. We have a real plan that has delivered over the past four years on our way to banning single-use plastics, on putting a price on pollution right across the money – the country – in a way that returns money to Canadians, that actually makes, unlike what Mr. Scheer is saying, most Canadians better off, 80 percent of Canadians better off, with a price on pollution than they will be when he rips up our climate change if he were to form government after this election.

We will continue to do the things that need to be done and bring Canadians along with it. Our plan is realistic and ambitious and doable. That is what Canadians need because the danger of not acting on the environment is tremendous. The danger of not having a plan for our future, either the environment or the economy, is going to be borne by our kids.

**Susan Delacourt:** Ms. May, you may now begin open debate. There is three minutes and forty-five seconds.

**Elizabeth May:** The science is clear. Your target is a commitment to failure. That's why it's so doable and achievable, because it doesn't do what the IPCC says we must do. We must go off fossil fuels as quickly as possible, and you bought a pipeline. You can't be a climate leader and spend ten to \$13 billion more on a project that by itself blows through our carbon budget. We have to –

**Rt. Hon. Justin Trudeau:** A slogan is not a plan, Ms. May.

**Elizabeth May:** No, we have a plan, get rid of fossil –

**Rt. Hon. Justin Trudeau:** A slogan is not a plan. It is an unrealizable plan. Canadians need that action –

**Elizabeth May:** Not, it has been assessed by (crosstalk) —

**Rt. Hon. Justin Trudeau:** — that is going to actually make us better, fight climate change, protect the environment, and build a stronger economy for our kids. We have done more over the past four years than any government in the history of Canada –


**Elizabeth May:** No, that's not true. Paul Martin did more, but that's alright. No one remembers the Paul Martin plan in 2005. It was better. But the reality is if you have a fire —

**Rt. Hon. Justin Trudeau:** There's much more to do. There's much more to do. He didn't deliver on that plan. Over the past four years we delivered on it.

**Elizabeth May:** If you have a fire in a four-storey building, getting a one-storey ladder doesn't do it.

**Susan Delacourt:** Can we get some other leaders in there? Mr. Scheer.

**Hon. Andrew Scheer:** That is completely false, and just because you say something over and over and over again doesn't make it true. There is no Canadian –

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**Rt. Hon. Justin Trudeau:** It would be nice for you to learn that, Mr. Scheer. (Laughter).

**Hon. Andrew Scheer:** There is no Canadian that believes they're going to be better off by paying a carbon tax. You have given a massive exemption to the country's largest polluters, and your plan is already failing.

**Rt. Hon. Justin Trudeau:** The economists, the experts, the Parliamentary Budget Officer points out 80 percent of Canadians are better off under our climate incentive.

**Hon. Andrew Scheer:** (Crosstalk) because he had to trust the numbers you gave him. Nobody believes your numbers, Justin, because you have this –

**Susan Delacourt:** One at a time. Mr. Singh and Mr. Bernier.

**Jagmeet Singh:** I want to say this directly to Canadians. You do not need to choose between Mr. Delay and Mr. Deny. There is another option. (Laughter). There is another option out there. We are committed to a real plan that's going to take on the biggest polluters. It's going to take on the powerful interests because that's what we need to do. If we want to build a better future, it's going to mean taking on the powerful.

**Elizabeth May:** What is your target?

**Jagmeet Singh:** That means we're going to have to cut our emissions by half.

**Elizabeth May:** You can take on the powerful, but you need to have a plan that is rooted in the target that saves our kids' future.

**Jagmeet Singh:** It means we're going to have to reduce our emissions by more than half. You've got to take on the powerful at the top. We're prepared to do that.

**Hon. Maxime Bernier:** I just want to say (crosstalk). People must know that, Mr. Scheer and Mr. Trudeau, you're the same on climate change.

**Hon. Andrew Scheer:** That's false.

**Hon. Maxime Bernier:** You want to impose a carbon tax on Canadians and you want to impose more costly –

**Rt. Hon. Justin Trudeau:** I think that's the most offensive thing you've said all night, Max, that we're the same on climate change.

**Hon. Maxime Bernier:** You want to impose also a big tax on the big emitters, so you're the same on climate change and you won't be able to achieve your target.

**Yves-Francois Blanchet:** (Crosstalk) I'd like a few seconds with Mrs. May, please. I think you and I have to find some common grounds when we get into that House of Commons –

**Elizabeth May:** I don't think it will be on JNL Quebec and the fact that you're supporting a project that blows through more of the carbon budget against the will of many Quebeckers and threatens the St. Lawrence River.

**Yves-Francois Blanchet:** This is not what I had in mind, and I have provided answers to that. I think the goal should be down to almost nothing, not 30 percent, not 60 percent, almost nothing. What do you think about this idea of an equalization based on gas emissions? Those who are over the average emissions of Canada pay, and those who are under the average emissions get the money. The (inaudible) is for both parts.

**Elizabeth May:** What we have to do is work together. And with all due respect, that was the question I asked Mr. Trudeau. Are any of you prepared to accept the notion of changing status quo decision making so we form an internal cabinet based on (crosstalk)?

**Yves-Francois Blanchet:** (Crosstalk) does not help.

**Susan Delacourt:** Ladies and gentlemen, that's all the time we have. That concludes this round. Thank you very much, and on to the next one.

#### THEME FOUR: AFFORDABILITY AND INCOME SECURITY

**Dawna Friesen:** Hello. I'm Dawna Friesen from Global News, and I'm moderating this segment on affordability and income security. Before I begin, I just want to say you've all been very vigorous in your debate. Some of your comments have gone a little long, so we're going to have to trim a bit in terms of time, but we will make sure that we keep those trims fair and equal.

On this topic, Ms. May, I have a question to you. Canadians are carrying \$2 trillion of household debt. That means the average Canadian owes about \$1.79 for every dollar of income he or she earns per year after taxes. It's never been this high. We are borrowing to live, something my parents told me was a terrible idea. You have made a bold promise to balance the federal budget in five years. How do you do that without causing more financial pain for Canadians and putting people further into debt? What's the single biggest thing in your policy, in your platform, that will reduce household debt?

**Elizabeth May:** Thank you for the question. I'm very pleased that we are the party standing on stage today that has a full platform, has the budget numbers publicly accessible and approved as a budget that passes muster by Kevin Page and the Institute for Fiscal Studies and Democracy.

The way to bring more public service, to bring more help to Canadians, child care, banning tuition, investing in post-secondary education, pharmacare, dental programs for low-income Canadians, all things that make life more affordable, is not to have cuts but to go after places where there is revenue, offshore money that's being hidden, a financial transaction tax, going after one percent tax on people who have more than \$20 million in wealth, and a series of moves to increase the revenue coming into the Government of Canada. That is all of course based on the current economic situation. If we hit a recession, we would not slavishly or ideologically balance the books, but right now we think we'll have a balanced budget in five years.

**Dawna Friesen:** Mr. Blanchet, your opportunity to debate Ms. May on this topic.

**Yves-Francois Blanchet:** It is really a bad idea to borrow to live. It is a no better idea to cut too strongly into services to people that mainly need it. What about the idea of cutting all subsidies to oil, as we propose to do, bringing a law on the floor about that? How about this idea we have, this green equalization, which brings money to the government? How about cutting into those foreign tax shelters, including the two new ones created by Mr. Trudeau? What about taxing and perceiving taxes from those giants on the web that steal the money from our advertizing companies?

**Elizabeth May:** D'accord. In our platform we call for taxes on the e-commerce companies, the virtuals, the Amazons and the Googles and the Facebooks that mine billions of dollars out of this country and pay virtually no tax. We agree with you, we have to cut all fossil fuel subsidies. As a matter of fact, that was a promise made by Mr. Harper in 2009, by Mr. Trudeau in 2015, but they've increased because we're subsidizing LNG, which I'd like to hear you answer where you are on JNL Quebec. We need to get rid of fossil fuels, and right now we're still giving public funds to pipelines.

**Yves-Francois Blanchet:** You know what, I was the Minister responsible for the –

**Dawna Friesen:** I'm going to move you on, I'm sorry. Mr. Trudeau, your chance to debate Ms. May on household debt.

**Rt. Hon. Justin Trudeau:** We made a very different decision that Stephen Harper had in the previous ten years when we decided to invest in Canadians instead. That decision to invest in the middle class and people working hard to join it lifted 900,000 people out of poverty, including 300,000 kids. We gave more support for students going to school; we made more supports for seniors, and what that has done has actually grown our economy, more than a million new jobs created, most of them full time, over the past four years at the same time as we have reduced poverty, exceeding any targets that we had even set forward.

**Elizabeth May:** Can I –

**Rt. Hon. Justin Trudeau:** We've done that in a way that is responsible. The international (crosstalk).

**Elizabeth May:** This is a 40-second debate with eight seconds left for me.

**Dawna Friesen:** Ms. May, Ms. May.

**Elizabeth May:** Can I respond?

**Dawna Friesen:** Let's give the floor to Ms. May.

**Elizabeth May:** The concern I have about all these debates, by the way, and I'm sure a number of other leaders on stage share it, we don't have any section on health costs or health care in the course of two debates. I want to turn this to the affordability issue and how much more affordable life would be for Canadians with full, universal, single-payer pharmacare. It's in our platform, it's partially in yours. It's in Mr. Singh's. We need to deliver health care.

**Rt. Hon. Justin Trudeau:** We've actually taken concrete actions towards that.

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**Elizabeth May:** But where is the national health accord?

**Rt. Hon. Justin Trudeau:** Lowering health prices, lowering prices for (crosstalk).

**Elizabeth May:** Are you prepared to accept Eric Hoskins' recommendation for universal, single-payer health care?

**Rt. Hon. Justin Trudeau:** We have, we have accepted —

**Dawna Friesen:** I'm afraid time's up for you. Mr. Bernier, your chance to debate Ms. May on household debt.

**Hon. Maxime Bernier:** Absolutely. I look at your platform, Elizabeth, and you know you will spend \$60 billion. Spending won't create any wealth. You cannot spend your way to prosperity. We need to have more private sector investment, and at the end you know that our national credit card is full. We still have a deficit, and Mr. Trudeau just added \$70 billion on our debt, and you'll add another \$60 billion on our debt. It is not responsible. Our children will have to pay for that.

**Elizabeth May:** But you have your famous private sector having got massive tax cuts when you were in Mr. Harper's cabinet based on being told these were the job creators and it would be great when they got tax cuts. They have not invested in the economy. They're sitting on piles of cash. Mark Carney calls it the dead money. We need to get that money and do public sector infrastructure investments, like a national grid that will bring renewable energy from one part of the country to the other, no pipelines by the way, but we need an electricity grid that serves the needs of every province and every Canadian.

**Hon. Maxime Bernier:** What I like from you, Elizabeth, you don't want any subsidies to the oil and gas industry, and I don't believe in corporate subsidies, also in corporate welfare, so we can agree on that.

**Dawna Friesen:** Alright, let's move on to Mr. Singh, your opportunity.

**Jagmeet Singh:** Thank you. Ms. May, I actually really appreciate that you wanted to shift the discussion towards health care. I think it's one of the biggest concerns that families have. When we look at Canadians across this country, they can't get the medication they need. They can't get the dental care they need. They're struggling. I met a woman in my office in Burnaby who was covering up her mouth because she was embarrassed she had lost her teeth because she couldn't get the care she needed. That, to me, is heartbreaking in a country as wealthy as ours. I know, Ms. May, you're prepared to do this, but the problem is Mr. Trudeau does not have the courage to take on the insurance and the pharmaceutical lobbyists that don't want this to happen.

I'm going to make it happen. If you vote New Democrats, we're going to make sure we make these things happen because we don't work for the powerful and wealthy. We don't meet with pharmaceutical companies and then listen to them. We work for you. We work for Canadians. We're going to deliver on these things.

**Elizabeth May:** We have to have – I hope you'll agree with me that we need to renegotiate a new health accord. It's been left alone for too long. We need to get back at the table.

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By the way, all of you guys can be proud, except for your Mr. Blanchet, all of you can be proud of the candidates you have running locally because I've been in eight debates with them in the last week. One thing we heard from every constituent in every town hall meeting is we are suffering from a lack of family doctors. We need an investment in our health care. The wheels are falling off the bus. We need to invest.

**Jagmeet Singh:** Mr. Trudeau has continued the same cuts brought in by the Conservatives.

**Dawna Friesen:** Mr. Scheer, your opportunity.

**Hon. Andrew Scheer:** The question was about affordability and household debt, and the entire theme of our platform is leaving more money in the pockets of Canadians so they can get ahead. It's time for Canadians to have a break. Our universal tax cut will mean \$850 in the pocket of a hardworking, average-income Canadian. We're going to bring back the children's fitness tax credit to make raising children more affordable. We're going to bring back the green public transit credit to make taking the bus or the train more affordable as well. We're going to help fight climate change by bringing in the green home renovation tax credit, which will put money in the pockets of Canadians and help lower emissions, and we're going to pay for that –

**Elizabeth May:** It won't lower emissions. It will cause them to go through the roof.

**Hon. Andrew Scheer:** The way we're going to pay for those is by cutting corporate welfare and reducing Canada's foreign aid budget by 25 percent. We're going to stop sending money to the relatively well-off countries. We're going to bring that money back home so that Canadians can get ahead.

**Elizabeth May:** Mr. Scheer, that may be the worst idea in your whole non-platform is the cutting of foreign aid. I wear this little pin. This is the Sustainable Development Goals of the United Nations, to which this country is committed.

**Hon. Andrew Scheer:** I believe it's time for Canadians to get a break.

**Elizabeth May:** Ending poverty within the next decade within Canada and globally is actually possible, but not if we ever have the misfortune of having your short-term, misguided, greedy and selfish policies.

**Hon. Andrew Scheer:** I believe we should take that money and bring it back home so that Canadians can get ahead. It's not greedy to put money in the pockets of Canadians, Ms. May. I fundamentally disagree with you.

**Elizabeth May:** It destabilizes the world, what you're proposing.

**Dawna Friesen:** We're going to stop you there so that we can hear from another Canadian, please, on the theme of affordability. One of the many places Canadians are watching tonight is in Yellowknife, Northwest Territories. Here is the scene at the Copper House Restaurant, and earlier we heard a question on affordability from Scott Marsden.

**Question:** I'm Scott Marsden from Yellowknife. My question is what is your government going to do about the growing crisis of income inequality and affordability in Canada.

**Dawna Friesen:** Ms. May, first to you.

**Elizabeth May:** I've been in that restaurant. Hello, Yellowknife. Good to see you again. Look, we must act for income equality. We need to look at the fact that, over the years, the gap between the various wealthy, wealthiest Canadians and the average Canadians is continuing to expand. We're calling for a tax commission. We haven't had a proper tax commission since the 1960s to examine our tax code to see if it's still progressive, to find out if all these corporate boutique tax cuts that have piled up over one after the other after successive governments is taking money away from those Canadians who need it most and allowing those who really have massive income to continue, as many Auditor Generals have found, to be treated by Canadian Revenue Agency as if they have special status and don't have to pay their taxes.

**Dawna Friesen:** Ms. May, thank you. Mr. Blanchet.

**Yves-François Blanchet:** First, I must say that if saying untrue things at the end of time is your way to do things, collaboration might be done already. However, about the issue, if the federal government was to respect jurisdiction of provinces, it would take less time, it would take less time, it would cost less money, and provinces and Québec could do what they have to do about health care, bringing the money that is owed to Québec and provinces. This is what has to be done. Lodging (ph) the buney—the money should be given to provinces and Québec because it is mostly, if not only, their jurisdiction that helps people.

**Dawna Friesen:** Mr. Trudeau, to you. The question is about income inequality and what you would do.

**Rt. Hon. Justin Trudeau:** We recognize that we need to help people more directly. That's why the first thing we did was lower taxes for the middle class and raised them on the wealthiest one percent. We're moving again forward with a tax break for low- and middle-income Canadians and nothing for the wealthiest, unlike Mr. Scheer's universal tax credit. We're also moving forward by increasing the Canada Child Benefit, which has lifted hundreds of thousands of families out of poverty, by 15 percent for kids under one. We're increasing the Old Age Security for seniors over 75. We're making sure that students have an easier time paying back their student debts by not having to pay back until they're making \$35,000 a year. We're investing in Canadians.

**Dawna Friesen:** Mr. Trudeau, thank you. Mr. Bernier, your turn.

**Hon. Maxime Bernier:** First of all, I think it is important to be able to have a discussion about what is important for Canadians. We are the only party that will balance the budget in two years. All the other parties on the stage will spend and spend and spend. That is not a solution. The credit card is full. But we will do that without cutting services. We will cut corporate welfare, all the corporate welfare; \$5 billion that we can save there. All these political parties, the only promise that they do to, they do everything to get your votes. I'm promise you [sic] to do nothing except balancing the budget and after that, lower your taxes. That's the only responsible policy.

**Dawna Friesen:** Mr. Bernier, thank you. Mr. Singh, to you.

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**Jagmeet Singh:** I want to thank Scott for the question. Income inequality is massive. There's also massive wealth inequality. And these are not just esoteric academic discussions. When those at the very top do not pay their fair share, when 87 families in Canada have the combined wealth of three provinces, it hurts families. It means we don't have the funds to invest in health care. It means we don't have the money to invest in things like dental care. So while Mr. Trudeau likes to talk a nice game, and I admit he says nice words, but what he's done is he's given \$14 billion to the richest corporations to buy private jets and limousines in the last Fall Economic Statement. We would instead invest in people, ask the super wealthy to pay their fair share and invest in programs to relieve the costs on families.

**Dawna Friesen:** Mr. Singh, thank you. Mr. Scheer, your turn on income inequality.

**Hon. Andrew Scheer:** Well, actually, Mr. Trudeau has his facts wrong again. Our universal tax cut drastically is – is much better for middle-income Canadians than his proposal. And he thinks that someone earning \$47,000 a year is somehow too rich for a tax cut. I disagree. We also recognize that you don't need to tear some people down to lift others up. Justin Trudeau's attack on small businesses, threatening them, making it harder for them to grow and expand and offer the types of opportunities that lead to the jobs that have much higher income earnings was precisely part of the problem over the last four years, all the while protecting people who have inherited trust funds. We will take a different approach. We will ensure that our entrepreneurs have the support they need to grow and succeed.

**Dawna Friesen:** Mr. Scheer, thank you. We're going to move on now. I have a question for the Bloc Québécois leader, Yves-François Blanchet, after which each one of the leaders will have a chance to debate him one on one. Mr. Blanchet, Quebec is one of five provinces to receive federal equalization payments in 2019. It received \$13.1 billion, the highest amount of any province. That's a benefit of being part of a federal system where wealth is shared. You've referred to the money as an assistance cheque. Premier Legault has said he wants to wean Quebec off equalization payments. Do you agree with that, and if so, what would, how would that make life more affordable for Canadians?

**Yves-François Blanchet:** Thank you for the question. First, the very system called equalization is based on some flawed reasonings [sic], flawed ways to analyze things, and this is why we propose something else that would progressively replace it. Oil provinces are very wealthy and have developed those resources with money from all across Canada, including Quebec. And today, they are using it as a threat over Quebec, which citizens do not want to be a passage for this oil through their territory because they rely on clean energy and believe this is the only responsible way to do things.

We propose a kind of equalization that would be based without any constitution change on how provinces perform in fighting climate change. Those who are over the average pay, those who are under the average receive the money, giving a strong encouragement for everybody to reduce —

**Dawna Friesen:** Alright.

**Yves-François Blanchet:** — GHG emissions.

**Dawna Friesen:** Mr. Blanchet, thank you. Let's go – the leaders will all have a chance to debate this one on one, one minute each, beginning with you, Mr. Trudeau.

**Rt. Hon. Justin Trudeau:** Thank you, Dawna. Equalization exists so that every Canadian across the country, regardless of the province they're born into or live in, accesses the same quality of services right across the country. It is not a perfect system, but it is a system that ensures as much as we can equality of opportunity across Canada. We've continued to engage with provinces across the country on updating the equalization formula in ways that are fair, and it is something that continues to bind this country together.

Unfortunately —

**Yves-François Blanchet:** (Crosstalk) avenues —

**Rt. Hon. Justin Trudeau:** — you, Mr. Blanchet, as a sovereigntist, —

**Yves-François Blanchet:** It's not entirely your money.

**Rt. Hon. Justin Trudeau:** — are always looking for opportunities to create fights between Quebec and the rest of Canada to advance your separatist —

**Yves-François Blanchet:** Now, we have paid for development —

**Rt. Hon. Justin Trudeau:** — agenda. Unfortunately, that's not something —

**Yves-François Blanchet:** — of oil in western Canada —

**Rt. Hon. Justin Trudeau:** — that Canadians want.

**Yves-François Blanchet:** — and you make us pay again with this idea of buying a pipeline over there. And tell me something, what can a Canadian do that a Quebecker cannot do? Why would you, would we need from Canada —

**Rt. Hon. Justin Trudeau:** I think by definition, a Quebecker can do anything a Canadian can do because a Quebecker is a Canadian —

**Yves-François Blanchet:** — that we can do ourselves (crosstalk) no less typical (crosstalk) —

**Rt. Hon. Justin Trudeau:** — and will remain a Canadian under my watch, Mr. Blanchet.

**Yves-François Blanchet:** — do our own thing.

**Dawna Friesen:** Gentlemen, thank you. Mr. Bernier, you now have the opportunity to debate Mr. Blanchet.

**Hon. Maxime Bernier:** Yes, speaking about the equalization, I'm the only leader who's ready to look at the equalization formula for being sure that the formula will be less generous and fair for every province. Let me explain. It is not fair to tax people out west and also in Quebec because Quebecers, you know, are proud and they want to live in a richer province. So what we must do, we must give the right incentive to provinces to develop their own natural resources. That's so important to have a, to have a discussion about the equalization, and they don't want to have the discussion.

**Yves-François Blanchet:** You —

**Hon. Maxime Bernier:** Let's be less generous and fair for every province.

**Yves-François Blanchet:** — we share this idea. We share this idea.

**Hon. Maxime Bernier:** Why? Why? Because it is important when you have people in a, when you have people —

**Yves-François Blanchet:** What's the time? What's the time?

**Hon. Maxime Bernier:** — in Alberta, 20, yeah —

**Yves-François Blanchet:** Fifteen seconds.

**Hon. Maxime Bernier:** — 20 percent of people —

**Yves-François Blanchet:** Fourteen seconds.

**Hon. Maxime Bernier:** — (crosstalk) once to have the discussion. And let's —

**Yves-François Blanchet:** Ten seconds.

**Hon. Maxime Bernier:** — have the discussion.

**Yves-François Blanchet:** Okay. Quebecers receive less money from equalization per capita than anybody else who receives it in Canada. Do you mind about stopping those lines?

**Dawna Friesen:** Alright. Mr. Blanchet. Mr. Singh, your opportunity to debate.

**Jagmeet Singh:** Yes, I was thinking about ways we can make life more affordable, and this is where I think we can do a lot if we work together. This is one of the things I believe that we can, we can build a better Canada if we tackle some of the challenges that people are facing. One of the things that we hear about a lot in Quebec is the cost of health care and that it's not there for them when they need. If we work together, the universal pharmacare plan is one where we use the buying power of all Canadians, it's still delivered provincially, but we can actually buy medication for lower cost and it will —

**Yves-François Blanchet:** Actually, it is, it is —

**Jagmeet Singh:** — help out Quebec and (crosstalk) people.

**Yves-François Blanchet:** — delivered, it is delivered provincially, and dental care would be if we wanted to finance it a provincial jurisdiction. You have good ideas, but your ideas always interfere and infringe into jurisdictions which are those of provinces —

**Jagmeet Singh:** (Crosstalk) I want to work together.

**Yves-François Blanchet:** — and Quebec. So if you want to do that —

**Jagmeet Singh:** We got to work together.

**Yves-François Blanchet:** — do it for Canada. Take our part of the money, as the Constitution allows —

**Jagmeet Singh:** We can do that. (Crosstalk).

**Yves-François Blanchet:** — and send it to Quebec.

**Jagmeet Singh:** The other thing we need to do is, when we want to tackle the problems, is housing. Housing is something that's concerning a lot of people. Federal money used to be invested in building, in partnership with provinces to build housing. We want to do that again.

**Dawna Friesen:** Mr. Scheer, thank you. Mr. — Mr. Singh, pardon me. Mr. Scheer, over to you.

**Jagmeet Singh:** I don't know how people are getting me mixed up. (Laughter) (Off microphone) on purpose today. (Laughter). What does it take?

**Hon. Andrew Scheer:** I'm slightly taller than you, Mr. Singh. (Laughter). That must be it.

**Jagmeet Singh:** And stop running that (crosstalk) —

**Dawna Friesen:** Mr. Scheer, please continue the debate.

**Hon. Andrew Scheer:** It's important for Quebeckers to realize that, on so many issues, Mr. Blanchet agrees with Justin Trudeau. He will support Justin Trudeau's higher taxes, he'll support massive deficits that will continue to put pressure on Canadian taxpayers, meaning more and more of their dollar goes to pay the interest on —

**Yves-François Blanchet:** I just, I just (crosstalk) —

**Hon. Andrew Scheer:** — the debt. And we know —

**Yves-François Blanchet:** — had to raise more money without —

**Hon. Andrew Scheer:** — and we know - sorry, if I could continue, Mr. Blanchet —

**Yves-François Blanchet:** — raising taxes so you didn't listen or you didn't understand. (Laughter).

**Hon. Andrew Scheer:** — we know, we know that Mr. Blanchet's priority is working with the Parti Québécois on sovereignty. So we know that if votes for Bloc Québécois MPs mean that Justin

Trudeau stays Prime Minister. Avec le Bloc, le plus ça change, le plus ça reste le même.

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**Yves-François Blanchet:** And you know what? Do you remember that all those —

**Hon. Andrew Scheer:** We know that, that Mr. Blanchet —

**Yves-François Blanchet:** — all tho—all that you say you did for Quebeckers was done —

**Hon. Andrew Scheer:** — he prefers, he prefers to purchase his oil and gas —

**Yves-François Blanchet:** — when Harper was in a minority government —

**Hon. Andrew Scheer:** — from the United States.

**Yves-François Blanchet:** — all those changes were (crosstalk) by Bloc Québécois.

**Hon. Andrew Scheer:** You prefer sending consumers' dollars to the United States to support that economy. I per—I pe—prefer —

**Yves-François Blanchet:** You have a strange picture of reality.

**Hon. Andrew Scheer:** — Canadian energy (crosstalk).

**Dawna Friesen:** You've talked over each other and you're both out of time. (Laughter). Thank you, Mr. Scheer. Ms. May, it's your turn.

**Elizabeth May:** Forgive me, Dawna, but Yellowknife, Rylund, I see you. Congratulations for being elected MLA. I'm just so excited.

Now, turning to equalization payments, we need equalization in Canada because we're a country, we're a family. We need to think like a family. Your proposal, Mr. Blanchet, would be to put an extra burden on those parts of Canada like Alberta that have the toughest challenge to meet the climate crisis. We're concerned as Greens that we work together, that we not alienate Alberta, that we —

**Yves-François Blanchet:** I had noticed that you had a strong sensibility for Alberta since your previous positions on oil were quite nice to them.

**Elizabeth May:** No, they're not. They're —

**Yves-François Blanchet:** However, however, in a family —

**Elizabeth May:** — we're shutting down the oil sands —

**Yves-François Blanchet:** — sometimes, in a family sometimes —

**Elizabeth May:** — by 2030. They don't find it nice.

**Yves-François Blanchet:** — in a family sometimes —

**Elizabeth May:** That's why they deserve fairness.

**Yves-François Blanchet:** in a family sometimes and does not agree with others and he doesn't have to be forced to do what others say.

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**Elizabeth May:** We are facing a climate emergency, and anyone who understands the science – and I hope you do because we all —

**Yves-François Blanchet:** And this is, this is a world —

**Elizabeth May:** — marched with Greta.

**Yves-François Blanchet:** — issue, and only countries do international affairs, provinces don't.

**Elizabeth May:** We have to pull our weight —

**Dawna Friesen:** Alright.

**Elizabeth May:** — as provinces and as nations and we do it together.

**Dawna Friesen:** We have to move along. Thank you for that. We will end this segment with another open debate. Yves-François Blanchet, it is your turn to ask any other leader a question on the topic of your choice. (Laughter).

**Yves-François Blanchet:** I wonder (inaudible). Mr. Scheer, you said in English a few months ago that you were strongly against the very idea of Bill 21 about laïcité of the state in Quebec. Then you said in French in Quebec that you would do nothing against that law. But your very close collaborator, Mr. Alain Rayes, said the day before yesterday that you would protect the Bill 21. He said that in French, I must admit. You would, you were the only one that would protect the Bill —

**Dawna Friesen:** Can you – can you get to the question, please?

**Yves-François Blanchet:** — 21. Please, how will you do that?

**Hon. Andrew Scheer:** It's very – this – the answer to this question is very simple, Mr. Blanchet, and you know that I've always been very clear on this issue. We will not intervene in the court case that is currently before the courts. The elected officials of Quebec have taken this decision and now it is before the courts —

**Yves-François Blanchet:** Mr. Rayes said that you would protect —

**Hon. Andrew Scheer:** — and the courts, and the courts will —

**Yves-François Blanchet:** — protect the law.

**Hon. Andrew Scheer:** — decide. That is —

**Yves-François Blanchet:** (Crosstalk) the law?

**Hon. Andrew Scheer:** — exactly what I've always said, in English —

**Yves-François Blanchet:** What will you do to protect this law?

**Hon. Andrew Scheer:** — and in French. It's very important that a federal government respects and protects individual liberties and individual human rights. We will not pursue this court of action at a federal level.



**Yves-François Blanchet:** Your definition —

**Dawna Friesen:** Mr. Scheer has the floor.

**Yves-François Blanchet:** — (crosstalk) in the law.

**Hon. Andrew Scheer:** It's quite simple.

**Yves-François Blanchet:** (Crosstalk) go in the same direction.

**Hon. Andrew Scheer:** I just answered the question, Mr. Blanchet.

**Dawna Friesen:** Mr. Blanchet, Mr. Scheer has the floor.

**Hon. Andrew Scheer:** La même chose en français. M. Blanchet. It's the same thing in French. We will not intervene in this court case.

**Yves-François Blanchet:** That's not (crosstalk).

**Hon. Andrew Scheer:** The court case will – will decide this.

**Yves-François Blanchet:** You should talk to Mr. Rayes. He does not say the same thing as you do.

**Hon. Andrew Scheer:** It's exactly the same position, Mr. Blanchet. You're trying to create division, confusion where it doesn't —

**Yves-François Blanchet:** (Crosstalk) everything and not doing something against the law —

**Hon. Andrew Scheer:** — where it doesn't exist.

**Yves-François Blanchet:** — does not mean that you will protect it. I would protect it. You would not —

**Dawna Friesen:** So we are open —

**Hon. Andrew Scheer:** You won't be in a position to —

**Dawna Friesen:** — we are going to have an open debate. That was Mr. Scheer's time to answer, I apologize.

**Yves-François Blanchet:** Oh, I'm sorry. I will leave you some (crosstalk). (Laughter).

**Dawna Friesen:** We will now have the open debate. Mr. Blanchet, you may begin.

**Yves-François Blanchet:** OK.

**Hon. Andrew Scheer:** Can I speak now, because you spoke during my answer?

**Yves-François Blanchet:** Please go ahead. (Laughter). We're still nice people.

**Hon. Andrew Scheer:** The issue on this has been exactly the same from the beginning. And Mr. Blanchet, I think you're trying to create confusion where there doesn't exist confusion. I have always been very clear, both in English and French, the – the answers have always been the same. This is something that at the federal level we will not pursue. The Conservative Party has always stood for individual liberty, for fundamental human rights. It was a Conservative Prime Minister that brought forward the Bill of Rights. The last Prime Minister from Saskatchewan —

**Rt. Hon. Justin Trudeau:** Except, of course, Mr. Scheer —

**Hon. Andrew Scheer:** — John Diefenbaker, and —

**Rt. Hon. Justin Trudeau:** — you won't defend a woman's right to choose.

**Hon. Andrew Scheer:** — we won't allow these types —

**Rt. Hon. Justin Trudeau:** You – you dismissed LGBT —

**Hon. Andrew Scheer:** — that is completely false.

**Rt. Hon. Justin Trudeau:** — LGBT protections.

**Hon. Andrew Scheer:** — it is completely false.

**Rt. Hon. Justin Trudeau:** You haven't apologized —

**Hon. Andrew Scheer:** Millions, millions —

**Rt. Hon. Justin Trudeau:** — against LGBT Canadians years ago.

**Hon. Andrew Scheer:** — millions of Canadians —

**Rt. Hon. Justin Trudeau:** Will you – will you recognize and apologize for that?

**Hon. Andrew Scheer:** — millions of Canadians, Mr. Trudeau, millions of Canadians have a different position on this issue. And like millions of Canadians, I am personally pro-life. It is OK in this country to have a difference of opinion, something you do not recognize.

**Rt. Hon. Justin Trudeau:** Yes, but Canadians need to know —

**Hon. Andrew Scheer:** (Crosstalk) it's not OK for a man —

**Rt. Hon. Justin Trudeau:** — Canadians need to know that their Prime Minister —

**Hon. Andrew Scheer:** — (crosstalk) when a woman's going to be deciding.

**Rt. Hon. Justin Trudeau:** — Canadians need to know that their Prime Minister —

**Hon. Andrew Scheer:** The laws and access on this issue —

**Dawna Friesen:** One at a time, please. One at a time, please.

**Hon. Andrew Scheer:** — the laws and access on this issue have not changed for 30 years under Liberal Prime Ministers, under Conservative Prime Ministers. It will not change —

**Unidentified Male:** Mr. Scheer, let me (crosstalk) —

**Rt. Hon. Justin Trudeau:** Canadians need to know —

**Hon. Andrew Scheer:** — once I am Prime Minister.

**Rt. Hon. Justin Trudeau:** — that their Prime Minister will be there —

**Hon. Andrew Scheer:** That is my position.

**Rt. Hon. Justin Trudeau:** — to defend them. And you have been —

**Hon. Andrew Scheer:** I have just answered that question.

**Rt. Hon. Justin Trudeau:** — you have been not —

**Dawna Friesen:** Let me, let's, let's allow Mr. Singh —

**Rt. Hon. Justin Trudeau:** — unequivocal on defending (crosstalk).

**Dawna Friesen:** — a moment.

**Rt. Hon. Justin Trudeau:** You're signing (crosstalk) papers of people who want to take away (crosstalk) —

**Hon. Andrew Scheer:** What about your misogynist, racist candidate in Nova Scotia?

**Rt. Hon. Justin Trudeau:** OK.

**Dawna Friesen:** Can we – can we (crosstalk) no, nobody, nobody can hear what you're saying anymore.

**Rt. Hon. Justin Trudeau:** You will be signing the nomination papers for people who have pledged —

**Jagmeet Singh:** A man has no place (crosstalk) —

**Rt. Hon. Justin Trudeau:** — to take away rights from (crosstalk).

**Jagmeet Singh:** — around (crosstalk). (Laughter). (Applause).

**Dawna Friesen:** It's, I know, you're having a mini debate over here. Can we bring in Mr. Singh?

**Jagmeet Singh:** A man has no position in a discussion on a woman's right to choose. Let's be very clear on that.

**Elizabeth May:** How about a woman's right to speak in a debate? (Applause). I – it's been really interesting for most of this campaign to hear a lot of men arguing about what a woman's rights should be, but having all of you, except for Max, participated in the TVA debate where you were perfectly happy to keep women out, off the stage. I'm the only woman leader of a party. You participated in a debate which did not let our little girls see that there's a chance for a woman in this country to be Prime Minister, to run as the leader of a party. We must be clear as all leaders, and you are not clear, Andrew, that we will never allow a single inch of retreat from the hard-earned rights of women in this country, not one inch. (Applause).

**Jagmeet Singh:** This says to me that you're open to working with Mr. Scheer —

**Elizabeth May:** Sure. I would —

**Unidentified Male:** — and your own MPs could come up with a law against abortion and you said that you will tolerate it.

**Hon. Andrew Scheer:** This is – this is a typical Liberal —

**Elizabeth May:** No. No, I – I said we don't allow anyone to run —

**Hon. Andrew Scheer:** — tactic. It's right out of the Liberal playbook.

**Elizabeth May:** — in our party who doesn't hold a pro-choice position.

**Hon. Andrew Scheer:** When they are in danger of losing an election —

**Elizabeth May:** We don't, sorry.

**Hon. Andrew Scheer:** — they bring forth these types of (crosstalk).

**Dawna Friesen:** This clearly needs more time. I'm afraid we don't have more time.

**Elizabeth May:** (Crosstalk) unlike all the rest of you.

**Dawna Friesen:** Ms. May, thank you very much. We're going to have to move on. Thank you. That concludes our segment.

## THEME FIVE: ENVIRONMENT AND ENERGY

**Rosemary Barton:** Hi. everyone. I'm Rosemary Barton from CBC News. Our next theme – we've already talked about it a little bit, but now we will for real – the environment and energy. And we will start with a question from another Canadian. We're going to go to a gathering of people watching the debate, this time at the Halifax Central Library. We'll talk to Brittain Bancroft of Minto, New Brunswick is there and has this question. Over to you.



**Question:** Hi. My name is Brit Bancroft, and I'm from Minto, New Brunswick, and I believe we live in an age of climate crisis and this is the last election we have before point of no return is reached. Furthermore, I believe that for many larger corporations that pollute, the current system of fines and penalties associated with that polluting is just the cost of doing business. What concrete plans does each leader have to address big business polluting?

**Rosemary Barton:** Thank you, Brit. And the first answer goes to —

**Yves-François Blanchet:** That is —

**Rosemary Barton:** — Mr. Blanchet.

**Yves-François Blanchet:** — very interesting. What is considered as the most progressive system to find climate change so far is this agreement between California and Quebec, this trade exchange system that forces businesses to lower their emission through time, and it works very well. And I was – I had the privilege of completing the negotiation of such a system and signing it. And it should be used elsewhere. Simple taxes that return into the pockets of people without any change in incentive are not the solution. Doing nothing, hoping that, you know, some spirit will come and solve the problem, is no solution either.

**Rosemary Barton:** That's it, Mr. Blanchet. Mr. Trudeau, over to you.

**Rt. Hon. Justin Trudeau:** As Mr. Blanchet said, Quebec and other provinces like BC have moved forward with putting a price on pollution. We've ensured that that price is put in right across the country because it is a mechanism that will both lower emissions and ensure that Canadians can afford this transition. The choice tonight is very clear between two parties that have very different views on climate change. Mr. Scheer wants to rip up the only serious plan on climate change Canada has ever had the day after the election, and we will continue to do more. We recognize we need to do more to fight climate change. That's why we're going to be surpassing our targets. That's why we're going to get to net zero by 2050.

**Rosemary Barton:** Mr. Bernier.

**Hon. Maxime Bernier:** At the People's Party, we are the only real environmentalists party. Why? First of all, we want to do things that are possible. We want to do things that are possible to protect our health, our air, our environment, our water. All the other leaders claim to save the world and to save the climate. They cannot. Canada represents only two, 1.6 percent of the green gas emission [sic], and they claim also to be able to achieve the Paris Accord target; they cannot. They have to impose a carbon tax of \$300 a tonne to do that and they won't do it, they don't do it. They're hypocrites. We won't have a tax on carbon and we —

**Rosemary Barton:** Time's up. Time's up. Mr. Singh.

**Jagmeet Singh:** Thank you very much. Thank you, Brit, for your question. We are faced with a climate crisis; there's no question about it. We've got massive forest fires, which make it hard to breathe in some parts of Canada, in the west. We've got massive flooding, which means people are losing their homes, in the east. This is a serious crisis. Now, while Mr. Trudeau has said a lot of nice things, let's look at what he's done. He said that he's for the environment, but then he continues to exempt the biggest polluters from his price on pollution. He says he wants to fight the climate crisis and what does he do? He continues to subsidize oil and gas massively. He says he's a climate leader. What does he do? He buys a pipeline. There's a big gap between what Mr. Trudeau says —

**Rosemary Barton:** OK.

**Jagmeet Singh:** — and what he does.

**Rosemary Barton:** And Mr. Scheer, over to you next.

**Hon. Andrew Scheer:** I find myself agreeing with you again, Mr. Singh. On the environment, like so many issues, Justin Trudeau says one thing and then does something completely different. He's talking about hitting 2050 targets. He can't even meet 2030 targets. He talks about ripping up a real plan; his plan has been proven to fail. He has given — he has given a massive exemption to the country's largest polluters. They — and they were able to negotiate themselves up to a 90 percent exemption from his carbon tax. Meanwhile, hardworking commuters, moms and dads taking their kids to school or driving to work, they have to pay the full brunt of that.

Our plan is a real plan that takes the climate change fight global, recognizing that we could shut everything down here tomorrow

**Rosemary Barton:** That's it, Mr. Scheer. I'm dropping the hammer, coming to the end of the show. Ms. May.

**Elizabeth May:** Brit, thank you for the question. You, unlike everyone else on this stage, clearly understand that we're up against a real climate emergency. The Intergovernmental Panel on Climate Change has given us hard timelines, challenging targets. If we're going to do what's required, it isn't easy. We don't grade on a curve and say because a plan is less ambitious, it's therefore more doable. If it fails to meet the goal of holding global average temperature to no more than 1.5 degrees Celsius, we fail to give our kids a livable world.

Greta Thunberg is right. The house is on fire. Grownups then stand up and say kids, get to safety, we've got this. We'll take care of this for you.

**Rosemary Barton:** That's it, Ms. May. My turn now to ask a question, and this one goes to Mr. Trudeau, and the question is this, Mr. Trudeau. Last fall, the United Nations International Panel on Climate Change stressed the need to act quickly to limit further global warming. A report from Environment Canada says this country is warming twice as fast as the global average. You say you are committed to combating climate change, but your government still proceeded with the purchase and approval of a new pipeline to the west coast. Given the timeline, and given what is at stake, should Canada not be moving more quickly away from further development of the oil and gas sector? And if that means we should stop the Trans Mountain Expansion, should we not do that?

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**Rt. Hon. Justin Trudeau:** We absolutely have to move faster. We absolutely have to do more, and that's why we put forward an ambitious plan to continue that is reasonable, that is, that is doable and is going to make sure that we get to not just surpass our 2030 targets, but go beyond it. We're banning single-use plastics, we're putting a price on pollution right across the country, and we are fighting those Conservative Premiers who do not want to do their part to fight climate change. We recognize that transition to clean energy will not happen overnight. While we do, we should have less oil by rail and we need to get to new markets so we can invest all the – all the resources, all the money coming in from this pipeline into that green energy transition, into fighting climate change.

I know that's a big piece of the way we move forward, how we invest in the new economy in that transition, and that's what we've done. The choice tonight is do we pick a government that doesn't believe in climate change or in fighting it or do we continue on the track we are —

**Rosemary Barton:** OK, we've got to end it.

**Rt. Hon. Justin Trudeau:** — and be even more ambitious.

**Rosemary Barton:** I noticed you didn't answer the last part of that question, whether we were on our last pipeline. Mr. Bernier, your turn to debate Mr. Trudeau for one minute.

**Hon. Maxime Bernier:** Mr. Trudeau, I think we agree that we don't agree on climate change. I believe that there's no climate emergency. You believe the opposite. But you won't be able to achieve the Paris Accord target. I'm not saying that. That's the UN who said that. You need to impose a carbon tax over \$300 a tonne and you don't do that.

**Rt. Hon. Justin Trudeau:** In four years, Mr. Bernier —

**Hon. Maxime Bernier:** Elizabeth May, just what – let me finish.

**Rt. Hon. Justin Trudeau:** — we got three-quarters of the way there.

**Rosemary Barton:** Mr. – Mr. Trudeau, let Mr. Bernier finish.

**Hon. Maxime Bernier:** Elizabeth, she's right and you're right. She has a radical plan to fight climate change. It will destroy the economy, but what about you?

**Rosemary Barton:** OK.

**Hon. Maxime Bernier:** You won't be able to —

**Rt. Hon. Justin Trudeau:** In four years —

**Rosemary Barton:** Mr. Bernier, Mr. Trudeau (crosstalk) time.

**Rt. Hon. Justin Trudeau:** — we made it three-quarters of the way to reaching those 2030 targets, and over the next 11 years, including by planting two billion trees, we're going to get there. But Mr. Sch—Mr. Bernier, what you don't understand, what Mr. Scheer doesn't understand, is you cannot build a plan for the future of our economy if you are not building a plan that protects the

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**Rosemary Barton:** OK. Mr. Scheer, it's not your turn. Mr. Singh, your time to debate Mr. Trudeau.

**Jagmeet Singh:** Mr. Trudeau, I know that you say a lot of nice things and you've been saying a lot of great things on the stage today. But the problem is that you said a lot of these things in 2015 and you made it sound like you were going to make climate a big priority, but the reality is you did all these things, you bought a pipeline, you continue to subsidize oil and gas, and you continue to exempt the biggest polluters. So what's it going to take now for Canadians to believe that you're actually going to follow through on your promises? What's it going to take for you to follow through on these commitments, because your words are not good enough anymore?

**Rosemary Barton:** OK. Mr. Trudeau.

**Rt. Hon. Justin Trudeau:** Mr. Singh, we have reached three-quarters of the way to achieving our 2030 targets and we're going to surpass them. And Mr. Singh, Canadians might be surprised to discover that your plan is to build a massive refinery in Alberta. And the only way to do that is with federal subsidies because there's no private business case for it. Your plan to build a refinery in Alberta is worse for the environment —

**Jagmeet Singh:** It's not our plan at all. That was not our plan.

**Rt. Hon. Justin Trudeau:** — than building a pipeline to the (crosstalk) better place for our, our —

**Jagmeet Singh:** I don't know — that's no way our commitment —

**Rosemary Barton:** OK. Mr. Singh, Mr. Singh.

**Jagmeet Singh:** — not our plan. I don't know where you got that from. It's not our plan. We would immediately end fossil fuel subsidies, we'd immediately invest in clean energy —

**Rosemary Barton:** That's it.

**Jagmeet Singh:** — we'd immediately do what's needed.

**Rosemary Barton:** That's time. Mr. Scheer, it's your turn to debate Mr. Trudeau. Same question.

**Hon. Andrew Scheer:** When Justin Trudeau took office, there were three major pipeline projects ready to go. Under his watch, all of them have failed. He had to take \$4.5 billion of Canadian tax money to put the Trans Mountain Pipeline on life support, and he did that by sending \$4.5 billion of taxpayers' money to another country, to the United States, to be invested in the oil and gas sector there instead of here in Canada. His answer for his rationale for having two campaign planes was that he bought carbon offsets, which is just a thing that privileged people can do —

**Rt. Hon. Justin Trudeau:** No. Mr. Scheer —

**Hon. Andrew Scheer:** — to keep polluting.

**Rosemary Barton:** OK. Mr. Trudeau, Mr. Trudeau's chance to respond.



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**Rt. Hon. Justin Trudeau:** (Crosstalk) I did not —

**Hon. Andrew Scheer:** (Crosstalk) have to keep paying more.

**Rosemary Barton:** Mr. Scheer, Mr. Scheer, Mr. Trudeau's chance to respond.

**Rt. Hon. Justin Trudeau:** Mr. Scheer, you did not buy carbon offsets for your transport because you don't believe that climate change is real. You need to —

**Hon. Andrew Scheer:** (Crosstalk)

**Rosemary Barton:** Mr. Scheer, no one can hear you. Please.

**Rt. Hon. Justin Trudeau:** — actually act in — you need to act in a way that is responsible, Mr. Scheer, and your plan is to rip up the only serious plan to fight climate change —

**Hon. Andrew Scheer:** Your plan is failing.

**Rt. Hon. Justin Trudeau:** — that Canada has ever had. Canadians know —

**Rosemary Barton:** OK. Time is up for you as well, Mr. Trudeau.

**Rt. Hon. Justin Trudeau:** — how important this is.

**Rosemary Barton:** Ms. May, over to you.

**Elizabeth May:** To avoid catastrophic levels of global warming, we must double our current target, we must listen to science. We must not build the Trans Mountain Pipeline. It's not the last because it gets cancelled if we're serious. You can't negotiate with physics. You can't, as Prime Minister, you can't as leader of the Liberal Party. There's a carbon budget, it doesn't budget. And that's why it's so heartbreaking for me to look at you today and know you could have done so much more the last four years. Please God you don't get a majority this time around because —

**Rt. Hon. Justin Trudeau:** From the Rockies —

**Elizabeth May:** — you won't keep your promises.

**Rt. Hon. Justin Trudeau:** — from the Rockies to the Bay of Fundy, Conservative Premiers have gotten elected on promises to do nothing on climate change, and we need a strong federal government to fight them to make sure that we are moving forward on protecting the future generations from the impacts of climate change.

**Elizabeth May:** But your goal is a target for failure. When you hang on to Harper's target of 30 percent by 2030, you are —

**Rt. Hon. Justin Trudeau:** We are going to pass that target.

**Elizabeth May:** — pre-destining us. Well, you better get to double that target or you never get to carbon neutrality by 2050.

**Elizabeth May:** This is (crosstalk).

**Rosemary Barton:** Time is up, Ms. May. Mr. Blanchet, you can talk to Mr. Trudeau.

**Yves-François Blanchet:** Mr. Trudeau, you claim to have done a lot, but Canada is the worst emitter of GHG in the G20 per capita. So that's not much of a success. But I have two questions from Quebec. First, will you agree with the demand of the Prime Minister of Quebec, Mr. Legault, that Quebec overview and environmental issues will have precedence over Canada's overview? Second question, do you promise, after this judgment in British Columbia to not ever try to have a pipeline cross Quebec, ever?

**Rt. Hon. Justin Trudeau:** After ten years of Mr. Harper's failures to get things built because he did not understand you have to work with Indigenous peoples, you have to work with local communities, you have to respect environmental science, we brought in a process that does exactly that. And we work with the provinces on ensuring that there's not —

**Yves-François Blanchet:** Please answer. It's ten seconds.

**Rt. Hon. Justin Trudeau:** — a duplication of environmental – environmental oversight. That's what Bill C-69 is all about. We know that the way we move forward is responsible and will be done —

**Yves-François Blanchet:** No answer.

**Rt. Hon. Justin Trudeau:** — in partnership.

**Rosemary Barton:** And that's the time. Mr. Trudeau, it's now your chance to ask a question of any other leader. You have one minute to do so, sir.

**Rt. Hon. Justin Trudeau:** We cut taxes for small businesses to nine percent. We cut taxes for Canadians. We know that tax breaks for wealthy do not work to grow the economy. Ten years of Mr. Harper's failure has done that. Yet Mr. Scheer's platform, what we've seen of it because most of it is still secret and will remain secret apparently, like Doug Ford – that didn't work out so well for Ontarians – is to reduce taxes for the wealthiest Canadians, the multimillionaires, by \$50,000, which is more money than most Canadians make in a year.

**Rosemary Barton:** Wrap it up.

**Rt. Hon. Justin Trudeau:** Why the \$50,000 —

**Rosemary Barton:** Mr. Scheer, you have one minute to respond.

**Rt. Hon. Justin Trudeau:** — tax break for the wealthiest?

**Hon. Andrew Scheer:** First of all, Mr. Trudeau, you seem to be oddly obsessed with provincial politics. There is a vacancy for the Ontario Liberal leadership, and if you are so focused on provincial politics, go and run for the leadership of that party, Mr. Trudeau. (Applause).

Secondly, your tax hikes, your tax policy has meant that 80 percent of Canadian families pay

higher taxes today than when —  
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**Rt. Hon. Justin Trudeau:** That's not true.

**Hon. Andrew Scheer:** — you first took office. That is exactly true.

**Rt. Hon. Justin Trudeau:** (Crosstalk) the Canada Child Benefit in that, the one measure —

**Hon. Andrew Scheer:** That was a Conservative principle —

**Rt. Hon. Justin Trudeau:** — that has lifted 300,000 people —

**Hon. Andrew Scheer:** — that Liberals fought against, that you fought against.

**Rt. Hon. Justin Trudeau:** And that you voted against, Mr. Scheer.

**Hon. Andrew Scheer:** Your signature achievement was taking a Conservative idea to send support directly to —

**Rt. Hon. Justin Trudeau:** So why did you vote against it, Mr. Scheer?

**Hon. Andrew Scheer:** — parents. I voted against your tax hikes on Canadians, Mr. Trudeau.

**Rt. Hon. Justin Trudeau:** You voted against the Canada Child Benefit that lifted 300,000 (crosstalk) —

**Hon. Andrew Scheer:** No, I did not. We are committed —

**Rosemary Barton:** OK. Gentleman, one at a time, one at a time.

**Hon. Andrew Scheer:** — we are committed to protecting the — that benefit because it is based on a Conservative principle.

**Rt. Hon. Justin Trudeau:** You're offering (crosstalk).

**Hon. Andrew Scheer:** But we are going to lower —

**Rosemary Barton:** Mr. Trudeau, this is supposed to be Mr. Scheer's answer. We're going to move into open debate.

**Hon. Andrew Scheer:** — taxes for all Canadians, with a universal tax cuts. We're going to bring back the children's sports —

**Rosemary Barton:** That's it.

**Hon. Andrew Scheer:** — and fitness tax credit as well.

**Rosemary Barton:** That's it, Mr. Scheer. We've got three minutes on this, open debate.

**Rt. Hon. Justin Trudeau:** Starting with me.

**Rosemary Barton:** Yes, that's right, sir.

**Rt. Hon. Justin Trudeau:** OK

**Rosemary Barton:** Off you go.

**Rt. Hon. Justin Trudeau:** Mr. Scheer, you did not answer the question —

**Rosemary Barton:** Mr. Trudeau first.

**Rt. Hon. Justin Trudeau:** — on why you were lowering taxes by \$50,000 for multimillionaires in this country. Maybe you'll answer it tomorrow in the press conference, but you haven't answered it tonight.

**Hon. Andrew Scheer:** That is just not true. You haven't answered a question your entire time as Prime Minister. I've sat across you. You never answer —

**Rt. Hon. Justin Trudeau:** I answered more questions —

**Hon. Andrew Scheer:** — a question. I'm answering —

**Rt. Hon. Justin Trudeau:** — in — in the House of Commons —

**Hon. Andrew Scheer:** — your question very, very (crosstalk).

**Rt. Hon. Justin Trudeau:** — than any other Prime Minister (crosstalk).

**Rosemary Barton:** Mr. Trudeau, let Mr. Scheer finish, please. Mr. Trudeau.

**Hon. Andrew Scheer:** I am rolling back your tax hikes on entrepreneurs, on small business. You called them tax cheats. These are the people in our community —

**Rt. Hon. Justin Trudeau:** They're tax breaks for the wealthiest and cuts for services for everyone else.

**Hon. Andrew Scheer:** — they are saving up money to open up a (crosstalk), investing in people's training —

**Rt. Hon. Justin Trudeau:** That's what you're offering.

**Hon. Andrew Scheer:** — and education. You raised the taxes and called them tax cheats.

**Rosemary Barton:** Gentlemen, no one can understand anything. Mr. Blanchet wants in, Mr. Scheer. Mr. Blanchet.

**Yves-François Blanchet:** You two should agree that you're both experts in multimillionaire. However, I have a suggestion for you. How about this idea which has been asked unanimously by Assemblée nationale du Québec of a single tax refund? That would save about \$400 million to our combined states. Is that not a great way to save money, make things simpler for people, companies, businesses and even government?

**Hon. Andrew Scheer:** So you're talking about the single income tax return for Quebeckers?

**Yves-François Blanchet:** Yes.

**Hon. Andrew Scheer:** I am the only federal party leader that can deliver on that, Mr. Blanchet. That is something that I am committed to.

**Yves-François Blanchet:** You might find yourself in a position where you need me to do that. (Laughter).

**Hon. Andrew Scheer:** I am committed to simplifying the lives of Quebecers by ensuring that they only have to fill out one single income tax.

**Jagmeet Singh:** I want to clear up on something with Mr. Scheer.

**Rosemary Barton:** Mr. Singh. Mr. Singh. Yes, go ahead.

**Jagmeet Singh:** You know, Mr. Scheer, you talk a lot about tax cuts, but this is the reality. The thing is – is that Canadians can look across this country and see what the impacts of a Conservative tax cut means. Translation: cuts to education, cuts to health care, vicious cuts to the most vulnerable people in society. That's what you do. And the thing is, Mr. Trudeau, you sound a lot different, you sound a lot better, but you've done much of the same. You're giving billions —

**Rt. Hon. Justin Trudeau:** Nine hundred thousand people out of poverty.

**Jagmeet Singh:** — of dollars to the wealthiest and your —

**Rt. Hon. Justin Trudeau:** It's not nothing. We have —

**Jagmeet Singh:** — (crosstalk)

**Rosemary Barton:** Mr. Trudeau.

**Rt. Hon. Justin Trudeau:** Three hundred thousand kids out of poverty is not nothing, Mr. Singh.

**Rosemary Barton:** Mr. Trudeau.

**Jagmeet Singh:** (Crosstalk) cabinet ministers use tax havens.

**Rosemary Barton:** Mr. Scheer, you can respond, then Mr. Bernier.

**Hon. Andrew Scheer:** So under Trudeau's policy, Canadians are working harder and harder but they're barely getting by or falling behind. Our policy will leave more money in their pockets, and we're going to do that, Mr. Singh, by protecting services like health care and education. We're going to get the money to pay for it by cutting corporate welfare and reducing Canada's foreign aid budget by 25 percent. That is going —

**Jagmeet Singh:** (Crosstalk) the same thing and he didn't do it.

**Hon. Andrew Scheer:** — to pay for our tax cuts for all Canadians to leave more money in their pockets so that they can get ahead.

**Jagmeet Singh:** Not going to work.

**Hon. Maxime Bernier:** Mr. Scheer and Mr. Trudeau, it's all the same. It's all boutique tax credits. They won't cut tax for every Canadian. We have a platform with only two tax rates that would be fair for everybody so everybody will save. The cost of our tax reform would be \$35 billion, but we will do that only after balancing the budget. We'll use our (inaudible). It's the only responsible way to give more money —

**Rosemary Barton:** Ms. —

**Hon. Andrew Scheer:** I got a question.

**Rosemary Barton:** No. You had your chance. Ms. May wants in. Ms. May.

**Elizabeth May:** With two weeks left in this election campaign, Canadians can know one thing. At this point, Mr. Scheer, with all due respect, you're not going to be Prime Minister. The question is going to be on a seat count —

**Hon. Andrew Scheer:** I'll put — I'll put a bet on that, Ms. May.

**Elizabeth May:** — if we have Mr. Trudeau in a minority or Mr. Trudeau in a majority, voting for Green MPs is your very best guarantee, Canada, that you don't get the government you least want.

**Rosemary Barton:** Mr. Scheer can respond to that and then we'll wrap it up.

**Hon. Andrew Scheer:** Well, I'm going to prove you wrong on that, Ms. May. You just watch on October 21<sup>st</sup>.

**Elizabeth May:** Well, I'll — I'll lay you bets right now.

**Hon. Andrew Scheer:** Mr. Bernier said something that's completely untrue. Under Justin Trudeau, we will see endless deficits, meaning more and more Canadian tax dollars goes to pay the interest on that debt. We'll balance the budget while still preserving —

**Rosemary Barton:** Time, time is up.


**Hon. Andrew Scheer:** — core services.

**Rosemary Barton:** And it's Maxime Bernier's chance to lead this part of the debate. You can ask one question to any other leader. Thirty seconds, please.

**Hon. Maxime Bernier:** Yes. (Laughter). Andrew —

**Hon. Andrew Scheer:** Déjà vu.

**Hon. Maxime Bernier:** — you are, you are calling yourself a Conservative, but you don't want to balance the budget in two years. You will have \$70 billion on our debt. You support the cartel in mill, dairy, and poultry, knowing that the Canadian family is paying more than \$400 a year for that. Andrew, are you a real Conservative? No. I think you are a Liberal. Why are you pretending to be something that you're not?

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**Rosemary Barton:** Mr. Scheer.

**Hon. Andrew Scheer:** You want to talk about pretending to be something that you're not. I'm not sure which Maxime Bernier I'm debating tonight. Was it the Maxime Bernier from the 1990s who was a separatist or is it the Maxime Bernier who was minister responsible for handing out corporate welfare? Was it the Maxime Bernier who defended supply management when it suited him? The fact of the matter is —

**Hon. Maxime Bernier:** I'm the messenger.

**Hon. Andrew Scheer:** — sorry, it's my — it's my time to respond to that question — the fact of the matter is there's a clear contrast in this election: Justin Trudeau's endless deficits and tax hikes to pay for it, or a Conservative plan that will leave more money in your pocket. We will lower taxes for all Canadians. We'll bring back popular tax credits like the kids' sports and fitness tax credit, we'll boost the RESP, we'll raise the age credit for seniors, and we'll bring in a green home renovation tax credit. That, all the while cutting corporate welfare and Canada's foreign aid budget to bring that money back home so that Canadians can get ahead.

**Rosemary Barton:** Nine seconds. Well, let's do open debate. Off you go. You're starting that too. (Laughter).

**Hon. Maxime Bernier:** Thank you very much. I'm the Maxime Bernier who's there for Canadians, and I'm the Maxime Bernier who does not care about having real debates on real issues that are important for Canadians. You don't want to have debates —

**Hon. Andrew Scheer:** Maxime Bernier that says things on Twitter that immigration —

**Hon. Maxime Bernier:** — you don't want to have debates on immigration.

**Hon. Andrew Scheer:** — (crosstalk) for your life.

**Hon. Maxime Bernier:** You don't want to have debates to help every Canadian and abolishing that cartel in supply management. You don't want to be able to cut foreign aid. You don't want to cut foreign aid.

**Hon. Andrew Scheer:** It's a signature part of our plan.

**Rosemary Barton:** Let's let Mr. Scheer respond, please.

**Hon. Maxime Bernier:** Yeah, it would be important to balance the budget —

**Rosemary Barton:** Mr. Scheer, then Mr. Singh. Mr. Scheer.

**Hon. Maxime Bernier:** — and we can do that.

**Hon. Andrew Scheer:** That's precisely not the case. We've said that, I've said that we'll cut Canada's foreign aid budget by 25 percent to pay for the tax cuts that we are going to bring in —

**Hon. Maxime Bernier:** You can save \$5 million there in balancing the budget.

**Hon. Andrew Scheer:** — we're bringing in important tax cuts so that Canadians can get ahead.

**Jagmeet Singh:** I want to just put in what this election's all about. This election's all about who's going to fight for you, who's going to stand up for you. And we've seen with Mr. Trudeau, he says nice words, but he gave \$6 billion in corporate loan write-offs last year, \$14 billion to the richest corporations. He keeps tax havens open, he keeps loopholes open. He hasn't closed them in four years. We're in it for people. We're not in it for the rich. We're going to deliver universal pharmacare for all, we're going to deliver dental care programs, we're going to invest in housing, we're going to fight the climate crisis like we need to win it.

That's what you get with New Democrats. I ask people to support New Democrats —

**Rosemary Barton:** Mr. — Mr. Trudeau can respond. Mr. Trudeau can respond. Sir.

**Jagmeet Singh:** — to hold to account this government, to form government in the next election.

**Rt. Hon. Justin Trudeau:** We have invested in Canadians. We made a very different choice than Stephen Harper did, very different choice than Andrew Scheer is proposing. We lifted 900,000 people out of poverty, we lifted seniors out of poverty, we're putting more money in the pockets of students, and we're seeing over a million jobs created, most of them full time, over the past year. But there is so — over the past four years — but there is so much more to do. And that is what we have to stay focused on because the fight against climate change, the fight for the future of our economy matters, and that's the choice —

**Rosemary Barton:** Ms. May wants in. Then Mr. Blanchet.

**Rt. Hon. Justin Trudeau:** — Canadians need to make.

**Rosemary Barton:** Yes, go ahead.

**Elizabeth May:** We have completely mischaracterized our response to the climate emergency as something that somehow doesn't help the economy. You have the biggest global economic opportunity in the history of humankind —

**Rt. Hon. Justin Trudeau:** I agree.

**Elizabeth May:** — in moving all fossil fuels as quickly as possible.

**Rt. Hon. Justin Trudeau:** I agree.

**Elizabeth May:** But then you're keeping fossil fuels going because your target is exactly half of what's required. If this election is anything, it's about trust and ethics, and we are in a climate emergency. We need grownups in the room to take responsibility.

**Rosemary Barton:** Mr. Blanchet.

**Yves-François Blanchet:** Mr. Singh said that he wants to fight for Canadians, and that's a good point. Who do we want to fight for? I want to fight for Quebeckers and Quebeckers only. If we agree with the Canadian government, then let it be. If we don't agree, we're going to fight, and this is what Bloc Québécois has always done and I can't wait pour avoir ces gens-là dire en français ce

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**Rosemary Barton:** Ils vont le faire. Mr. Scheer.

**Hon. Andrew Scheer:** The fact of the matter is under Justin Trudeau, life will continue to get more expensive. He will continue to raise taxes. His carbon tax will go up. He's afraid to tell you how much it will go up by. Under the Conservative plan, we'll balance the budget, protect core services, and lower taxes for all Canadians.

**Rosemary Barton:** Mr. Trudeau, Mr. Trudeau, five seconds to respond.

**Rt. Hon. Justin Trudeau:** Our price on pollution helps Canadians more than – than removing it does.

**Rosemary Barton:** OK.

**Elizabeth May:** Climate emergency —

**Rosemary Barton:** That's it. Thank you. That brings us to the end of this segment and to the end of this debate. We want to thank all of you, of course, for taking the time, our questioners tonight and all of you for watching live, in person, and on your various screens.

Just a reminder, as Mr. Blanchet hinted at, that French language debate is later on this week, Thursday at 8:00 p.m. Eastern. On behalf of all my wonderful moderators and everyone here, have a good night.



**This is Exhibit "8" referred to in the affidavit of Cindy Blackstock affirmed before me at Ottawa in the Province of Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', is written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**

Sent from my iPhone

Begin forwarded message:

**From:** Cindy Blackstock <[cblackst@fncaringsociety.com](mailto:cblackst@fncaringsociety.com)>

**Date:** October 21, 2019 at 12:40:53 PM EDT

**To:** Joanne Wilkinson <[joanne.wilkinson@canada.ca](mailto:joanne.wilkinson@canada.ca)>, "Nepton, Nathalie (AADNC/AANDC)" <[nathalie.nepton@canada.ca](mailto:nathalie.nepton@canada.ca)>, Valerie Gideon <[valerie.gideon@hc-sc.gc.ca](mailto:valerie.gideon@hc-sc.gc.ca)>

**Cc:** Jonathan Thompson <[JonThompson@afn.ca](mailto:JonThompson@afn.ca)>, Martin Orr <[morr@afn.ca](mailto:morr@afn.ca)>

**Subject:** Status cards for children in care and compensation

**Good afternoon Jeanne, Valerie and Nathalie,**

**1 was in Manitoba last week and Dakota Ojibway CFS advised us of a significant problem they are having getting children in care registered. Apparently they have 300 children who they need registered but there is a glitch in the system in MB as INAC only sends a fixed number of cards to each First Nation to issue. Once those cards run out the kids have to wait another year. This is creating situations where children are not being able to access services they are entitled to such as Jordan's Principle (off reserve). Nathalie- we were going to raise this at the meeting scheduled for tomorrow but since the meeting was cancelled I thought I should bring it to your attention via email.**

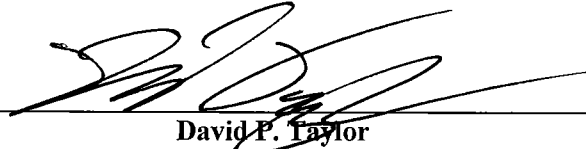
The agency has repeatedly raised this concern with INAC MB region but not received a satisfactory response.

Also, following on the Prime Minister and Minister O'Regan's public statements saying they support compensation, I am writing to see if you can advise me of a federal official we can speak to about the compensation process due to the Tribunal on December 10, 2019. We are aware of the judicial review, however, given that a stay has not been granted nor has a date for the hearing on the stay been scheduled, Canada remains obligated to implement the order and thus needs to appoint someone for the AFN and caring Society to consult with on the process.

Thank you

Cindy

**This is Exhibit "9" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'D. Taylor', is written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**

**From:** David Taylor <DTaylor@conway.pro> **Sent:** October 22, 2019 2:09 PM **To:** Frater, Robert <Robert.Frater@justice.gc.ca> **Cc:** Tarlton, Jonathan <Jonathan.Tarlton@justice.gc.ca>; Binnie, Max <Max.Binnie@justice.gc.ca>; 'Sarah Clarke' <sarah@childandfamilylaw.ca>; Barbara McIsaac <Barbara@mcisaaclaw.com>; Anne Levesque <Anne.Levesque@uottawa.ca> **Subject:** RE: Case Management

Rob,

I can confirm that the Caring Society's expectation is that Canada will comply with the Tribunal's order and will consult with it and the AFN before filing its submission regarding the compensation process with the Tribunal on December 10.

Dr. Blackstock's request that a federal official(s) be identified for these discussions is based on that expectation. I would think that the identity of the individual with whom discussions would be had should be ascertainable regardless of the outcome of the stay motion.

It is our client's view that, particularly in light of the Prime Minister's public statements on multiple occasions in the recent election campaign, having discussions as soon as possible regarding compensation to victims of Canada's discrimination is important.

Can you also confirm the steps your client has taken towards formulating its position regarding the compensation process? For instance, we are aware of certain conversations between Minister Bennett and First Nations chiefs, as noted in my October 15 letter.

Best,

David

**David Taylor** Conway

**and Baxter Wilson**

LLP/s.r.l. T:613-691-0368 |

F: 613-688-0271 |

[www.conway.pro](http://www.conway.pro)



**From:** Frater, Robert <[Robert.Frater@justice.gc.ca](mailto:Robert.Frater@justice.gc.ca)> **Sent:** Tuesday, October 22, 2019 9:32 AM **To:** David Taylor <[DTaylor@conway.pro](mailto:DTaylor@conway.pro)>; 'Sarah Clarke' <[sarah@childandfamilylaw.ca](mailto:sarah@childandfamilylaw.ca)> **Cc:** Tarlton, Jonathan <[Jonathan.Tarlton@justice.gc.ca](mailto:Jonathan.Tarlton@justice.gc.ca)>; Binnie, Max <[Max.Binnie@justice.gc.ca](mailto:Max.Binnie@justice.gc.ca)> **Subject:** Case Management

David, Sarah,

Our client has provided to us an email sent yesterday to Valérie and Joanne by Dr. Blackstock, in which she asks for a federal official to be identified to engage in the talks mandated by the Tribunal before December 10.

Is it your client's position that such talks commence immediately, before a stay motion is heard? We need to know, since that will inform the position that we take on the setting of dates in the Case Management meeting on Friday.

**This is Exhibit "10" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', is written over a horizontal line. The signature is fluid and cursive, extending to the right of the line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



6:18 ↗

📶 LTE 🔋

🔒 mobile.twitter.com

← **Tweet**



**Adam Vaughan** 🇨🇦 ✓  
@TOAdamVaughan



Replying to @SaronGeb

We agree that there must be compensation , but we are asking for a judicial rule of the HRC decision because it either requires clarifying or should be struck down and a new one written. There will be be compensation but it can't acted on until after an election.

5:03 PM · Oct 13, 2019 · [Twitter for iPhone](#)

2 Likes



**Kristin Roe** @Kristin\_Roe · 1h



Replying to @TOAdamVaughan and @SaronGeb  
Delay delay delay.

🗨️ 1



❤️ 1





**Adam Vaughan** 🇨🇦  @TOAdamVaug... · 1h

We can't act during a writ period.

 2



**Saron Gebresellasi** @SaronGeb · 42m

Yes you can.

 1



 3



**Saron Gebresellasi** @SaronGeb · 42m

This is really troubling to me.

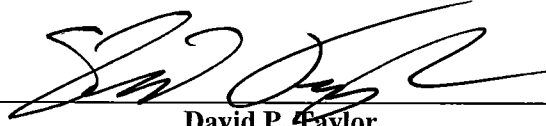
 1



 1



**This is Exhibit "11" referred to in the affidavit of Cindy Blackstock affirmed before me at Ottawa in the Province of Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**

Please refer to audio recording.

**This is Exhibit "12" referred to in the affidavit of Cindy Blackstock affirmed before me at Ottawa in the Province of Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'D. Taylor', written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



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**FIRST NATION**

A-Kii, Bemaadzjik, E-Nügaanwang  
The Land, the People, the Future

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Fax: 705-753-2527

**Nbisiing Secondary School**  
Phone: 705-497-9938

**Ontario Works**  
Phone: 705-753-2058  
Fax: 705-753-5841

**Public Works**  
Phone: 705-753-4167  
Fax: 705-753-6703

October 15, 2019

Ms. Cindy Blackstock  
Executive Director  
First Nation Child and Family Caring Society of Canada  
Suite 401 – 309 Cooper Street,  
Ottawa ON  
K2P 0G5

Dear Ms. Blackstock,

On October 11, 2019 I was invited to a meeting with Minister Carolyn Bennett and Trish Cowie, the Liberal Candidate for Parry Sound Muskoka, along with area Chiefs, to listen to the federal government's explanation of the decision to appeal the latest ruling from the Canadian Human Rights Tribunal as it relates to compensation for kids in care and their families.

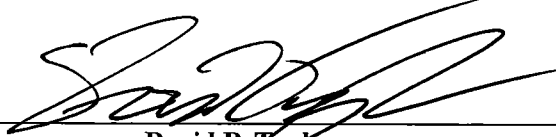
As I did not have any writing materials with me to take notes, I recorded the conversation on my phone. I am seeking the assistance of the First Nation Child Caring Society in interpreting the information I received last week. I would appreciate if you could review this recording and provide any insights and information back to Nipissing First Nation to assist in our deliberations on this matter. I have sent a copy of the materials to Robin McLeod, FNCCSoC staff member, who has my permission to share these materials with you.

We would appreciate an opportunity to meet with you or have a conference call once you have reviewed these materials.

Sincerely,

Scott McLeod  
Gimaa (Chief)

**This is Exhibit "13" referred to in the affidavit of Cindy Blackstock affirmed before me at Ottawa in the Province of Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'D. Taylor', is written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**

**TRANSCRIPT OF RECORDING**

**OCTOBER 11, 2019 MEETING**



00:00:00

**Track 1501-1599 Lane G-1.m4a starts.**

TRISHA:

Uh, but most importantly for today, I'm the Federal Liberal Candidate here in Perry Sound Muskoka. I am a member of Hiawatha First Nation, and we're very proud of (inaudible). And I'm very thankful to be here, uh, in your territory, and I thank you for hosting this meeting.

CHIEF MCLEOD:

My name, um, Chief McLeod of Nipissing First Nation.

MALE:

And of course, the Chief Tabobondung from Wasauksing, and again, welcoming everyone. It's a great day in Wasauksing, so it's nice to see our lawyers here, and as well, um, one of federal cabinet ministers. It's really, really great to, to, to have her here, so I say that, and I pass it back to Trish.

TRISHA:

Thank you.

MALE:

(Inaudible.)

TRISHA:

So when I, when I decided to get into-, or go forward in law and become a lawyer, the main reason I wanted to do that was to help our First Nations communities. Uh, that was the driving force behind getting involved, uh, in the law. Uh, and my education was build on that. Uh, and then I built my career off of that. So when I articulated, I articulated at Nahwegahbow Corbiere in Rama. Um, I'm sure you all know, uh, Dave(ph) and Diane(ph), uh, and, uh, I worked on a number of files, um, and one of them being the child welfare file. Uh, and part of the reason I actually got that articling job, uh, with, uh, Nahwegahbow Corbiere, it was because I had written a paper, uh, on the child welfare issue, uh, which started in 2007 when they, when they took that to the Canadian Human Rights Tribunal, and I had followed it very closely the entire way through because, in my opinion, if we can't take care of the most vulnerable people in our societies, then what the heck are we doing? And this is exactly that area. And fighting for that social justice is very near and dear

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to my heart, and I have followed through with education, I worked on it as a lawyer, and I remember, uh, the day that Dave actually invited us to go to the federal court, and we got to watch, uh, you know-, Cindy

00:03:03

Blackstock was there, we got to watch in court-, the lawyers. There were so many of them-, and fight for ending the discrimination against our First Nation children. Uh, and I remember it was so distinct, and it was probably one of the most awkward moments I've ever seen in court was the crown trying to defend what was happening. And we sat there and the question that, uh, the First Nations team put to the judge was, uh, if we had a factory and that owner only hired Mexicans, for example. And he hired them because he knew that he could pay them less and under the table just because of the simple fact that they were Mexicans. Is that not discrimination? And the judge was like, yeah, that sounds right to me. And the judge put that question back to the crown lawyer, and the crown lawyer tried to wiggle around it, and not answer the question-, the judge didn't let him. Uh, and asked him again, and he wiggled around it, and she asked him again, and then she-, and she stopped him 'cause she-, he was gonna give her more BS. And finally, he just stood there, and it was the most awkward minute and a half, two minutes of pure silence of the crown lawyer just standing there. Because the point is, is that if we're underfunding First Nation's children simply for the fact that they're First Nation children on reserve, that's discrimination. And he couldn't admit to that question without admitting to the fact that the crown would be discriminating against First Nation children. Uh, so watching that, uh, was obviously an inspiration for me to continue in the work that I was doing. Uh, and, and it wasn't even just-, I know that it's become a-, an election issue now-, I was talking about this before the election. I was talking about this before it became an election issue. I brought it up at every single debate that we had about the discrimination happening against our children. I talked about it at the rotary club meetings that we had. I have talked about it at any of the meet and greets, and a lot of the response has been, we don't know this is happening. I'm like, well, now you do, and I'm telling you about this. Uh, and, and part of the, uh-, when, when it came out that the federal government was gonna be appealing the

00:04:05

00:05:06 Community Human Rights Tribunal decision, uh, that was discouraging for me to hear, uh, and we did reach out to the party immediately, uh, and I was able to-, Carolyn did reach out to me as well to chat with me, uh, about what's happening on the ground 'cause obviously, there has been a lot of blowback from First Nation's communities, uh, about the appeal. And, uh, here we are today. I think that it was important to have this sit down, and to make it clear to all of you in, in our immediate area how important this issue is to me, uh, and has been to me. And this is exactly one of the reasons why we need to have First Nation people at the table because we have to keep this front and center. We have to make sure that our children are gonna be able to live in our communities, learn their language, learn their culture, be with their families. Uh, and I see this as a, a transformative moment for Canada in what kinda country do we want to be. Uh, and I think Canadians are good, and they want to see this change, and that has been the response in large part from the people that I have talked to who are not First Nation. Uh, they do want this to change, and the-, now that it has become front and center, I think we need to use that momentum to ensure that some-, that it changes. So I am here asking for your continued support, uh, and I am here to provide assurance that I will continue to push hard, uh, for our children, and, and make this a priority, um, should I be elected, uh, October 21st. Uh, and I think-, I believe that in the last four years we have seen a major change in the way, uh, government, uh-, the government relationship is with First Nation, uh, and perhaps you would all have better insight to that, being Chiefs in your community, or counsel members in your own community. I know that we have a lot more work to do, uh, and I want to be part of that, to push that forward, uh, and, and build on the progress that we've already made. So there's a little bit of my background.

00:06:03

00:07:05

CAROLYN:  
00:08:02 And maybe I'll back-, uh, Trish, exactly as you've said, I think that, uh, it-, we are, um, proud of the record that we have, uh, taken with litigation and trying to get things out of the court room and to the table. We settled

the Anderson case even though Newfoundland Labrador weren't even in Canada at that time, and we felt that those kids that had gone to those residential schools needed to be, um, properly compensated. I think that when we listen to Chief Marcia Brown on 60s Scoop, and understood that what-, courts could only award money, um, but what she wanted was language and culture, and the ability to set up a foundation to make sure those kids could get back what they'd lost in terms of being able to access money for healing, access money for language and culture. Courts can't award that. Um, the day scholars-, the suit never, ever ended up in court. We were able to just go to the table, and, and-, with Garry McLean and, and Claudette Commanda and actually make, um, what would be fair for them. I think on this case, and obviously, from TB to relocation that we continue to just try and settle these cases in the fairest way possible. But I think our concern is when you can't settle cases if the survivors aren't at the table. If you don't hear from the people that were harmed-, and that organizations can only do so much, um, but the-, in order to unlock the healing, people need to fe-, to feel that they-, that the, the settlement was fair. And so in this CHRT, um, process, there was no-, there's no process in the CHRT to ask for an extension. You ca-, it's not in the process, and so we needed to have a stay because there was no way by December that we were gonna have a fair, um, a fair, um, assessment because if pe-, they can only just give 40,000 to everybody, um, but that meant if somebody had been in care for a week, or somebody had been in, in 10 homes, abused all the time that, that, that, that then person ends up feeling this isn't fair, and continues to be, um, harmed, um, in terms of retraumatized. And so in-, this is not something anybody wanted to watch unfold in a-, an election campaign, or during an election campaign because we wanted to get to the table to be able to sort out what would be fair, um, for, for not only the people in the CHRT, but the-, not the-, people from 91 from the end of 60's Scoop until the CHRT 2006. All of those people need to also have a voice as to what would be fair. And so we need to be able to figure

00:11:03

out, um, that kind of assessment process, uh, as to whether it's a common payment for anybody that was in care, but then some way of time and harm, which is the way that, that URSO or, um, 60's Scoop, or all of these things have been sorted out. And there's no way there would be a fair, um, system by December, and that, unfortunately, was what the ruling said. So, um, we want to settle this, we want to do the compensation, we want to do the right thing. We want to hear from survivors-, do they want something like the 60's Scoop Foundation where there would be access to healing, and, and language and culture. Do they-, what, what do they want, not just the organization speaking on behalf-, on their behalf. And so we-, it means we've got to, uh, um, uh, take the time to get it right so we don't hurt people again. Um, and, and whether it's toddlers, or whether it's somebody suffering addictions who doesn't want a lump sum

00:12:00

settlement, um, that we actually have to, have to hear all of the complexity of this. But I'm here to really say we're gonna get this done, and we're gonna get it done properly. Um, we aren't fighting, we, we just don't think that the CHRT, um, with the-, it's confines of only-, you meet the criteria or you don't, you get 40,000 or you don't. That isn't really the place to deal with these complex situations, and, uh, um, as Trisha said, from that first time of, of, of what was really discriminatory in the amount going to Child and Family Services between non-Indigenous and Indigenous children, um, to Jordan's Principle, it was zero under the Conservatives, 346,000 under (inaudible). The original case came about Jordan River Anderson, um, multiple medical conditions, on reserve-, a squabble

00:13:01

between the provinces and the-, and, and, and the feds. We now-, every time we've gone back, it has expanded to now on or off reserve, only one condition, maybe even a learning disability, plus, plus the no squabble necessary. We have continued to move the markers, um, the funding is there, but you and I know that C92 is what, what needed to happen, such-, that nations would be able to look after their own children. All that money that's been going to lawyers to apprehend children, agencies, and non-

00:14:04

Indigenous foster family's needs to go to your communities so that you can look after your own children in the way they have a right to be raised as Indigenous members of your community. And so, I, you know, have fought for a long time about, about really getting that section 88 of the Indian Act laws of general application to not apply to Child and Family Services, and to make sure that in the legislation you would be able to have the right to fight with the provinces, and we will have your back.

00:15:03

That you will make your own child wellbeing law as, as the, as the Anishinabek Nation is moving so, um, so impre-, you know, impressively on. But, but this is, um, um, really unfortunate, and I think that there are certain things that lawyers say in court in the pleading that are really obnoxious. And I'm the first one to say that as the client, um, I hate that, and it-, but people need to know that that is not what we or the Prime Minister feel. We want to settle this, and we want it to be fair, and, and, and such that people can get back, um, their healing journey, their language and culture, and, uh, in terms of how damaged, um, people were by their attacking child (inaudible). As you know, um, that's all we heard in this Murdered Indigenous Women (inaudible). It's all we heard. So (inaudible) Child and Family Services abuse that, that was the, the common denominator for pretty well all the victims. And unfortunately, some of the perpetrators. That that was the story, and so, I, uh, I think it's, uh, really important that we have somebody like Trisha at the table that will make sure that this is done fairly, and in the best interest of the child, and, and, and for those moms, um, that I saw, and that-, it still, it still makes me cry to have-, what happens to these moms when their kid's taken away, uh, we can't afford that. We need to wrap around the, the services and be able to prevent this, and to prevent the millennial scoop, um, as we go forward. So, um, I felt that, uh, that, uh, Trisha was on the calls, uh, um, the most eloquent, the most, um, impressive, asking the best questions, um, of what the hell are we doing? Um, and, um, and, uh, and I just think it'll be very, very important that, uh, that, uh, that we

00:16:00

work with all of you, um, but also with the-, you know, to have at the table that people will really know this file, and are prepared to make sure, um, that the survivors and those harmed are, are at the table to determine what the right settlement, and what, and what that, that-, those other things that could be, um, put into the, into the healing process, um, uh, in that, that it can never be a hundred percent right, but we have to make sure we don't hurt people there anymore.

TRISHA: And we have to make sure that we're reaching the survivors, and the, and  
00:17:03 the victims from the child welfare s-, services. So right now, with the  
CHRT, it's not all of the victims. It's from 2007 forward. We know that it  
started before that. We know that. And settling on that basis only, we're  
leaving out others who were harmed. Uh, and I don't know-, I can't-, this  
is speculation as a lawyer, I know when you're trying to get a stay, or  
when you're filing a motion, you put forward arguments, uh, that will  
hopefully get you what you're asking for. Uh, and so there is some  
doublespeak happening here in the sense that we filed this motion for a  
stay, um, but we're telling you that we want to settle this issue, uh, to  
include more settlement for a larger amount of children. Uh, and to work  
00:18:10 out some of the more important details, aside from money 'cause there's no  
amount of money that's going to repair this wrong. There's no amount of  
money. But things like language and culture, is this something-, is there  
some-, is there something that we can do there as we did in other  
settlement agreements. Uh, so there's, uh, political and legal aspects here  
that, quite frankly, don't line up.

CAROLYN: Hm. Yup..

MCLEOD: Just, just, maybe just introduce Wayne...

TRISHA: Yes.

MALE: No problem, yeah.

MCLEOD: ...(inaudible).

WAYNE: Chief Wayne McQuabbie. Sorry, I'm a little...

TRISHA: Thank you for coming.

WAYNE: ...late.

TRISHA: No, thank you for coming.

LADY: Thanks, Chief.

WAYNE: I'm at a bit of a loss on the topics that are being-, topic being discussed.

00:19:00

TRISHA: Mm-hmm, mm-hmm, uh...

WAYNE: So I'll listen.

TRISHA: Yeah, well, I-, the Coles, the Coles Notes version, uh, we are talking about the Canadian Human Rights Tribunal decision, uh, to award money to the victims of the child welfare system.

WAYNE: Okay.

TRISHA: Uh, and the governments appeal of that decision.

WAYNE: Okay.

TRISHA: And I did provide a little bit of my background in that department, and I believe we-, I did speak about it with you a little bit on the telephone...

WAYNE: Mm-hmm.

TRISHA: ...yesterday.

WAYNE: Yeah.

TRISHA: So I know that there's gonna be questions.

MCLEOD: Yeah, I've, I've got a few questions. So, um, I'll start off, um, regarding the-, you know, the wanting to get it right, and not making the December 10th deadline. Uh, The Caring Society has publicly said it's going to meet the December 10th, uh, deadline, but Canada has not appointed an official date for them to work with. So, my question is, how can you possibly say that you're not ready, when The Caring Society and the AFN has undertaken the necessary steps to submit a well thought out process by December 10th? Why don't you talk to them?

00:20:02

CAROLYN: We-, I, I must say that we have kept trying to talk to them, and that, that they have wanted to see what the Tribunal would say. I think that the concern has been we-, our responsibility is to all of the survivors. I-, we are not, um, I think, comfortable letting them design a plan without the



survivors and the people harmed at the table. This isn't about a-, organizations, this is actually about people, and people who have...

MALE: Yeah, but it's these organizations that have gotten things like Jordan's Principle in, uh, compensation packages into place, so you can't dismiss these organizations as saying, they're not the people. They are working for the people. If it's-, not for-, if it wasn't for Cindy Blackstock, a lot of this stuff wouldn't even have come to the forefront.

00:21:02

CAROLYN: So it, it-, um, on things like Jordan's Principle, that is a principle. Um, this is about individual compensation being fair and being seen to be fair by the people, um, harmed. Um, we have made fair and equitable settlements in s-, many, many cases, but never just with organizations at the table. We actually need the people's voices there. Um...

TRISHA: And it does have to be...

CAROLYN: ...in the...

TRISHA: ...more expansive...

CAROLYN: Yeah, I think that...

TRISHA: ...then it was.

CAROLYN: ...from Garry McLean the, the people at the day schools we never had to go to court because we listened, and they were able to say what they would need, um, for it to be fair based on how long somebody was, um, in care, the harm that was done, the timing, and the time-, there is a, a-, we do not believe that we could accept, um, a plan unless, unless the people harmed, um, actually are, are behind that plan, and agree that it's fair. If, if something is assigned, and people don't think it's fair, they will be retraumatized for the rest of their life that so and so got this, and I only got that, and this is, this is not the way these things are, are done. This is not really the way the CHRT, the CHRT was really set up for individual cases. Um, and that's why the \$40,000 is the max they can give. This was about-, the, the process was for individual cases. This is something that is a very large class of people who were harmed, but it's only part of the people

00:22:01

who were harmed, as Trisha said. From-, 60's Scoop has been settled, and so that's till 90, 91. This doesn't start till 2006, what happens to all those people in between?

TRISHA: Mm-hmm.

CAROLYN: And so we want to do a comprehensive approach with the voices, and, and the people that the, the-, those harmed need to actually choose who the spokespeople are. Choose who decides whether this is appropriate or not. You can't have it top down, um, or it won't work. Um, thi-, this won't be able to unlock the healing that we know is necessary.

00:23:04

TRISHA: And I think it's important to say too. The organizations who have brought it this far, and who did start this action are to be commended because...

CAROLYN: Yes, absolutely.

TRISHA: ...it's for them-, it's because of them that this is now-, it's, it's come to a head. They have the, the tribunal decision, uh, and it's because of their tireless efforts over the course of more than a decade. Uh, so it is going to be....

MCLEOD: But, okay...

TRISHA: ...important to work on it....

CAROLYN: But, Scott, like just on the Jordan's Principle piece, the, the, the Jordan's Principle was, as we said, to be just a kid with multiple medical conditions, um, only on reserve, and, and where there was a squabble. We have gone way further than that, such that, that now, pretty well, any child who needs anything is now approved. And that was-, that, that we've gone beyond what was...

00:24:02

MCLEOD: But there's, there's...

CAROLYN: ...the original case.

MCLEOD: ...still children that are waiting over a year and a half for some type of compensation from Jordan's Principle. So even though it's in place, it's, it's a broken system. My daughter is waiting a year and a half to get compensation for dental work that she had. So, I mean, yeah, we can sit here and talk about how good Jordan's Principle is in principle, but on the

ground, it's, it's still not effective.

CAROLYN: No, no, and I think that's what Trisha is saying, is that we've gotta continue to be-, I mean, be-, before our government took office, zero cases, um, were approved for Jordan's Principle, now it's 340,000 cases that have been approved in the four years. So we are-, that's significant improvement, but we know we've gotta do more, and, uh, and, and it is, it is the kinds of things that the US chiefs know is happening every day, um, and that we've, we've got to do better, and that this, you know, eventually, um, you will be in, you know, in the progress to self-determination, these will be decisions that you will take in your governments.

00:25:02

MCLEOD: Okay, so I'm having a hard time with this. Uh, you know, Canada's legal submissions filed on Friday argue that Canada, uh, will suffer irrevocable harm. There is no meaningful acknowledgement of the suffering of the children and the families. Canada says...

CAROLYN: (Inaudible.)

MCLEOD: ...any revocable harm can be addressed by paying interest. Meanwhile, APTN found over a hundred kids died in Ontario during the, the time that Canada was not complying with the tribunal link. Canada's noncompliance to the, to the deaths of these children. Now, I'll ask you. Your department was found to be still willfully and recklessly discriminating against our kids, and some of them are dying as a result. Many others are being separated from their families, so why have your public statements and legal submissions only focused on what Canada needs?

00:26:02

CAROLYN: I think Trisha already explained that that is the justice department pleading in order to get the stay. It has nothing to do with what we as a government want to do politically, and what we will do going forward. The most important-, this, as all of have discussed, this started out as more money for agencies, and you all know the agencies haven't been serving your people well. Um, we want with Bill C-60 92, we want the money to go to kids, and families, and communities to prevent these kids being

apprehended.

MCLEOD: So why not simply adopt the Spirit Bear Plan that was unam-,  
unanimously adopted in 2017.

CAROLYN: We have done most parts of the Spirit Bear Plan, and a lot of it is about,  
00:27:02 about self-determination. So I, I believe that if you look-, if you take  
down the Spirit Bear Plan, that we have actually-, but again, our policies  
are co-developed with our partners. We can't unilaterally appoint-, a-, a-,  
approve a plan that comes in from somewhere else. This is-, this has to  
be-, each of the nations, and each of the self-de-, determination  
agreements that we're signing are co-developed with our partner. And,  
and, and we're ticking off most of the things that are in the Spirit Bear  
Plan, but it is about a relationship nation to nation, government to  
government. This is about, about us looking at, at even some of the self-  
governing nations that are still having to make reforms in their child and  
family service. The, the, the Yukon and Northwest Territories, we, we are  
working with our partners to get this right. Treaty 8 now has a urban  
Child and Family Centre in Edmonton, even for their offer (inaudible) of  
00:28:02 kids that we just-, it was turnkey we just ap-, approved it so that they  
could prevent kids going into care. We have to just work with our  
partners, um, and, uh, and I, I-, we have to stop father knows best  
journalism and move into a relationship where, where each nation knows  
what's best for their kids, and we will work with them to make sure that  
happens.

TRISHA: And, sorry, practically, I think too the best example of that is in  
developing your own child welfare agency. You're-, that systemic, uh,  
discrimination that's built into the provincial system, you're tearing it  
down by creating your own policies, and establishing your own rules, and  
as a, as a lawyer, and in my own experience here in Parry Sound and in  
Bracebridge, uh, I have fought for a number of parents, uh, to help have  
their children returned to them. Uh, and one of the things that we see in  
00:29:03 child welfare is that it's all-, a lot of the funding is back ended, so a kid

doesn't get help for mental health until they're apprehended. Uh, a parent doesn't get counselling until the child's apprehended, so that in and of itself is something that you're able to do in your agency to say, no, we're gonna make sure that the funding is upfront, so that if a family needs a crib to make sure that child has a safe space, good, we're gonna get them a crib. We're not gonna just apprehend the child and put them into a foster home. So that's part of the, the system that we're tearing down by providing you the opportunity to, to build your own agency and decide how that funding...

CAROLYN: And, and even...

TRISHA: ...is going to go.

CAROLYN: ...move beyond the agencies...

TRISHA: Yeah.

CAROLYN: ...to the Child Well-Being Law that means that you're the only people who know who's the healthy auntie, or the healthy grandparents. The agencies sometimes are sending children into homes that aren't safe.

TRISHA: Mm-hmm.

CAROLYN: Um, that you as communities know, really, what to do best, um, and, and that's what C-92 does, and also what the Anishinabek Nation is doing with your Child Well-Being Law, and, and the, and as, as Trisha says, this ability to, to do what's best for your children, and, uh, and to...

TRISHA: And that's...

CAROLYN: ...and to...

TRISHA: ...the-, a big part of the Spirit Bear Plan. That's why I wanted to...

CAROLYN: Yeah.

TRISHA: ...expand on that note. Because that was a major component of the Spirit Bear Plan, is, is to remove that systemic discrimination, and review the policies that are there, that is making it impossible for us to move forward. And that's what's been happening, uh-, and you are already starting on your own, on your own agency. And...

MALE: One-, oh, sorry, Trish.

TRISH: No, sorry. Go ahead.

MALE: Just, just the fact that, um, some of the points that Scott-, Chief Scott's bringing up, to-, you know these deadlines and dates, and, you know? When we look, uh, either forward or backwards, we see that there's potential of our families being missed. And I certainly want to ensure that-, or to advocate that none of our children are missed, none of our-, these dates, again, um, as mentioned, you know, tend to go back more. You know, we have, uh-, when we come into Wasauksing, as we cross the bridge, we have a monument there, that we honour our children, the children that didn't come home. And, um, uh, I, I, I, I just-, that-, that's hard for me, and, again, I, I try to-, I'm not a lawyer, I'm not, uh-, I don't have legal background. But, um, some of the processes, the, the, the, legal routes, uh, are challenging for us to understand. And, uh, uh, I certainly don't want, um, any of our children or families to be left out. Or left, um-, that's one of the things that we do in our communities, is we ensure that, that our people aren't left behind. And that we have to do things, sometimes two, three times, uh, to ensure that noone is left behind. And some-, that, you know, that to, to some degree, it slows down the work. But we ensure we can positively say that noone is left behind. Um, in regards to, you know, uh, what, what our region is doing, we have an opportunity that we're working on, and that's developing that child welfare agency. And (*speaks in a different language*), the ones we love. I'm-, we are very, very grateful for that. Um, previous to that, the Chiefs-, we were kind of bumping our heads together, to find out where we could find resources to be able to deal with our child welfare issues. And all of the Chiefs, we all get that information, it was brought to our, our, um, tribal, tribal council, tribal association. And we were able to facilitate that there. And I really, you know, again, I think of-, in, in, in my situation, and Wasauksing's situation, we have-, we have an elementary school next door, in-, within the building here. And we have approximately 60 children that are attending that-, our, our educational elementary school.

00:31:02

00:32:02

00:33:02

Um, but we have 92 children in care. That's more children than-, that go to our school. Now, to me, that just-, it, it-, where's our future? Our future isn't with us. In, in Wasauksing's particular case. So when this, uh, opportunity came along, and, again, the Anishinabek Nation, and some of the developmental work that they're doing, with the law. Where we're able to take back some of the-, take back, uh, the responsibilities of, of, of our children-, child welfare. We need to be in that room. We need to be at those tables. We need to, we need to develop that. And I'm very grateful that we had presentation yesterday, uh, from Adrian, on, on the progress. Um, there's no question, this, this work is, is overwhelming for all of us. It re-, it truly is. Because as I-, as I say, the Chiefs, the Yimas, we, we get that information. And there's times when I pick up some of those families, of those, those, those issues, I pick up those documents, and I can't even fo-, refocus back on the rest of the Nation's issues. It's, it's so dreadful, what's happening there. So I'm grateful, I'm very grateful for what, what we're doing in our region. I'm grateful to the Nations, the Chiefs, the leaders. Um, that we're moving forward with some of these issues. And, uh, as I mentioned, not a lot-, not a lot has been done in the past. We've seen turnaround, we've seen some serious turnaround. And, yes, we still-, there's many junctions that we're gonna come to, that aren't-, that are short circuited. That we have to work together to, to make it work. You know, we're not going anywhere, as Anishinaabe people. We're, we're gonna be here forever. My children will live on the land that I lived on. My unborn grandchildren will do the same. So I just, I, I, I am grateful. I'm grateful to hear the explanation today, that I can speak ba-, speak to our community, citizens, that are involved with the child welfare. To know that our potential representative has come to engage with us, at least share some information, you know, I, I take that with-, in a good way, keeping in mind that we have much work to do. So I-, that's, uh-, I say (*speaks in a different language*), for, for hearing me. Um, for listening. It's very important to me, though. And I, I believe we need to

00:37:04 do it in a way that's collective. Or else we're not gonna-, someone's gonna be left behind. So *(speaks in different language.)*

TRISH: Yeah.

MALE: Thank you.

SCOTT: Um, I've got another question. Um, it's my understanding that the Government's com-, uh, compensation submissions, filed with the CRHT earlier this year, months before the election was called, uh, say that you did not want to pay compensation. Uh...

CAROLYN: Right. The Prime Minister's already said, we're going to do this properly, Scott, you know that. You know me well enough to know that every time we have-, we have had childhood litigation, or anything, we have done it with the survivors, and done it fairly, and equitably.

SCOTT: So did it say that, or not?

CAROLYN: I, I am telling you, that whatever the Prime Minister says, and what the Prime Minister has demonstrated to do, is way more important than anything what any lawyer from the Department of Justice has to say there.

00:38:04 We have seen this throughout this, that quite often, the Justice Department files things, as Trisha says, to get whatever result they want. That is not our, our policy, and it's not what the Prime Minister is saying. The Prime Minister was clear last night, and Monday night, we will compensate, but it needs to be done properly, and I do not believe that it could've been done properly by December, if it was going to be fair. And wouldn't actually re-traumatize the people who were left out, or the people who felt that, that it needed to be more comprehensive than just money. The courts can only give money, or the tribunal, that's their max. And it-, and it is-, it, it is a linear approach to a very complex problem, and we wanna sit at the table and do the right thing by you. And that's...

TRISH: And...

CAROLYN: ...that is my...

TRISH: ..and this...

SCOTT: But don't-, but don't you...



TRISH: ...isn't going to...

SCOTT: ...think...

CAROLYN: ...Scott...

TRISH: I-, I'm gonna...

SCOTT: ...that...

00:39:01

TRISH: ...push back a little bit...

CAROLYN: ...my word...

TRISH: ...on this, because it's important-, if we're s-, if we say, okay, we're gonna do what the Canadian Human Rights Tribunal does. We do it, everybody gets their 40,000, from 2007 forward. Then what? We haven't dealt with the people before that. We haven't dealt with the issues that Carolyn...

MALE: And (inaudible) them.

TRISH: ...has brought up...

SCOTT: But, but that...

TRISH: ...about...

SCOTT: ...doesn't...

TRISH: ...language and...

SCOTT: ...exclude...

TRISH: ...culture.

SCOTT: ...you to not work-, continue working on this. It, it...

TRISH: No.

SCOTT: ...gets the one thing out of the way, that we know you were guilty of. And you, you can continue to work with us.

CAROLYN: Do you think that paying a toddler, or somebody who was there, in care for a week, the same as somebody who was in 10 different families, abuse in every one. How does that-, how does this person feel? And, and, and how much hurt does that do? We want to get to the table and get it right. That's, that's all we wanna do. We want to be able to get it right. And, and this, this system, um, that was really designed for individual cases, is not gonna work for this class, nor, as Trisha said, the people '91 to 2006.

00:40:06

The kids that are still being apprehended. We have to stop that now. And that's what we're trying to do.

TRISH: I (inaudible)...

CAROLYN: But you know me well enough, Scott, that we've settled all of these, at the table, not in courtroom. A-, and, and that, that this, um, is, um, so disappointing, um, that, that, that this is being used, um-, y-, y-, as a, as a, as a partisan, um, item, when our track record is of doing the right thing and settling things. And people know that. And they know it about the Prime Minister, and they know it about me. That's what I-, that's what I've been doing for four years. So...

FEMALE 2: I just wanted to make a comment. I heard you earlier speak about the mothers in the situation, when their babies get taken away. So I really feel like your, your point about, you know, children being taken for only a week at a time, as opposed to children who were taken for a year, I mean, I think that effect was still there on their communities, and this-, and esp-, especially on their families. So I think maybe individually, uh, for those people, it might be a different situation. But likely for the mothers, they all had to go through the same trauma, regardless of how long they were taken away. And what happened to their children in those situations, there's also, uh, mothers and families to consider, as well.

00:41:01

CAROLYN: I, I couldn't agree with you more. And I think you know that I used to deliver babies, and I think I can remember almost every time that there was a social worker waiting outside to take that baby. And, and then I've watched the mom spiral down. And, and so this is very personal, um, in terms of just making sure that we don't hurt people. And, and that those voices need to be at the table, too. Uh, in terms of what, what happened, and what we heard, as we were saying, during Missing and Murdered Indigenous Women and Girls, those moms, um, were, were traumatized forever. It's reason-, even in the Truth and Reconciliation Commission, the mantra was-, that for the child that was taken, for the parent left behind. It's-, this is a-, this is a holistic thing, as, uh, as, as, as the Chief

00:42:02

said.

TRISH: And I-, and I do wanna-, 'cause the practical effect of this, uh-, and what we've seen, and, and Scott, this is what I mean, if we settle-, if we settled this the way it is now, and then we go on to deal with what happened from 1991 forward, that's not gonna be brought up-, or hasn't been brought up in the Canadian Human Rights Tribunal. You could have a whole other series of survivors, getting substantially more, or less, I don't know what a court would do. Than what the children in this action are getting. So  
00:43:00 there would be a-, an unfairness, across the board, from 1991 to 2007, or 2007 to cur-, like it's, it's not a ma-, like if we're doing this piecemeal, we're gonna continue to see litigation. And then, at the end of the day, we're gonna be looking back and saying, well, why did this-, why, why was this decision made for this individual, but then these individuals from earlier are getting a different settlement. Um, or maybe they're getting the access to language and cultural, uh, resources, that these children aren't going to get. And the CHRT, uh, decision, uh-, they're, they're-, we have to deal with it as a whole. I don't-, I don't see how-, I don't see how we can't.

SCOTT: But...

CAROLYN: We, we want...

SCOTT: ...the, the...

CAROLYN: ...to do more...

SCOTT: ...other thing in this-, but the other...

CAROLYN: We want to do more, Scott. That's, that's all it's about. We wanna...

SCOTT: But the...

CAROLYN: ...do more.

SCOTT: ...the other thing in this, that I-, doesn't sit well with me is that w-, if it  
00:44:03 wasn't for the AFN, and the, uh, Caring Society, pushing this, we wouldn't even be sitting here. We'd be-, we'd be still going along our merry way like, like-, as if nothing was wrong with...

TRISH: (Inaudible).

SCOTT: ...the system.

CAROLYN: The-, I don't think that's true. I think it-, w-, what was in the original complaint at the CHRT, that's true. I was there, too. I was in opposition, I was fighting for this. The minute we got into po-, into Government, this is what we've been doing, is settling all of these. And, and, and as the CHRT, um, asked for more, and then more, and more, we've been responding. And so-, but, but we have to acknowledge that, that this isn't about those organizations. This is about the people. This is about making sure they're not harmed again. And I, I, um, feel that, that, that this is, um-, this is a difficult time, where, um, people are reading a line out of a submission, instead of listening to what the Prime Minister's saying. We actually want to make sure that there is compensation, and that it's fair and equitable. And do-, and is doing the right thing by these people. So being stuck in the past, this is about the future, and, and we want to do this.

00:45:07

SCOTT: Yeah. But, I mean, I'm no-, I-, I'm like Chief, uh, (inaudible) here, I am not a legal expert. Um, but it's almost as if you're saying, don't pay attention to the devils in the detail, listen to what we're saying. And, and...

CAROLYN: No, no. I'm, I'm saying, Chief, with due respect, I'm saying, watch what we've done. We have settled every one of these case-, none of these were settled before we formed Government. From the Anderson case to 60's Scoop, to, to the day schools, to the-, to, um, the, um-, all the relocations, the TB. We continue to settle all of these cases in a way that is, is, is, is therapeutic, and where people actually feel that they've been heard. That the apologies, the things that we've done, have, have been done in a way that is respectful of our partner, and that they can tell they were heard. And that's what we have to do. And that's, that's what we're pledging to do. And I, um, I think that, that the devil is in the details. The devil is in the details of listening to the people who were harmed, and making sure that the settlements-, but also language and-, it was like when Chief, Chief Marsha Brown came off the steps of the courthouse, having won in court,

00:46:06

the money. And then said, but that, that isn't what my people really care about. They want language and culture, they want access to healing (inaudible), they want all of the-, that's what she said, right on the court-, right on the steps of the court. And that's why we immediately sat down, and did the s-, 60's Scoop. Set up the foundation, did the kinds of things that matter. And, and so that's why I am, um, having difficulty, um-, that obviously, that this ends up transpiring in an election. But the timing was chosen by the tribunal. Uh, it-, and, and there is no way that the, the survivors can, can be heard by December. Otherwise, somebody else will be deciding on their behalf, what's fair. And I just don't think that works.

00:47:05

MALE: I just have a (inaudible). Um, a couple of comments, and, and it is probably untimely, and we understand that. But I do wanna echo what, uh, Chief Scott has said about right now, there still being, um, children and, and families being hurt or apprehended, in, in the meantime. And,

00:48:02

and some people that are the survivors, that, um, you know, we, we hope that they see the light of day, to have that, uh, at peace moment. Um, but it's not being dealt with at this time. I think maybe there was a, a wrong, uh, message, uh, and maybe that's, uh-, that's news wise, uh, uh, it's hard to read a text sometimes that you don't know, because there's no emotions. But, um, what, what I'm looking for, or what I would like to see, uh, within our communities, is to have that, um-, (*speaks in French*). I watch it in French, I see who could speak French. Uh, which is my way of, uh, poking jokes, after. But, uh, uh, in a good way. Um, but I know he said that, uh, they're not contesting-, they wanna do better. So-, but that message should've been out there first. I think that was a wrong, that if, if you're gonna have a stay, or if you're gonna appeal something, um-, and in

00:49:04

turn, our community is upside down. And, truthfully, the b-, the Yimas here had to deal with that, because we get the call and saying, like in so many better words, or different things, that we're like, what the hell's happening here? Um, and I think there's something-, or what I'm, I'm-, my wish is, or what I'm asking is, is, is when we leave here, if that is some

00:50:01

kind of a, a commitment, or an announcement, saying, I know the Prime Minister's saying this-, but as, as, uh, the party, or, or whoever's in the party. And, and, and I think, uh, we all agree, uh, we have to, um, play ball, or, uh, whoever's across, um-, but it's that, that we will honour, uh, what the CRTC has said, or what the courts, but we wanna do extra. And I think if, if that was the, the some way of satisfaction we know things take time. We know that we-, (inaudible) our own claims without having our own trust agreements, you know? We have to find our people, and, Uh, we have to be cautious that we don't have a second claim against us because we didn't have that satisfaction for those children, people who or the unborn taken care of, but that, that would be my area of, uh, appeasement, I guess, to tell my members that, yes, that there's a stay or yes, um, there are many of course, but if there's a process of what is going to be after and to give that, so lay it out and if there's institutes or organizations that can help you roll it out or if there's ways that, uh, there's a trust or, or, or a foundation can be rolled out and let's get these members going. So, let's not forget, so I think that message was portrayed or, or given we wouldn't be in this...

CAROLYN:

Mm-hmm.

MALE:

...yeah.

CAROLYN:

00:51:01

Thanks, Phil(ph), and I think that's why we want Trisha there with us at the table because I think these-, her expertise and her-, the experience is, is really been part of how we work a-, as a caucus with Indigenous caucus, with the people that, that actually are, are, uh, every day dealing with this, uh, in their communities, but also in the cities. Um, this is a, this is a, a, a big issue and I think even as we roll out C-92 and make sure that as, as nations write their Child Well-Being Law and they prevent these kids from being apprehended and let them have some, some solutions so mom can get some help or the, the-, but the, the community knows best, that's, that's why we felt so strongly about putting in that law so we can stop this, this tragedy, the crisis that has been Child and Family Services. It's, it's,

00:52:03 it's heartbreaking and I know that, and, and yet we know that in some communities not a child's left the community in 20 years because they just said, you know, this law doesn't apply to me, um, and in other communities, you know, the kids are being taken away almost every week, every month. So we wanted to make sure we had the back of communities so that they can take those decisions themselves and so that's, that's really what the future is, is to make sure this-, we stop it so that 30 years from now we're not looking back on 2019 and saying, look at all these kids that got taken, y-, you know, uh, inappropriately, um, and so we, we really do wanna stop it at the same time as we wanna do, do the right thing for all of those since 60's Scoop who have been taken, so that's right from 1991, um, right up till today and so-, but this is a, um-, I think the-, we are, um-, you know, this is what, you know, courts and tribunals

00:53:04 kinda lea-, uh, um, award certain things, namely money, sometimes (inaudible), um, but we want to be able to do the wrap around that, that provides for the healing and the language and culture and all those things. You know, day schools decided, um, not to, to, um, uh, deal with the 60's Scoop Foundation, it'll be impossible for, um, this, this group to have their own foundation or wrap it in with the 60's Scoop Foundation, but I think that a lot of what I'm hearing is a lot of people want very, very clear access, uh, to healing and language and culture and, and so the bottom line is we, we know we want to do more.

SCOTT: I just, I just don't think, you know, when we talk about, you know, stopping, uh, the trauma that's, that's ongoing kicking the can down the road is going to help and, and I don't buy the argument that Canada does

00:54:05 not want to pay because some of the kids might not be entitled to the money. That's, that's horseshit.

CAROLYN: Yeah, I don't think that's what we're saying and I think you...

SCOTT: To me that's just a money issue.

CAROLYN: Yeah, there's no money issue. We've got lots of money to, to do the right thing by, by people that-, and October 22nd we will go back to work

trying to find out what, what, what is the best way forward. There's no kicking the can, we-, that's not our record. I wouldn't have been able to sell-, settle all of these, all of these childhood litigations by kicking any can down the road. That is not our way of doing it. We wanna be at the table as soon as possible and get this thing sorted.

TRISHA: And in only four years. And if we look at what came before that, it's a stark contrast and we need to keep working together to settle this, and we're not gonna have-, we're just not gonna have a Conservative government that's gonna work in the way that this Liberal government has and I'm part of this...

00:055:04

SCOTT: Yeah, that's, that's a, that's a fear tactic.

TRISHA: ...I'm part of this team...

SCOTT: That...

TRISHA: No, and I'm, and I'm part of this team because I wanna hold the party responsible to follow through with what they're saying.

SCOTT: I know, I, I get that, but...

TRISHA: And it's not a fear tactic.

SCOTT: ...but don't tell me vote-, you know, support Liberals because, uh, it-, the PCs are worse, that's, that's scaring-, a scare tactic.

TRISHA: That's not...

SCOTT: You, you just, you just told, told me, uh, minutes ago, uh, that it wouldn't be fair if there was a kid who only spent a few days and got compensated.

CAROLYN: No, I'm saying that they would get compensation. Any kid who's been in care gets compensation.

SCOTT: You-, but, but you just said how, how is that fair compared to...

CAROLYN: No, no.

SCOTT: ...somebody who's actually suffered.

CAROLYN: So, so Scott, in-, and this is what Cindy's been saying. In the residential school settlement there was a common payment for everyone who was

00:56:04

harmd by even having attended for any length of time and then there was



a scale based on how long the amount of harm, the amount of abuse, that's what we're saying. We're saying anyone who had any attachment to Child and Family Services as, as we heard, that has been a trauma for them and their families. We are not fighting that at all. We're just saying that some of the, the stories that we have heard from Feathers of Hope, from these kids in care that were abused, that, that got moved from family to family to family, abused in each family. They-, that there needs to be like a c-, the kind of, of structure that says anyone who was in care gets a, a, a-, gets a, a settlement, but then there needs to be an, an, an assessment in, um-, that the survivors agree with, um, to make sure that others who were har-, for us to do more...

00:57:05

PHIL: Mm-hmm.

CAROLYN: ...for the people that were, were, um-, whether it's time or trauma, um, uh, uh, as, as has happened in all of the other settlements. So this would be the only one where there was not an assessment, um, on time or harm. So we want to be able to do that.

FEMALE 2: So like (inaudible) over the last four years, now they're coming to us just to, to sit here and say that they will support you, want your support, uh, as long as we are able to continue doing the work that we're doing. But still there is that court case, even whether we-, whether you're-, the ri-, the party that's going to be and whether it's going to be the NDP. That portion still sits at the table and will be decided on December. Whether that party who is in-, will continue this work is the question that these-, that the leadership have to deal with after the, uh-, October twenty-, 21st. So what-, in the event that you as a party are not going to be in leadership will this work continue-, discontinue by you on behalf of the First Nations that you've already done?

00:58:02

CAROLYN: Well, I think I had a-, I think Trisha and I, um, would feel that I was fighting-, Trisha's been fighting on this for as long as she's been there, I've been fighting in opposition, I would continue to fight in opposition for the fairness for all of you, um, but we know that, that, um, that the progress

00:59:02

we've been able to make over the last four years in settling so many of these cases, um, is, um, is, is, is unprecedented, um, that a lot of these cases have been sitting there for a very long time, including 60's Scoop, uh, that we, we want to be able to settle these cases, uh, as a government, but you have my word if we're not the government, Trisha and I will still be fighting to make sure that, that those that were harmed will get the, the proper, um, um, uh, settlement and, and hopefully fighting for the healing and the language and culture and would-, and that's the reason we put in those laws of C-, C si-, C-91 and C-92 and how we, we need it to be able to confine a future government to do the kind of things that we had heard from our partners, protecting language and culture and protecting children, um, a-, and the rights and wellbeing of indigenous children and youth to make sure that their, their nations would be able to have the jurisdiction, um, to look after them, and so that's why we put those two things in law, um, and also wrote the UN Declaration for Rights of Indigenous People into both of those laws, and so the-, that will stay, I mean, a future government would have to tear that up, um, but they have done that before on-, like the Kelowna Accord. So, um, you know, I-, I'm just, um, in some ways, uh, we, we are here, um, not only to support Trisha as, as, uh, the candidate in this election, but to give you and those that asked if, uh, if you understand the, the thinking and what took place, uh, as we really had to respond, um, or the government, um-, caretaker government had to respond to this, uh, in some ways such that, uh, um, that, that we would hope to be able to be able to continue the work after, um, this next election.

01:00:03

01:01:00

TRISHA:

I would only add it's been-, I can say I've been fighting in one way or another very actively since the time I was 19, uh, and I don't see that changing any time soon. Uh, I don't find it defeating, I find it just motivating to keep doing more, uh, and, uh, until we see the changes that are needed to be able to take care of our children especially, uh, then I'm

gonna keep doing that no matter which-, if I'm in government or not, even if I don't get elected, um, there is so much more that we can do, uh, through my firm, uh, with municipalities, uh, and I will continue, I will continue down that path.

FEMALE 2: And that's a commitment you can make with, with a-, for the area of First Nations because you're close at hand...

TRISHA: Mm-hmm.

FEMALE 2: ...and you've had a-, you've had your foot in the door already, right?

TRISHA: Mm-hmm.

FEMALE 2: So you can make those connections and do that work with the First Nations on the ground and that's where the work begins and starts. And sometimes ends (inaudible) with the people. The politicians who sit in Ottawa make the regulations and determine what happens in First Nations don't live with the day to day issues of the Chiefs in leadership and don't see those things, so therefore making laws on our behalf without consultation in the process and accommodations is very hard to do and for us to agree to when we don't have input into-, input to all those processes and with this I would say with your support and with the work that you do at the ground level gives us some, some satisfaction, I guess, in a sense, but to-, I'm not saying I personally or anybody that will be at this table say we're going to vote Liberal, I'm just thinking in the process whether who sits at the-, who sits at the next government level that this work will continue whether you-, whether, whether you're there or not, you've made that commitment...

TRISHA: Mm-hmm.

FEMALE 2: ...and (inaudible) even further. So we need to realize we go down the road for that, whether that decision is in December or what-, that you be there to support the rest of the Chiefs in this, whether you're there or not. And what...

TRISHA: And, and part of-, a part of me, um, orchestrating this meeting, uh, yes, I want your support, but really, we needed to have this conversation. I had

01:04:02

met with a number of you a few weeks ago and we had talked about, um, child welfare specifically in our round table and in that meeting I very clearly said that I believe that the Truth and Reconciliation Commission Report is probably the single most important document of our time and that we need to keep pushing forward on that. Uh, and, and of course there are questions when you see an appeal like this going through, I get the question of why are you still running with the Liberals after this, this happening. And my answer is very simple, it's the exact reason why I'm running, we need First Nations at the table, and we need people who understand the complexities of what's been going on. Uh, I have the legal background in it, but I also have the ground experience and I see what's happened in our own communities. Uh, this is the exact reason I'm running and if we're not running for these personal reasons to try and make a difference in these areas, then why are you running? Uh, and, and that's I think why any of us get into political office of any kind, is to be making these differences and these issues that are near and dear to our hearts, uh, and, and that is why I'm running and, and, uh, I do think the Liberal party has done a good job in the last four years and, you know, in the direction, uh, of where we're going, especially in terms of a relationship with First Nation, Metis, and Inuit. And there's no denying that we have more to do. And when I spoke earlier, um, Scott about Conservative government, the only wh-, reason why I would bring that up was not meant as a scare tactic, it's meant as a, as a yard stick. We can only compare, uh, what this government has done to previous governments. Uh, and as far as I'm concerned, we've set a new threshold and I'm not saying that threshold has to remain the same, we need to keep raising that bar.

01:05:05

01:06:00

SCOTT:

No, and I in, in no way do I, um, you know, criticize anybody in this room personally. Uh, Carolyn, I've always enjoyed working with you and, and I really admire the work you're doing, but I'm getting sick and tired of

01:07:04 hearing the word reconciliation. It's got so diluted now that it's-, almost makes me sick when I hear a government talk about reconciliation. When they have perfect opportunities to actually invoke reconciliation, but instead we're, to this day, marginalized by the federal government. The cannabis legislation, we've been fighting since before it became legal to create economic opportunities in our communities that can get us out of poverty and into a, uh, position of stability and, and, and, uh, self-reliance, but we can't get there with your legislation. We can't get there and, and it's not just about, you know, this, uh, CHRT ruling, it's, it's, it's about everything. We shouldn't have to fight for reconciliation, right? So every time Justin uses that word out there, it makes me sick because I have to fight for it, right? It, it's-, he's, he's using those as a promotional, uh, party, uh, position, but I'm not seeing it. I mean, here we are, you know, a year after the legalization and I'm still fending off black market cannabis in my community because I have no access to it. We've been left out of the economy and I've spoken to Bill Blair about it and he just simply dragged his feet into the election so he didn't have to do anything and

01:08:03 meanwhile, we're sitting there, you know, trying to figure out how, how do we do this and the province is saying, well, we got an idea, let us in your, let us in your door and we'll regulate it and, and we'll take all the tax dollars. That's not reconciliation, but that's your legislation. You've passed it down to the provincial government to deal with us and that's how they want to deal with us. And I mean, it was such an easy thing to do before, was to include First Nation jurisdiction in that legislative piece, but you chose not to. And so where's the reconciliation? There's First Nations that are ahead of provinces, including mine, on, uh, h-, how-, on our laws, on our licensing, on our, uh, compliance model, but, but we have no access to legal cannabis. And so it's not just this one item that I'm not

01:09:04 happy with, um, I work my ass off every single week to try and I just keep hitting dead ends. I keep hitting dead ends and, you know, while non-Indigenous people carry on and have all these great opportunities with this

01:10:00 legalized market, First Nations are s-, are told to sit and wait. Well, there's election now, let's just wait. How long do we have to have to wait? I mean, you, you know, every party is quick to use the term reconciliation, but we have to wait for it. And that's, that's what gets me really frustrated. I, I don't-, I'm getting to a point where I'm losing political capital that's going to jeopardize my community by allowing black market products to be sold out of my community. So not only did you leave us out of the communit-, the, the eco-, the ec-, ec-, economic opportunities for this, you've-, you're jeopardizing safety of, of our communities by, by doing this. I don't want it by gangs, I don't want organized crime in my community, but that's what's gonna happen because we're starving. We're starving and all we get is reconciliation talk. That-, it, it needs to be more than that.

CAROLYN: Well, I think Trisha, uh, spoke to me about the cannabis piece and about the conversation with Bill Blair and this is something I think we're hearing coast to coast to coast, I don't think anybody could have known that Ontario could be so backward or, I mean, that certain jurisdictions could really be able to, um, not be more amenable to the kind of, of opportunities that you have presented, and so we will, we will work with, with you on this and, uh, and, uh, you know, it's-, we're hearing that, you know, whether in many-, Saskatchewan, some other provinces, same problem and, and I think we will revisit the, the jurisdiction issue, um, 'cause we, we don't want you left out and we want you to be able to have control over, over what's in your communities and I think that there's been talk of maybe with your laws, um, that, that it would allow-, you know, that there's a way of, of infor-, organizing enforcement such that if anybody contravenes your laws in your nation, that then there are consequences that, that, uh, that, that governments and polices, um, can, can deal with. But I think it, it was a, a law that, uh, that, that was, um-, you know, I think thought to be about, you know, about, uh, the Health and Justice, those two departments, you know, um, um, wrote this law, I-,

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01:12:07

you know, and I think that we now realize that in the implementation of the law that there are some things that need to be, um, looked at again and, you know, I think that both Trisha and I will continue to work with Bill on this as, as we are, um, um, with some of the Chiefs in other provinces and territories 'cause, you know, we wanna get this right and we want your communities to be safe and, I mean, in some ways it's one of the, um, big issues in, uh, (inaudible) and others that-, I mean, having organized crime, this is supposed to be the whole purpose of the bill was to get rid of those, uh, people and so we wanna make sure that we are really be-, being able to adapt and, and, uh, listen to you.

01:13:01

MALE:

And if we're talking about other subjects I'll just bring, uh, one-, short one up, uh, it's a big issue. I spoke to the Chiefs of Ontario, uh, this week, that's where I was, and, uh, it's-, uh, I do agree, uh, to your comment that was Ontario's backwards right now, but it's the carbon tax and, uh, I've been working and been trying to, um, um-, Minister McKenna did receive our letter, it's that we're being charged, uh, and the only exemption that was put in in place was for fishermen and farmers and the first point of order should've been First Nations people on the taxes under carbon. We're not against, um, assisting or helping to make sure that the climate control is in place, that's not the issue, uh, we passed a resolution in April, uh, Chief Peter Collins and myself on a carbon tax that was imposed at the point of sale 'cause we didn't ever issue and were never asked to issue those permits to those polluters. And now in terms of getting taxed...

01:14:01

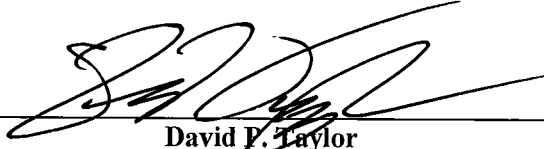
**Track 1501-1599 Lane G-1 ends.**



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R. D'Oppido, Audio Transcriber  
VIDEOPLUS TRANSCRIPTION SERVICES  
October 23, 2019

**This is Exhibit "14" referred to in the affidavit of Cindy Blackstock affirmed before me at Ottawa in the Province of Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David E. Taylor', is written over a horizontal line.

**David E. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**





February 7, 2017

The Honourable Carolyn Bennett  
106 Justice Building,  
House of Commons,  
Ottawa, ON, K1A 0A6

Dear Minister Bennett,

In the summer of 2016, the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations proposed Mr. Kevin Page as the independent chairperson for the National Advisory Committee (NAC) on First Nations child and family services and Jordan's Principle. We received no response from INAC to our proposal of Mr. Page.

The First Nations caucus of the NAC unanimously approved Mr. Page as the independent chairperson at the December 4, 5, 2016 meeting. You will recall that I advised you of the First Nation caucus's approval of Mr. Page while you attended the Assembly of First Nations meeting on December 7-9, 2016 and asked for INAC's agreement to appoint him as chair so the NAC meeting process could proceed. At that time, you raised concerns that Mr. Page was non-Aboriginal and did not have expertise in child welfare and I shared my view that that was not consequential since the First Nations caucus of the NAC would lead the reform process and had agreed to Mr. Page's appointment. It is also worth noting that the two persons nominated as chair by INAC were both non-Aboriginal and they, along with the Ministerial Special Representative, do not have expertise in child welfare.

I also met with your Chief of Staff Rick Theis at the Assembly of First Nations meeting who said that he would get back to me about Mr. Page's nomination by the end of the week. That did not happen.

It is now February 7, 2017 and INAC has still not provided us with the courtesy of a written response to Mr. Page's nomination. It is essential that Canada comply with the terms of reference for the NAC and agree to an independent chair as soon as possible. I again request, in writing, Canada's official position regarding the First Nation's caucus's nomination of Mr. Page as independent chairperson for the NAC.

Sincerely,

Cindy Blackstock, PhD  
Executive Director

cc. Jonathan Thompson, AFN



First Nations Child & Family  
Caring Society of Canada  
Société de soutien à l'enfance  
et à la famille des premières nations  
du Canada

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March 2, 2017

The Honourable Carolyn Bennett  
106 Justice Building,  
House of Commons,  
Ottawa, ON, K1A 0A6

Dear Honourable Minister Bennett,

Re: Chairperson for the National Advisory Committee on First Nations child welfare

As president of the First Nations Child and Family Caring Society of Canada (Caring Society), I am writing to express the unanimous concern of our Board of Directors regarding INAC's actions on the appointment of the Chairperson for the National Advisory Committee on First Nations Child and Family Services (NAC).

The NAC Terms of Reference (TOR) include guiding principles to foster a respectful relationship to position all parties and NAC members to achieve optimal outcomes for First Nations children and their families. These principles affirm INAC's responsibility to cease its discriminatory conduct per the Canadian Human Rights Tribunal orders and to ensure respectful collaborative work. After a long history of your department discriminating against First Nations children, it was vital that the Department act early to demonstrate its good faith commitment to the NAC and to a renewed relationship based on the United Nations Declaration on Indigenous Peoples. Unfortunately, your Department's actions regarding the appointment of the NAC chair foiled this opportunity and distract from the important work NAC is trying to undertake.

As you are aware, after many months and frequent delays, the Terms of Reference for the National Advisory Committee were finally approved by INAC in January of 2017. The Terms of Reference provide for an independent chairperson who is mutually agreed to by the Assembly of First Nations, the Caring Society and INAC. The Caring Society and AFN had proposed a candidate for chairperson in the summer of 2016. There was no response from the Department until November of 2016 when a federal official falsely advised the AFN and Caring Society that the proposed chair was no longer available. Even after we clarified with him that he was in fact available and promptly advised your officials, the Department did not respond until NAC committee members received your letter on February 23, 2017 (the 10<sup>th</sup> anniversary of the filing of the compliant). The Department's delayed response to the AFN and Caring Society proposed chairperson is highly problematic and we can see no reason why INAC could not have provided us with a written response months ago. While the Caring Society was disappointed with your decision to over-ride the Assembly of First Nations, the Caring Society and the First Nations caucus of the NAC we respected that it was your right to do so per the terms of reference.

However, we have significant concerns regarding the process INAC used to nominate a new chairperson for NAC. Instead of returning to the AFN, Caring Society and the NAC table to discuss possible nominees for the position, you unilaterally identified Grand Chief Ed John in your letter dated February 23, 2017 addressed to all members of the NAC. Moreover, media reports suggested that on or about February 23, 2017 you announced Grand Chief Ed's appointment as chair of the NAC in the House of Commons even though you were aware, or should have been aware, that the Caring Society had not yet consented to the appointment per the Terms of Reference. This pre-mature announcement placed the candidate and all the parties to the TOR in an unnecessary and awkward position as the media reported on your remarks.

While the Caring Society takes no position on the relative merit of Grand Chief John or any other candidates for chairperson, we have significant concerns with the process INAC used to suggest his appointment as chair. This unilateral decision making by INAC falls into a distressing pattern that has emerged since the CHRT released its decision in January of 2016. Frankly, INAC uses

consultation as a shield and a sword with tragic effects for First Nations children and families. More specifically, INAC acts unilaterally when it is in its interests as exemplified by INAC's announcement of the MSR, the youth conference, the "engagement" strategy, Budget 2016 and Jordan's Principle. Then INAC uses "engagement:" to shield it from upholding its responsibilities per the CHRT orders and UNDRIP. For example, in sworn testimony federal officials revealed that the Department has no definition of what "engagement" means and will not take further action to comply with the CHRT orders until the engagement strategy is finished. They went on to confirm that the Department cannot identify what information it is seeking from the engagement strategy nor do federal officials have the necessary expertise to collect and analyze the material. The facts suggest INAC's engagement strategy is an entirely pointless exercise aimed to delay compliance with the orders.

INAC's actions regarding the chair form part of this problematic context and raise serious concerns regarding Canada's compliance with the NAC Terms of Reference and the United Nations Declaration on the Rights of Indigenous Peoples. INAC's actions also replicate Canada's long strategy of trying to divide First Nations peoples and organizations and to over-ride First Nations expertise regarding their children. Frankly, if INAC's conduct does not immediately change to truly reflect the United Nations Declaration on the Rights of Indigenous Peoples, we have little hope that NAC will be able to achieve its aims.

At this time, the Caring Society takes no position regarding the relative merits of Grand Chief John or any other candidate for this position. Rather we feel any candidate, no matter how qualified, must be appointed in keeping with the free, prior and informed consent of the parties and with the full authority of the NAC members. As proper process was not followed by INAC, we require INAC to fully disclose, in writing, the process undertaken to suggest the appointment of Grand Chief. John to the Caring Society and AFN prior to the next NAC meeting. In addition, we require your written assurance that INAC will immediately: 1) discontinue its unhelpful pattern of unilateral decision making and 2) cease its inappropriate use of "engagement" to evade/delay implementation of the CHRT orders and 3) act in full compliance with the United Nations Declaration on the Rights of Indigenous Peoples.

Consistent with the suggestions of NAC members, the Caring Society would welcome Grand Chief John to attend the next NAC meeting as a guest (not in the role of chair) to provide NAC members an opportunity to meet him and understand what contribution he may make to the process.

After receiving the information requested above and the completion of Grand Chief John's meeting with the NAC members, the Caring Society will provide you with a final, and written, decision regarding INAC's proposal for the NAC chairperson.

Respectfully,

Raymond Shingoose,  
President,  
First Nations Child and Family Caring Society of Canada

CC: National Chief Perry Bellegarde, Assembly of First Nations

Jonathan Thompson, Assembly of First Nations



March 29, 2017

The Honourable Carolyn Bennett  
106 Justice Building,  
House of Commons,  
Ottawa, ON, K1A 0A6

Dear Honourable Minister Bennett,

Re: Chairperson for the National Advisory Committee on First Nations child welfare

I am writing further to my letter to you dated March 2, 2017 expressing the unanimous concern of our Board of Directors regarding INAC's actions on the appointment of the Chairperson for the National Advisory Committee on First Nations Child and Family Services (NAC). Regrettably we still have not received a response to the important concerns raised in the letter despite sending a follow up email to your Chief of Staff.

As you will recall, our March 2, 2017 letter called on INAC to take the following corrective actions to remedy the breach of the terms of reference regarding the appointment of the chairperson:

"At this time, the Caring Society takes no position regarding the relative merits of Grand Chief John or any other candidate for this position. Rather we feel any candidate, no matter how qualified, must be appointed in keeping with the free, prior and informed consent of the parties and with the full authority of the NAC members. As proper process was not followed by INAC, we require INAC to fully disclose, in writing, the process undertaken to suggest the appointment of Grand Chief John to the Caring Society and AFN prior to the next NAC meeting. In addition, we require your written assurance that INAC will immediately: 1) discontinue its unhelpful pattern of unilateral decision making and 2) cease its inappropriate use of "engagement" to evade/delay implementation of the CHRT orders and 3) act in full compliance with the United Nations Declaration on the Rights of Indigenous Peoples."

To be clear, the Caring Society maintains these positions and holds that INAC's approach to the appointment of the chairperson represents a clear and obvious breach of the NAC terms of reference. Nonetheless, the Caring Society has undertaken efforts in partnership with Grand Chief John and the First Nations caucus of the NAC to affirm and restore the National Advisory Committee's important role in First Nations child welfare reform. Grand Chief John met with First Nations members of the NAC on March 20, 2017. There was a frank and open discussion wherein NAC members noted that INAC acted unilaterally in the appointment of the chairperson without giving due consideration to their views or the terms of reference. To be clear, INAC's breach of the terms of reference placed Grand Chief John, the NAC members and the Caring Society in an awkward and unnecessary position that detracted from the important work of the Committee.

However, using processes embedded in First Nations values, the NAC members expressed their support for Grand Chief Ed John and the Caring Society board formally accepts his appointment providing INAC fulfill the following terms: 1) respond to our March 2, 2017 letter; 2) commit to funding Harold Tarbell to facilitate the NAC meetings and 3) provide funding to the NAC First Nations caucus to retain the consulting services of Mr. Page or someone of similar qualification.

The progress on this important matter can be credited to Grand Chief John, the NAC members and the commitment of the Caring Society to see the work of NAC move forward. The outstanding concerns regarding INAC's conduct in this matter and the lack of any written confirmation of your acceptance of our terms render any public news

releases/statements unwarranted and pre-mature.

We look forward to receiving your written response promptly so that the important work of the NAC can proceed.

Respectfully,

A handwritten signature in blue ink, appearing to read 'RS', with a long horizontal line extending to the right.

Raymond Shingoose,  
President,  
First Nations Child and Family Caring Society of Canada

CC: National Chief Perry Bellegarde, Assembly of First Nations

Jonathan Thompson, Assembly of First Nations

Grand Chief Edward John



April 17, 2019

Hon. Seamus O'Regan, P.C., M.P.  
Minister of Indigenous Services  
House of Commons  
Ottawa, ON  
K1A 0A6

*Delivered by email to [seamus.oregan@parl.gc.ca](mailto:seamus.oregan@parl.gc.ca). Original to follow in the mail.*

RE: Letter dated January 30, 2019

Dear Minister O'Regan,

I am writing as a follow up to a previous letter I sent, dated January 30, 2019, as I have not yet received a response.

As you know, Bill C-92 is now in its Second Reading, with the deadline for it to be enacted looming later this spring. Despite concerns from First Nations child welfare experts, few significant changes have been made to the Bill since the draft was released in January of this year.

I would welcome a meeting to discuss my concerns about the Bill and share proposed revisions, as suggested by numerous stakeholders within Indigenous child welfare. At a minimum, I would appreciate a response to my previous letter, which outlined several major concerns with the legislation in its current state.

Sincerely,

Cindy Blackstock, PhD, R.S.W.

*Attachment:* Letter dated January 30, 2019



January 30, 2019

Hon. Seamus O'Regan, P.C., M.P.  
Indigenous Services Canada,  
28<sup>th</sup> floor,  
10 Wellington St.,  
Gatineau, Quebec, K1A 0H4  
K1A 0H4

Delivered by email to: [seamusoregan@canada.ca](mailto:seamusoregan@canada.ca). Original to follow by post.

Dear Minister O'Regan:

For URGENT review: Draft *Indigenous Family Unity Act*

I am writing to provide you with the First Nations Child and Family Caring Society (Caring Society)'s assessment of the draft *Indigenous Family Unity Act* delivered to us for comment on January 24, 2019 and following your department's January 28, 2019 technical briefing. The Caring Society urges you to refer the draft legislation to the House of Commons Standing Committee on Indigenous and Northern Affairs before adding it to the Order Paper, pursuant to Standing Order 73(1), so substantial and necessary revisions can be undertaken.

By way of background, I am a professor of social work at McGill University and have served as the Executive Director of the Caring Society since 2002 and I am a registered social worker with over 30 years of experience in children's rights and child welfare. The Caring Society, along with the Assembly of First Nations, are co-complainants in the Canadian Human Rights Tribunal proceeding in *First Nations Child and Family Caring Society et al. v Attorney General of Canada*, which has resulted in 6 orders requiring Canada to end its discriminatory provision of Jordan's Principle and child and family services. I was also honoured to be among those who served on the Joint National Policy Review in 2000 that recommended Canada affirm First Nations jurisdiction in child welfare services.

When Canada announced it would proceed with "Indigenous" legislation in the fall of 2018, I was both hopeful that a watershed moment had been achieved and nervous that a pan-Indigenous approach would fail to recognize Canada's unique relationship with First Nations, the long experience of First Nations child and family service agencies and the repeated orders of the Canadian Human Rights Tribunal. First Nation communities stand ready to exercise their jurisdiction, to care for their children and families pursuant to their own laws and traditions, and to address the dramatic overrepresentation of First Nations children in care; but this cannot be achieved without certain fundamental and non-negotiable building blocks that will ensure the pathway forward.

Despite Canada not having met its commitment to co-develop the draft legislation, I was hopeful its content would only require minor amendments. Having had the benefit of reviewing it, the Caring Society's view is that

the current draft is so fundamentally flawed that an almost complete re-write is needed for it to better the lives of First Nations children and families and affirm First Nations jurisdiction.

Along with being bereft of fundamental content necessary to prevent, and respond to, child maltreatment in First Nations communities, the draft appears to subjugate First Nations jurisdiction to provincial/territorial/federal authority, and fails to embed the Truth and Reconciliation Commission's Call to Action to ensure national data collection. Significantly, the draft bill includes no commitment for Canada to fund First Nations jurisdiction, opening up the possibility that this bill will end up being nothing more than a paper tiger as First Nations will be unable to implement the jurisdiction the proposed Act affords. Federal officials have said they will discuss funding following the adoption of the legislation but this provides no comfort given that it has taken 12 years of litigation and 6 legal orders to get Canada to begin to address its discriminatory approach to child welfare. Proceedings before the Tribunal are ongoing and further orders are anticipated.

In all, the Caring Society alone has identified at least 20 fundamental flaws in the draft legislation to your officials. If not corrected, these flaws will obfuscate the purported purpose of the legislation. These are not minor edits, but rather foundational items required to enable community-based child and family safety and wellbeing. Federal officials in your department have said that we will not see another draft of the legislation and we have not received any responses to the feedback we submitted on January 25, 2019.

Given the dire state of the draft legislation and the need to get it right for First Nations children and their families, I urge you to refer the bill to Committee before it is added to the House of Commons Order Paper so that necessary and fundamental revisions needed to bring this bill up to a minimum standard can be achieved. First Nations children should not be subject to a rush job that inadequately reflects their best interests, particularly in the wake of Canada's role in residential schools and the 60's scoop. To be clear, the Caring Society will not support the draft legislation unless the fundamental flaws are corrected and the substantial concerns echoed by other First Nations leaders and child and family service experts are properly attended to.

Fortunately, there is a path forward. First Nations child and family service experts have consulted with leadership to create First Nations-specific legislation that is a substantial improvement over the ISC version. I am attaching a copy of this legislation for your review and comparison with the ISC version and I urge you to use this as a foundation for moving forward.

In closing, I want to thank you for considering our request and I remain open to discuss this urgent matter with you. In addition, I would welcome a meeting to discuss the outstanding compliance issues currently slated for adjudication before the Canadian Human Rights Tribunal.

Regards,



Cindy Blackstock, PhD, R.S.W.

cc: Hon. Jane Philpott, P.C., M.P

Attachment: Draft *First Nations Child and Family Caring Act*





First Nations Child & Family  
Caring Society of Canada  
Société de soutien à l'enfance  
et à la famille des premières nations  
du Canada

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info@fncaringsociety.com  
fncaringsociety.com

May 17, 2017

The Right Honourable Justin Trudeau, P.C., M.P.  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2

Dear Prime Minister,

Re: First Nations Child and Family Services and Jordan's Principle

We write to request your personal attention to the failure of the Canadian state to comply with three legal orders issued by the Canadian Human Rights Tribunal (CHRT) to provide immediate relief to 165,000 First Nations children and to engage, on a good faith basis, with First Nations child and family service experts on the National Advisory Committee (NAC) to fully reform the Department of Indigenous and Northern Affairs Canada (INAC) programs. Culturally based and equitable child welfare is the Truth and Reconciliation Commission's (TRC) top Call to Action, therefore this matter is central to Canada's commitment to Indigenous peoples and to the United Nations Declaration on the Rights of the Child (UNDRIP). It is in the spirit of reconciliation that the Caring Society has made numerous and sadly unsuccessful efforts to support INAC in complying with the orders and to resolve INAC's breach of the Terms of Reference (TOR) for the NAC. Given the irrevocable harms arising for children, including documented preventable deaths, from INAC's non-compliance with the legal orders and the NAC TOR we have no other option than to ask PMO to assume a direct and active role overseeing INAC's conduct.

Briefly, the facts are these: Canada welcomed the CHRT decision in January of 2016 finding that Canada's chronic under-funding of First Nations child welfare and its failure to ensure First Nations children can access government services on the same terms as other children was discriminatory on the prohibited grounds of race and national ethnic origin. INAC took no concrete action to relieve the discrimination until the release of Budget 2016 which it now admits was prepared months before the Tribunal ruled and never altered. Unsatisfied with Canada's compliance, the CHRT has issued two non-compliance orders against Canada and another is pending. The consequences of Canada's non-compliance are borne out in recent independent reports by provincial child advocates, the tragic stories of First Nations children suffering irrevocable harms related to unnecessary child welfare placements, inadequate child welfare services on reserves, and sworn evidence by the investigating coroner filed with the CHRT noting that the suicide deaths of two twelve year old girls in Wapekeka First Nation were preventable and related to Canada's non-compliance. The CHRT held three days of hearings in March, 2017 on multiple motions of non-compliance against Canada. The ruling is expected shortly.

Regarding the National Advisory Committee, this group has existed on two previous occasions (1997-2000) and (2001-2006) to research and propose reforms to INAC's First Nations Child and Family Services program. The CHRT case was filed in 2007 as Canada failed to implement the recommended reforms resulting in unnecessary removals of First Nations children from their families at rates exceeding residential schools.

INAC was very slow to approve the TOR and only signed off in January of 2016. The TOR requires an independent chair agreed to by the Assembly of First Nations (AFN), the Caring Society and INAC. In December, prior to INAC approving the TOR, First Nations met and proposed a chairperson. The Minister of INAC rejected this proposal and instead publically announced the appointment of Grand Chief Ed John as chairperson in the House of Commons

without having secured the approval of the Caring Society or the First Nations members of the NAC in advance. I have attached two letters from the Caring Society dated March 2, 2017 and March 29, 2017 respectively articulating our concern in detail about INAC's repeated unilateral decision making and failure to observe the UNDRIP and the NAC TOR. To be clear, our objections are based on INAC's process which we feel amounts to a breach of the TOR not on Grand Chief John. INAC did not respond until May 2, 2017 and the response fails to take any accountability for the breach of the TOR. Moreover, the letter alleges that First Nations had not followed the TOR by meeting outside of the NAC. The Minister raised this concern despite the fact that INAC was advised, in writing, of the meeting before it occurred in December of 2016 (prior to the NAC TOR being signed). INAC raised no concern regarding the meeting until a few weeks before the Minister sent her letter. At that time, INAC raised its concerns about the First Nations caucus in an email addressed jointly to AFN and the Caring Society. The Caring Society responded immediately confirming that the First Nations caucus meeting mentioned in our letter of March 2, 2017 occurred before the TOR were signed off and that First Nations, like INAC, are free to meet ahead of NAC meetings to prepare as they wish. Overall, the Minister's letter obfuscates responsibility for the Department's actions and fails to provide a serious response to legitimate concerns raised in the spirit of reconciliation. This is an important point as INAC's failure to take accountability for its wrongdoing and implement internal reforms to remedy and prevent the problems were, and is, at the heart of Canada's egregious treatment of First Nations children. I have enclosed copies of the correspondence for your reference.

Children continue to be removed from their families unnecessarily due to INAC's non-compliance and INAC is not interacting with First Nations and First Nations experts in ways consistent with the UNDRIP. Instead, INAC has appointed non-Indigenous peoples with little, or no, academic or work expertise in First Nations child welfare and has a recurring pattern of unilateral decision making and non-compliance with legal orders. These concerns have been repeatedly brought to the attention of the Minister and INAC officials and yet INAC continues to act in ways reflective of an old mindset. It is in our shared interest to ensure that we do not lose another generation of First Nations children to state care when it could have, and should have, been prevented by the Canadian government. We request, as an urgent matter, that you take a personal role in overseeing INAC's conduct relating to First Nations child and family services and direct the Department to fully comply with the Tribunal orders and accept responsibility for its actions in ways that promote relationships with First Nations and the NAC and reflects the TRC and the UNDRIP.

Respectfully,



Raymond Shingoose,  
President,  
First Nations Child and Family Caring Society of Canada

CC: National Chief Perry Bellegarde, Assembly of First Nations

Grand Chief Ed John, National Advisory Committee

The Honourable Minister Carolyn Bennett

The Honourable Minister Jody Wilson-Raybould

Attachments: 3

# Fwd: Meeting Request

Cindy Blackstock

Thu 2019-05-30 1:57 PM

To: Jacquie Surges <[jsurges@fncaringsociety.com](mailto:jsurges@fncaringsociety.com)>;

Sent from my iPhone

Begin forwarded message:

**From:** "Dempster2, Victoria (AADNC/AANDC)" <[victoria.dempster2@canada.ca](mailto:victoria.dempster2@canada.ca)>  
**Date:** May 30, 2019 at 11:56:34 AM MDT  
**To:** "[cblackst@fncaringsociety.com](mailto:cblackst@fncaringsociety.com)" <[cblackst@fncaringsociety.com](mailto:cblackst@fncaringsociety.com)>  
**Subject:** Re: Meeting Request

Good Afternoon, Ms. Blackstock,

On behalf of Minister O'Regan, I would like to acknowledge receipt of your letter dated April 17, and thank you for your request to meet. As you can appreciate, Minister O'Regan's schedule is quite subject to change at a moment's notice. I am looking into times this coming month that may present the opportunity to meet.

Thank you once again.

With kind regards,

**Victoria Dempster**  
**Executive Assistant to the Minister of Indigenous Services**  
10 Rue Wellington, Gatineau, QC  
M: 1-343-550-5458  
[Victoria.dempster2@canada.ca](mailto:Victoria.dempster2@canada.ca)



May 29, 2017

The Right Honourable Justin Trudeau, P.C., M.P.  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2

Dear Prime Minister,

I am writing to request an urgent meeting with you to discuss Canada's ongoing discrimination toward First Nations children and failure to comply with four Canadian Human Rights Tribunal rulings to cease the discriminatory conduct. As you are aware, last week the Canadian Human Rights Tribunal issued a third non-compliance order against the Canadian Government for its failure to properly and lawfully implement Jordan's Principle, which is a measure to ensure that First Nations children, on and off reserves, can access the public services they need. The Tribunal is expected to release a further non-compliance order on child welfare matters in the coming weeks.

Last week's decision (2017 CHRT 14) links Canada's non-compliance with the Tribunal's orders regarding Jordan's Principle with the suicide deaths of two children in Wapekeka First Nation. Specifically, the Tribunal says, "[W]hile Canada provided assistance once the Wapekeka suicides occurred, the flaws in the Jordan's Principle process left any chance of preventing the Wapekeka tragedy unaddressed and the tragic events only triggered a reactive response to then provide services. After the tragedy, Canada continued to offer a non-compliant response, noting that the Wapekeka First Nation proposal could have been funded under Jordan's Principle but it would take two weeks for Health Canada to process even though it had life or death consequences for children. The tragic results of Canada's non-compliance are not limited to Health Canada. In December of 2016, Raymond Shingoose filed an affidavit with the Tribunal noting multiple cases of children in need of services. It is my understanding that it took so long for Indigenous and Northern Affairs Canada ("INAC") to respond, that some of the children died waiting.

The harms do not end there. The Tribunal cites delays in responding to another case where a mom was trying to get transportation so her son, who had severe cerebral palsy, could access an off-reserve service centre. Canada continues to litigate against First Nations families seeking services for their children at the Canadian Human Rights Tribunal. Many of these cases were filed years ago and despite repeated requests by the Caring Society that Health Canada and INAC review these cases for resolution, the litigation continues. Overall, the Tribunal makes clear that old colonial ways of thinking and practicing are guiding Canada's implementation of Jordan's Principle. Quoting the Tribunal directly:

Over the past year, the Panel has given Canada much flexibility in terms of remedying the discrimination found in the Decision. Reform was ordered. However, based on the

evidence presented on this motion regarding Jordan's Principle, Canada seems to want to continue proffering similar policies and practices to those that were found to be discriminatory. Any new programs, policies, practices or funding implemented by Canada should be informed by previous shortfalls and not simply be an expansion of previous practices that did not work and resulted in discrimination (para. 73).

Canada's legal submissions too often focus on fairness to government, arguing that the Tribunal, established by Parliament, has no authority to force Canada to comply. More specifically, Canada argues the Tribunal does not have the authority to force the federal government to cease discriminating against First Nations children in ways that separate them from their families and deprive them of public services available to other children. I urge you to reject this argument in the strongest terms for three reasons: 1) Canada's focus should be on remedying the discrimination not on trying to immunize itself from human rights review; 2) it sets a poor example for other Respondents found to breach the Canadian Human Rights Act and 3) it is flagrantly contrary to Canada's commitments to the Truth and Reconciliation Commission and the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP").

Canada also suggests that it is working very hard to comply with the orders. While I have no doubt Canada's employees are hard-working; this is irrelevant to the issue of compliance. The federal government has over a quarter of a million employees and significant financial resources. Legal compliance with an order is not left to the discretion of ordinary Canadians and it certainly should not be viewed that way by Canada. Even accepting the workload issue, it is difficult to imagine why the most basic elements of compliance remain unaddressed eighteen months after the order. For example, INAC and Health Canada do not require employees who are charged with implementing the orders to read them or receive training on them. Canada has not assigned staff with the requisite expertise to ensure compliance with the orders in ways that meet the needs of First Nations children. It has not established a twenty-four-hour phone line for citizens to report urgent Jordan's Principle cases, like the Wapekeka First Nations example, despite being asked to do so by the Caring Society and Assembly of First Nations eleven months ago. Government websites fail to provide clear and compliant information on Jordan's Principle despite repeated calls to post correct information.

A week before the order, a senior INAC official again refused calls by the National Advisory Committee on First Nations Child and Family Services that all INAC staff receive training on the rulings, noting that it was INAC's belief that they had complied to the degree they were able. They cited a need to consult with First Nations on outstanding items. At least two points are relevant to this: 1) INAC has made numerous unilateral decisions to launch child and family service initiatives not ordered by the Tribunal, contrary to UNDRIP, adding unnecessarily to the workload and detracting from Canada's duty to comply (i.e.: Ministerial Special Representative and the youth conference); 2) evidence at the Tribunal makes clear that even where substantial consultation has happened (as in the case of Ontario First Nations' repeated requests for Band representative funding) INAC is still using consultation as an excuse to not comply. UNDRIP requires that government with First Nations be done respectfully and in alignment with the law. Duty to consult should never be used by governments to obfuscate responsibility or to shield it from its duty to not discriminate against Indigenous children.

Canada also appeals for more time or "patience" with its response. Jordan's Principle was unanimously passed in the House of Commons ten years ago, the Tribunal's original decision on Jordan's Principle was eighteen months ago and the unanimous motion in the House of Commons to fully implement

Jordan's Principle and stop fighting families in court who are trying to get services happened six months ago and remains unfulfilled. Canada's appeals for "patience" are not reasonable when set against the dire consequences for children who are growing up bearing the weight of the federal government's discrimination. Children only get one childhood.

I am grateful the Tribunal's orders include very specific timeframes for Canada to act and we will continue to monitor closely to see if further legal action is required for Canada to do what it should already be doing as a matter of moral rectitude.

The Caring Society has a long, and documented, track record of reaching out to federal Ministers and officials to assist government with the compliance with these orders. In the vast majority of circumstances Canada chose to ignore our advice. Moreover, I have repeatedly written to your office, dating back to 2015, requesting assistance with this matter and I have always only received a perfunctory response referring my concerns to the Department of Indigenous and Northern Affairs Canada and sometimes Health Canada. I pray, for the sake of the 165,000 First Nations children who are victims of Canada's discriminatory treatment, that this letter does not receive such a bureaucratic and ineffective response. It should be abundantly clear by now that INAC is unwilling and/or unable to unhook itself from its discriminatory conduct and requires your personal intervention and direction.

I look forward to hearing from your office to arrange a meeting to discuss how to address Canada's non-compliance with the CHRT orders and its ongoing discrimination sourced in other public services for children such as education and early childhood programs. This is a historical moment for the country. The discrimination is known, as are the harms and viable solutions exist that government has refused to implement. You, like Prime Ministers before you, have a chance to prevent the unnecessary deaths and removals of First Nations children. I pray you do.

Respectfully,



Dr. Cindy Blackstock  
Executive Director, First Nations Child and Family Caring Society of Canada

CC: National Chief Perry Bellegarde, Assembly of First Nations



First Nations Child & Family  
Caring Society of Canada  
Société de soutien à l'enfance  
et à la famille des premières nations  
du Canada

309 Cooper Street, Suite 401  
Ottawa ON K2P 0G5  
tel / tél : 613 230 5885  
fax / téléc : 613 230 3080

info@fncaringsociety.com  
fncaringsociety.com

November 2, 2016

Honourable Prime Minister Trudeau  
House of Commons, Ottawa,  
Ontario, Canada  
K1A 0A6

Dear Prime Minister,

On behalf of the First Nations Child and Family Caring Society of Canada, I am writing to express my appreciation to all Members of Parliament for the historic and important vote on the NDP motion to ensure compliance with the Canadian Human Rights Tribunal orders on First Nations child welfare and Jordan's Principle. As you are aware, the Truth and Reconciliation Commission prioritized both matters in their Calls to Action and fortunately these are among the easiest to implement given the very clear strategic direction set out in the Tribunal's decisions (2016 CHRT 2; 2016 CHRT 10 and 2016 CHRT16).

I have had the honor of working with First Nations and First Nations child and family service agencies for over 20 years and know they are ready for equity. The Caring Society and the Assembly of First Nations have provided the Department of Indigenous Affairs with evidence based reforms for child and family services and Jordan's Principle. We call on the federal government to implement these reforms and those called for in the motion immediately to relieve the suffering of 163,000 First Nations children while the Joint National Advisory Committee (NAC) process coupled with regional tables address the outstanding inequities to ensure First Nations communities and agencies have the resources necessary to reform child welfare.

I was honored to personally witness each Member of Parliament standing in support of equity for First Nations children and families. This unanimous vote sends an important message of hope to children who have suffered so greatly under the weight of these cross-cutting inequities and I look forward to working with you and all Members of Parliament to ensure the motion realizes its full promise and the NAC/regional tables and communities are supported in their important work.

Please let us know if the Caring Society can provide further information to assist Members of Parliament to ensure equity across all children's services.

With gratitude and respect,

Cindy Blackstock, PhD  
Executive Director, First Nations Child and Family Caring Society of Canada

CC: The Honourable Minister of Indigenous Affairs Carolyn Bennett

**This is Exhibit "15" referred to in the affidavit of Cindy Blackstock affirmed before me at Ottawa in the Province of Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', is written over a horizontal line.

**David P. Taylor**

**Law Society of Ontario: 63508Q**

**A Commissioner for taking  
Affidavits for Ontario**





# Proposal: Gathering Youth in Care Advisors on the CHRT Compensation Distribution

September 12, 2019



## **Background:**

On September 6, 2019, the Canadian Human Rights Tribunal (CHRT) found that there has been wilful and reckless discrimination against First Nations children and families involved with child and family services on reserves across Canada. The CHRT ordered the Government of Canada to provide compensation to certain First Nations youth in and from care, and in some circumstances to their parents or grandparents. The compensation sum is large: \$40,000 to First Nations youth in or from care who qualify, as well as up to \$40,000 for certain parents or grandparents. More details on eligibility can be found in the CHRT's decision text and the First Nations Child and Family Caring Society's (the Caring Society) information sheet.<sup>1,2</sup> The order takes effect back to January 1, 2006 and will affect thousands of First Nations individuals.

The CHRT has given the Assembly of First Nations (AFN) and the Caring Society, the two complainants in the case, until December 10, 2019, to develop a process to distribute the compensation. The Caring Society has requested that Youth in Care Canada (YICC) provide advice on the compensation's distribution. YICC exists to voice the opinions and concerns of youth in and from care and is led by a young Board of Directors with lived experience in child welfare, and thus is an appropriate organization to pursue such work. YICC has helped develop and maintain youth in care networks in provinces across the country and will be able to use these connections to gather and produce youth recommendations.

## **Objectives:**

The Caring Society has requested YICC provide advice in advance of the December 10, 2019, deadline. YICC proposes to gather 15 to 20 First Nations youth in and from care (the Youth) to learn about the CHRT ruling in depth, discuss important aspects of distributing the compensation, and produce recommendations to provide to the Caring Society. To do so, YICC proposes to hire a staff member on contact to help coordinate and facilitate the gathering, as well as compile the youth-led recommendations and write a final summary report from the gathering.

The main objectives of this work are to:

1. Provide recommendations to the Caring Society on the process for distributing the funds, with consideration to children in vulnerable circumstances; and
2. Provide recommendations to alleviate risks that providing additional funds to certain primary caregivers may increase the family risk level.

The gathering will take place in Ottawa over one full day, with travel to and from Ottawa the day before and the day after. The gathering itself will begin and close with prayer and ceremony as directed by the elders. A presentation about the CHRT orders, preferably from experts at the Caring Society or alternatively from YICC's coordinator-facilitator, will set the stage and ensure the Youth understand the orders in depth. A presentation describing how similar compensation payments have been distributed in the past would also be useful. The Youth will then be prepared to discuss considerations and risks associated with the compensation's distribution, identify ways risks could be mitigated, and recommend

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<sup>1</sup> CHRT Ruling: [https://fncaringsociety.com/sites/default/files/2019\\_chrt\\_39.pdf](https://fncaringsociety.com/sites/default/files/2019_chrt_39.pdf)

<sup>2</sup> Caring Society Information: [https://fncaringsociety.com/sites/default/files/2019\\_chrt\\_39\\_info\\_sheet\\_final.pdf](https://fncaringsociety.com/sites/default/files/2019_chrt_39_info_sheet_final.pdf)



how distribution of the compensation should occur. Discussion questions pertaining to each objective will be developed by YICC's coordinator-facilitator beforehand, and this staff member will also help moderate the conversation to ensure each discussion question is answered in full.

The Youth invited to attend this gathering would ideally represent the diversity of First Nations and youth in care realities across the country. They should come from the different provinces and territories across Canada, represent a range of geographies like remote or urban, speak either official language, and be between ages 16 and 29. Youth under 18 will need a chaperone to accompany them on their travel, but the chaperone can be asked to leave the gathering room should the youth be more comfortable speaking without them listening. The Youth will be required to have lived experience in child welfare and will preferably be eligible for the CHRT's compensation or have experience receiving other forms of compensation or financial aid. Experience with child welfare advocacy or work would be beneficial but should not be a limiting factor for the Youth invited to attend.

The gathering will also need to provide mental health and cultural supports for the Youth, as sensitive or triggering topics may be raised. A male and female elder, preferably who have experience with child welfare and who are two spirit friendly, will be hired to attend the gathering, help open and close in a good way, and provide advice and support to the Youth. The gathering space must allow smudging and other ceremony as identified by the elders. Finally, a counsellor with experience working with First Nations youth should be hired to attend the gathering and be provided a private room for the Youth to go to receive counselling and support as need be throughout the day.

Another exciting aspect of the gathering is an opportunity to meet Dr. Cindy Blackstock and Spirit Bear, if they have time to attend. Many children and youth in care look up to Dr. Blackstock and hearing opening remarks from her and Spirit Bear would be a positive way to begin the gathering and a meaningful experience for the Youth who attend.

#### **Deliverables:**

Deliverables from the gathering would include:

1. Recommendations regarding risks and distribution of funds to eligible First Nations youth in and from care
2. Recommendations regarding risks and distributions of funds to eligible First Nations parents and grandparents
3. Summary report of the gathering
4. Financial report on the gathering's final costs
5. Directory of contacts brainstormed by youth to ensure notice of compensation is shared widely
6. Enabling youth attendees to become "experts" on the CHRT Compensation Order and share this information with their communities and peers



**Budget**

<b>Class of Expenditure</b>	<b>Budget Breakdown</b>	<b>Estimated Cost</b>
<u>YICC Gathering Youth in Care Advisors on the CHRT Compensation Distribution - (1 day) – 20 invited people</u>		
<i>i. Staffing and Facilitation</i>		
Staff to act as Coordinator, Facilitator, and Report Writer	@ \$5000	\$5000.00
	<b>Total Staffing</b>	<b>\$5,000.00</b>
<i>ii. Travel and Honorariums</i>		
20 invited people (Youth)	@ \$2,000/person	\$40,000.00
4 chaperones (one to accompany each youth under age 18, to a maximum of 4)	@ \$2,000/person	\$8,000.00
1 YICC Director (from out of town)	@ \$2,000/person	\$2,000.00
20 Youth Honorariums	@ \$120/youth	\$2,400.00
25 Per Diems (Breakfast x1, Lunch x2, Dinner x2) (to cover food during half day of travel before and after gathering)	@ \$15/Breakfast x1 @ \$15/Lunch x2 @ \$30/Dinner x2	\$2,625.00
	<b>Total Travel</b>	<b>\$55,025.00</b>
<i>iii. Meeting Costs (based on 30 attendees)</i>		
Supplies, Printing, Misc.	@ \$500	\$500.00
Facility Rental (1 days at AFN Small and Large Boardrooms)	@ \$750/day	\$750.00
Translation (materials and simultaneous whisper translation)	@ \$2,000	\$2,000.00
Catering (breakfast, snack and coffee breaks x 2, lunch)	@ \$75/person (30 people)	\$2,250.00
Elder and travel x2 (local)	@ \$300 + \$100 travel	\$800.00
Counsellor (local)	@ \$300	\$300.00
Administrative Costs	@ 10% of meeting costs	\$660.00
	<b>Total Meeting Costs</b>	<b>\$7,260.00</b>
<b>Total Proposed Budget</b>		<b>\$67,285.00</b>

**This is Exhibit "16" referred to in the affidavit of Cindy Blackstock affirmed before me at Ottawa in the Province of Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read "David P. Taylor", is written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**

**From:** "Deecker3, Gordon (SAC/ISC)" <gordon.deecker3@canada.ca>  
**Date:** Thursday, September 19, 2019 at 10:17 AM  
**To:** Cindy Blackstock <cblackst@fncaringsociety.com>  
**Subject:** RE: Call for JPOC agenda items

Hello Cindy,

I've heard back from a couple of people here, including Valerie, and below is their replies: (in red and blue)

Can we receive copies of the communication materials from HQ advising regions and focal points of 2019 CHRT 39? **please confirm with Valerie that she wants the documents to be placed on JPOC or just an email to the Parties as a follow up to Cindy's request for these documents at the Sept 9<sup>th</sup> CCCW. (Valerie says: in an email to the Parties)**

Also, can we receive a detailed and itemized list of the specific efforts INAC has undertaken to identify families subject to the retroactive review orders on Jordan's Principle and the data that INAC collected on individual children and parents regarding Jordan's Principle (victims of discrimination per 2019 CHRT 39) during the following time frames:

**Regarding this request similarly stated at the Sept 9 CCCW, ISC was clear that we cannot share this with the Parties, nor discuss how missing data could be obtained, without specific Government instruction. (Valerie says: Correct, we cannot share at this time)**

Hope this helps,  
☺  
Gordon

**From:** Cindy Blackstock [mailto:cblackst@fncaringsociety.com]  
**Sent:** 2019-09-16 11:27 AM  
**To:** Deecker3, Gordon (SAC/ISC); 'afiddler@nan.on.ca'; Andrea Auger; 'Bobby Narcisse'; Buckland, Robin (SAC/ISC); Caring Society Reception; Cirtwill, Kelly (AADNC/AANDC); Cole, Katherine (SAC/ISC); Doyle2, Marie (SAC/ISC); 'emily.king@coo.org'; Goertzen, Terry (AADNC/AANDC); 'Jonathon Thompson'; 'knerland@oktlaw.com'; 'kristofer.bergmann@tbs-sct.gc.ca'; 'kritch@oktlaw.com'; McDonald, Dana (SAC/ISC); 'Maggie Went'; 'Nichole Kinzel'; Peltier, Katelin (SAC/ISC); Roberge, Anick (SAC/ISC); 'Robin.Beauclair@coo.org'; 'ruby.miller@coo.org'; 'Sinéad Dearman'; Small, Mariane (HC/SC); Smith, Pam (SAC/ISC); 'Stephanie Wellman'; 'tracy@coo.org'; 'Wendy Trylinski'  
**Subject:** Re: Call for JPOC agenda items

Hello Gordon

Can we receive copies of the communication materials from HQ advising regions and focal points of 2019 CHRT 39?

Also, can we receive a detailed and itemized list of the specific efforts INAC has undertaken to identify families subject to the retroactive review orders on Jordan's Principle and the data that INAC collected on individual children and parents regarding Jordan's Principle (victims of discrimination per 2019 CHRT 39) during the following time frames:

December 12, 2017 to January 26, 2016

January 27, 2016 to April 26, 2016

April 27, 2016 to September 14, 2016

September 15, 2016 to May 26, 2017

May 26, 2017 to November 2, 2017

Thanks,

Cindy

**From:** "Deecker3, Gordon (SAC/ISC)" <gordon.deecker3@canada.ca>

**Date:** Monday, September 16, 2019 at 10:05 AM

**To:** "afiddler@nan.on.ca" <afiddler@nan.on.ca>, Andrea Auger <aauger@fncaringsociety.com>, 'Bobby Narcisse' <bnarcisse@nan.on.ca>, "Buckland, Robin (SAC/ISC)" <robin.buckland@canada.ca>, Jacquie Surges <reception@fncaringsociety.com>, Cindy Blackstock <cblackst@fncaringsociety.com>, "Cirtwill, Kelly (AADNC/AANDC)" <kelly.cirtwill@canada.ca>, "Cole, Katherine (SAC/ISC)" <katherine.cole@canada.ca>, "Doyle2, Marie (SAC/ISC)" <marie.doyle2@canada.ca>, "emily.king@coo.org" <emily.king@coo.org>, "Goertzen, Terry (AADNC/AANDC)" <terry.goertzen@canada.ca>, Jonathan Thompson <jonthompson@afn.ca>, "knerland@oktlaw.com" <knerland@oktlaw.com>, "kristofer.bergmann@tbs-sct.gc.ca" <kristofer.bergmann@tbs-sct.gc.ca>, "kritchie@oktlaw.com" <kritchie@oktlaw.com>, "McDonald, Dana (SAC/ISC)" <dana.mcdonald@canada.ca>, Maggie Wente <MWente@oktlaw.com>, 'Nichole Kinzel' <nkinzel@nan.on.ca>, "Peltier, Katelin (SAC/ISC)" <katelin.peltier@canada.ca>, "Roberge, Anick (SAC/ISC)" <anick.roberge@canada.ca>, "Robin.Beauclair@coo.org" <Robin.Beauclair@coo.org>, "ruby.miller@coo.org" <ruby.miller@coo.org>, 'Sinéad Dearman' <SDearman@oktlaw.com>, "Small, Mariane (HC/SC)" <mariane.small@canada.ca>, "Smith, Pam (SAC/ISC)" <pam.smith@canada.ca>, 'Stephanie Wellman' <SWellman@afn.ca>, "tracy@coo.org" <tracy@coo.org>, 'Wendy Trylinski' <wtrylins@nan.on.ca>

**Subject:** Call for JPOC agenda items

Good morning,

Please submit your agenda items to [kate.oconnor@canada.ca](mailto:kate.oconnor@canada.ca) by COB on September 20<sup>th</sup> along with any materials/attachments to share, for the upcoming JPOC meeting on October 1<sup>st</sup>.

Thank you kindly and have a great day,

Gordon Deecker

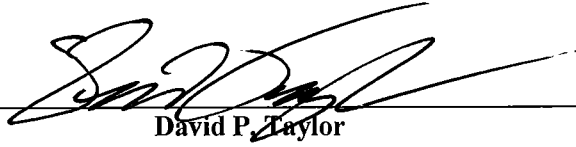
First Nations and Inuit Health Branch/Direction générale de la santé des Premières nations et des Inuits

Indigenous Services Canada/Services aux Autochtones du Canada

[gordon.deecker3@canada.ca](mailto:gordon.deecker3@canada.ca) / 613-946-6335 (new)



**This is Exhibit "17" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read "David P. Taylor", is written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



Sent via email to [justin.trudeau@parl.gc.ca](mailto:justin.trudeau@parl.gc.ca).

October 16, 2019

Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2

Dear Prime Minister Trudeau:

I am writing to acknowledge your public commitment to compensating the First Nations children and families affected by Canada's ongoing willful and reckless discrimination and to clarify the factual record on a number of points. I am also writing to bring to your attention to some concerning remarks made by Minister Carolyn Bennett at a recent meeting.

As you may know, the Tribunal's compensation order arises from a human rights case filed jointly by the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada in 2007 under the Canadian Human Rights Act. In adopting the Act, Parliament provided for compensation to a maximum of \$40,000 for victims of discrimination, both for their pain and suffering and to recognize willful and reckless discrimination. Canada, therefore, has known that compensation is an issue for close to 13 years.

In Canada's 2014 closing submissions to the Tribunal, it argued it ought not pay any compensation to victims of discrimination and that the case should be dismissed. The Caring Society and AFN filed submissions to the Tribunal asking that compensation be awarded.

In 2016, the Tribunal substantiated the complaint and ordered Canada to immediately cease its discriminatory conduct. Canada did not challenge this ruling. The Tribunal took the issue of compensation under reserve while it addressed the most harmful aspects of Canada's discriminatory conduct. The Tribunal was so unsatisfied with Canada's slow implementation that it has now issued seven non-compliance orders, including one in 2017 linking Canada's non-compliance with the deaths of two girls.

You may recall a letter sent to you by Caring Society board president Raymond Shingoose, dated in May 2017, requesting your personal intervention in the case given

the links between Canada's non-compliance and the deaths of some children and the unnecessary family separations of others.

Since the 2016 decision, the Caring Society has repeatedly urged your government to resolve outstanding matters, including compensation, using the Tribunal's mediation process. Canada has refused at every turn. This culminated in a December 2018 letter from your government to the Caring Society and other parties advising us that Canada wanted to resolve the compensation matter via litigation.

In the early part of 2019, a class action was filed against Canada on behalf of two representative claimants affected by Canada's discriminatory provision of child welfare services and Jordan's Principle. It is important to note this class action covers events from 1991 to present and it is not a substitute for the Tribunal's compensation orders, which relate directly to the Canadian Human Rights Act's provisions for human rights damages for pain and suffering, as well as willful and reckless discrimination.

The Tribunal held a hearing on compensation in the spring of 2019 and Canada's position was that it ought not be ordered to pay any compensation to the children and their families. Lawyers representing Canada even went so far as to suggest that there was no evidentiary record of harms to individuals and, had the parties wanted to seek individual compensation, we ought to have called individual victims (including children) to testify.

During the compensation hearings, we were visited by Mr. Travis Henderson, who I understood was sent by your office to determine if we were open to settlement. I advised Mr. Henderson that the Caring Society was always open to receiving clear and meaningful proposals from Canada and recommended that consenting to certification of the class action would be a signal to us all that Canada was serious about compensation. We never heard from Mr. Henderson again and the class action remains uncertified.

Moreover, I met with Deputy Minister Jean-François Tremblay and Assistant Deputy Minister Sony Perron on March 19, 2019. At that time, I strongly urged them to accept the Tribunal's offer to participate in mediation. The offer was once again refused.

The Tribunal issued its order on compensation on September 6, 2019 and it includes a finding that Canada continued to "willfully and recklessly" discriminate against First Nations children and their families after the January 26, 2016 order. The compensation order included a provision for Canada to consult with the Assembly of First Nations and the Caring Society to collaborate on a plan to implement the order. We immediately contacted Canada and asked that the government identify a person or persons to discuss this matter. We were repeatedly informed that the government had not appointed anyone, so we have proceeded to work on the compensation plan without government participation.

Canada's judicial review and stay applications, filed on October 4, 2019, are clear. The requests are to quash any orders for monetary compensation and for any group that opposes Canada to pay your legal costs. The focus is on the irrevocable harm to Canada – not to the children and families – and there is a complete denial that the discrimination is ongoing. These documents are not aligned with your public statements, and have created unnecessary distress for victims of the discriminatory conduct and a great deal of confusion for the parties.

Recently, we became aware that Minister Bennett has been facilitating conversations about the compensation matter with groups/individuals who are not a party to the proceedings before the Tribunal or Federal Court. The Caring Society will have more to say about these discussions in the context of the Federal Court proceedings. For now, I want to emphasize how inappropriate it is that the Minister is not discussing the matter with the parties, who are acting on the basis of unanimous resolutions passed by the Chiefs in Assembly, and has instead suggested that Canada ought to have conversations with the victims of the discrimination – many of whom are children. This is morally inappropriate given Canada's direct role in the discrimination that led to the compensation being ordered. If such discussions with victims have taken place or are planned, we would like to know immediately.

In addition, Minister Bennett has identified herself as the “client” in the compensation matter and has indicated her wishes, and yours, are out of step with the legal submissions your lawyers have made. We were not aware the file had been transferred from Minister O'Regan to Minister Bennett. If, as she stated, Canada's legal submissions are inconsistent with the client direction, we expect your government to take immediate corrective action as it is vital the Court has a clear position before it.

Moreover, we would request that Canada constrain its conversations on compensation to discussions with the parties to the litigation, using the proper processes.

Overall, I urge you to fully adopt the Spirit Bear Plan to end all inequalities First Nations children are experiencing and to stop Canada's ongoing “willful and reckless” discrimination toward them. The Tribunal's finding that child deaths and many unnecessary family separations are linked to Canada's conduct should provide you with clear evidence that the Department is unable or unwilling to reform itself in ways that forestall future harms to children.

In addition, we ask that you ensure your public statements align with your government's legal submissions, that Canada constrain its conversation on compensation to the proper processes, and that your government engage with the parties on proposed resolutions.

I would also ask that Canada confirm that it will not have discussions with individual victims of its discrimination until such time that the Tribunal or the Federal Court orders a proper process for such discussions to occur.

I look forward to your prompt and specific reply.

Regards,

A handwritten signature in black ink, appearing to read 'C. Blackstock', written in a cursive style.

Cindy Blackstock, PhD  
Executive Director,  
First Nations Child and Family Caring Society of Canada

CC: Minister Carolyn Bennett  
Minister Seamus O'Regan  
Minister David Lametti

**This is Exhibit "18" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', is written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



## Indigenous

# Scheer says he would compensate First Nations children, families affected by on-reserve child welfare system



Incumbent NDP candidate Charlie Angus says his party would push for a national inquiry

[Jorge Barrera](#) · CBC News · Posted: Oct 18, 2019 4:34 PM ET | Last Updated: October 18



Conservative Leader Andrew Scheer says he would compensate First Nations children and families affected by the on-reserve child welfare system. (Jonathan Hayward/THE CANADIAN PRESS)

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"I believe that children who have been mistreated or families that have suffered because of policies of the federal government should absolutely be compensated," said Scheer, to applause from his supporters.

Scheer also repeated his position that the September Canadian Human Rights Tribunal order — which said that Ottawa must compensate First Nations children affected by the on-reserve child welfare system — should undergo a judicial review.

- [Ottawa ordered to compensate First Nations children impacted by on-reserve child welfare system](#)

Scheer's spokesman Daniel Schow said in an emailed response to follow-up questions that the Conservative party supports "the principles of reconciliation." His statement said that "those who have been mistreated by government deserve to be compensated by government."

Scheer's position on the issue is similar to that of Liberal Leader Justin Trudeau, who has promised to compensate First Nations children and families hurt by the on-reserve child welfare system.

On Oct. 4, the Trudeau government filed for a judicial review with the Federal Court of Canada challenging the human rights tribunal order. The Liberal government is also seeking a stay of the order. The Trudeau government also argued against compensation before the tribunal last spring.

- [Trudeau government seeks judicial review of tribunal decision to compensate First Nations kids](#)

Justice Canada lawyers said in the October court filings that the tribunal overreached by ordering Ottawa to compensate First Nations children apprehended from their homes and communities through the on-reserve child welfare system, along with some of their parents

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Sony Perron, the associate deputy minister of Indigenous Services Canada, said in an affidavit that the order could cost the federal government up to \$8 billion.

- [Ottawa tells court First Nation child welfare compensation order could cost \\$8 billion](#)

In 2016, the human rights tribunal found that Ottawa discriminated against First Nations children by underfunding on-reserve child welfare services.

In its Sept. 6 compensation ruling, the tribunal said that Ottawa prioritized financial considerations over the human rights of First Nations children.



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First Nations leaders across the country criticized the Trudeau Liberals for challenging the tribunal order.

Incumbent NDP candidate Charlie Angus said his party would take the issue further by calling for a national inquiry into the on-reserve child welfare system.

"Children are literally dying, day in and day out. Once they're disappeared into the system, they seem to disappear from even mattering," said Angus, who is running for reelection in the northern Ontario riding of Timmins-James Bay.

"That is why I think an inquiry is needed. We've had inquest after inquest, we've heard report after report, yet the issue remains prevalent in all the northern communities."

In Ontario alone, 102 Indigenous children and youths died between 2013 and 2017 within 12 months after they or their families received services from the child welfare system, according to [public data](#) compiled by [Ontario's Office](#) of the Chief Coroner [through its annual](#) pediatric death review [committee reports](#).

The Aboriginal Peoples Television Network was the first to [report](#) on the data.



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Mary Ellen Turpel-Lafond, the former B.C. representative for children and youth, said the inquiry idea has merit. (CBC)

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Mary Ellen Turpel-Lafond, the former child and youth advocate for British Columbia, said in an emailed statement to CBC News that the inquiry idea has merit.

"First, the impact on children of removal is such that their stories should be collected. Second, the deeper causes of harm need to be fully addressed," said Turpel-Lafond, currently the director of the Residential School History and Dialogue Centre at the University of British Columbia.

"Third, the issue of acceptance and support for those taken by the system is a major psychological issue related to trauma. In some cases, they are rejected by their own communities."

Cindy Blackstock, who heads the First Nations Child and Family Caring Society, said she believes the focus should remain on implementing the rulings and orders of the human rights tribunal.

"I think we have the answers needed," said Blackstock, who led the human rights complaint in 2007 that resulted in the tribunal's landmark 2016 ruling.

"What needs to be done is to have the recommendations and legal orders that are on the books implemented."

---

*with files from Olivia Stefanovich*

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**This is Exhibit "19" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', is written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
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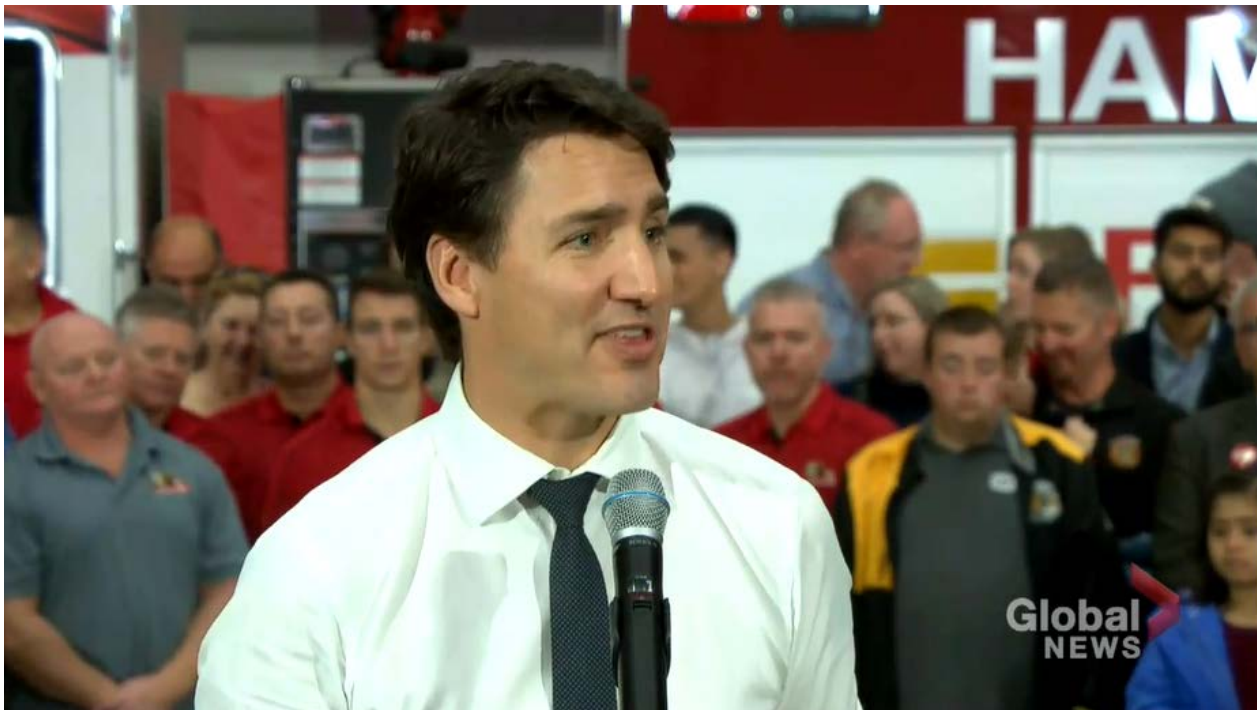
POLITICS

# Trudeau defends Indigenous record despite brief mention of issues during campaign

BY JOANNA SMITH - THE CANADIAN PRESS

Posted October 19, 2019 1:05 pm

Updated October 19, 2019 8:01 pm



WATCH: Trudeau says he 'agrees' with Human Rights Tribunal on First Nations children

f t + -A A+

Reconciliation with First Nations, Metis and Inuit remains a priority, [Justin Trudeau](#) insisted Saturday as he defended the Liberal record on an issue he has rarely raised when encouraging progressive voters to stick with him when they [head to the polls Monday](#).

“We know how important it is to all Canadians that reconciliation, that economic opportunity, advances,” Trudeau said Saturday in [Hamilton](#), on a day that saw the campaign swing through southern Ontario before heading to rallies in [Winnipeg](#) and later [Calgary](#).

As prime minister, Trudeau said often that no relationship was more important to him than the one between Canada and Indigenous Peoples — language he included in the preamble to the mandate letters he sent to each of his cabinet ministers.

**[READ MORE: Trudeau’s Liberals benefited from record Indigenous voter turnout in 2015. Can they again?](#)**

The first Liberal budget, in 2016, committed nearly \$8.4 billion over five years to improving the lives and socio-economic conditions of Indigenous Peoples and their communities, which was hailed at the time as an unprecedented investment aimed at meeting high expectations.

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Trudeau had, as Liberal leader, committed to implementing all 94 recommendations from the [Truth and Reconciliation Commission](#), which delivered a report on the dark history and tragic legacy of the residential school system in Canada.

On the campaign trail this fall, Trudeau has made some platform promises relating to Indigenous issues, including on health care and moving Indigenous communities off diesel power generation. The platform also pledges to fully implement previous commitments, such as ending boil-water advisories on all reserves by 2021.

Still, mentions of [Indigenous](#) issues in his stump speeches have either been brief or absent.

2:32

## Leaders' Debate: Other leaders attack Trudeau over

— Leaders' Debate: Other leaders attack Trudeau over record on Indigenous relations

Case in point: on Friday night in Vaughan, Ont., Trudeau listed off a litany of things he is promising progressive voters, but never once mentioned safe drinking water on First Nations reserves or anything else related to the file.

Adding to the urgency of addressing Indigenous issues is a recent report by the [United Nations](#) special rapporteur on adequate housing, which finds that Indigenous people in Canada face far greater barriers than non-Indigenous Canadians when it comes to securing safe housing.

“Indigenous lands and territories tend to coincide with areas that are most disadvantaged in terms of access to infrastructure, including access to drinking water and sanitation, education and health services,” the report reads.

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— Federal Election 2019: Reconciliation with Indigenous peoples 'essential' to Canada's future: Trudeau

National Chief Perry Bellegarde of the Assembly of First Nations has said he believes the Liberal government has done more for First Nations people than any other government in Canadian history \_ an assessment Trudeau pointed to in defending his record Saturday.

“But we also know there is much more to do,” <sup>1:04</sup>Trudeau said. **Federal Election 2019: Reconciliation with I**

But Bellegarde has also shared his “deep disappointment” over how the federal government is appealing a Canadian Human Rights Tribunal ruling ordering Ottawa to pay billions of dollars in compensation to First Nations children and their families.

**READ MORE: [Scheer says national energy corridor will help unite Canadians](#)**

The tribunal ruled the federal government had been “wilful and reckless” in discriminating against First Nations children living on reserves by chronically and knowingly underfunding child-welfare services.

It ordered the federal government to pay \$40,000 for every First Nations child who was inappropriately taken away from their parents after 2006. The Assembly of First Nations estimates about 54,000 children and their parents could be eligible for the money, meaning the total compensation will likely exceed \$2 billion.

“No amount of compensation can ever recover what you have lost, the scars that are left on your souls or the suffering that you have gone through as a result of racism, colonial practices and discrimination,” the panel wrote in its September decision.

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**READ MORE: [Justin Trudeau to visit Calgary in final stops before election](#)**

The government is appealing the damage award, saying the election makes it impossible to organize compensation by a Dec. 10 deadline.

“We absolutely agree and we will be moving forward to compensate them,” Trudeau said Saturday.

The Liberal leader was also asked whether he thinks his government should have done anything differently to avoid getting to the point where they chose to appeal.

“We’ve been focused on reforming child and family services to make sure that kids in care get to stay in Indigenous communities, in their language, get the support they need, so they don’t lose their culture and identity, which is so important to them,” he said.

“That’s at the core of how we move forward as a country in partnership with Indigenous Peoples.”

2:15

**Federal election day 38: TikTok, tax tussle and an ap**

— Federal election day 38: TikTok, tax tussle and an apology

Conservative Leader [Andrew Scheer](#), who wants the human rights tribunal order on child welfare subjected to a judicial review, agreed that some children and families should be compensated.

“I believe that children who have been mistreated or families that have suffered because of policies of the federal government should absolutely be compensated,” Scheer said Friday during a campaign stop in Fredericton.

Scheer has added a line in his stump speech in which he calls for people to vote Conservatives to support a future “where Canadians from every

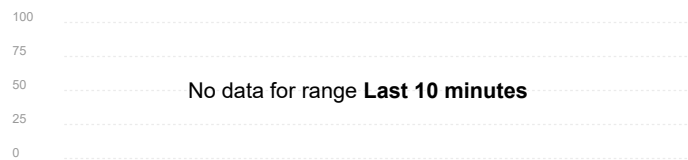
province and territory and First Nation can take part in and contribute to our shared prosperity.”

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Andrew Scheer   Elizabeth May   Jagmeet Singh   Justin Trudeau

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**Mary Ho**

forget "Fake unemployment numbers". let us talking about the facts around us. right now it is difficult to hire people. it means there are a lot more businesses than before. business owners are not happy with that situation. on another hand more businesses will create more opportunities to grow. libreal's policy has the economy in right track. obiously things should be better.

Like · Reply · 4d · Edited



**Kim Freeborn**

Only Bernier willing to discuss the Indian Act.

Like · Reply · 4d



**Eugene Assailly**

in manitoba there is 10000 children in foster care 9000 are beautiful little first nations children .what has libs and first nations leaders done for these children in last 60 years besides blow smoke and throw race card around .# 1 problem on rez is alcohol and drug addiction .i was witness to gov treatment of sayisi dene first nations people .children being beaten with yard stick because they could not speak french never mind english .not much has changed with white and native politicians .

Like · Reply · 1 · 4d



**Tim Ranski**

Lol....."Thanks for the donation." is not exactly a good indigenous record.....maybe he should have painted his face red when he gave that comment.

Like · Reply · 3 · 4d



**Mary Ho**

we have the lowest unemployment rate during last 4 years. Trudeau achieve some of his promises. his failure on some promise is not a big surprise. our life is like that. we all live between successes and failures. the process of election will make him understand more on what need for Canadian. 4 years is not enough. but the growing economy approves his policy do some good for the country. give him another chance. go liberals!

Like · Reply · 2 · 4d



**Tim Ranski**

Wow! Fake unemployment numbers, which should be even better given Canada has been out of the recession for 6 years now and 40+ broken promises is not "life is like that." That's even worse than a dead beat dad. The economy is shrinking.....maybe go to other sources besides CBC and the lieberal web page. Yes go lieberals, and never come back.

Like · Reply · 5 · 4d · Edited



**Eugene Assailly**

libs ,greens ,ndp don,t care about thousands of people they put out of work in oil industry .there should be why are eastern people importing oil in to canada .there should be major pipe line to east coast .

Like · Reply · 3 · 4d



**Mary Ho**

it is frustrated. cannot understand people is so agaist pipe line. narrow mind.

Like · Reply · 2 · 4d

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**This is Exhibit "20" referred to in the affidavit of Cindy Blackstock affirmed before me at Ottawa in the Province of Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**

<b>Start Page PDF (true page no.)</b>	<b>End Page PDF (true page)</b>	<b>Start Date</b>	<b>End Date</b>	<b>Client</b>	<b>Sub client</b>	<b>File No</b>	<b>File Type</b>	<b>File Name</b>
1 (1)	3 (23)	2010-01-01	2015-03-03	Indian Affairs	200184 -Litigation	800701	litigation	AFN/CFS - Canadian human rights complaint
4(24)	6 ( 37)	2010-01-01	2015-03-03	Indian Affairs	Litigation Services	800701	litigation	AFN/CFS - Canadian human rights complaint
10 (50)	14 (292)	2011-04-01	2015-03-03	indian Affairs	Litigation Services	800702	litigation	AFN/CFS - Canadian human rights complaint (post JR decision)
17 (297)	18 (298)	2011-04-01	2015-03-03	Indian Affairs	200184-Litigation	800819	litigation	AFN - First Nations Child and Family Caring Society JR of the Tribunal's Decision
19 (299)	19 (299)	2011-04-01	2015-03-03	Indian Affairs	Litigation Services	800819	litigation	AFN - First Nations Child and Family Caring Society JR of the Tribunal's Decision
35 (330)	36 (331)	2009-11-03	2015-02-20	Indian Affairs	Litigation Services	1103330	litigation	First Nations Child and Family Caring Society and AFN v. AGC etc.
37 (332)	39 (334)	2009-11-03	2015-02-20	Indian Residential Schools	n/a	1103330	litigation	First Nations Child and Family Caring Society and AFN v. AGC etc.
49 (344)	52 (354)	2007-03-06	2015-02-20	Indian Affairs	200184-Litigation	1193322	litigation	Assembly First Nations v. INAC - Canadian Human Rights Act Discrimination Complaint RE: Underfunding of First Nations Child and Family Services - cross reference: 31000-2-256 & 31000-3-5

53 (355)	55 (360)	2007-03-06	2015-02-20	Indian Affairs	Litigation Services	1193322	litigation	Assembly First Nations v. INAC - Canadian Human Rights Act Discrimination Complaint RE: Underfunding of First Nations Child and Family Services - cross reference: 31000- 2-256 & 31000-3-5
61 (366)	65 (480)	1914-02-01	2015-02-28	Indian Affairs	200184-Litigation	1069092	litigation	AFN/CFS-Canadian Human Rights complaint
66 (481)	69 (499)	1914-02-01	2015-02-28	Indian Affairs	Litigation Services	1069092	litigation	AFN/CFS-Canadian Human Rights complaint
72 (503)	74 (505)	1950-04-01	2013-10-30	Indian Affairs	200184-Advisory	20100-1	litigation	AFN/CFS Complaint to the Canadian Human Rights Commission
75 (506)	75 (506)	1950-04-01	2013-10-30	Indian Affairs	Litigation Services	20100-1	litigation	AFN/CFS Complaint to the Canadian Human Rights Commission
76 (507)	76 (507)	1950-04-01	2013-10-30	Indian Affairs	200185-Advisory	20100-1-4	litigation	AFN/CFS Complaint to the Canadian Human Rights Commission - Auditor General
77 (508)	80 (529)	1950-04-01	2013-10-30	Indian Affairs	200185-Advisory	20100-1-5	litigation	AFN/CFS Complaint to the Canadian Human Rights Commission - Research documents
81 (530)	81 (530)	1950-04-01	2013-10-30	Indian Affairs	Litigation Services	20100-1-5	litigation	AFN/CFS Complaint to the Canadian Human Rights Commission - Research documents
82 (531)	82 (531)	1950-04-01	2013-10-30	Indian Affairs	200184-Litigation	20100-1-6	litigation	AFN/CFS Complaint to the Canadian Human Rights Commission - Regional responses
83 (532)	85 (537)	1950-04-01	2013-10-30	Indian Affairs	200185-Advisory	20100-2	litigation	AFN/CFS Complaint to the Canadian Human Rights Commission - Tribunal
86 (538)	86 (538)	1950-04-01	2013-10-30	Indian Affairs	Litigation Services	20100-3	litigation	AFN/CFS Complaint to the Canadian Human Rights Commission -Judicial review

87 (539)	88 (540)	1950-04-01	2013-10-30	Indian Affairs	200184-Litigation	20100-3-1 litigation	AFN/CFS Complaint to the Canadian Human Rights Commission -Judicial review application
89 (541)	89 (541)	1950-04-01	2013-10-30	Indian Affairs	200184-Litigation	20100-3-2 litigation	AFN/CFS Complaint to the Canadian Human Rights Commission - APTN application for judicial review
90 (542)	92 (549)	1950-04-01	2013-10-30	Indian Affairs	200184-Litigation	20100-3-4 litigation	AFN Canadian Human Rights Commission - Judicial Review of Tribunal Decision
93 (550)	96 (553)	1950-04-01	2013-10-30	Indian Affairs	Litigation Services	20100-3-4 litigation	AFN Canadian Human Rights Commission - Judicial Review of Tribunal Decision
97 (554)	97 (554)	1950-04-01	2013-10-30	Indian Affairs	200184-Litigation	20100-3-4 litigation	First Nations Child and Family Caring Society - Judicial Review of Tribunal decision
98 (555)	98 (555)	1950-04-01	2013-10-30	Indian Affairs	Litigation Services	20100-3-4 litigation	Assembly of First Nations - Judicial Review of Tribunal decision
99 (556)	100 (557)	1950-04-01	2013-10-30	Indian Affairs	200185-Advisory	20100-3-4 litigation	Cindy Blackstock and FNCFCSC v. INC (CHRC-Retaliation Complaint)
101 (558)	102 (559)	1950-04-01	2013-10-30	Indian Affairs	Litigation Services	20100-3-4 litigation	Cindy Blackstock and FNCFCSC v. INC (CHRC-Retaliation Complaint)
103 (560)	103 (560)	1913-06-18	2015-02-28	Indian Affairs	Litigation Services	1081026 litigation	First Nations Child and Family Care Society
104 (561)	106 (564)	1913-06-18	2015-02-28	Indian Affairs	n/a	1081026 litigation	First Nations Child and Family Care Society
113 (578)	117 (584)	2008-01-01	2015-02-20	Department of health (FNIHB)	n/a	6023883 Advisory	Assembly of First Nations (AFN) Human Rights Complaint to the Canadian Human Rights Commission (CHRC) - Child Welfare Runding

118 (585)	121 (589)	2010-08-18	2012-06-25	Indian Affairs	200184-Litigation	4371474	litigation	AFN/CFS Complaint to the Canadian human Rights commission -APTN application for judicial review - BC General file
1 (1)	4 (120)	2006-06-01	2012-06-30	Indian Affairs	200184 -Litigation	20100-0	litigation	Withheld
5 (121)	5 (121)	2006-06-01	2012-06-30	Indian Affairs	200184 -Litigation	20100-3-4	litigation	First Nations Child and Family Caring Society - Judicial Review of Tribunal decision
6 (122)	8 (127)	2006-06-01	2012-06-30	Indian Affairs	200185-Advisory	20100-2	litigation	withheld
9 (128)	11 (135)	2006-06-01	2012-06-30	Indian Affairs	200184 -Litigation	20100-3-4	litigation	AFN Canadian Human Rights Commission - Judicial Review of Tribunal Decision
12 (136)	14 (138)	2006-06-01	2012-06-30	Indian Affairs	200185-Advisory	20100-1	litigation	Withheld
15 (139)	15 (139)	2006-06-01	2012-06-30	Indian Affairs	200185-Advisory	20100-1-1	litigation	withheld
16 (140)	16 (140)	2006-06-01	2012-06-30	Indian Affairs	Policy and Strategic	20100-3	litigation	withheld
17 (141)	18 (142)	2006-06-01	2012-06-30	Indian Affairs	Direction	20100-3-1	litigation	withheld
19 (143)	19 (143)	2006-06-01	2012-06-30	Indian Affairs	200184 -Litigation	20100-3-4	litigation	withheld
20 (144)	20 (144)	2006-06-01	2012-06-30	Indian Affairs	200184 -Litigation	20100-1-6	litigation	Withheld
21 (145)	24 (166)	2006-06-01	2012-06-30	indian affairs	200185-Advisory	20100-1-5	litigation	withheld
26 (182)	28 (204)	2007-02-27	2012-06-26	Indian Affairs	200184 -Litigation	17-82297	litigation	AFN/CFS - Canadian human rights complaint
29 (205)	31 (207)	2007-02-27	2012-06-26	Indian Affairs	Not Available	17-82297-	litigation	AFN/CFS - Canadian human rights complaint (post JR decision)
32 (208)	34 (210)	2010-02-28	2012-06-26	Indian Affairs	200184 -Litigation	17-82502	litigation	AFN/CFS - Federal Court
35 (211)	35 (211)	2010-02-28	2012-06-26	Indian Affairs	corporate			
					Project/Strategic			
					Plan	17-82502	litigation	AFN/CFS - Federal Court

36 (212)	38 (218)	2010-02-28	2012-06-26	Indian Affairs	200184 -Litigation	17-83527	litigation	Aboriginal Peoples Television Network v/ CHRC et al - JR of decision denying canada access
39 (219)	40 (220)	2011-02-28	2012-06-26	Indian Affairs	200184 -Litigation	17-85360	litigation	First Nations Child and Family Caring Society v. Canadian Human Rights Tribunal et al - Application to Compel CHRT's Decision
41 (221)	43 (224)	2011-04-07	2012-06-26	Indian Affairs	not Available	17-85750-	litigation	Withheld
44 (225)	45 (226)	2012-05-16	2012-06-26	Indian Affairs	Corporate Project/Strategic Plan	17-85750	litigation	AFN Canadian Human Rights Commission's JR of Tribunal Decision
46 (227)	47 (228)	2011-04-15	2012-06-26	Indian Affairs	200184 -Litigation corporate Project/Strategic Plan	17-85819	litigation	AFN - Assembly of First Nations - JR of the Tribunal's Decision
48 (229)	48 (229)	2011-04-15	2012-06-26	Indian Affairs	Plan	17-85819	litigation	AFN - Assembly of First Nations - JR of the Tribunal's Decision
49 (230)	50 (231)	2011-04-15	2012-06-26	Indian Affairs	200184 -Litigation corporate Project/Strategic Plan	17-85828	litigation	AFN - First Nations Child and Family Caring Society JR of the Tribunal's Decision
51 (232)	51 (232)	2011-04-15	2012-06-26	Indian Affairs	Plan	17-85828	litigation	AFN - First Nations Child and Family Caring Society JR of the Tribunal's Decision
53 (239)	55 (263)	2007-02-27	2012-06-26	Indian Affairs	200184 -Litigation	2-261069	litigation	AGC v. First Nations Child and Family Caring Society of Canada and Assembly of First Nations (Federal Court Judicial Review)
(56) 264	59 (288)	2007-02-27	2012-06-26	Indian Affairs	200184 -Litigation	2-271957	litigation	First Nations Child and Family Caring Society and Assembly of First Nations v. AGC et al (Canadian Human Rights Tribunal)
60 (289)	60 (289)	2007-02-27	2012-06-26	Indian Affairs	corporate Project/Strategic Plan	2-271957	litigation	First Nations Child and Family Caring Society and Assembly of First Nations v. AGC et al (Canadian Human Rights Tribunal)

62 (296)	64 (304)	2007-02-27	2012-06-26	Indian Affairs	200184 -Litigation corporate Project/Strategic Plan	31200-3-3 litigation	withheld
65 (305)	66 (306)	2007-02-27	2012-06-26	Indian Affairs		31200-3-3 litigation	withheld
67 (307)	70 (315)	2010-03-05	2012-07-22	Indian Affairs	200184 -Litigation corporate Project/Strategic Plan	2-369883 litigation	AFN/CFS - Canadian human rights complaint (CFN: 17-82502)
71 (316)	72 (317)	2010-03-05	2012-07-22	Indian Affairs		2-369883 litigation	AFN/CFS - Canadian human rights complaint (CFN: 17-82502)
74 (319)	76 (327)	2007-02-27	2012-06-26	Indian Affairs	200184 -Litigation corporate Project/Strategic Plan	31200-3-3 litigation	withheld
77 (328)	78 (329)	2007-02-27	2012-06-26	Indian Affairs	Plan	31200-3-3 litigation	withheld
79 (330)	81 (332)	2011-02-27	2012-06-26	Indian Affairs	Not Available	31225-23- litigation	withheld
2(1)	2 (1)	2016-01-26	2017-11-30	Indian Affairs		GCDOC #9 litigation	AGC v. First Nations Child and Family Caring Society of Canada et al. CFN- T-918-17
2(1)	2(1)	2016-01-26	2017-11-30	Indian Affairs		GCDOC #9 litigation	AGC v. First Nations Child and Family Caring Society of Canada et al - Judicial Review of Jordan's Principle Decision (2017 CHRT 14)
2(1)	2 (1)	2016-01-26	2017-11-30	Indian Affairs		GCDOC #5648919	OPS - ESDPP - Children and families Branch - First Nations Child and Family Services - Assembly of First Nations & the First Nations Child and Family Caring Society - Complaint under the Canadian Human Rights Commission
2(1)	2 (1)	2016-01-26	2017-11-30	Indian Affairs		GCDOC #1103330	First Nations Child and Family Caring Society and AFN v. AGC et al.

2(1)	2(1)	2016-01-26	2017-11-30	Indian Affairs	GCDOC #1193322	Assembly First Nations v. INAC - Canadian Human Rights Act Discrimination Complaint RE: Underfunding of First Nations Child and Family Services - cross reference: 31000- 2-256 & 31000-3-5
2(1)	2(1)	2016-01-26	2017-11-30	Indian Affairs	GCDOC #4367787	First Nations Child and Family Caring Society of Canada and Assembly of First Nations v. AGC et al (Canadian Human Rights Tribunal) AGC v. First Nations Child and Family Caring Society of Canada and Assembly of First Nations (Federal Court Judicial Review)
2(1)	2 (1)	2016-01-26	2017-11-30	Indian Affairs	GCDOC #4360954	AFN/CFS - Canadian human rights complaint (post JR decision)
2(1)	2 (1)	2016-01-26	2017-11-30	Indian Affairs	GCDOC #800702	
2(1)	2 (1)	2016-01-26	2017-11-30	Indian Affairs	GCDOC #800703	AFN/CFS - Retaliation complaint



<b>Court File No</b>	<b>Client File No.</b>	<b>Total services rendered</b>
T1340/7008	E5440-02-A-	225 379,93 \$
T1340/7008	E5440-02-A-	94 716,36 \$
T1340/7008	E5440-02-A-	2 294 810,12 \$
T-630-11	unknown	4 640,87 \$
T-630-11	unknown	491,75 \$
n/a	n/a	21 067,85 \$
n/a	n/a	40 717,85 \$
n/a	n/a	100 804,32 \$

n/a	n/a	53 327,43 \$
n/a	E5440-02- O-126	1 527 581,17 \$
n/a	E5440-02- O-126	183 529,36 \$
n/a	n/a	16 702,09 \$
n/a	n/a	351,50 \$
n/a	n/a	1 465,17 \$
n/a	n/a	94 381,30 \$
n/a	n/a	197,17 \$
n/a	n/a	469,50 \$
n/a	n/a	117 033,90 \$
n/a	n/a	791,70 \$

n/a	n/a	8 950,15 \$
n/a	n/a	1 871,23 \$
T-578-11	n/a	98 970,20 \$
T-578-11	n/a	23 402,17 \$
T-630-11	n/a	1 293,60 \$
n/a	n/a	605,73 \$
20 110 053	n/a	3 372,60 \$
20 110 053	n/a	10 025,17 \$
n/a	n/a	364,00 \$
n/a	n/a	12 700,28 \$
n/a	n/a	41 594,95 \$

T1008-10	n/a	41 497,71 \$
n/a	E5440-02- O-126	1 527 581,17 \$
T-630-11	N/A	1 293,60 \$
n/a	n/a	117 033,90 \$
T-578-11	n/a	98 970,20 \$
n/a	n/a	16 702,09 \$
n/a	withheld or n/a	1 134,63 \$
n/a	n/a	803,88 \$
n/a	n/a	8 950,15 \$
n/a	n/a	610,80 \$
n/a	n/a	469,50 \$
n/a	n/a	94 381,30 \$
T1340/7008	E5400-02-A- 297	225 379,93 \$
T1340/7008	E5400-02-A- 297	8 339,60 \$
T-1753-08	5440-02-F-	14 769,00 \$
T-1753-08	5440-02-F- 187	92,40 \$

T1008-10	unknown	63 901,96 \$
T-328-11	E-5440-02- A-00666	2 193,40 \$
N/a	n/a	19 533,55 \$
T-578-11	N/a	851,96 \$
T-638-11	Unknown	1 449,70 \$
T-638-11	unknown	333,38 \$
T-630-11	unknown	4 322,25 \$
T-630-11	unknown	444,60 \$
T-1753-08	n/a	303 562,63 \$
T1340/7008	n/a	414 081,32 \$
T1340/7008	n/a	332,70 \$

n/a n/a 100 804,32 \$

n/a n/a 17 407,02 \$

17-82502 n/a 40 607,28 \$

17-82502 n/a 581,20 \$

n/a n/a 100 804,32 \$

n/a n/a 17 407,02 \$

n/a n/a 29 705,55 \$

T-918-17 n/a 120 354,42 \$

3 881,68 \$

118 344,32 \$

27 272,64 \$

6 706,24 \$

924 343,55 \$

481,20 \$

**TOTAL 9 459 327,49 \$**

**This is Exhibit "21" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'D. P. Taylor', written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**





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# Attorney General of Canada issues Directive on Civil Litigation Involving Indigenous Peoples

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From: [Department of Justice Canada](#)

## News release

January 11, 2019 - Ottawa, ON - Department of Justice Canada

The Government of Canada is committed to fundamentally transforming its relationship with Indigenous peoples based on the recognition of rights, respect, cooperation, and partnership. To this end, the Government of Canada is changing how it approaches civil litigation involving Indigenous peoples.

Today, the Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada, issued the Directive on Civil Litigation Involving Indigenous Peoples. The Directive will guide the Government of Canada's legal approaches, positions and decisions taken in civil litigation involving Aboriginal and treaty rights, and the Crown's obligation towards Indigenous peoples.

The Directive is part of the Minister of Justice and Attorney General of Canada's work to review the Government of Canada's litigation strategy. This is to ensure the Government's legal positions are consistent with its commitments, the *Charter of Rights and Freedoms* and Canadian values.

Consistent with the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*, the Directive emphasizes the importance of resolving conflicts expeditiously and collaboratively, reducing the use of litigation and the courts.

## Quotes

"Moving forward with recognition and reconciliation means we cannot continue to rely on adversarial court proceedings to lead the way. By issuing this Directive, our Government is taking transparent and meaningful action that encourages a shift in legal strategies towards collaborative approaches which respect the important relationship between the Crown and Indigenous peoples."

*The Honourable Jody Wilson-Raybould, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada*

## Quick facts

- The Department of Justice Canada has applied the approach outlined in the Directive for nearly two years.

- The Directive on Civil Litigation Involving Indigenous Peoples demonstrates how the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* can shape the work of the Attorney General of Canada.
- On February 14, 2018, Prime Minister Justin Trudeau confirmed that all relations between the Government of Canada and Indigenous peoples will be based on the recognition and implementation of rights.
- The Directive is a step forward in implementing Crown-Indigenous relationships that are based on the recognition of Aboriginal and treaty rights and promotes the Government of Canada's commitment to reconciliation.

## Associated links

- [Directive on Civil Litigation Involving Indigenous Peoples](#)
- [Principles Respecting the Government of Canada's Relationship with Indigenous Peoples](#)
- [Remarks by the Prime Minister in the House of Commons on the Recognition and Implementation of Rights](#)

## Contacts

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**Date modified:**

2019-01-14

**This is Exhibit "22" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'D. Taylor', is written over a horizontal line.

**David P. Taylor**

**Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



## **i** Notice to readers:

The Department of Justice is aware of technical problems with our public enquiries telephone number, as well as of fraudulent, “spoof” calls originating from the number.

[Learn more.](#)

[Home](#) → [Canada’s System of Justice](#) → [Indigenous Justice, Recognition and Reconciliation](#)

# The Attorney General of Canada's Directive on Civil Litigation Involving Indigenous Peoples



[PDF Version](#)

## Foreword by the Attorney General of Canada

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In my mandate letter from the Prime Minister, I was tasked as Attorney General of Canada to review the Government of Canada's litigation strategy. I was mandated to make decisions to end appeals or positions inconsistent with the Government's commitments, the *Charter of Rights and Freedoms*, and Canadian values. With the Government of Canada's publication of the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* (the *Principles*),<sup>1</sup> we have stated our commitment to a significant move away from the status quo and a fundamental change in Canada's relationship with Indigenous peoples. That includes the Crown's conduct in litigation. On February 14, 2018, the Prime Minister of Canada further confirmed the Government's shift to the recognition of rights as the basis for relations with Indigenous peoples, and that a new recognition and implementation of rights framework would now be developed to operationalize recognition.

These *Principles* are rooted in section 35 of the *Constitution Act, 1982*, guided by the UN Declaration on the Rights of Indigenous Peoples (the UN Declaration), and informed by the Report of the Royal Commission on Aboriginal Peoples and the Truth and Reconciliation Commission (TRC)'s Calls to Action. At their core, the *Principles* seek to further the full promise of section 35 of the *Constitution Act, 1982* through the recognition and implementation of Indigenous rights.

The work of shifting to, and implementing, recognition-based relationships through a new recognition and implementation of rights framework is a process that will take dynamic and innovative action by the Government of Canada and Indigenous peoples. We are now in a significant period of transition in Crown-Indigenous relations.

In order to advance this transition, and demonstrate how the *Principles* shape the work of the Attorney General of Canada as a broader recognition and implementation of rights framework is developed and implemented, I have sought to outline in this Directive the approach that should guide the Attorney General of Canada in the discharge of her litigation duties as the Chief Law Officer of the Crown. This Directive promotes our Government's commitment to reconciliation by establishing guidelines that every litigator must follow in the approaches, positions, and decisions taken on behalf of the Attorney General of Canada in the context of civil litigation regarding section 35 of the *Constitution Act, 1982* and Crown obligations towards Indigenous peoples.

The nature of section 35 litigation has always been unique. When section 35 was included in the *Constitution Act, 1982*, it was agreed further political work needed to be done regarding its implementation. Attempts to advance understandings and implementation of section 35 occurred over the course of four constitutional conferences in the 1980s, and through two attempts at constitutional amendment. The lack of success in this work contributed to the courts assuming a leading role in defining section 35. In this way, litigation became a central forum to resolve major issues in the Crown-Indigenous relationship as opposed to a forum of last resort focused on specific areas or issues in dispute.

Litigation is by its nature an adversarial process, and it cannot be the primary forum for achieving reconciliation and the renewal of the Crown-Indigenous relationship. This is why a core theme of this Directive is to advance an approach to litigation that promotes resolution and settlement, and seeks opportunities to narrow or avoid potential litigation. Our Government is committed to pursuing dialogue, co-operation, partnership and negotiation based on the recognition of rights.

We recognize, however, that Indigenous peoples are entitled to choose their preferred forum to resolve legal issues, that some matters will require legal clarification, and that at times litigation will be unavoidable. When matters do result in litigation, this Directive instructs that the Government of Canada's approach to litigation should be to assist the court constructively, expeditiously, and effectively so that it may provide direction on the matters in issue.

I hope that, in time, this litigation Directive will be recognized to have brought about a significant shift in the Government of Canada's positions and strategies. I hope, too, that litigation will be recognized as a dispute settlement forum of last resort, as trust and good faith allow collaborative processes, including facilitation, mediation and negotiations, to be the primary means of resolution.

The Honourable Jody Wilson-Raybould, P.C., Q.C., M.P.  
Minister of Justice and Attorney General of Canada



# Application

This Directive applies to the Attorney General’s role in civil litigation regarding section 35 of the *Constitution Act, 1982* and other Crown obligations towards Indigenous peoples.<sup>2</sup> It is a concrete manifestation of how the *Principles* are effecting transformative change.

The Directive promotes an approach to conflict resolution that will be consistent with the goal of achieving reconciliation with Indigenous peoples. It provides counsel<sup>3</sup> with objectives and litigation guidelines to apply the *Principles* in litigation while respecting the role of client departments and Cabinet in providing counsel with instructions on particular cases.

In the context of civil litigation, departments – and, in appropriate cases, Cabinet – generally act as instructing clients. This means that on a day-to-day basis Justice litigation counsel on behalf of the Attorney General consult with their clients, give them legal advice and receive instructions from those clients on the approaches and positions to be taken in the litigation, including in relation to this Directive.

As was explained by the Prime Minister in *Open and Accountable Government*,

“In the civil litigation context, departments generally act as instructing clients, although in having carriage of all litigation the Attorney General must keep in mind his or her duty to ensure that public affairs are administered in accordance with law. Depending on the complexity or sensitivity of a case, it may be appropriate for the Attorney General to consult with the Prime Minister as well as Cabinet colleagues whose mandates could be affected by particular litigation.”<sup>4</sup>

The legal and policy implications beyond a particular case before the court are essential considerations in developing an approach to litigation. In considering options and applying this Directive, counsel must take into account the potential impacts on existing and future claims, as well as Canada’s ongoing efforts to advance reconciliation with Indigenous peoples more broadly.

## Core objectives

A core theme of this Directive is to advance an approach to litigation that promotes resolution and settlement, and seeks opportunities to narrow or avoid potential litigation. Indigenous peoples are entitled to choose their preferred forum to resolve legal issues, and some matters will require legal clarification. Indeed, litigation may be necessary and important in order to obtain guidance from the courts. This may involve, in appropriate cases, the pursuit of appeals or other judicial remedies by Indigenous parties or by the

Crown. However, litigation cannot be the primary forum for achieving reconciliation. Where litigation is unavoidable, this Directive instructs that Canada's approach to litigation should be constructive, expeditious, and effective in assisting the court to provide direction.

This Directive pursues the following objectives: (1) advancing reconciliation, (2) recognizing rights, (3) upholding the honour of the Crown, and (4) respecting and advancing Indigenous self-determination and self-governance. These objectives, and the guidelines for litigation counsel they promote, are interrelated.

## **Advancing reconciliation**

Reconciliation is a fundamental purpose of section 35 of the *Constitution Act, 1982*.

Reconciliation is an ongoing process through which Indigenous peoples and the Crown work cooperatively to establish and maintain a mutually respectful framework for living together, with a view to fostering strong, healthy, and sustainable Indigenous nations within a strong Canada. Reconciliation requires hard work, changes in perspectives and actions, and compromise and good faith by all.

Adversarial litigation cannot and should not be a central forum for achieving reconciliation.

This is a message the Supreme Court of Canada has sent time and time again, strongly encouraging that the work of reconciliation take place through political, economic, and social processes that involve negotiating, building understanding, and finding new ways of working together. Adversarial litigation between the Crown and Indigenous peoples presents challenges for achieving reconciliation.

## **Recognition of rights**

The Government of Canada recognizes the ongoing presence and inherent rights of Indigenous peoples as a defining feature of Canada. The promise of section 35 mandates that reconciliation be based on the recognition and implementation of Aboriginal rights.

Aboriginal rights do not require a court declaration or an agreement in order to be recognized. Despite this, the Government of Canada has often insisted on a court declaration or an agreement before recognizing rights. Transitioning out of this practice is part of the work of forming new nation-to-nation, government-to-government, and Crown-Indigenous relations.

In many instances where matters do proceed to court, the dispute may involve a conflict between an Indigenous group or people and the Government of Canada about how to effect the recognition of rights. When this arises, it may be extremely difficult to give full effect to recognition through a court proceeding. Aspects of the precise scope of the right may

engage complex evidentiary matters. For this reason, recognition speaks to the need for the Government of Canada to prioritize resolution and settlement through collaboration and co-operation.

## **Upholding the honour of the Crown**

The honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous peoples. The Attorney General and her counsel must act with honour, integrity, good faith, and fairness in all work that relates to Indigenous peoples. The overarching aim is to ensure that Indigenous peoples are treated with respect and as full partners in Confederation, with their rights, treaties, and agreements recognized and implemented.

The honour of the Crown is reflected not just in the substance of the positions taken, but in how those positions are expressed.

## **Respecting and advancing Indigenous self-determination and self-governance**

Indigenous self-determination and self-government are affirmed in the UN Declaration and are central to addressing the history of colonization and forming new relationships based on recognition, respect, partnership, and co-operation. Indigenous self-government is part of Canada's evolving system of cooperative federalism and distinct orders of government. Recognition of the inherent jurisdiction and legal orders of Indigenous nations is a starting point of discussions aimed at interactions between federal, provincial, territorial, and Indigenous governments.

## **Litigation Guidelines**

The following 20 litigation guidelines instruct counsel as to how the *Principles* must be applied in civil litigation involving Indigenous peoples. The work of operationalizing these Guidelines is already taking place and will be on-going.

### **Litigation Guideline #1: Counsel must understand the *Principles* and apply them throughout a file's lifespan.**

The Department of Justice is committed to fostering an internal culture that encourages its counsel to pursue reconciliation. Counsel must understand and apply the 10 principles in their work. This means, for example, that counsel must seek to understand Indigenous perspectives, recognizing that there will be diversity among those perspectives, and that

Indigenous-Crown relationships are to be guided by the recognition and implementation of rights. The Department of Justice will provide its counsel with the training and resources needed to achieve these objectives.<sup>5</sup>

Where litigation was started before the *Principles* or this Directive, counsel must review their pleadings, legal positions, and litigation strategy to ensure that they are consistent with the *Principles* and this Directive. Working with the client and other departmental counsel, litigation counsel should take steps to resolve any inconsistencies, including amending pleadings.<sup>6</sup> In those circumstances where it appears impossible to resolve an inconsistency, counsel must seek direction from the Assistant Deputy Attorney General.<sup>7</sup>

## **Litigation Guideline #2: Litigation strategy must reflect a whole-of-government approach.**

Principle 3 requires the Government of Canada and its departments, agencies, and employees to act with honour, integrity, good faith and fairness in all dealings with Indigenous peoples. As suggested by Litigation Guideline #3 below, at the beginning of each file, counsel and the client department or agency must have a discussion about the possible effects of litigation on the relationship between Indigenous peoples and those departments or agencies. These possible effects should inform the litigation strategy, which must include ways of resolving all or part of the litigation as expeditiously as possible.

Effective advocacy starts with developing a litigation strategy rooted firmly in the government's policy objectives and the applicable law, supported by good legal advice. Litigation and legal services counsel have key roles to play in working with client departments and agencies to underscore the importance of adopting a strategy that demonstrates respect for the broader objectives of reconciliation.

While departments generally act as instructing clients, counsel for the Attorney General act for the government as a whole, not for any particular department or agency.<sup>8</sup> Counsel must always be conscious of government-wide concerns that may arise in litigation, and the government-wide implications of judicial decisions or settlements.

Broad consultation is frequently necessary to ensure that legal positions reflect a whole-of-government approach. Counsel in legal services, centres of expertise, and specialized sections in the Aboriginal Affairs Portfolio and Public Law and Legislative Services Sector play an important role in supporting litigation files. This includes counsel for Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada; the Aboriginal Law Centre; the Human Rights Law Section; and the Constitutional, Administrative, and International Law Section. In addition to bringing specialized knowledge, these counsel can assist with identifying broader issues, including alternative methods of

dispute resolution, and bringing a whole of government perspective to litigation files. Instructing clients should be encouraged to support counsel in this work by consulting with other departments as appropriate.

### **Litigation Guideline #3: Early and continuous engagement with legal services counsel and client departments is necessary to seek to avoid litigation.**

Litigation is by its nature an adversarial process, and cannot be the primary forum for broad reconciliation and the renewal of the Crown-Indigenous relationship. One of the goals of reconciliation in legal matters is to make conflict and litigation the exception, by promoting respectful and meaningful dialogue outside of the courts. To achieve this, counsel must engage with client departments and agencies as soon as they become aware of a conflict that may result in litigation. Working with the client and other departmental counsel, counsel must develop a coordinated approach with the aim of achieving a resolution that avoids litigation.

Indigenous groups are entitled to choose their preferred forum to resolve their legal issues; sometimes litigation will be unavoidable. But the relationship between Indigenous peoples and the Crown can be adversely affected by how we conduct this litigation. The conduct of litigation must respect this relationship by pursuing reconciliation and focusing the litigation on those specific issues that cannot be resolved through other forums.

### **Litigation Guideline #4: Counsel should vigorously pursue all appropriate forms of resolution throughout the litigation process.**

Counsel's primary goal must be to resolve the issues, using the court process as a last resort and in the narrowest way possible. This is consistent with a counsel's ongoing obligation to consider means of avoiding or resolving litigation throughout a file's lifespan. Counsel must engage in these efforts early and often, ensuring that all reasonable avenues for narrowing the issues and settling the dispute are explored. A focus on effective resolution does not require abandoning valid legal positions. Rather, it involves advancing legal positions in a way that ensures the issues are addressed in a principled way that equally considers the implications for the law, government operations, and Canada's relationship with Indigenous peoples.

Counsel must work with client departments and agencies to develop problem-solving approaches that promote reconciliation.<sup>9</sup> These approaches should include alternative dispute resolution processes such as negotiations and mediations.<sup>10</sup> Where appropriate, counsel must consider whether the issues can be resolved through Indigenous legal traditions or other traditional Indigenous approaches.

Other problem-solving approaches may include a range of measures not strictly required by law. For example, further consultation with the Indigenous party may be undertaken even though there is no legal requirement to do so.<sup>11</sup> Where such a recommendation is made, counsel must advise the client department or agency that this measure is being proposed as a matter of policy.

Where there are obstacles to resolving all or part of the litigation, counsel must consider creative solutions with other departmental counsel and other government departments or agencies. For example, counsel should ask about existing programming and funding authorities that may provide a means of resolving the litigation and/or addressing ongoing harms.

The partial resolution and settlement of litigation must be considered and sought wherever possible with the aim of narrowing the issues and facilitating an expeditious resolution. Other approaches can include developing agreed statements of fact, limiting the scope of discovery, using written interrogatories, using alternative dispute resolution, and, where appropriate, using processes such as summary judgment, summary trial, and the trial of an issue.

Counsel must bear in mind that the Government of Canada may be engaged with Indigenous groups in other processes, such as 'comprehensive claims' negotiations, 'specific claims' negotiations, exploratory tables, or consultations regarding resource development projects. Counsel, in consultation with client departments and agencies, must consider both the impact of the litigation, and of any proposed negotiations to settle the litigation, on these other processes.

Conversely, where problem-solving approaches are employed as a means of narrowing or resolving the litigation, counsel should consider whether these approaches can reasonably occur alongside the litigation. Given how long it can take to bring some of these matters to trial, counsel should consider whether postponing or staying the litigation to pursue a potential settlement may actually frustrate the objectives of reconciliation if settlement efforts are unsuccessful.

## **Litigation Guideline #5: Recognizing Aboriginal rights advances reconciliation.**

The *Principles* require a decisive break with the status quo. Specifically, principle 1 calls on the Government of Canada to ensure its relationships with Indigenous peoples are based on the recognition and implementation of the right to self-determination, including the inherent right of self-government. Principle 2 recognizes that reconciliation requires "hard work, changes in perspectives and actions, and compromise and good faith, by all."

The *Principles* require the Government of Canada and its officials to change the way they do business. In litigation, this means, above all, approaching issues in a way that does not begin and end with a denial of Aboriginal rights. <sup>12</sup>

As specified in Litigation Guideline #12, this Guideline requires counsel to recognize Aboriginal rights, including Aboriginal title. In this period of transition – as a new recognition and implementation of rights framework is being developed and implemented – rights must be recognized where they can be recognized.

In some circumstances recognition may be complicated by the fact that other Indigenous groups have an overlapping or competing interest. It is preferable for Indigenous groups and Nations to resolve disputes amongst themselves. Litigation counsel should generally avoid seeking to add other Indigenous parties to the litigation and should also avoid taking positions that could undermine the ability of Indigenous groups to resolve disputes amongst themselves. Where possible and appropriate, litigation counsel should explore with clients and other parties to the litigation whether the overlapping or competing interests of Indigenous groups may be addressed through discussions between them outside the litigation and whether Canada may assist in facilitating such discussions.

The effect of recognition will often be avoiding or substantially narrowing litigation. Where Aboriginal title and rights are proposed to be denied, counsel must seek direction on the proposed position from the Assistant Deputy Attorney General.

In addition to recognizing rights, counsel must ensure that their submissions and positions do not have the direct or collateral effect of undermining or restraining those rights, including Indigenous peoples' right to self-determination.

## **Litigation Guideline #6: Positions must be thoroughly vetted and counsel should not advise client departments and agencies to pursue weak legal positions.**

Counsel must make an early assessment of the likelihood of success of the Crown's substantive legal positions. Given Canada's commitment to recognize Aboriginal rights and the obligation to act honourably in all of its dealings with Indigenous peoples, counsel should

advise against taking weak legal positions. In exceptional circumstances where there is a principled basis for pursuing a position that may seem likely to fail, counsel must seek direction from the Assistant Deputy Attorney General.

Counsel should make every effort to resolve differences of opinion on available arguments and the strength of legal positions through discussion. Where resolution is not possible, counsel must ensure not only that consultation is full, but that approvals are obtained from the relevant decision-making authority. This will include, in appropriate circumstances, approvals from the Assistant Deputy Attorney General or by the Regional Litigation Committees and the National Litigation Committee, as well as approvals from other government departments. The goal is always to reach a consensus on a position that best serves the government as a whole, and that is in accordance with the *Principles*.

### **Litigation Guideline #7: Counsel must seek to simplify and expedite the litigation as much as possible.**

Counsel must ensure that litigation is dealt with promptly. Litigation counsel should avoid unnecessary procedural motions and seek agreements on non-contentious matters. All those involved in litigation should seek to avoid delays due to internal bureaucracy. Avoiding delay can be a contributing factor to advancing justice and reconciliation.

Counsel must also consider resource imbalances that may exist between the parties. Counsel should be willing to extend deadlines on costly litigation steps, like document production.

### **Litigation Guideline #8: All communication and submissions must be regarded as an important tool for pursuing reconciliation.**

Written and oral submissions, including pleadings, are a form of communication between the parties, between the Attorney General and Indigenous peoples generally, between the Attorney General and the courts, and between the Attorney General and the public. Canada's submissions and pleadings must seek to advance reconciliation by applying the *Principles*.

### **Litigation Guideline #9: Counsel must use respectful and clear language in their written work.**

The Attorney General of Canada is expected to be a model litigant. All communications with the courts, Indigenous peoples or their counsel, the media, the public and other parties must uphold this expectation, maintaining high standards of civility and advocacy.



Similarly, all communications, pleadings, and submissions must reflect the special relationship between the Crown and Indigenous peoples. The honour of the Crown is reflected not just in the substance of the positions taken, but in how those positions are expressed. <sup>13</sup>

Respectful advocacy is persuasive advocacy. Counsel must ensure that language and tone are not unnecessarily pointed or dismissive.

Clear language communicates respect for Indigenous peoples and their counsel. Counsel must bear in mind that legalese may be perceived as an obstacle to communication. However, counsel must be careful that plain language does not create misunderstanding by distorting a clear legal meaning and there may be times where legal language is unavoidable.

## **Litigation Guideline #10: Legal terminology must be consistent with constitutional and statutory language.**

In English, the term "Indigenous" is largely synonymous with the term "Aboriginal", and both refer to the First Nations (Indian <sup>14</sup>), Inuit, and Métis peoples of Canada. Generally, the term "Indigenous" should be used instead of "Aboriginal" or "Indian". This distinction in terminology does not exist in French, so the term "autochtone" should continue to be used. <sup>15</sup>

However, counsel should continue using the specific terms used in the Constitution, by Parliament, and by the legislatures relating to Indigenous peoples. The preference for using the term "Indigenous" does not require its use where the context requires a different term, as the following examples illustrate:

- "Aboriginal" is a defined term in section 35 of the *Constitution Act, 1982*. When counsel refer to groups who are or may be holders of section 35 rights, or refer to section 35 rights themselves, "Aboriginal" and not "Indigenous" should be used.
- The term "Indian" appears in subsection 91(24) of the *Constitution Act, 1867* and legislation flowing from that head of power, such as the *Indian Act*, R.S.C. 1985, c I-5.
- "First Nation" is the legally accurate term when referring to the *First Nations Land Management Act*, S.C. 1999, c. 24.

This is not to say that counsel should simply use the term "Indigenous" in their dealings with particular groups. Counsel should use the specific name of the Indigenous party with whom they are dealing.

In choosing the appropriate terminology, counsel must be sensitive to the fact that terminology that may be acceptable to some might be offensive to others. This is an area that continues to evolve, and counsel should consult the Aboriginal Law Centre where they require advice about terminology.

## **Litigation Guideline #11: Overviews must be used to concisely state Canada's position and narrow the issues.**

An overview of Canada's position, whether in pleadings or in factums, is an important communicative tool. The overview must be used to plainly explain Canada's position, what is in issue and what is not in issue. As prescribed by the supporting commentary for principle 2, acknowledging wrongs where appropriate and focusing on what is common between the parties may help facilitate reconciliation and narrow the issues.

## **Litigation Guideline #12: To narrow the scope of litigation, admissions ought to be made, where possible.**

Statements of fact must reflect a careful approach to admissions. Where historical harms were done, in the appropriate case, the narrative should acknowledge those harms and reflect an awareness that things would be done differently today. Where such acknowledgements are made, counsel must seek approval from the client and, where appropriate, the Assistant Deputy Attorney General. <sup>16</sup>

In pleadings, facts that are known to support the statements in the Indigenous party's pleading and that may advance reconciliation should be explicitly stated and not just admitted where appropriate. For example, instead of only listing those paragraphs with such facts in a generic statement of admission, counsel should affirmatively plead those facts:

**In response to paragraph x of the statement of claim, since at least the date of contact, the plaintiffs and their ancestors have lived at various sites in the vicinity of the identified area.**

Counsel should make admissions of fact and identify areas of agreement on the law relevant to establishing Aboriginal rights and title or other issues in the litigation wherever possible. Such admissions narrow the issues in dispute, and signal Canada's respect for and recognition of Aboriginal rights, as required by principle 2. <sup>17</sup>

For example, where the scope, but not the existence, of Aboriginal title or rights is at issue, Canada will not simply deny the title or rights. This may include litigation where the existence of Aboriginal title or rights is not disputed, but the area is unknown or may overlap with the territory of other Indigenous groups that are not parties to the litigation. In such cases,

counsel should make meaningful admissions relevant to the establishment of title and recognition of rights, while requiring the Indigenous party to prove the scope of title and rights.

### **Litigation Guideline #13: Denials must be reviewed throughout the litigation process.**

Canada's pleadings must not consist simply of a broad denial of the Indigenous party's statements in its pleadings, demanding proof of each and every statement. As indicated in Litigation Guideline #12, this is particularly so for statements of Aboriginal title or Aboriginal rights, where the existence of the title or rights may not be in doubt, and only the scope of the title or rights is in issue. <sup>18</sup>

Denials made at early stages of litigation, when the facts may be unknown and when it would be imprudent to admit too much, must be withdrawn if and when it becomes clear that such denials are inconsistent with the available evidence. Counsel should consider whether reconciliation and efficiency may be served by seeking additional time to file a pleading. This may allow for information to be gathered to make certain admissions that would otherwise be denied at this stage.

### **Litigation Guideline #14: Limitations and equitable defences should be pleaded only where there is a principled basis and evidence to support the defence.**

#### **Extinguishment, surrender, abandonment**

The *Principles* discourage certain long-standing federal positions, including relying on defences such as extinguishment, surrender, and abandonment. <sup>19</sup>

Generally, these defences should be pleaded, only where there is a principled basis and evidence to support the defence. <sup>20</sup> Such defences must not be pleaded simply in the hope that through discoveries or investigation some basis for the defence may be found.

When determining whether such circumstances exist, counsel must consider whether the defence would be consistent with the honour of the Crown. Reconciliation is generally inhibited by pleading these defences.

When considering pleading these defences, counsel must seek approval from the Assistant Deputy Attorney General.

## **Limitations and laches**

In cases where litigation is long delayed, equitable defences such as laches and acquiescence are preferable to limitation defences. However, these defences should also be pleaded only where there is a principled basis and evidence to support the defence <sup>21</sup> and where the Assistant Deputy Attorney General's approval has been obtained. <sup>22</sup>

## **Litigation Guideline #15: A large and liberal approach should be taken to the question of who is the proper rights holder.**

Canada respects the right of Indigenous peoples and nations to define themselves and counsel's pleadings and other submissions must respect the proper rights-bearing collective. Where rights and title have been asserted on behalf of larger Indigenous entities – nations or linguistic groups, for example – and there are no conflicting interests, Canada in the proper case, or where supported by the available evidence, will not object to the entitlement of those groups to bring the litigation. This approach is consistent with principle 1, which affirms the Government of Canada's renewed nation-to-nation approach. <sup>23</sup> In Aboriginal rights and title cases, Canada will not usually plead that smaller Indigenous entities – clans or extended family groups, for example – are the proper holders of Aboriginal rights and title. <sup>24</sup>

Where Indigenous groups have overlapping or competing interests, it is preferable for those groups to resolve these disputes amongst themselves as described in Litigation Guideline #5.

## **Litigation Guideline #16: Where litigation involves Federal and Provincial jurisdiction, counsel should seek to ensure that the litigation focuses as much as possible on the substance of the complaint.**

In assessing litigation, counsel should carefully consider the respective responsibilities of each order of government. While seeking to add another government as a party or addressing that government or party's responsibility may be appropriate, counsel should not add other parties to a litigation proceeding unless there is a principled and evidentiary basis for doing so.

Counsel should remain cognizant of the fact that too often positions taken by government have left Indigenous peoples in "a jurisdictional wasteland with significant and obvious disadvantaging consequences." <sup>25</sup>

## **Litigation Guideline #17: Oral history evidence should be a**

## **matter of weight, not admissibility.**

Counsel should treat oral history evidence as a matter of weight, not admissibility. Similarly, counsel must take a respectful and cautious approach when testing oral history evidence through cross-examination. To ensure appropriate treatment of this evidence, counsel should consider developing an oral history protocol with opposing counsel. <sup>26</sup>

## **Litigation Guideline #18: Decisions on judicial reviews and appeals should be subject to full consultation within government and be limited to important questions.**

The Government of Canada will not judicially review or appeal every decision with which it disagrees. Decisions to challenge a judgment by judicial review or appeal should be limited to only important questions. All recommendations to judicially review, appeal or seek leave to appeal must be the subject of full consultation within Government and approved by the Attorney General where appropriate.

## **Litigation Guideline #19: Intervention should be used to pursue important questions of principle.**

The *Principles* guide Canada's approach to interventions. The Attorney General may seek to intervene in cases that raise important issues, particularly ones that may affect reconciliation. In deciding whether an intervention is warranted, counsel must consider whether the Attorney General's intervention can assist the court by providing a legal or constitutional perspective that may not be addressed by the parties to the dispute. All interventions must be approved by the Attorney General.

## **Litigation Guideline #20: All files must be reviewed to determine what lessons can be learned about how the *Principles* can best be applied in litigation.**

At the conclusion of any litigation file involving Indigenous parties or issues, the litigation team and client department or agency must debrief on lessons learned and ways of preventing similar litigation from re-occurring. This must include a discussion of the *Principles* both in how they were applied throughout the litigation and how they can be applied as the lessons learned are implemented. Counsel and the client departments and agencies should discuss the impact of the litigation on the relationship with the Indigenous groups involved in the litigation. Where a litigation file is ongoing, a similar discussion should

occur, at reasonable intervals. The Directive itself should also be re-considered at regular intervals, to accord with evolving practice and other government initiatives towards reconciliation.

Please read the Principles Respecting the Government of Canada's Relationship with Indigenous peoples.

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## Footnotes

- 1 Principles respecting the Government of Canada's relationship with Indigenous peoples.
- 2 While this Directive primarily applies to section 35 litigation, the general themes will find broader application to all civil litigation and other forms of conflict resolution that relate to the distinct obligations that exist at law on the Crown as a result of the historic and ongoing relationship between the Crown and Indigenous peoples. Similarly, much of the Directive's content includes best practices that apply to the conduct of all litigation.
- 3 "Counsel" in this Directive is intended to include not only litigation counsel, but all departmental counsel involved in litigation. Where there is reference to specific counsel, such as litigation counsel or legal services counsel, it is used as emphasis.
- 4 Open and Accountable Government, Annex F.5 Ministers and the Law, Role of Minister of Justice and Attorney General.
- 5 Training may include, for example, training in intercultural competency, as suggested by the TRC's Call to Action #57.
- 6 This requirement applies to active litigation only.
- 7 Throughout this document, where a matter is referred to the Assistant Deputy Attorney General, further consultation with other senior governmental officials may be sought, and approvals obtained. In many instances, the Attorney General personally will give direction.

- 8 Under Paragraph 4(a) of the *Department of Justice Act*, the Minister of Justice, who is *ex officio* the Attorney General, has the responsibility of seeing that the administration of public affairs is in accordance with law. As a result, he or she “[...] is not subject to the same client direction as private clients,” *R. v. Campbell*, [1999] 1 S.C.R. 565, at 603. See also *Open and Accountable Government*, Annex F.5 Ministers and the Law, Role of Minister of Justice and Attorney General.
- 9 For example, see the Minister of Crown-Indigenous Relations and Northern Affairs Mandate letter that requires the Minister to “work with the Minister of Justice to ensure that both in our dispute resolution mechanisms and litigation we advance positions that are consistent with the resolution of past wrongs toward Indigenous Peoples, promote co-operation over adversarial processes, and move towards a recognition of rights approach.”
- 10 Where a proceeding is brought in the Federal Court, counsel should consult that court’s *Practice Guidelines for Aboriginal Law Proceedings*.
- 11 Principles 5 and 9 signal Canada’s willingness to enter into innovative and flexible arrangements with Indigenous peoples that will ensure that the relationship accords with the aspirations, needs, and circumstances of the Indigenous-Crown relationship.
- 12 Throughout this document, references to Aboriginal rights include Treaty rights.
- 13 See Principle 3, *The Government of Canada recognizes that the honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous peoples*. The overarching goal of this principle is to ensure that Indigenous peoples are treated with respect and as full partners in Confederation.
- 14 Section 35 of the *Constitution Act, 1982* refers to the “Indian, Inuit, and Métis peoples of Canada”.
- 15 The change in terminology has been influenced by use of the term “Indigenous” by Indigenous peoples themselves, and use of that term in international instruments.
- 16 The Assistant Deputy Attorney General must keep track of the admissions made on litigation files and report to the Attorney General on their use.

- 17 See Principle 2, *The Government of Canada recognizes that reconciliation is a fundamental purpose of section 35 of the Constitution Act, 1982*. This principle explains that reconciliation requires recognition of rights and that Indigenous peoples and the Crown work together to implement Aboriginal rights.
- 18 See Principle 2, *The Government of Canada recognizes that reconciliation is a fundamental purpose of section 35 of the Constitution Act, 1982*.
- 19 Principles 1, 2, 4, and 5 recognize the ongoing presence and inherent rights of Indigenous peoples as a defining feature of Canada.
- 20 The Assistant Deputy Attorney General shall track the situations in which these defences are pleaded and report to the Attorney General on their use.
- 21 There are certain limitation periods that cannot be waived, such as where a statute precludes waiver.
- 22 This Guideline goes beyond the TRC's Call to Action #26, which discourages reliance on limitation defences specifically in legal actions regarding historical abuse brought by Indigenous peoples. Counsel should also be aware of the research and perspectives underpinning this Call to Action.
- 23 See also principles 4 and 6. These two principles affirm Indigenous peoples' right to participate in decision-making matters that affect their rights through their own representative institutions.
- 24 Counsel must also be conscious of the fact that the existence of competing claims and multiple potential rights holders can be a divisive issue among Indigenous communities. Regardless of who may be the proper rights holder in law, counsel must be conscious of the potential effect on reconciliation for all groups.
- 25 *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12 at para. 14.
- 26 For additional guidance, counsel should consult the Federal Court's *Practice Guidelines for Aboriginal Proceedings*.

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**Date modified:**



2019-01-11

**This is Exhibit "23" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**



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**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



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## Challenging human rights tribunal compensation order 'incomprehensible': Jane Philpott

Nation to Nation (<https://aptnnews.ca/category/nation-to-nation/>), National News (<https://aptnnews.ca/category/national-news/>) | October 10, 2019 by Nation to Nation (<https://aptnnews.ca/author/nationtonation/>) | 0 Comments ([https://aptnnews.ca/2019/10/10/challenging-human-rights-tribunal-compensation-order-incomprehensible-jane-philpott/#disqus\\_thread](https://aptnnews.ca/2019/10/10/challenging-human-rights-tribunal-compensation-order-incomprehensible-jane-philpott/#disqus_thread))

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### ***Nation to Nation***

The former minister of Indigenous Services finds it hard to believe that the federal government is fighting a human rights tribunal order to compensate First Nations children scooped into a purposely under-funded child welfare system.

"I think it's a big disappointment," Philpott said, earlier this week while taking a break from campaigning as an independent in the riding of Markham-Stouffville in the federal election.

"It's something that the government has been aware of for some time and it strikes me as incomprehensible why they would be reviewing this decision."

The federal government isn't just asking the Federal court to judicially review the Canadian Human Rights Tribunal's Sept. 6 order to pay the maximum amount of compensation to children in care and their families.

Ottawa wants the compensation order squashed.

Trudeau ended up surprising many during the English leaders' debate Oct. 7 when he was challenged by the NDP and Greens for filing the judicial review.

"We recognize the tribunal's ruling that says that children need to be compensated and we will be compensating them," he said.

"But we've also moved forward to end the tragedies by moving forward on legislation that keeps kids in care in their communities with their language with their culture."

But Trudeau didn't say how that is going to happen.

"These families have been devastated and the consequences of the traumas they've endured based on having children taken away and having agencies not adequately supported," said Philpott.

Philpott is the former minister of Indigenous Services Canada and the first one to hold the position after Prime Minister Justin Trudeau split the former Indigenous and Northern Affairs Canada department into two in August 2017. Philpott was shuffled in from Health Canada and Carolyn Bennett took over the new Crown-Indigenous Relations department that would focus on such things as land claims.

Philpott would provide the services under the Indian Act in her new role.

She would also see firsthand that the state of on-reserve child welfare was in a poor state across the country.

But Trudeau's cabinet of ministers had known since Jan. 26, 2016 how bad it was as that's the date the tribunal made its landmark decision finding Canada guilty of purposely underfunding on-reserve child welfare for decades. The tribunal ordered Trudeau to stop the discrimination immediately.

It would take much longer before Trudeau even made an attempt.

His first move was hiring Cynthia Wesley-Esquimaux in August 2016 to travel the country to meet with Indigenous agencies and report back what they said. She was a failed Liberal candidate in the 2011 federal election. She is running again for the Liberals.

*APTN News* would break that Wesley-Esquimaux was allocated more than \$400,000, according to government documents, to do this work.

In September 2017, she filed her report saying what everyone already knew: On-reserve child welfare was in need of serious reform.

"I thought that report was completely unnecessary," said Cindy Blackstock on *Nation to Nation* airing Thursday night after the *APTN National News*.

"We already knew about the problem. The government likes to do that. They like to fund studies so it looks like they are doing something."

It was Blackstock who led the fight against Canada to level the playing field for First Nations children, as well as the Assembly of First Nations.

court.

So while it took eight months, after the ruling, for Trudeau to hire Wesley-Esquimaux and another year for her to complete her report *APTN* recently reported that 48 Indigenous children connected to Indigenous child welfare agencies in Ontario died during 2016 and 2017.

"How many of those children would have been alive if Canada addressed the funding inequalities in First Nations child welfare back in 2000 when we first identified it?" said Blackstock.

"These children, most of them weren't even born yet. Had these services been in place, the prevention services, the culturally-based services I think most of these children would still be with us."

It would take multiple non-compliance orders before Trudeau increased funding for Indigenous agencies on Feb. 21, 2018, when the first payment went out to an agency, as the tribunal ordered Canada to retroactively reimburse agencies back to 2016.

*APTN* found that 102 Indigenous children connected to child welfare in Ontario died in five years between 2013 and 2017. The official numbers for 2018 have not been publicly released. But *APTN* can say at least four more children died in care in 2018.

"Unfortunately, it's not particularly surprising," said Philpott of *APTN's* report, **Death as Expected**. (<https://aptnnews.ca/2019/09/25/inside-a-child-welfare-system-where-102-indigenous-kids-died-over-5-years/>)

"It validates what we have always known."

Philpott was asked if she felt Trudeau tasked her to run the new department because the handling of child welfare up to that point had been considered a failure.

"I don't know for sure what all the motivations were. There were some serious issues needing leadership. I was honoured to be given the portfolio of Indigenous services. I think it's a huge task," said Philpott.

Philpott said a trip to Manitoba about a month into her job drove home how bad child welfare was there, where in some years an Indigenous baby is taken from families every day.

She called an "emergency meeting" that happened in February 2018 where agencies and stakeholders gathered in Ottawa to discuss what needed to be done.

From that gathering the framework of new Indigenous child welfare legislation was developed and worked on throughout the year.



Philpott, and Jody Wilson-Raybould address the media shortly after their expulsion from the Liberal caucus. Photo: Justin Brake/APTN.

But by September of 2018 it's now known that Trudeau was at odds with former justice minister and attorney general Jody Wilson-Raybould over the infamous SNC-Lavalin scandal first broke by the *Globe and Mail's* Robert Fife.

Trudeau was pressuring Wilson-Raybould to intervene in a criminal case against the Quebec engineering firm which she refused to do.

In fact, Wilson-Raybould wanted to talk more about the government's dwindling attention to Indigenous rights.

It all came to a head by early January 2019 when Wilson-Raybould was shuffled to Veteran Affairs, refusing to first move to Indigenous Services, and Philpott was also moved over to the Treasury Board.

Left holding the Indigenous Services file was Seamus O'Ragen who had limited experience with Indigenous people or their inherent rights.

Caught in the middle of all this was the child welfare legislation that was delayed by weeks before finally being tabled and rushed through Parliament.

"I would say it moved slower than many people would have liked. Ultimately it finally did get tabled. There are pieces of that that some people think still need to be improved upon," said Philpott.

That includes funding, which is not guaranteed in Bill C-92.

Skip ahead to last week and Canada was once again wrestling with First Nations over funding – this time it was about how much First Nations children and their families should get for the damage caused by Canada purposely under-funding on-reserve care.

The tribunal ordered each kid get \$40,000, the maximum it could award.

The federal government wants that order dismissed saying it's going to cost upwards of \$6 billion by 2020.

"I think that is another sign of them not accepting blame for their own behaviour," said Blackstock. "I couldn't imagine if a decision came against any organization I was with that we were wilfully and recklessly discriminating against little kids in ways that contributed to their deaths and separations from families. I would, first of all, feel horrified about what we have done and second of all, more importantly, move heaven and earth to make sure it doesn't happen again and yet we haven't seen any of that from the government."

Nation to Nation also speaks to Dr. Kim Snow, a child welfare expert that analyzed data for APTN in the Death as Expected story.

As well, two long-time Crown wards give their opinions on what they think about Canada fighting them in court.

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**This is Exhibit "24" referred to in the affidavit of Cindy Blackstock affirmed before me at Ottawa in the Province of Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', is written over a horizontal line.

**David P. Taylor  
Law Society of Ontario: 63508Q  
A Commissioner for taking  
Affidavits for Ontario**



# General Assembly

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## Human Rights Council

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9–27 September 2019

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights, including  
the right to development**

### **Promotion of truth, justice, reparation and guarantees of non-recurrence**

#### **Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**

##### *Summary*

The Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, Fabián Salvioli, presents his report on practical experiences of domestic reparation programmes, in which he assesses the conceptual and legal framework, lessons learned and selected challenges on the issue, and provides recommendations for the effective design and implementation of these programmes.



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## I. Introduction

1. The present report is submitted to the Human Rights Council by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Council resolution 36/7. In the report, the Special Rapporteur lists key activities undertaken from August 2018 to June 2019 and provides an analysis of practical experiences of domestic reparation programmes.
2. In resolution 36/7, the Special Rapporteur was requested to gather information on national practices and experiences and to study trends, developments and challenges, to promote good practices and lessons learned, and to integrate a victim-centred approach throughout the mandate.<sup>1</sup> The report responds to these requirements.
3. Bearing in mind the work on the right to reparation carried out previously under this mandate, which was focused mostly on key normative issues surrounding the right,<sup>2</sup> and mindful that the great majority of victims around the world continue not to receive any form of reparation, the Special Rapporteur devotes the present report to assessing lessons learned as well as a selection of challenges in implementing domestic reparation programmes.
4. The Special Rapporteur held an online open consultation and an expert meeting to inform the present report.
5. In the present report, the Special Rapporteur does not include two important forms of reparation, namely forms of satisfaction including apologies, and land and property restitution. He will address these issues in his future work. A report on the adoption of apologies for gross human rights violations and serious violations of international humanitarian law will be presented to the General Assembly at its seventy-fourth session, in October 2019.

## II. Activities undertaken by the Special Rapporteur

6. Between 1 August 2018 and 1 July 2019, the Special Rapporteur sent visit requests to Colombia, El Salvador, the Gambia and Tunisia, and renewed his request to Nepal. Requests to visit Brazil, Cambodia, Colombia, Côte d'Ivoire, the Democratic Republic of the Congo, Guatemala, Guinea, Indonesia, Japan, Kenya, Nepal and Rwanda were still pending at the time that the present report was being prepared.
7. On 10 September 2018, he participated in an expert consultation on standards and public policies for an effective investigation of enforced disappearances, convened by the Working Group on Enforced or Involuntary Disappearances.
8. On 13 September, he participated in the high-level panel discussion commemorating the seventieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide.
9. On 13 and 14 September, he participated in the Human Rights Council at its thirty-ninth session, presenting his first thematic report on his approach to the mandate and preliminary areas of interest.
10. On 18 September, he participated in a public dialogue in the Congress of Deputies of Spain on the application of international human rights law in the Spanish legal system, specifically in relation to the obligations to investigate and prosecute international crimes committed during the Franco regime. He also met with Members of the Congress of Deputies.

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<sup>1</sup> See para. 4.

<sup>2</sup> See A/69/518.

11. On 28 September, he participated in a transitional justice forum organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in El Salvador.
12. On 18 October, he participated in the General Assembly at its seventy-third session, presenting his thematic report on his four main lines of engagement with that body.
13. On 25 October, he participated in a meeting with the Assistant Secretary-General for Peacebuilding Support, Oscar Fernandez-Taranco, to discuss existing and future collaboration, and in a meeting entitled “Responses to situations of high criminal violence: the case of El Salvador”, organized by the Conflict Prevention and Peace Forum in New York.
14. From 19 to 22 November, he participated in the induction session for new special procedure mandate holders, convened by OHCHR in Geneva.
15. From 21 November to 15 January, he held an online consultation to inform the present report.
16. On 3 and 4 December, he participated in a seminar entitled “European Union support to transitional justice: a review three years after the adoption of the policy framework”, which was convened by the European External Action Service in Brussels, and held bilateral meetings with officials of the Service.
17. On 5 December, he participated in the thirty-third International Conference of Bar Associations, in Lausanne, Switzerland.
18. On 6 and 7 December 2018, he convened an expert meeting to inform the present report.
19. On 20 and 21 February 2019, he participated in the “Gender-sensitive transitional justice process in Syria” conference, organized by the Syrian Feminist Lobby and the EuroMed Feminist Initiative, in Paris.
20. On 19 March, he participated in a symposium entitled “International human rights standards: truth and justice in South Korea”, held in Jeju, Republic of Korea.
21. From 17 April to 31 May, he held an online consultation on the adoption of apologies for gross human rights violations and serious violations of international humanitarian law, to inform his report for the General Assembly at its seventy-fourth session.
22. From 24 April to 3 May, he undertook an official country visit to El Salvador.
23. On 4 June, he participated in a conference entitled “Gender dimensions in transitional justice” at the Hebrew University of Jerusalem.
24. From 17 to 21 June, he attended the annual meeting of special procedure mandate holders, in Geneva.

### **III. General considerations**

25. Under international human rights law, there is a solid legal framework establishing the right of victims to reparation for gross human rights violations, as noted by the previous Special Rapporteur, Pablo de Greiff, in his report on the subject.<sup>3</sup>
26. Despite the existence of a strong normative framework and international and domestic jurisprudence, and the recognition by States that victims have a right to reparation, victims do not see this right realized. Even in countries where domestic reparation programmes have been set up, many challenges remain to achieve adequate, prompt and full reparation for victims of gross human rights violations and serious violations of humanitarian law.

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<sup>3</sup> See A/69/518.

27. In many countries, victims are stigmatized and are perceived as “taking advantage” of the situation, rather than as individuals who have suffered serious harm and are entitled to reparation.

28. Furthermore, States often act as if reparation were a policy choice, instead of the fulfilment of an obligation owed to victims as a result of an unlawful breach of international and domestic law.

29. The Special Rapporteur would like to note the importance of the right to reparation for victims of mass atrocities. As an entitlement, it serves a fundamental purpose of responding to the harm suffered by victims through the provision of direct benefits that go beyond compensation, and include restitution (if possible), satisfaction, rehabilitation and guarantees of non-recurrence. The right to reparation is also important as a guarantee of non-recurrence, as it helps perpetrators to understand that what they did was wrong and that societies must undertake to dignify the victims. It will also allow victims to gain trust in the State, to be acknowledged as rights holders, and, potentially, to be empowered. This will, in turn, provide benefits to society.

30. For the right to reparation to be fulfilled, it is essential that the State and any other actors involved in the violations acknowledge their responsibility.

#### **IV. Domestic reparation programmes**

31. Reparation programmes are aimed at realizing the human right of victims to an adequate and effective remedy. They are administrative processes set up by States aiming to deal with a large universe of victims, and they identify who can claim to be a victim and what violations are to be redressed, and establish reparation measures (benefits) for the harm suffered.<sup>4</sup> They are aimed at ensuring that victims are treated equally and in a consistent manner, as victims who have suffered the same type of violation would benefit from the same forms of reparation.

32. Domestic reparation programmes are the most effective tool for victims of gross human rights violations and serious violations of humanitarian law to receive reparation. Without them, victims would have to prove their status in a court of law, including by providing all the necessary evidence, pay the expensive costs of litigation, and wait several years before their claim is, if at all, successful.<sup>5</sup>

33. Such programmes have been used in various parts of the world. They have dealt with atrocities committed during repression, as in Argentina, Chile, Iraq or Morocco, or during conflict, as in Bosnia Herzegovina, Colombia, Guatemala, Iraq or Sierra Leone. Other reparation programmes (not really domestic in nature) have been set up to deal with the harm caused as a result of conflict situations or occupation, such as the United Nations Compensation Commission set up by the Security Council to deal with reparations to victims of the Iraqi invasion of Kuwait.

34. Domestic programmes could be adequate and effective remedies to provide reparation to victims of mass atrocities, but they face enormous challenges. Institutionally, they are fragile and weak, and depend on the political context of the country, the political will of the relevant authorities, the availability of resources, and practical and institutional concerns about how best to provide and implement reparation.

35. The challenges are even greater in countries emerging from or still in the midst of conflict. In such situations, setting up domestic reparation programmes implies dealing with a significantly bigger pool of victims. If, during repressive regimes, victims represent about 1 per cent of the population, after conflicts there can be at least twice that number of

<sup>4</sup> *Rule-of-Law Tools for Post-Conflict States: Reparation Programmes* (United Nations publication, Sales No. E.08.XIV.3), pp. 9–10.

<sup>5</sup> A/69/518, para. 4.

victims. In situations of mass displacement, such as in Colombia or the Syrian Arab Republic, the number of victims can equate to 12 to 15 per cent of the total population.<sup>6</sup>

36. States dealing with the consequences of conflict have inadequate or fragile State institutions to implement reparation programmes,<sup>7</sup> and their finances are often devastated. Furthermore, attributing responsibility for violations is more complex given that non-State actors have also committed atrocities. In such situations, corruption is often rampant and the distinction between victims and perpetrators can be blurred, as in the case of child soldiers. Furthermore, many of these States face poverty, discrimination and structural inequalities, which make it harder to deal with reparation for mass atrocities. Research indicates that weaker States are less likely to establish domestic reparation programmes.<sup>8</sup> Equally, if such programmes are ever set up, their implementation rate is low.

37. States transitioning from repression to democracy, such as Argentina or Chile, have been more successful in implementing domestic reparation programmes,<sup>9</sup> but as already indicated, the infrastructural and political conditions there were significantly different from those in States moving away from conflict, such as Liberia or Sierra Leone, or even in certain States moving away from repression, such as Iraq.

## A. International standards and jurisprudence underpinning domestic reparation programmes

38. The right to a remedy is an essential right in all human rights treaties. Remedies include the right of victims to claim that violations of their rights have taken place and to request reparation for the harm suffered. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law<sup>10</sup> and the updated Set of Principles for the protection and promotion of human rights through action to combat impunity, refer to domestic reparation programmes as effective remedies to provide reparation for mass atrocities.<sup>11</sup>

39. Under international human rights law, remedies must be adequate and effective to address the potential violations of the rights at stake.<sup>12</sup> Their content must be framed within the principle of “full reparation”. The Basic Principles and Guidelines reinforce this idea, indicating that the right to remedy should include “adequate, effective and prompt reparation”.<sup>13</sup> However, they do not define these three terms in relation to reparation or domestic reparation programmes.

40. The updated Set of Principles stipulate that victims shall have access to a “readily available, prompt and effective remedy in the form of criminal, civil, administrative or disciplinary proceedings”, that reparation can be provided through domestic reparation programmes, and that such programmes can be funded by national or international sources.

<sup>6</sup> Kathryn Sikkink et al., “Evaluation of integral reparations measures in Colombia: executive summary”, Carr Centre for Human Rights Policy and Harvard Humanitarian Initiative (October 2015), p. 3.

<sup>7</sup> Roger Duthie, “Introduction” in Roger Duthie and Paul Seils (eds.), *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies*, International Center for Transitional Justice (2017), p. 11.

<sup>8</sup> Matiangai Sirleaf, “The truth about truth commissions: why they do not function optimally in post-conflict societies”, *Cardozo Law Review*, vol. 35 (August 2014), pp. 2325–2328.

<sup>9</sup> Lars Waldorf, “Institutional gardening in unsettled times: transitional justice and institutional contexts”, in Roger Duthie and Paul Seils (eds.), *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies*, International Center for Transitional Justice (2017), pp. 40–83.

<sup>10</sup> See General Assembly resolution 60/147, annex, para. 16.

<sup>11</sup> See E/CN.4/2005/102/Add.1, principle 32.

<sup>12</sup> Art. 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), art. 25 of the American Convention on Human Rights, and art. 2 (3) of the International Covenant on Civil and Political Rights.

<sup>13</sup> See para. 11.

41. They further indicate that “victims and other sectors of civil society should play a meaningful role in the design and implementation of such programmes”, and that victims, particularly women and minorities, should be consulted and participate in such processes.<sup>14</sup> There is a dearth of significant practice to shed light on how best to carry out such participation and consultation.<sup>15</sup>

42. International tribunals such as the Inter-American Court of Human Rights have crafted significant jurisprudence on reparation for victims of mass atrocities through the adjudication of individual cases.<sup>16</sup> In that context, the Court has indicated that victims should get full and adequate reparation for the harm suffered, which includes “the need to grant different measures of reparation, in order to redress the damage fully; thus in addition to pecuniary compensation, measures of satisfaction, restitution and rehabilitation, and guarantees of non-repetition have special relevance owing to the severity of the effects and the collective nature of the damage suffered”.<sup>17</sup>

43. The Court has also identified some criteria that domestic reparation programmes must fulfil to be in accordance with international law and with its own jurisprudence.<sup>18</sup> Such criteria include consultation with and participation of victims, reasonable and proportional compensation awards, reasons given for providing reparations by family group and not individually, distribution criteria among members of the family, and gender approaches to reparation.<sup>19</sup>

44. While international law is yet to fully settle the question about the reach and scope of the right to reparation of victims of mass atrocities through domestic reparation programmes, the Special Rapporteur would like to note some minimum requirements that such programmes ought to fulfil:

(a) Domestic reparation programmes are remedies to redress victims of mass atrocities; they must be adequate, prompt and effective;

(b) They should be designed, implemented and monitored through processes that include consultation with and the participation of victims, particularly those in the most vulnerable situations, such as women, members of minority groups, victims of sexual violence, displaced persons and persons with disabilities;

(c) They should provide victims with different forms of reparation and not only with compensation;

(d) Their adequacy and effectiveness also depend on to the way in which they relate to other pillars of transitional justice, including justice, truth, and guarantees of non-recurrence;

(e) Compensation, including the distribution criteria across victims, families and those in the most vulnerable situations, should be reasonable and proportional.

45. This approach is in harmony with more conceptual analyses about the adequacy of the institutional design of domestic reparation programmes. Under that analysis, domestic programmes must be complete, whereby “every victim actually receives the benefits,

<sup>14</sup> See E/CN.4/2005/102/Add.1, principle 32.

<sup>15</sup> A/69/518, paras. 74–80.

<sup>16</sup> The European Court of Human Rights also has important precedents on guarantees of non-recurrence, otherwise called general measures. See, for example, *Broniowski v. Poland* (application No. 31443/96), judgment of 22 June 2004, para. 193; and *Aslakhanova and others v. Russia*, (applications Nos. 2944/06, 8300/07, 50184/07, 332/08, 42509/10), judgment of 18 December 2012, paras. 212–240.

<sup>17</sup> Inter-American Court of Human Rights, *Massacres of El Mozote and Nearby Places v. El Salvador*, judgment of 25 October 2012 (merits, reparations and costs), para. 305.

<sup>18</sup> Clara Sandoval, “Two steps forward, one step back: reflections on the jurisprudential turn of the Inter-American Court of Human Rights on domestic reparation programmes”, *The International Journal of Human Rights*, vol. 22, No. 9 (2017), pp. 1192–1208.

<sup>19</sup> Inter-American Court of Human Rights, *Case of the Afro-Descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia*, judgment of 20 November 2013 (preliminary objections, merits, reparations and costs), para. 470.



although not necessarily at the same level or of the same kind”.<sup>20</sup> They should also be comprehensive, in terms of the types of violations that are selected for reparation,<sup>21</sup> and complex, in terms of the forms of reparation used to redress victims.<sup>22</sup> A programme should also be coherent internally, in the relationship between the different forms of reparation received by victims, and externally, in the relationship between these programmes and other transitional justice measures.<sup>23</sup> Domestic programmes should aim at finality, addressing the question of the potential coexistence of judicial reparation and domestic reparation programmes.<sup>24</sup> Finally, munificence, which looks at how dignifying the benefits are, is also important.<sup>25</sup>

## B. Lessons learned for effective domestic reparation programmes

46. Besides the legal and normative framework that could facilitate the design and implementation of domestic reparation programmes, their architecture is of crucial importance.<sup>26</sup> There is no single way to design such programmes. However, in practice, some have proven better than others.

### Setting up victims’ registries

47. Individual and collective registries of victims are crucial in order to have realistic projections of the level of victimhood in States undergoing transitions. Adequate registries also help in estimating the cost of redressing the potential beneficiaries of the programme and in planning resource allocation. Registries could also facilitate reparation for victims in urgent need of attention, through urgent reparation programmes. They also constitute a key measure of acknowledgment, satisfaction and memory.

48. Even if registries are created, the number of victims registered at any given point in time cannot be taken to be the whole universe of victims, as underregistration is a common challenge. It is important that registration processes include flexible time frames for registration, and that they truly reach out to all victims.

49. Experience indicates that registries are not always set up as part of domestic reparation programmes, which is regrettable. So are the cases, for example in Guatemala or Iraq, where despite tireless work by civil society to this end, the government has failed to establish them.<sup>27</sup> In other cases, registries were set up after domestic reparation programmes had been designed and established, as in the case of Peru where the Unique Registry of Victims was created as part of the Comprehensive Reparations Plan.

50. In Argentina, for example, registration began with the registration of persons who had been disappeared and killed during the dictatorship, through the work of the National Commission on the Disappearance of Persons. The Commission was crucial in facilitating later work identifying other victims. As a result, the Unified Registry of Victims of State Terrorism was established in 2013 within the Secretariat of Human Rights.

<sup>20</sup> *Rule-of-Law Tools for Post-Conflict States: Reparation Programmes* (United Nations publication, Sales No. E.08.XIV.3), p. 15.

<sup>21</sup> *Ibid.*, p. 19; and A/69/518, para. 26.

<sup>22</sup> A/69/518, para. 30.

<sup>23</sup> Pablo De Greiff (ed.), *The Handbook of Reparations* (Oxford, Oxford University Press, 2006), pp. 10–11.

<sup>24</sup> *Ibid.*, p. 12; and *Rule-of-Law Tools for Post-Conflict States: Reparation Programmes*, p. 35.

<sup>25</sup> Pablo De Greiff (ed.), *The Handbook of Reparations*, p. 12.

<sup>26</sup> Alexander Segovia, “The reparations proposals of the truth commissions in El Salvador and Haiti: a history of noncompliance”, in Pablo De Greiff (ed.), *The Handbook of Reparations*, pp. 154–176, at p. 157.

<sup>27</sup> Procurador de los Derechos Humanos (Guatemala), “Informe de monitoreo realizado a las sedes regionales del Programa Nacional de Resarcimiento” (May 2018), p. 3; and Clara Sandoval and Miriam Puttick, *Reparations for the Victims of Conflict in Iraq: Lessons Learned from Comparative Practice* (Ceasefire and Minority Rights Group International, 2017), p. 26.

51. Calculating the number of victims eligible for reparation is particularly challenging in conflict situations with great numbers of internally displaced persons or of refugees. In Colombia, for example, the estimate of the number of victims was about 4.5 million in 2012 after the adoption of the Victims and Land Restitution Law, but the actual number was almost twice that projection given the country's growing internally displaced population. There are more than 8.7 million victims registered in Colombia in 2019.<sup>28</sup>

52. Building strong registries of victims requires reaching out to civil society organizations. They have relevant data about victimhood and violations that would be of utmost importance in any mapping exercise. They also have vital links to communities of victims that could help State authorities to build trust with victims and help them come forward.

53. Effective registration also requires reaching out to inform all victims about their right to reparation, available reparation programmes and registration processes. In El Salvador, information was not disseminated to all victims, leading to a very small number of registrations in proportion to the number of victims.

### **Evidence and special measures in registration processes**

54. Special registration measures should be adopted to ensure that those in a situation of special vulnerability come forward, such as victims of sexual violence, children, and persons with disabilities. They should not be exposed through registration processes to further victimization or stigma. Measures should also be adopted for victims who are illiterate.

55. Special security conditions should be put in place for victims to register, particularly in countries that are still in the midst of conflict or where violence and insecurity is generalized.

56. Most registration processes require filling forms and providing some evidence of victimhood and harm. Forms should be confined to essential information, such as basic personal information, a statement of facts and of violations suffered, confidentiality issues, harms suffered, and supporting documents.<sup>29</sup> Specific forms might also be designed to clarify the universe of collective victims and provide them with collective reparation. Such forms would include the name of the community, the facts, and the violations suffered by it.<sup>30</sup> Some forms are complemented with interviews undertaken by government officials.

57. Registries allow State authorities to decide who is eligible for reparation. However, the object of a registration process is not to challenge the veracity of the claims made by the victims or the evidence they have provided, rather to assume in good faith that what has been said is a statement of truth. The Special Rapporteur notes with appreciation that many States place the burden of proving the damage on State institutions rather than on victims, or that they apply lower standards of evidence. In Morocco, for example, the Equity and Reconciliation Commission accepted the testimonies of victims as evidence.<sup>31</sup> In Peru, victims were not required to provide documents that had been lost during their displacement or documentation from registries that had been destroyed during the armed conflict.<sup>32</sup> In Colombia, the standard of evidence required is lower, too. The law indicates that authorities should always presume the good faith of victims and their ability to corroborate the harm by any means legally acceptable, and specifies the requirements in greater detail.<sup>33</sup>

<sup>28</sup> Registro Único de Víctimas, available at [www.unidadvictimas.gov.co](http://www.unidadvictimas.gov.co).

<sup>29</sup> Ruben Carranza, Cristián Correa and Elena Naughton, *Forms of Justice: A Guide to Designing Reparations Applications Forms and Registration Processes for Victims of Human Rights Violations*, International Center for Transitional Justice (2017), p. 22.

<sup>30</sup> *Ibid.*, pp. 33–36.

<sup>31</sup> *Rule-of-Law Tools for Post-Conflict States: Reparation Programmes*, p. 18.

<sup>32</sup> See [www.gob.pe/790-inscripcion-en-el-registro-unico-de-victimas](http://www.gob.pe/790-inscripcion-en-el-registro-unico-de-victimas).

<sup>33</sup> Victims and Land Restitution Law, Law 1448/2011, art. 5.

58. However, other States still put a heavy burden and standard of proof on victims. In the Philippines, for example, the evidentiary requirements to obtain reparation included a request for corroboration by others, through sworn statements by two co-detainees or persons with personal knowledge of the violations suffered by the victim. Since many victims had died, it was not always possible to provide corroborating evidence. Indeed, out of 75,000 claims for reparation, only approximately 11,100 were eligible for compensation.<sup>34</sup>

59. The Special Rapporteur notes the importance of planning the registration process with great flexibility so that relevant adjustments can be made over time. A typical adjustment is the need to extend the registration period to allow all victims to register, as has happened in Argentina and Chile.<sup>35</sup>

60. Processing the information gathered through a registration process allows the content of the programme to be adjusted when new relevant information comes to light. In Nepal, for example, the registration process for the Interim Relief Programme allowed orphans and widows of the disappeared to be eligible to obtain benefits.<sup>36</sup>

### Consultation with and participation of victims

61. Domestic reparation programmes should include adequate consultation with and participation of victims in their design, implementation and monitoring processes. Consultation with and participation of victims has solid recognition under international law, particularly human rights law.<sup>37</sup> It is not only essential for victims to be empowered, but also crucial as a mechanism to reduce the implementation gap.<sup>38</sup> Victim participation and/or consultation also provide legitimacy to these programmes.

62. Consultations are “a form of vigorous and respectful dialogue whereby the consulted parties are given the space to express themselves freely, in a secure environment, with a view to shaping or enhancing the design of transitional justice programmes”.<sup>39</sup> Victims can provide contextual meaning to reparatory practices. This is of particular importance in relation to satisfaction, symbolic reparation and collective reparation.<sup>40</sup> Participation permits victims to be informed and take part in decision-making processes that could affect them.

63. Despite its importance, there is a dearth of examples of consultation with and/or participation of victims in domestic reparation programmes. Furthermore, few impact studies have been carried out to assess the outcomes of such processes where they have taken place.

64. Some of the first domestic reparation initiatives to be established, such as in Argentina, did not involve sustained participation of or consultation with victims.<sup>41</sup> In Chile, some consultations have taken place. For example, the next of kin of detained and disappeared persons were consulted on whether they preferred to receive a pension or a lump sum.<sup>42</sup>

65. In Peru, consultation with victims on the design of domestic reparation programmes has been documented. Nineteen workshops were organized in six different departments and

<sup>34</sup> Commission on Human Rights (Philippines) press statement of 18 May 2018, p. 1.

<sup>35</sup> Submission of Argentina, point 5; and submission of the Chilean national human rights institution, point 5.

<sup>36</sup> Ruben Carranza, Cristián Correa and Elena Naughton, *Forms of Justice: A Guide to Designing Reparations Applications Forms and Registration Processes for Victims of Human Rights Violations*, International Center for Transitional Justice (2017), p. 59.

<sup>37</sup> A/HRC/34/62, pp. 7–9. See also the *Rule-of-Law Tools for Post-Conflict States: National Consultations on Transitional Justice* (United Nations publication, Sales No. 09.XIV.2).

<sup>38</sup> A/69/518, para. 80.

<sup>39</sup> *Rule-of-Law Tools for Post-Conflict States: National Consultations on Transitional Justice*, p. 3.

<sup>40</sup> A/69/518, para. 34.

<sup>41</sup> Submission of the Argentine national human rights institution, point 3.

<sup>42</sup> Elizabeth Lira, “Reflections on rehabilitation as a form of reparation in Chile after Pinochet’s dictatorship”, *International Human Rights Law Review*, vol. 5 (2016), pp. 194–216.

846 victims participated, which allowed the Truth and Reconciliation Commission to put forward recommendations on reparation that had greater consensus among victims.<sup>43</sup> Equally, an initiative called the Working Group on Reparations was established, allowing civil society organizations to coordinate their work on reparation issues. Consultations also took place to provide collective reparation. For example, 444 consultations on collective reparations were held in 2017.<sup>44</sup> However, technical information has not always been available to communities to inform their views on collective reparation.<sup>45</sup>

66. In Colombia, consultation with and participation of victims has taken place at different times. During the negotiation of the Victims and Land Restitution Law, 11 regional dialogues were held to gather victims' views. Something similar happened with the three decree-laws on reparation for indigenous groups, for Afrodescendants, Raizal and Palenqueros, and for Roma.<sup>46</sup>

67. The Colombian Victims and Land Restitution Law also creates participation mechanisms for its implementation through victims' participation tables established at the national, departmental and municipal levels.<sup>47</sup> This led to the establishment of 865 municipal tables, 32 departmental tables, a table in Bogota, and a national table.<sup>48</sup> Communities are also consulted concerning collective reparations.

68. In Morocco, the Equity and Reconciliation Commission carried out consultations with victims and civil society organizations in various parts of the country to design its reparations approach. The consultations involved different stakeholders, including victims as well as development agencies. This was particularly important for the design of collective reparations.<sup>49</sup> An illustration of this process was the 2005 National Forum on Reparation, in which more than 200 civil society organizations participated.

69. The German compensation programme for forced labour that took place during the national-socialist regime also included consultation. The process was challenging, since victims were old and spread across 89 States. Nevertheless, victims took part in the negotiations leading to the establishment of the programme, and continued to participate afterwards. The approach was to establish small groups of victims affected, who would identify a representative to take part in the consultation. The programme distributed individual payments to 1.66 million victims in 89 States.<sup>50</sup>

70. In some countries, consultations took place without all the victims concerned being included. In Sierra Leone, for example, victims of sexual violence were stigmatized and discriminated against. As a result, they were unable to participate in the design of the

<sup>43</sup> Julie Guillerot and Lisa Magarrell, *Memorias de un Proceso Inacabado: Reparaciones en la Transición Peruana* (Lima, Asociación Pro Derechos Humanos, International Center for Transitional Justice and Oxfam, 2006), pp. 102–106; and submission of the Peruvian human rights commission, point 3.

<sup>44</sup> Comisión Multisectorial de Alto Nivel encargada de las Acciones y políticas del Estado en los ámbitos de la paz, la reparación colectiva y la reconciliación nacional, *Balance de Acciones 2017*, (Lima, 2018), p. 2.

<sup>45</sup> Cristián Correa, *Reparaciones en Perú: El Largo Camino entre las Recomendaciones y la Implementación* (New York, International Center for Transitional Justice, 2013), pp. 12–14.

<sup>46</sup> Submission of Paula Gaviria and Iris Marín, point 3; submission of the Unidad de Víctimas, Colombia, point 3; and submission of Dejusticia, point 3.

<sup>47</sup> Law 1448/2011, art. 193.

<sup>48</sup> Universidad del Rosario, Bogotá, Encuentro de experiencias: participación efectiva de las víctimas y mesas de participación, Federación Nacional de Personeros and United Nations Development Programme, 2015.

<sup>49</sup> See [www.ier.ma/article.php3?id\\_article=1496](http://www.ier.ma/article.php3?id_article=1496).

<sup>50</sup> Roland Bank, "Establishing the programme", Günter Saathoff et al. (eds.), *The German Compensation Programme for Forced Labour: Practice and Experiences* (Stiftung Erinnerung Verantwortung und Zukunft, 2017), pp. 12–25, at p. 23.

domestic reparation programme.<sup>51</sup> In Peru, women were not always included in consultations about collective reparation.<sup>52</sup>

71. The Special Rapporteur considers that consultation with and participation of victims is essential in order to fulfil their right to reparation. More sustained work is required to ensure that consultation and participation take place in the design, implementation and monitoring of domestic reparation programmes.

72. The consultation process should not force victims to renounce, or to choose from among, reparations owed to them pursuant to the criterion of full reparation.

### **Institutional security of domestic reparation programmes**

73. Domestic reparation programmes are weak, fragile and highly dependent on political will and on the context in which they are implemented. They are rarely prioritized as a transitional justice measure or given the importance they should receive. Victims are seen as “weak agents”, which makes “their plight largely invisible to decision makers”.<sup>53</sup> Therefore, it is essential to protect domestic reparation programmes from those shortcomings through different means.

74. Legal frameworks establishing and regulating domestic reparation programmes are essential. Such framing provides legal certainty to the programme and sustainability regardless of political fluctuations. It is also a sign of State commitment to address mass atrocities rather than the decision being rooted in political opportunism.

75. Various States have adopted legislation underpinning their domestic reparation programmes, such as Iraq with Law 20 on Compensation for Victims of Military Operations, Military Mistakes and Terrorist Actions, the Philippines with the Human Rights Victims Reparation and Recognition Act,<sup>54</sup> Peru with the Comprehensive Reparations Plan,<sup>55</sup> and Colombia with the Victims and Land Restitution Law.<sup>56</sup> In Argentina, various laws have been enacted to provide reparation to victims.<sup>57</sup>

76. In Guatemala, the National Reparations Plan was established by a government agreement and not by law.<sup>58</sup> It is therefore seen as another programme to be implemented by the executive branch, but with no primacy or political relevance. Efforts in Guatemala to enact a law for the National Reparations Programme have faced multiple obstacles in Congress.

77. In El Salvador, Presidential Executive Decree 204/2013 created the Reparation Programme for Victims of Serious Human Rights Violations that Took Place during the Internal Armed Conflict. While this constitutes a valuable step forward, the scope of the programme has been limited, and its legal framing is pending.

78. National laws on reparations should indicate the State commitment to reparation, including an acknowledgement of responsibility and, at the very least, the violations eligible for reparation and the applicable time frame in which they must have occurred, a definition of victim, the forms of reparation, the timeline for reparation, the allocation of funds, and the time frame for the programme. The law should also indicate the institutions responsible for providing reparation as well as for providing oversight. Other regulations

<sup>51</sup> Kelli Muddell, “Limitations and opportunities of reparations for women’s empowerment” (International Center for Transitional Justice briefing, 2009), 6 July 2011, p. 1.

<sup>52</sup> International Center for Transitional Justice, “The concept and challenges of collective reparation” (2010), pp. 26–27.

<sup>53</sup> A/69/518, para. 49.

<sup>54</sup> Philippines, Human Rights Victims Reparation and Recognition Act (No. 10368/2013).

<sup>55</sup> Law No. 28592 of 29 July 2005.

<sup>56</sup> Law No. 1448 of 10 June 2011.

<sup>57</sup> Such as Law No. 24.043/91 on reparation for those who were detained before 10 December 1983 and were in the custody of the executive, and Law No. 24.411/94 granting compensation for victims of enforced disappearance or descendants of those killed by the military or security forces.

<sup>58</sup> Acuerdo Gubernativo 258-2003.

should further develop some of these key provisions, such as how to apply for reparation, and regulate issues related to consultation with and/or participation of victims.

79. The reparation programme should, at least, be coordinated by an entity responsible for its implementation, with the necessary political and economic leverage to coordinate and promote action across the different State institutions that are part of the reparation system.

80. Chile set up the National Corporation for Reparations and Reconciliation tasked with implementing various pieces of legislation on reparation enacted over time.<sup>59</sup> Other systems, such as the Programme for Reparation and Comprehensive Health Care, were established subsequently to provide rehabilitation to victims.<sup>60</sup> In the Philippines, the Human Rights Victims Reparation and Recognition Act created the Human Rights Victims' Claims Board.<sup>61</sup> In Colombia, a reparations system was put in place with responsibilities assigned to various institutions, such as the Victims' Unit, the Centre for Historical Memory and the Land Restitution Unit.<sup>62</sup>

81. Other States, such as Argentina, have not set up specific institutions to implement reparation frameworks. However, the secretary responsible for human rights in Argentina is responsible for implementing all the laws that regulate reparations in the country.<sup>63</sup>

82. The Special Rapporteur stresses the need to bestow these institutions or systems with political leverage and authority to carry out their work. For example, in Colombia, despite the importance of the Victims' Unit, it lacks political leverage as it is not placed above ministries and therefore cannot always coordinate the reparation policy in the most effective manner. Something similar happens in Guatemala, where the responsibility for reparations lies with a programme which is affiliated to the Secretary for Peace and comes under the authority of the national commission on reparations.

83. The Special Rapporteur also underscores that such entities must include territorial reach and presence, particularly in the areas where victims reside, and where conflict or repression was concentrated, to facilitate consultation with and the participation of victims in the reparation process as well as to facilitate their access to benefits. Institutions should also be available to victims who are refugees or live in exile. Consulates and diplomatic missions could undertake this task.

### **Financial resources**

84. The availability of financial resources to fund the work of domestic reparation programmes, including the provision of benefits, is essential for the fulfilment of the right to reparation. The Special Rapporteur urges States to make the necessary budgetary allocations to provide reparation to victims, on the basis of realistic projections of its cost as well as the universe of victims.

85. There are different ways of funding reparation programmes. Some States opt for the establishment of a reparation fund. Such funds can be the result of one-time financial contributions, or could be replenished as required.

86. In Colombia, a fund was created under the Justice and Peace Law, in 2005.<sup>64</sup> The fund was to include assets given up by members of paramilitary groups, contributions from the Colombian budget and any national or international donations. The fund was established and maintained under the Victims and Land Restitution Law of 2011.<sup>65</sup> The latter law included new sources for financing reparations, such as fines obtained by the

<sup>59</sup> Law No. 19.123 of 8 February 1992.

<sup>60</sup> Law No. 19.980 of 9 November 2004.

<sup>61</sup> Submission of the Commission on Human Rights (Philippines), 14 January 2018.

<sup>62</sup> In the case of Colombia, the Sistema Nacional de Atención y Reparación Integral a las Víctimas is the system of public institutions both at the national and the local level responsible for establishing and implementing reparations in the country.

<sup>63</sup> Submission of the Argentine national human rights institution, point 2.

<sup>64</sup> Law No. 975/2005 of 25 July 2005, art. 54.

<sup>65</sup> Law No. 1448/2011, art. 177.

State from persons or armed groups in judicial or administrative processes, and voluntary donations made by people in supermarkets or at cash machines.<sup>66</sup>

87. The United Nations Compensation Commission had the United Nations Compensation Fund, which had 5 per cent of the annual proceeds from Iraqi oil exports to redress victims.<sup>67</sup>

88. The German compensation programme for forced labour also established a fund, with a fixed amount of approximately €5.2 billion, which received contributions in equal proportion from the Government of Germany and from various German corporations. While funds with fixed amounts can potentially be problematic as they do not allow the amount available for reparation to be adjusted to changing circumstances, they provide political independence to the institutions managing the fund and they accrue interest over time.<sup>68</sup>

89. Sierra Leone set up a reparation fund a decade after this was envisaged in the Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone, of 1999. Contributions from the Government to this fund have been minimal, with the majority of proceeds coming from international cooperation, particularly the United Nations Peacebuilding Fund.<sup>69</sup>

90. The alternative to a special fund is the inclusion of the programme in the national budget. In Guatemala, the National Compensation Programme was to receive 300 million quetzals on an annual basis (equivalent to about \$40 million). The programme has never received the full allocation of funds and year after year its budget has decreased.<sup>70</sup>

91. In other countries, such as Argentina, some forms of reparation were funded with government bonds. Through these bonds, the Government recognized the debt owed to victims of enforced disappearance, execution and arbitrary detention, and guaranteed the payment. The bonds (of \$224,000 per victim) could be exchanged at their market value at any time, or at full value on maturity (16 years later). The mechanism ran into trouble for those who had not exchanged their bonds when an economic crisis hit Argentina in 2001 and payments of all government bonds were ceased.<sup>71</sup> Payments to victims were exempted from this freeze, but bonds were automatically converted to a highly depreciated Argentine peso.

92. The Special Rapporteur notes that, with notable exceptions, domestic reparation programmes are seriously underfunded, which hampers their ability to redress victims. In Colombia, under the Victims and Land Restitution Law, the State has provided compensation to less than 10 per cent of the 8 million victims registered to obtain reparation.<sup>72</sup> In 2016, the Government of Colombia calculated that its deficit to fund the law was of approximately 115.58 billion pesos (approximately \$34 million).<sup>73</sup>

<sup>66</sup> Ibid.

<sup>67</sup> Security Council resolutions 1483 (2003) and 1956 (2010).

<sup>68</sup> Susanne Sehlbach, "Funding of the programme", Günter Saathoff et al. (eds.), *The German Compensation Programme for Forced Labour: Practice and Experiences* (Stiftung Erinnerung Verantwortung und Zukunft, 2017), pp. 27–39.

<sup>69</sup> International Center for Transitional Justice, "Report and proposals for the implementation of reparations in Sierra Leone" (2009), p. 14.

<sup>70</sup> Procurador de los Derechos Humanos, "Informe de monitoreo realizado a las sedes regionales del Programa Nacional de Resarcimiento" (2018), p. 5.

<sup>71</sup> José María Guembe, "Economic reparations for grave human rights violations: the Argentinean experience", in Pablo De Greiff (ed.), *The Handbook of Reparations* (Oxford, Oxford University Press, 2005), pp. 21–54, at p. 41.

<sup>72</sup> Comisión de Seguimiento y Monitoreo a la Implementación de la Ley 1448 de 2011, quinto informe de seguimiento al Congreso de la República 2017–2018, p. 193.

<sup>73</sup> Colombia, Informe al Auto No. 373 de 2016, orden tercera, 31 October 2016, p. 4.

93. In the case of Guatemala, of the approximately 200,000 victims,<sup>74</sup> only 32,802 have been compensated.<sup>75</sup>

94. In Sierra Leone, very few victims, including some victims of sexual violence, have received some reparation.<sup>76</sup> Between 2008 and 2013, for example, the United Nations Peacebuilding Fund, the Government of Germany, the International Organization for Migration, the United Nations multi-partner trust fund and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) provided about \$8.5 million to the National Commission for Social Action, the body responsible for victims' reparation.<sup>77</sup> In particular, some victims in Sierra Leone benefited from interim relief. For example, interim payments of \$100 were granted, predominantly to amputees and victims of sexual violence, benefiting approximately 21,700 victims. A few victims benefited from urgent medical care.<sup>78</sup>

95. In such circumstances, identifying suitable sources of funding without diluting the responsibility of the State becomes crucial. In many contexts, State and non-State actors, including armed groups, are responsible for the atrocities and should contribute to reparation.<sup>79</sup> Important precedents already exist in this direction. The German compensation programme for forced labour was half-financed by corporations. Similarly, the Human Rights Victims' Claims Board in the Philippines, established to provide reparation to victims of the regime of Ferdinand Marcos, was financed from funds from Marcos's wealth.<sup>80</sup> In Colombia, the Revolutionary Armed Forces of Colombia-People's Army (FARC) agreed to contribute to reparation in the peace agreement signed with the Government of Colombia in 2016.<sup>81</sup>

96. The role of the international community in domestic reparation programmes must also be considered. If States acknowledge their responsibility for the violations, there is no reason for other States, international financial institutions or international organizations to abstain from helping to fund reparation programmes.<sup>82</sup>

### C. Selected challenges

97. The importance of the right to reparation cannot be stressed enough. If provided in a prompt, adequate and effective manner, it can make a substantial difference in the lives of victims. In most cases, however, victims do not receive reparation, or if they do, they obtain some form of reparation which does not fulfil those requirements. As a consequence, the harm caused to victims is accentuated. While underscoring the standard of full reparation, the Special Rapporteur notes below two specific challenges that require urgent attention: rehabilitation, and reparation for victims in a vulnerable situation, including victims of sexual violence.

<sup>74</sup> See [www.undp.org/content/dam/guatemala/docs/publications/UNDP\\_gt\\_PrevyRecu\\_MemoriadelSilencio.pdf](http://www.undp.org/content/dam/guatemala/docs/publications/UNDP_gt_PrevyRecu_MemoriadelSilencio.pdf), para. 2.

<sup>75</sup> Programa Nacional de Resarcimiento, *Cantidad de beneficiarios por tipo de violación (2005–2014)*.

<sup>76</sup> National Commission for Social Action, *Sierra Leone Reparations Programme newsletter*, October 2016.

<sup>77</sup> Eva Ottendörfer, *The Fortunate Ones and the Ones Still Waiting: Reparations for War Victims in Sierra Leone*, Peace Research Institute Frankfurt report No. 129 (2014), p. I.

<sup>78</sup> International Center for Transitional Justice, "Report and proposals for the implementation of reparations in Sierra Leone" (2009), pp. 7 and 10.

<sup>79</sup> Luke Moffett, "Beyond attribution: responsibility of armed non-State actors for reparations in Northern Ireland, Colombia and Uganda", Noemi Gal-Or, Cedric Ryngaert and Math Noortmann (eds.), *Responsibilities of the Non-State Actor in Armed Conflict and the Market Place: Theoretical Considerations and Empirical Findings* (Brill, 2015), pp. 323–346.

<sup>80</sup> Commission on Human Rights (Philippines), "Experiences of domestic reparation programmes" (14 May 2018), para. 26.

<sup>81</sup> Peace agreement between the Government of Colombia and FARC, November 2016, points 5.1.3–5.1.4.

<sup>82</sup> Guidance note of the Secretary-General, "Reparations for conflict-related sexual violence" (United Nations, June 2014), point 5; and A/69/518, para. 58.



## Rehabilitation

98. Rehabilitation is a form of reparation that is aimed at providing victims with physical and mental health services as well as other legal and social services.<sup>83</sup> It has the ability to address the mental and physical harm caused to victims, or community harm,<sup>84</sup> as well as to enable victims to reconstruct their lives, get new life opportunities, fulfil their rights to justice and truth, and contribute to non-recurrence.<sup>85</sup> If there are transformative opportunities for victims in the right to reparation, rehabilitation is one of the measures most likely to deliver on them.

99. Various countries have included rehabilitation as a form of reparation in their reparation programmes, such as Chile,<sup>86</sup> Colombia,<sup>87</sup> El Salvador<sup>88</sup> and Guatemala.<sup>89</sup> Nevertheless, this is one of the reparation measures where States face serious implementation challenges, which are exacerbated when conflict situations are ongoing, and the required infrastructure and expertise are not available or are insufficient to provide such services.

100. Nonetheless, there are examples of good practice in this field. In Chile, for example, a comprehensive rehabilitation system for physical and mental health was established following the recommendations made by the Rettig Commission.<sup>90</sup> That programme began its work in 1991 and continues to provide rehabilitation to victims today. It provides medical and psychosocial services to parents, children, partners and grandchildren of victims of enforced disappearance, execution and torture, people dismissed from their employment for political reasons, and persons who have provided support to victims of the dictatorship for at least 10 continuous years. However, the Programme for Reparation and Comprehensive Health Care falls short of providing medical and psychosocial support to victims in exile or who live abroad as a result of the harm suffered.<sup>91</sup>

101. The programme, administered by the Ministry of Health, provides medical and dental care, diagnostic tests, access to specialists, hospitalization, and emergency services, to approximately 750,000 registered persons.<sup>92</sup> The personnel include physicians, social workers and psychologists, who are also involved in memory and justice initiatives. The budget for its operation is approved by Congress yearly.<sup>93</sup>

102. In Colombia, there are significant limitations in the provision of health services through the Programme of Psychosocial Assistance and Comprehensive Health Care for Victims, administered by the Ministry of Health.<sup>94</sup> However, alternative forms of rehabilitation have been used with some degree of success, such as “interweaving” (*el entrelazar*), which is a form of collective rehabilitation.<sup>95</sup> It aims to help in the

<sup>83</sup> See General Assembly resolution 60/147, annex, para. 21.

<sup>84</sup> Judith Bueno de Mesquita, Gen Sander and Paul Hunt, “Rehabilitation and the right to health in times of transition”, *International Human Rights Law Review*, vol. 5 (2016), pp. 169–193.

<sup>85</sup> Redress, “Rehabilitation as a form of reparation under international law” (London, 2009); and Clara Sandoval, “Reflections on the transformative potential of transitional justice and the nature of social change in times of transition,” in Roger Duthie and Paul Seils (eds.), *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies*, International Center for Transitional Justice (2017), pp. 166–201, at p. 190.

<sup>86</sup> Law No. 19.980 which modifies Law No. 19.123, art. 7.

<sup>87</sup> Law No. 1448/2011, art. 135.

<sup>88</sup> El Salvador executive decree 204/2013, arts. 7–9.

<sup>89</sup> Texto El Libro Azul (política pública de resarcimiento), paras. 96–106.

<sup>90</sup> Chilean National Commission on Truth and Reconciliation report, vol. I, part II (1991), pp. 1260–1263.

<sup>91</sup> Inter-American Court of Human Rights, *García Lucero and others v. Chile*, judgment of 28 August 2013 (preliminary objection, merits and reparations).

<sup>92</sup> Ministry of Health of Chile, ordinance A 111 No. 3803, 10 November 2016.

<sup>93</sup> Elizabeth Lira, “Reflections on rehabilitation as a form of reparation in Chile after Pinochet’s dictatorship”.

<sup>94</sup> Comisión de Seguimiento y Monitoreo a la Implementación de la Ley 1448 de 2011, quinto informe de seguimiento al Congreso de la República 2017–2018, p. 114.

<sup>95</sup> Submission of Paula Gaviria and Irin Marín.

reconstruction of the social fabric and to facilitate reconciliation by empowering victims. It began in 2012 with 10 communities and has continued since then.<sup>96</sup> Key community leaders act as interweavers. They are recognized in the community for their essential role fostering collective health, rebuilding trust and re-establishing emotional bonds between members. They receive training from the Victims' Unit. They work in five areas: collective mourning, rescuing old social practices shared by victims, respecting the differences that exist within communities or groups, group reflection, and transforming local places where atrocities took place.<sup>97</sup>

103. The Special Rapporteur would like to note that rehabilitation goes beyond physical and medical care and includes other social services such as education.<sup>98</sup> Education is a tool that can provide inclusion, recognition and empowerment.<sup>99</sup>

104. While more domestic reparation programmes are acknowledging education as a form of rehabilitation, its operationalization presents challenges. The Chilean approach to rehabilitation constitutes an important attempt to provide rehabilitation to victims and has enjoyed fairly good implementation. Law 19.123 included education for the children of victims who were disappeared or killed, providing them with full scholarships for primary and secondary schooling as well as for technical training until the age of 35. The scholarship included the payment of tuition fees and a monthly stipend.<sup>100</sup> Equally, Law 19.992 included education for survivors of torture.<sup>101</sup> Given that many of the survivors were older, the law was amended to allow the transfer of the education benefit to university level (for undergraduate studies) for one child or grandchild.<sup>102</sup>

105. Even in States ravaged by conflict, steps have been taken to provide education to victims. In Sierra Leone, for example, the truth commission recommended free primary and secondary education for the most vulnerable victims, including children who had suffered amputation, the children of persons who had suffered amputation, victims of sexual violence, children who had been abducted or conscripted, and orphans of war.<sup>103</sup> While the implementation of reparation processes in Sierra Leone raises serious concerns, some of the interim relief measures provided to victims in 2008 and 2009 were for educational support for 6,984 children.<sup>104</sup> By 2013, 1,298 victims had received approximately \$1,400 each to pay for child education. The overall impact of these contributions may be questioned, given the lack of sustained and coordinated efforts to provide reparation to victims.

106. A problem with the provision of education as a form of reparation in countries devastated by conflict is that not even basic education infrastructure is likely to be in place. Therefore, States have to consider carefully how to combine – in a way that maximizes their potential – development measures such as the construction of schools in areas ravished by conflict, with victims' entitlement to education: for example free access to quality primary education as recognized under the right to education, or a monthly stipend for children's education kits or to help children with home expenditures so that they can focus on studying, as recognized under the right to reparation. Something similar happens with health services.

107. The Special Rapporteur considers that the lack of effective provision of rehabilitation measures for vulnerable victims constitutes inhuman treatment and generates new victimization.

<sup>96</sup> See [www.mininterior.gov.co/sites/default/files/noticias/informe\\_al\\_congreso\\_final.pdf](http://www.mininterior.gov.co/sites/default/files/noticias/informe_al_congreso_final.pdf), p. 76

<sup>97</sup> See [www.youtube.com/watch?v=lyZ2QVFj8\\_w](http://www.youtube.com/watch?v=lyZ2QVFj8_w) (accessed on 25 March 2019).

<sup>98</sup> Depending on the type of harm, education can also be conceived of as a form of satisfaction or restitution or as a guarantee of non-recurrence.

<sup>99</sup> Roger Duthie and Clara Ramirez-Barat, "Education as rehabilitation for human rights violations", *International Human Rights Law Review*, vol. 5, issue 2 (2016), pp. 241–273.

<sup>100</sup> Law 19.123/1992, arts. 29–31.

<sup>101</sup> Law 19.992/2004, arts. 11–14.

<sup>102</sup> See [www.indh.cl/bb/wp-content/uploads/2017/12/01\\_Informe-Anual-2017.pdf](http://www.indh.cl/bb/wp-content/uploads/2017/12/01_Informe-Anual-2017.pdf), p. 208.

<sup>103</sup> Sierra Leone, Truth and Reconciliation Commission, *Witness to Truth*, final report (Freetown, 2004), vol. ii, p. 195.

<sup>104</sup> Roger Duthie and Clara Ramirez-Barat, "Education as rehabilitation for human rights violations", *International Human Rights Law Review*, vol. 5, issue 2 (2016).

### Reparation for victims in vulnerable situations

108. Reparation programmes should acknowledge that not all victims are in the same situation. They do not experience the same harm and do not face the same consequences. While domestic reparation programmes are unable to provide reparation according to the harm suffered by each victim, they can take measures to respond adequately to those most in need, such as children, including children born out of rape, victims of sexual violence, internally displaced persons, refugees, the elderly, persons with disabilities, and members of the lesbian, gay, bisexual, transgender and intersex community.

109. Some States have set up urgent reparation programmes for victims most in need.<sup>105</sup> In East Timor, for example, the Commission for Reception, Truth and Reconciliation implemented an interim reparation programme distributing approximately \$200 to about 700 victims.<sup>106</sup> In Nepal, the Interim Relief and Rehabilitation Programme was established to provide a prompt response for victims prior to the setting up of a domestic reparation programme. The Interim Relief and Rehabilitation Programme included one-time cash payments, medical treatment or scholarship payments.<sup>107</sup> However, Nepal did not set up a domestic reparation programme, and victims of torture and sexual violence were excluded from the Interim Relief and Rehabilitation Programme.

110. States can also address the needs of the most vulnerable victims through collective reparation. An illustration of this is the community reparation approach in Morocco, where it was considered essential to rehabilitate the economic and social development of the 11 most deprived, excluded and marginalized regions in the country, in which victims had suffered serious human rights violations and political violence. Collective reparation took the form of memorialization, income-generating activities, and accessibility to basic social services, among others. Civil society organizations could bid to propose a collective reparation project and be responsible for its implementation.<sup>108</sup> The Special Rapporteur welcomes this approach but reminds States that collective reparation cannot be a substitute for individual reparation.

111. Refugees and migrants are often found in especially vulnerable situations after conflict or repression. Notwithstanding, domestic reparation programmes have failed to include them as beneficiaries of reparation or to provide them with special measures to ensure that they are able to access reparation benefits. The German compensation programme for forced labour is an important example, as it represents a successful experience which provided compensation to forced labour victims, many of whom had been refugees. Chile put in place a series of incentives to get refugees to return to Chile, but they were not conceived of as reparation.<sup>109</sup> Argentina responded, albeit late, to the situation of refugees. The Supreme Court of Justice in the *Vaca Narvaja* case in Argentina considered that reparation given under Law 24.043 to those illegally detained also applied to exiles, as their situation also constituted an infringement on their right to personal liberty.<sup>110</sup> As a result of that judgment, government resolution 670/2016 expressly recognized the application of that law to those in exile. However, none of these experiences can offer tools to respond to the unprecedented number of internally displaced persons needing reparation in different countries of the world.

112. Internally displaced persons are also victims in urgent need of attention. The Syrian Arab Republic has about 6.2 million registered internally displaced persons and Colombia

<sup>105</sup> Guidance note of the Secretary-General, “Reparations for conflict-related sexual violence” (United Nations, June 2014), point 7.

<sup>106</sup> Ruben Carranza, “The right to reparations in situations of poverty” (International Center for Transitional Justice briefing, September 2009), p. 1.

<sup>107</sup> International Organization for Migration and Office of the United Nations High Commissioner for Human Rights, “Report on mapping exercise and preliminary gap analysis of the interim relief and rehabilitation programme” (December 2010), p. iii.

<sup>108</sup> See [www.ier.ma/article.php3?id\\_article=1496](http://www.ier.ma/article.php3?id_article=1496).

<sup>109</sup> Law 19.074 of 28 August 1991 and Law 19.128 of 7 February 1992.

<sup>110</sup> See [www.refworld.org/pdfid/4721ffa72.pdf](http://www.refworld.org/pdfid/4721ffa72.pdf), p. 5.

has about 7.7 million.<sup>111</sup> While States such as Colombia have included this category of persons in their reparation programmes,<sup>112</sup> they have struggled to operationalize those benefits. Other domestic reparation programmes have failed to include internally displaced persons, as in the case of El Salvador.<sup>113</sup>

113. Given the increasing occurrence of internal armed conflicts in the world, and the growing number of displaced and migrant persons, the Special Rapporteur considers it essential to address the question of how to effectively include them in transitional justice processes and provide them with reparation.<sup>114</sup>

#### *Victims of sexual violence*

114. Sexual violence remains a pervasive crime and its victims remain invisible or ignored in society.<sup>115</sup> As a consequence, they have often been excluded as beneficiaries in domestic reparation programmes. For example, victims of sexual violence have not been direct beneficiaries of reparation in Argentina or Uruguay. Children born out of rape have as a general rule been excluded from these programmes.

115. In other places, legislation on reparation for victims of sexual violence has arrived decades later. In Croatia, for example, legislators adopted the Act on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War in 2015, twenty years after the conflict. A similar situation took place in Kosovo.<sup>116</sup> While reparation was provided by law only in 2011,<sup>117</sup> victims of sexual violence continued to be excluded until the law was amended in 2014.<sup>118</sup> Children born out of rape are not beneficiaries of reparation under this programme.

116. Safety and private spaces are essential in order for victims of sexual violence to come forward. Such spaces can be offered by trusted, neutral and discreet community workers, such as a properly trained health provider.<sup>119</sup> The new law in Kosovo, of 2014, allows victims to come forward, protecting them from stigma and revictimization. Four civil society organizations are authorized to receive applications, help victims to complete the forms and help them gather the relevant documentation to ascertain their status as victims of sexual violence. The civil society organizations also provide them with psychosocial support. All information provided is confidential.<sup>120</sup>

117. In Colombia, the Victims and Land Restitution Law includes various important measures for victims of sexual violence. The law includes the concept of transformative reparation,<sup>121</sup> and the view that reparation should have a differential and a gender approach to victims. Various articles in the law develop these concepts to lower the standard of evidence required from victims, indicate the kind of treatment they are entitled to, and grant them priority access to some benefits.

<sup>111</sup> Office of the United Nations High Commissioner for Refugees, “Global trends: forced displacement in 2017”, p. 6.

<sup>112</sup> Law 1448/2011, arts. 25, 72 and 78 among others.

<sup>113</sup> Art. 2 of executive decree 204.

<sup>114</sup> A/73/173, para. 42.

<sup>115</sup> The devastating consequences of sexual violence can be found in the expert report presented to Trial Chamber III of the International Criminal Court, on the situation in the Central African Republic, in the *Case of the Prosecutor v. Jean-Pierre Bemba Gombo*, public redacted version of annex, 28 November 2017, ICC-01/05-01/08-3575-Conf-Exp-Anx-Corr2, para. 117.

<sup>116</sup> References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

<sup>117</sup> Law No. 04/L-054 on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of the Kosovo Liberation Army, Civilian Victims and their Families.

<sup>118</sup> Law No. 04/L-172 Amending and Supplementing Law No. 04/L-054. See also Regulation (GRK) No. 22/2015 Defining the Procedures for Recognition and Verification of the Status of Sexual Violence Victims During the Kosovo Liberation War.

<sup>119</sup> Sunneva Gilmore, “Medico-legal reparations for conflict-related sexual violence”, working paper (2019).

<sup>120</sup> Law No. 04/L-172.

<sup>121</sup> Law 1448/2011, arts. 13 and 28.

118. While the law succeeds in adopting a holistic approach to victims in a situation of vulnerability, its implementation is insufficient. Out of approximately 24,000 persons registered as victims of sexual violence (90 per cent of whom are women), only approximately 7,000 have received compensation, including advice on how best to invest the money and use it for empowerment purposes.<sup>122</sup>

## V. Conclusions

119. The Special Rapporteur notes the recognition by States and in State practice of the right to reparation for victims of mass atrocities that goes beyond compensation and includes an array of measures. Important State practice has emerged on how to design, implement and monitor domestic reparation programmes, from which valuable lessons can be drawn.

120. The establishment of appropriate reparation systems is essential in order to provide effective reparation to victims. The more measures included in a programme, the more robust the system would need to be in order to implement them, including through extensive local outreach.

121. The Special Rapporteur underscores the need to establish a comprehensive registration of victims prior to the design of reparation programmes, and to assess the universe of victims and the expected costs.

122. Such programmes must also be underpinned by a solid legal framework that provides sustainability and shields victims from political upheaval, as well as by adequate resource allocation to guarantee their implementation.

123. Victims are often in a vulnerable situation and excluded from decision-making. Their participation, and/or consultation with them, remains crucial to ensure that the views of all those who have suffered harm are duly taken into account during the design, implementation and monitoring of reparation programmes.

124. The Special Rapporteur stresses the importance of providing victims with effective and timely rehabilitation in the areas of physical and mental health, as well as other services such as education.

125. Refugees, internally displaced persons and migrants continue to be neglected in reparation programmes. A key challenge for the future is how best to include them in such programmes so that they can obtain adequate reparation.

126. Redressing victims of sexual violence, and children born out of rape, remains another key challenge. Effective systems require special measures to prevent the social exposure of these victims and to avoid inflicting further harm on them.

127. Civil society organizations play an essential role in ensuring that domestic reparation programmes are set up properly and that possible deficiencies are addressed. They are also crucial in reaching out to victims, as shown in cases of victims of sexual violence, and in setting up registration processes, documenting harm caused to victims, and providing, when possible, psychosocial support.

128. The Special Rapporteur outlines below his recommendations for the effective implementation of domestic reparation programmes.

## VI. Recommendations

129. **In the design and implementation of domestic reparation programmes, States should:**

---

<sup>122</sup> See [www2.unwomen.org/-/media/field%20office%20colombia/documentos/publicaciones/2018/01/mujeres%20victimas%20final.pdf?la=es&vs=1047](http://www2.unwomen.org/-/media/field%20office%20colombia/documentos/publicaciones/2018/01/mujeres%20victimas%20final.pdf?la=es&vs=1047), p. 31.

- (a) Design and implement adequate, prompt and effective domestic reparation programmes to remedy the harm suffered by victims of mass atrocities, which recognize the responsibility of the State;
- (b) Ensure that such programmes include different forms of reparation beyond compensation, such as measures of satisfaction, restitution and rehabilitation, and guarantees of non-recurrence;
- (c) Ensure that compensation, including the distribution criteria across victims, the family unit, and those in the most vulnerable situations, is reasonable and proportional;
- (d) Design reparation programmes which are complete, comprehensive, complex, and coherent internally and externally, as indicated in paragraph 45 above;
- (e) Develop national registries of victims, which are flexible and reach out widely, to adequately estimate the potential universe of victims and expected costs, prior to the design of reparation programmes;
- (f) Adopt solid legal frameworks to ensure legal certainty and sustainability of reparation programmes;
- (g) Adopt solid institutional frameworks that bestow domestic reparation systems with the institutional security, political leverage, financial autonomy and territorial outreach needed to operationalize the reparation policy;
- (h) Make the necessary budgetary allocations, based on the universe of victims and realistic cost expectations, through the creation of special funds, inclusion in the national budget, or other financing by sustainable means;
- (i) Where relevant, design financing mechanisms by which other actors responsible for violations contribute towards reparation expenses, through, for example, financial or in-kind contributions;
- (j) International donors may also play an important role in financially supporting reparation programmes;
- (k) Adopt emergency reparation programmes or services, while domestic reparation programmes are being designed, to address the urgent needs of victims and avoid exposing them to further harm;
- (l) Ensure and facilitate effective participation and consultation and a meaningful role for victims in the design, implementation and monitoring of reparation programmes. Also ensure effective participation of and consultation with civil society and victims' organizations in these efforts;
- (m) Establish effective and timely rehabilitation services to address the physical and mental health and educational needs of victims, as well as other services, and coordinate efforts between State institutions and specialized civil society organizations and victims' organizations in this regard. The international community may support the delivery of such services;
- (n) Adopt special measures in the design and implementation of domestic reparation programmes to address the reparation needs and the challenges faced by victims of sexual violence, and by children born out of rape when the woman has decided to continue her pregnancy, including safety and privacy measures to prevent their social exposure and to avoid inflicting further harm on them;
- (o) Adopt special measures in the design and implementation of domestic reparation programmes to address the reparation needs of refugees and internally displaced persons.
-

**This is Exhibit "25" referred to in the  
affidavit of Cindy Blackstock affirmed  
before me at Ottawa in the Province of  
Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'D. Taylor', written over a horizontal line.

**David P. Taylor**

**Law Society of Ontario: 63508Q**

**A Commissioner for taking  
Affidavits for Ontario**



Government  
of Canada

Gouvernement  
du Canada

Canada

# TOWARDS a Poverty Reduction STRATEGY

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DISCUSSION PAPER

OCTOBER 2016





## **Towards a Poverty Reduction Strategy: A Discussion Paper on Poverty in Canada**

This publication is available for download at  
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## MESSAGE FROM THE MINISTER OF FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

Canada is a prosperous country where significant progress has been made to ensure that all citizens receive the support they need to thrive and feel included. However, despite this progress, over 3 million Canadians still live in poverty.

As the Minister of Families, Children and Social Development, an important part of my mandate is to ensure that fewer Canadians live in poverty. For this purpose, an important government and personal commitment is to develop a Canadian Poverty Reduction Strategy.

Poverty goes beyond inadequate income. It is also about food insecurity, social exclusion, inadequate housing, and the lack of access to transportation and services, among other hardships. Those who live in poverty are people from all walks of life. They are children and families, seniors, Indigenous people, people with disabilities and immigrants. They may be people we do not suspect live in need.

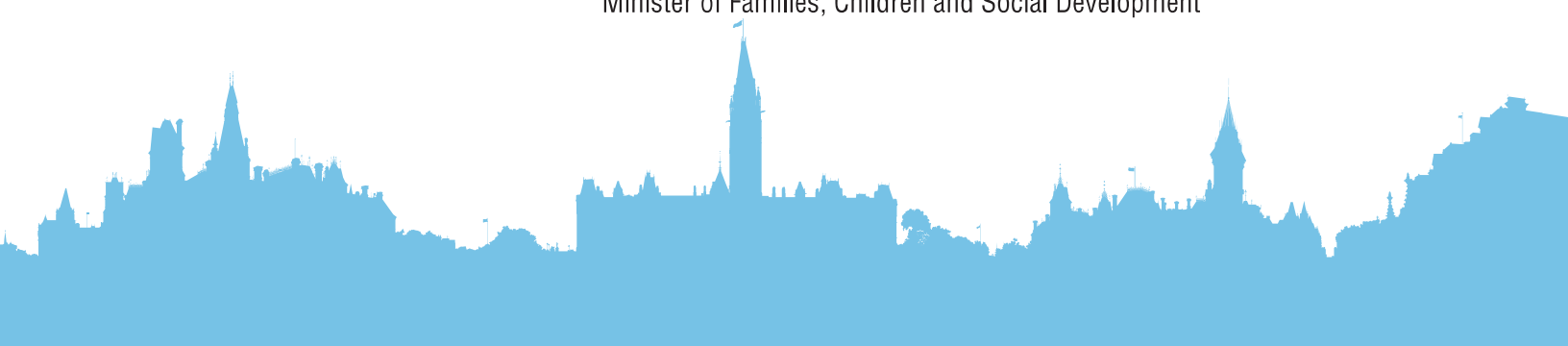
The Government of Canada is committed to strengthening the middle class and helping low-income Canadians exit poverty so that they have sufficient capabilities to be well and do well. To achieve this goal, we will need to form partnerships, modernize the existing landscape of supports and encourage sustainable, inclusive economic growth—growth that creates opportunities for all to participate in, and benefit from, our success.

Governments can make a difference, but they cannot do it alone. I am pleased to present this discussion paper as I want to hear your views on how we can reduce poverty in Canada. To help inform the Poverty Reduction Strategy, the Government of Canada will also be conducting extensive case studies in six communities as part of its Tackling Poverty Together Project, allowing the Government to hear directly from Canadians living in poverty and learn from organizations that deliver poverty reduction programs.

With the development of a Canadian Poverty Reduction Strategy underway, we are taking an important step towards reducing poverty in Canada. With your help, we will realize our vision of a diverse, prosperous and truly inclusive country—a country where all can realize their full potential.

**The Honourable Jean-Yves Duclos**

Minister of Families, Children and Social Development





ABOUT

**3 MILLION**  
 **CANADIANS**  
ARE  
**LIVING IN POVERTY**



# Chapter 1

## THE CALL TO ACTION

Many indicators demonstrate how well Canada is doing socially and economically. Canada is 9<sup>th</sup> in the world in terms of human development based on strong achievement in the areas of life expectancy, educational attainment and income per capita.<sup>1</sup> Canada has also seen a decline in the unemployment rate from a high of 8.7% to 6.9% between July 2009 and July 2016.<sup>2</sup> Beyond the numbers, also consider the words that people use to describe Canada: open, accepting, progressive and prosperous. There is a direct line between each of these qualities and Canada's success in building a more diverse and inclusive society.

Despite these positive signs, more than 3 million Canadians live in poverty.<sup>3</sup> This means that 1.9 million families struggle to make ends meet. Many of these individuals have poorer health outcomes, lack access to healthy food, and do not live in safe, adequate and affordable housing. As well, many of these Canadians do not have jobs that provide a living wage, workplace pension plans, predictable schedules to facilitate work-life balance or opportunities for advancement. Accessing these types of jobs can be difficult for many Canadians in poverty due to the barriers they face in accessing post-secondary education and training.

Poverty places a heavy burden on individuals. People living in poverty are forced to make difficult choices, often having to decide between paying for necessities such as rent and utilities or buying healthy food, clothing and medication. Poverty can also force people to make dangerous choices, like staying with an abusive partner rather than risk their children living in poverty.

Poverty affects the strength and resiliency of our communities. Economic growth can slow and even decline when the middle class struggles, income inequality rises and poverty persists.<sup>4</sup> In this sense, poverty reduction and sustainable, inclusive economic growth—growth that creates opportunities for all to participate in, and benefit from, Canada's economic success—are intrinsically linked.

Canada can do better. When Canadians act together, hope can be restored for those who have lost it. Together, we can ensure that all Canadians have the opportunity to meet their potential and support their families and communities.

## TOWARDS A CANADIAN POVERTY REDUCTION STRATEGY

The Government of Canada is committed to developing a Poverty Reduction Strategy. Governments can make a difference. However, poverty is a complex problem that requires involvement from a wide range of partners. For this reason, the Government of Canada is reaching out to its provincial, territorial and municipal partners, Indigenous people, community organizations, poverty experts and academics, the business community and, notably, those who have a lived experience of poverty to work together towards reducing poverty.

Governments at all levels have made efforts to reduce poverty. This includes the development of several poverty reduction strategies already in place across Canada's provinces, territories and municipalities. At the federal level, the Government has made several recent announcements on initiatives that will support its poverty reduction efforts (Annex A). The Government of Canada is seeking views on how to build on and align with these existing efforts. Developing a Canadian Poverty Reduction Strategy also presents an opportunity for government to examine its programs to see if they can be strengthened to address the causes of poverty in Canada.

## GIVE THE GOVERNMENT YOUR VIEWS ON THE STRATEGY

The Government of Canada wants to hear from all interested Canadians on developing a Canadian Poverty Reduction Strategy. Youth are particularly encouraged to share their thoughts and ideas as they are not only the beneficiaries of poverty reduction measures but active agents of change.

To begin, the Minister of Families, Children and Social Development, the Honourable Jean-Yves Duclos, will engage with members of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities to discuss their views and their work on poverty reduction strategies. This work will focus on improving the delivery of federal resources and services to inform the Poverty Reduction Strategy. For more information on the work of the Committee, including how you can participate, please visit <http://www.parl.gc.ca/Committees/en/HUMA>.

In the coming months, an online engagement website will be launched where interested individuals and organizations can participate in developing the Strategy. There will also be discussion forums and online town halls with the Minister of Families, Children and Social Development.

The online engagement will be complemented by in-person roundtables with Indigenous organizations, businesses, community organizations, academic experts and, notably, Canadians who have a lived experience of poverty.

The Government of Canada will also work closely with partners in provincial, territorial and municipal governments—which deliver many programs focused on improving the well-being of Canadians—to discuss how the federal government can strengthen its contribution to reducing poverty.

Questions or comments can also be emailed to: [povertyreduction@canada.gc.ca](mailto:povertyreduction@canada.gc.ca).

### **As you read this document, please consider these questions:**

- 1.** How do you define poverty? How should it be measured? Are there data gaps that need to be addressed to help improve our understanding of poverty in Canada?
- 2.** What will success look like in a Poverty Reduction Strategy? What target(s) should we pick to measure progress?
- 3.** Which indicators should we use to track progress towards the target(s)?
- 4.** On which groups should we focus our efforts? Which dimensions of poverty should be prioritized?
- 5.** Which Government of Canada programs and policies do you feel are effective at reducing poverty? Are there programs and policies that can be improved? What else could we do?
- 6.** How can the Government of Canada align its Poverty Reduction Strategy so that it supports existing efforts by provinces, territories, municipalities and communities?
- 7.** What are some initiatives/innovations in Canada or elsewhere that other governments, community organizations, academia, or businesses have introduced or proposed to effectively reduce poverty?
- 8.** How can the Government encourage an ongoing dialogue with other levels of government, community organizations, academia and businesses on its poverty reduction efforts?





# MOST AT RISK OF POVERTY



**9%**

TOTAL  
CANADIAN  
POPULATION



**30%**

SINGLE  
AGED 45-64



**24%**

SINGLE  
PARENTS



**23%**

PEOPLE WITH  
DISABILITIES



**20%**

RECENT  
IMMIGRANTS



**19%**

INDIGENOUS  
PEOPLE



## Chapter 2

# THE MULTIPLE DIMENSIONS OF POVERTY

Poverty is complex. It impacts individuals in different ways and to different degrees. For some, poverty is temporary and associated with a short-term life event such as a job loss. For others, it can last a long time due to the multiple barriers they face. In some cases, it can be so pervasive that it is passed from parents to children.

The multidimensional nature of poverty means governments need to respond to both its causes and its consequences by taking action to address the various deprivations that Canadians experience when living in poverty—especially in regard to income, housing, employment and health, among others.

**“[Poverty] means making tough decisions about putting enough food on the table or paying the rent. It means making the decision to stay in school or to drop out to find a job to help the family. It means that by just struggling to get by, these families cannot even dream about getting ahead.”**

– “In From the Margins: a Call to Action on Poverty, Housing and Homelessness,” Standing Senate Committee on Social Affairs, Science and Technology, 2009

## INCOME

When many think about poverty, the first thing that comes to mind is income. Income is an essential component of well-being. Adequate income allows individuals to satisfy basic needs like shelter and food. It can also protect them from unexpected life situations (e.g. job loss, illness) that could lead to poverty. Income is also associated with non-economic benefits, such as better health status, educational outcomes and life satisfaction.

Far too many Canadians lack an adequate amount of income to meet their basic needs. According to Statistics Canada’s after-tax Low Income Cut-offs—a threshold below which an individual or family may find it difficult to meet their basic needs—an estimated 3 million Canadians are living in poverty. That is about 1.9 million families or close to 1 in 10 Canadians.<sup>5</sup> This number has declined little over the last decade.<sup>6</sup>

---

## What was Canada's Low Income Cut-off in 2014?

**Michelle and Tom have two children, Anna Maria and Wesley. As a family of four, they are considered poor because their annual, after-tax income is under \$31,835, the threshold for a family of that size that lives in a community that has between 30,000 and 99,999 people.**

Statistics Canada provides Low Income Cut-offs for seven family sizes and five population sizes.

While anyone is susceptible to experiencing poverty, certain groups are more likely to live in low income than others—single-parent families, single individuals aged 45–64, people with work-limiting disabilities, recent immigrants (those who have been in Canada for 10 years or less) and Indigenous people. In addition to being more likely to experience low income, these groups are also more likely to live in low income for long periods of time. This is troubling because the longer a person is poor, the harder it is to get out of poverty.

## HOUSING AND HOMELESSNESS

Housing is not just about bricks and mortar. Safe, adequate and affordable housing is vital for one's well-being. It gives us all a place where we can raise our families, build financial security, feel included in society and be able to participate in education, work and other activities.<sup>7</sup>

However, too often, poverty means poorer housing outcomes. In 2011, 1.6 million Canadian households were in “core housing need” because they did not have access to housing that was not in need of major repairs, was affordable (cost less than 30% of their before-tax household income) or was suitable for the size and makeup of their family.<sup>8</sup> Of these 1.6 million households, 655,000 were considered to be in “severe housing need” because they spent at least half of their income on shelter—an issue that has grown since 2006.<sup>9</sup>

In extreme cases, poverty leads to homelessness. An estimated 35,000 Canadians are homeless on any given night and over 136,000 Canadians access emergency shelters yearly.<sup>10</sup>

---

## Safe, Affordable and Adequate Housing for Canadians

**Over the next 10 years, \$120 billion will be invested in Canada's infrastructure. Over the next two years, \$3.3 billion will go towards social infrastructure, including housing and homelessness initiatives.**

**To guide Canada's efforts, a National Housing Strategy is being developed with key stakeholders. To address immediate pressures while the strategy is being developed, funding is being increased towards programs that help reduce homelessness and improve the quality of, and access to, affordable housing.**

**Give the Government your views on this initiative by visiting:**

**<https://www.letstalkhousing.ca/>**

## JOBS, TRAINING AND THE WORKPLACE

Employment is an important dimension of poverty and well-being. Not only do most jobs provide the income needed to avoid poverty, they also provide people with a chance to contribute to society, achieve their ambitions, develop their skills and feel included. However, there are some changes in Canada's labour market that are putting more Canadian workers at risk of poverty.

The nature of work has changed. Over time, temporary and part-time work has grown at a faster rate than permanent, full-time work. While some welcome the flexibility this type of work affords them, these positions can be associated with fewer benefits like paid vacation and sick leave, and workplace pension plans.<sup>11</sup> This can have significant repercussions for a family's well-being.

Today, being poor does not mean that you are jobless. About 746,000 Canadians live in a household where the main income earner is considered “working poor.”<sup>12</sup> These individuals work similar hours to the average Canadian worker but earn less money and their hours are more likely to rise and fall unpredictably. This can make it hard to balance work and family responsibilities.<sup>13</sup>

In Canada’s rapidly changing job market, industries that were once major sources of employment, at times, fail to adjust, and this in turn impacts the demand for labour. This can leave some workers without jobs or even in poverty. Lifelong training and skills upgrading is increasingly important to help Canadians adjust to changing market conditions. However, adult participation in education and training in Canada is near average among peer countries.<sup>14</sup> Further, adult education and training rates are significantly lower for those with poor literacy scores. Aligning training programs with labour market needs and ensuring that those who need training receive it would help more Canadians get and keep jobs that offer better wages, more job security and opportunities for advancement.

There are also certain barriers that hinder an individual’s ability to find and keep a job. For example, public transit plays an important role in supporting an individual’s commute to and from work, in addition to helping them access basic needs, health services and feel connected to their community. However, for many, public transit is not accessible or affordable. Improving supports that help facilitate employment could help more Canadians avoid and exit poverty.

## HIGHER EDUCATION

More than ever before, higher education is essential for avoiding poverty and improving one’s well-being. Lack of education limits a person’s chances in life, including their earnings opportunities and economic security. Those with more years of schooling have longer lives, report a better health status with a lower occurrence of chronic diseases and disabilities, and are more likely to vote and participate in the community.<sup>15</sup>

In today’s rapidly changing labour market, people without post-secondary education, like college, university, technical or vocational training, are often at a disadvantage. For example, Canadians with a high school education or less have higher unemployment rates than their peers with a college or university education (9.9% compared to 5.2% in 2015).<sup>16</sup>

However, there are several barriers, both financial and non-financial, that make post-secondary education out of reach for many low-income Canadians. Addressing these barriers will help break the cycle of poverty and improve the well-being of all Canadians.

## HEALTH

Poverty and health are closely connected. When one lives in poverty, they are more likely to have poor health. When one is in poor health, they are more likely to experience poverty as good health is crucial for achieving other dimensions of well-being, such as attending post-secondary education, having a job that provides an adequate income, and being able to socialize with others and participate as full citizens in community life.

Poverty in Canada is associated with shorter life expectancy and higher rates of chronic diseases, certain cancers, stress and mental health problems. This is because low-income individuals are less likely to have access to nutritious food, adequate housing and safe working conditions. They are also more likely to have unmet health care needs due to a number of factors, such as out-of-pocket expenditures, lower health literacy, transportation costs, ability to navigate the system, and typically less flexible working arrangements.<sup>17</sup>

Many Canadians also lack access to nutritious food. Every year from 2007 to 2012, approximately 5% of children and 8% of adults lived in food insecure households because they could not afford to eat a sufficient variety or quantity of food.<sup>18</sup> In addition, in 2015, food bank usage reached its highest point since a low in 2008.<sup>19</sup> Northern and remote communities, families that rely on government benefits as their main source of income and single-parent families have significantly higher rates of food insecurity than other Canadians.<sup>20</sup>

## MOBILITY AND EQUALITY OF OPPORTUNITY

There is a connection between poverty, weakening social mobility and the declining middle class. There are signs that it is getting harder for poor Canadians to exit poverty and join the middle class. For example, between 2006 and 2011, only 60% of Canadians with the lowest incomes moved up the income ladder.<sup>21</sup> This is significantly less than their peers in the 1980s and 1990s, when 70% to 74% of those with the lowest incomes were able to move up the income ladder. Growing the middle class and promoting inclusive growth includes fostering equality of opportunity so no one is left behind.

Allowing income inequality to rise and social mobility to decline undermines core Canadian values of fairness and equality of opportunity. Hard work should pay off and all children should have the opportunity to succeed.

## FACES OF POVERTY IN CANADA

The various dimensions of poverty cut across diverse groups of people and impact them in different ways. In other words, poverty affects people differently.

### Child poverty

Child poverty in Canada is higher than average compared to peer countries like the United Kingdom, Germany and France.<sup>22</sup> Poverty during childhood has significant impacts, including lower educational achievement, poorer health outcomes and higher rates of social exclusion.<sup>23</sup> To end the cycle of poverty and increase equality of opportunity, it is important to start with children. Investments in reducing child poverty, such as child benefits and early learning and child care, have been found to be more effective at reducing poverty over the long term than investments targeted at later years.<sup>24</sup>

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### Supporting Canada's Children

**In July 2016, the **Canada Child Benefit** was introduced to enhance and simplify Canada's child benefit system. The **Canada Child Benefit** provides additional support to those who need it more. This will result in a reduction of about 40% in overall child poverty.<sup>25</sup>**

### Seniors poverty

Seniors often live on fixed incomes as they are no longer working. This can put a significant burden on them should they find themselves facing unexpected costs such as medical expenses. Certain seniors are particularly vulnerable to poverty, such as single seniors. While Canada has seen some success in reducing poverty among seniors, more could be done. Canada's seniors population is growing and is projected to reach 10 million by 2036.<sup>26</sup> Strengthening supports for current and future seniors could help provide for a secure retirement, free from poverty, social isolation and poor mental and physical health.

---

## Supporting Canada's Seniors

**The Guaranteed Income Supplement top-up has been increased for low-income, single seniors. This increase will lift an estimated 13,000 seniors out of poverty.<sup>27</sup>**

**The Government has reached an agreement with the provinces to enhance the Canada Pension Plan (CPP) to address the fact that many Canadians are at risk of not saving enough for their retirement, putting them at risk of poverty in their senior years. The agreement includes an enhancement to the Working Income Tax Benefit (WITB), a refundable tax credit for low-income workers, to offset incremental CPP contributions for low-income workers. The WITB enhancements will result in a poverty reduction impact of nearly 6,000 individuals, taking into account the higher contributions that employees will pay when the contribution rates are fully phased-in.<sup>28</sup>**

## Poverty among Canadians with disabilities

Canada has made efforts to support people with disabilities by breaking down barriers, strengthening the legislative framework and providing financial support to help them participate fully in society. However, Canadians with disabilities still face high rates of poverty.<sup>29</sup> While some people have a disability so severe that they cannot work, many people with disabilities who would like to work face challenges caused by external factors. These include workplaces that are physically inaccessible or have discriminatory hiring practices. In 2011, the employment rate among individuals aged 25 to 64 with a mild disability was 68%, compared to 79% among those who did not report having a disability.<sup>30</sup> The Government of Canada welcomes suggestions on what could be done to ensure Canadians with disabilities are adequately supported and can reach their full potential.



## Poverty and gender

While Canada's overall low-income rate is about the same for women versus men, if one looks closer, there are some important disparities. For example, 63% of single, low-income seniors are women.<sup>31</sup> Further, 24% of children in single-parent families are living in poverty; 92% of these children live in a family that is headed by a female parent.<sup>32</sup> Canada also has a wage gap: on average, women make 72 cents for every one dollar a man makes.<sup>33</sup>

**“We know poverty is sexist.”**

– The Right Honourable Justin Trudeau,  
Prime Minister of Canada, 2016

## Poverty and ethnicity

Addressing poverty means acknowledging and responding to poverty as an issue that disproportionately impacts visible minorities. Several indicators, such as employment rates and earnings, suggest poorer outcomes for some groups of visible minorities and recent immigrants.<sup>34</sup>

## Poverty among First Nations, Inuit and Métis communities

According to the Community Well-Being Index (which looks at factors such as education, labour force activity, income and housing), in 2011, First Nations communities had a well-being rating of 58.7%, compared to 62.6% for Inuit communities and 78.7% for non-Indigenous communities.<sup>35</sup>

## Supporting Indigenous People

**The Government will be investing \$8.4 billion over five years to take comprehensive action to improve the socio-economic conditions of Indigenous people and help address some of the root causes of poverty. This includes improving child welfare services and primary and secondary education on reserve, and ensuring decent housing and community health services, among other things.**

Indigenous children and families face specific barriers to overcoming high levels of poverty. These include a history of neglect and failed policies of government, the continued impact of Canada's colonial history, effects of trauma from the residential schools system, as well as facing bias, stereotyping and discrimination in certain settings.<sup>36</sup> To improve their well-being, actions need to reflect a renewed, nation-to-nation relationship with Indigenous people that is based on respect, cooperation, partnership and a recognition of rights.

### Questions for discussion:

1. How do you define poverty? How should it be measured? Are there data gaps that need to be addressed to help improve our understanding of poverty in Canada?
2. What will success look like in a Poverty Reduction Strategy? What target(s) should we pick to measure progress?
3. Which indicators should we use to track progress towards the target(s)?
4. On which groups should we focus our efforts? Which dimensions of poverty should be prioritized?
5. Which Government of Canada programs and policies do you feel are effective at reducing poverty? Are there programs and policies that can be improved? What else could we do?
6. How can the Government of Canada align its Poverty Reduction Strategy so that it supports existing efforts by provinces, territories, municipalities and communities?
7. What are some initiatives/innovations in Canada or elsewhere that other governments, community organizations, academia, or businesses have introduced or proposed to effectively reduce poverty?
8. How can the Government encourage an ongoing dialogue with other levels of government, community organizations, academia and businesses on its poverty reduction efforts?



THE GOVERNMENT  
OF CANADA WILL WORK  
WITH PARTNERS, ESTABLISH  
CLEAR POVERTY-REDUCTION  
TARGETS and report  
publicly on progress.



## Chapter 3

# DELIVERING AND REPORTING ON RESULTS

The Government of Canada recognizes that accountability matters for its commitment to reduce poverty in Canada. To meet this commitment, it will be important to build partnerships, establish clear targets, report on progress and identify what is successful and what is not.

### PARTNERING

Building partnerships will be important to deliver results. Community organizations, including charities and non-profit organizations, play a vital role in supporting individuals and strengthening communities by delivering programs and services tailored to the individual and community. In regard to poverty reduction, community organizations are well placed to improve the well-being of individuals with complex and multiple barriers—those who may need wrap-around supports in order to thrive. The Government welcomes suggestions on how it can strengthen partnerships.

### CHOOSING A TARGET

The most effective investments are those based on evidence, lessons learned and best practices. Although poverty is complex, it is possible to measure the Government of Canada's progress in poverty reduction. In designing their respective poverty reduction strategies, many provinces, municipalities and international jurisdictions have chosen to set targets to guide their actions and serve as the basis of public reporting. These targets are designed with local context and priorities in mind. The Government is interested in learning from the experience of other jurisdictions and welcomes input regarding what targets and timelines should guide its efforts.

One challenge in determining a target for the Strategy is that Canada does not have an official definition of poverty, nor an official measure to track it. In fact, many countries do not. This is partially explained by the lack of consensus over how poverty should be defined when it is such a personal experience. For one person, it may be a lack of income, while another may feel poor because they face barriers to their inclusion in society.

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## Examples of Existing Poverty Reduction Targets in Canada

<b>New Brunswick:</b>	Reduce income poverty by 25% and deep income poverty by 50%
<b>Ontario:</b>	Reduce child poverty by 25% over five years
<b>Quebec:</b>	Progressively become one of the industrialized states with the least number of people living in poverty
<b>Saskatchewan:</b>	Reduce the number of Saskatchewan people who experience poverty for two years or more by 50% by the end of 2025
<b>Edmonton:</b>	Lift 10,000 people out of poverty in five years

Living in low income and lacking sufficient financial resources to afford adequate food, shelter, clothing, transportation and other necessities of economic and social well-being is widely acknowledged as an indicator of being in poverty. The most common way to measure poverty is by looking at income levels compared with pre-established thresholds. Canada has three main measures of low income that could be used to choose a target for the Strategy: Low Income Cut-offs, the Low Income Measure and the Market Basket Measure.

These measures give a generally consistent picture of low-income status over time and are robust and accurate. They can show how certain groups are doing (e.g. people with disabilities, single-parent families) and can track various aspects of poverty, including the time spent in low income and the depth of poverty. While none of these measures are perfect, each contributes its own perspective and its own strengths to the study of low income.

- The most widely used measure of low income in Canada is the Low Income Cut-offs. Low Income Cut-offs are income thresholds below which a family is likely devoting a larger share (at least 20 percentage points more) of its income on the necessities of food, shelter and clothing when compared to the average family. Low Income Cut-offs are adjusted for seven family sizes and five different community sizes to capture differences in the cost of living.
- The second measure of low income is the Market Basket Measure. According to this measure, a family is living in low income if it is unable to afford the cost of a pre-defined set of goods and services that together make up a “basket” of necessities for that family size. The basket includes the costs associated with a nutritious diet, clothing, footwear, transportation, shelter and other expenses. The Market Basket Measure identifies disposable income levels that are required to purchase this selected basket of goods and services in various communities across Canada.

- For the purpose of making international comparisons, the Low Income Measure is the most commonly used measure of low income. An individual or family is considered to be in low income if their income is less than 50% of median household income. The Low Income Measure is adjusted for household size but does not account for community size. It is a relative measure, which means that no matter how strong incomes are in Canada, families with an income of less than 50% of the median will be considered low income. This does not necessary reflect their ability to purchase basic necessities.

## MAKING DATA IMPROVEMENTS AND BUILDING ON BEST PRACTICES

While a target could be chosen using one of Statistics Canada’s existing low-income measures, Canada could explore improving the existing measures to make them more accurate or introduce a completely new measure.

To help make existing measures of low income a more accurate reflection of life in poverty, Canada could start accounting for supports like in-kind benefits (e.g. rent-geared-to-income subsidies) that may improve the living standard of low-income households. Alternatively, Canada could pursue a completely new measure of poverty, such as a material deprivation index. A material deprivation index is based on a group of tangible items and/or activities that are generally considered by society as being needed in order to achieve an adequate standard of living. These measures rest on shared judgments about which items are more important to provide a “decent” living standard. Being unable to afford a certain number of these items and/or activities defines being in a state of poverty and social exclusion.

This is another area where provinces and territories have made progress. The Government of Canada looks forward to drawing on their expertise and welcomes input on how to improve the measurement of poverty.

## CHOOSING INDICATORS

To complement an overall poverty-reduction target, other indicators could also be selected to track progress on certain dimensions related to poverty, such as education, employment, health and/or housing. Indicators could also be chosen to track how certain vulnerable groups are doing, like Indigenous people or people with disabilities. Input on possible indicators for the Canadian Poverty Reduction Strategy is welcomed.

## GOVERNANCE AND REPORTING ON PROGRESS

Reducing poverty in Canada is a long-term goal requiring partnership, commitment and accountability from all actors. Various structures have been used in other jurisdictions to support existing poverty reduction strategies in Canada. Some have relied on expert advisory panels or non-governmental organizations, while others have leveraged existing government capacity. Some jurisdictions have introduced legislation as part of their strategy.

The Government of Canada is committed to reporting publicly on progress in a meaningful way. This will include updating Canadians on the implementation of the Strategy, lessons learned and progress towards the overall target, as well as carrying out a regular review of the selected indicators.

The Government welcomes input on how the Strategy should be governed and how Canadians should be updated on progress.

## Questions for discussion:

1. How do you define poverty? How should it be measured? Are there data gaps that need to be addressed to help improve our understanding of poverty in Canada?
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8. How can the Government encourage an ongoing dialogue with other levels of government, community organizations, academia and businesses on its poverty reduction efforts?





**YOU CAN HAVE AN IMPACT.  
THE GOVERNMENT  
OF CANADA WANTS TO**  
hear from all interested  
Canadians  
**ON DEVELOPING A CANADIAN  
POVERTY REDUCTION  
STRATEGY.**



# Chapter 4

## CONCLUSION

The Government of Canada is committed to developing a Canadian Poverty Reduction Strategy that ensures all Canadians, regardless of the challenges they face, can fully contribute to, and benefit from, inclusive prosperity.

Having considered this paper and the questions posed within it, the Government invites Canadians to participate in the development of a comprehensive poverty reduction strategy that will guide its actions into the future.

The Minister of Families, Children and Social Development, the Honourable Jean-Yves Duclos, will engage with members of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities to discuss their views and work on poverty reduction strategies. This work will focus on improving the delivery of federal resources and services to inform the Poverty Reduction Strategy. For more information on the work of the Committee, including how you can participate, please visit:

<http://www.parl.gc.ca/Committees/en/HUMA>.

In the coming months, an online engagement website will be launched where interested individuals and organizations can participate in developing the Strategy. There will also be discussion forums and online town halls with the Minister of Families, Children and Social Development.

The online engagement will be complemented by in-person roundtables with Indigenous organizations, businesses, community organizations, academic experts and, notably, Canadians who have a lived experience of poverty.

The Government of Canada will also work closely with partners in provincial, territorial and municipal governments—which deliver many programs focused on improving the well-being of Canadians—to discuss how the federal government can strengthen its contribution to reducing poverty.

Questions or comments can also be emailed to [povertyreduction@canada.gc.ca](mailto:povertyreduction@canada.gc.ca).

## **As you prepare your feedback, please consider these questions:**

- 1.** How do you define poverty? How should it be measured? Are there data gaps that need to be addressed to help improve our understanding of poverty in Canada?
- 2.** What will success look like in a Poverty Reduction Strategy? What target(s) should we pick to measure progress?
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# Annex A

## RECENT AND PLANNED GOVERNMENT OF CANADA INITIATIVES TO SUPPORT POVERTY REDUCTION

As seen in the ministerial mandate letters (November 2015), the Speech from the Throne (December 2015) and Budget 2016 (March 2016), the Government of Canada has already announced several initiatives that will help reduce poverty in Canada.

<b>Children and families</b>	Introduced the Canada Child Benefit, which is tax-free and provides up to \$6,400 annually per child under the age of six and \$5,400 annually per child aged 6–17.
	Working with the provinces, the territories and experts to develop a framework on early learning and child care to address the need for access to affordable, high-quality child care.
	Develop a strategy against gender-based violence.
<b>Seniors</b>	Increased the Old Age Security and the Guaranteed Income Supplement top-up for low-income single seniors by \$947 per year.
	Cancelled the age of eligibility increase from 65 to 67 for Old Age Security and the Guaranteed Income Supplement.
	Reached an agreement-in-principle with provincial governments to expand the Canada Pension Plan. This expansion will ensure that the Canada Pension Plan replaces 33% of Canadians' incomes in retirement, up from the current rate of 25%. It will also ensure that more income is subject to Canada Pension Plan contributions.

	Committed to increase the Working Income Tax Benefit to ensure that lower-income workers have larger Canada Pension Plan benefits in retirement without feeling the burden today. This benefit provides tax relief for eligible, working low-income individuals and families who are already in the workforce, and encourages other Canadians to enter the workforce. The enhancement will provide a higher benefit and reach more working-poor Canadians.
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<b>People with disabilities</b>	Developing accessibility legislation. This legislation will be developed following consultations with stakeholders, most importantly Canadians with disabilities. Consultations will explore who should be covered by the legislation, what accessibility issues and barriers should be addressed, how it could be monitored and enforced and how to raise awareness to improve accessibility.
	Committed to reinstate the Court Challenges Program of Canada to ensure that vulnerable groups have improved access to the justice system and confirm their constitutional rights under the <i>Canadian Charter of Rights and Freedoms</i> .

<b>Innovation in poverty reduction</b>	Working with its partners to develop a Social Innovation and Social Finance Strategy to support community organizations working to tackle persistent social challenges in new, innovative ways.
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<b>Indigenous people</b>	Developing an Indigenous Early Learning and Child Care Framework that recognizes the need for access to affordable, quality child care that is culturally appropriate for Indigenous parents and children. The Government will also review its existing early learning and child care programming to ensure it continues to meet the needs of Indigenous children.
	Investing \$2.6 billion over five years starting in 2016–17 for improvements to primary and secondary education on reserve to address immediate programming needs, program cost growth, language and cultural programming, literacy and numeracy, and special needs education.
	Investing \$969.4 million over the next five years for school infrastructure on reserve.

Investing an additional \$634.8 million over five years beginning in 2016–17 in the First Nations Child and Family Services Program to help improve child welfare services. Improvements to the Program will be made in partnership with First Nations and jurisdictional partners, and will focus on preventing the conditions that lead to separating children from their families.

Investing over \$3.5 billion in social and green infrastructure:

- Cultural and recreational facilities: Over the next two years, \$76.9 million will be invested in cultural and recreational facilities.
- First Nations community health facilities: Over the next five years, \$270 million to improve the condition of nursing stations, health centres, hospitals, and drug and alcohol treatment centres.
- First Nations community housing: Approximately \$554.3 million over the next two years to improve housing conditions and reduce overcrowding in First Nations communities.
- Northern and Inuit housing: \$177.7 million to help address urgent housing needs in Canada’s northern and Inuit communities.
- Water, wastewater and waste management: Over the next five years, almost \$2.24 billion will be invested in clean drinking water and the treatment of waste and wastewater on reserve.
- Community infrastructure: \$255 million over two years will be invested in the First Nations Infrastructure Fund.

Investing \$10.4 million over three years to support the renovation and construction of shelters for victims of family violence in First Nations communities. The Government will also invest up to \$33.6 million over five years and up to \$8.3 million ongoing in additional operating resources to better support shelters. Over \$53 million is being invested over two years into the Inquiry into Missing and Murdered Indigenous Women and Girls.

Investing \$69 million over three years to support mental wellness on reserve and in the territories, particularly in communities facing mental health and suicide crises; an additional \$9 million will be invested over three years to support the Inuit Tapiriit Kanatami in the implementation of its National Inuit Suicide Prevention Strategy.

	Investing \$15 million over the next two years to better align training with community priorities in the areas of housing construction, water treatment, child care and local administration. Over the next year, the Government will engage stakeholders on a renewed and expanded Aboriginal Skills and Employment Training Strategy.
	Strengthening and renewing the Urban Aboriginal Strategy.
	Investing an additional \$4 million per year in the Aboriginal Courtwork Program so Indigenous people going through the criminal justice system understand their rights and the charges against them.
	Supporting economic development for the Métis Nation by investing \$25 million over five years.
	Investing \$5 million per year to promote, preserve and enhance Indigenous languages through the Aboriginal Languages Initiative. The Government is committing to working with Indigenous groups to consider how best to support Indigenous language and culture beyond 2016–17.

<b>Housing and homelessness</b>	Developing a National Housing Strategy. Among other things, the National Housing Strategy will aim to reduce core housing need; reduce the gap in core housing need between renters and homeowners; and reduce the incidence of severe housing need.
	Investing an additional \$504.4 million over two years in the Investment in Affordable Housing program. Under this initiative, provinces and territories match federal investments and have the flexibility to design and deliver programs tailored to local housing needs and pressures.
	Investing an additional \$111.8 million over two years in the Homelessness Partnering Strategy.
	Investing \$200.7 million over two years to increase affordable housing for seniors.
	Supporting shelters for victims of family violence by investing \$89.9 million over two years.
	Providing \$573.9 million over two years towards the renovation of existing social housing.

	Investing \$208.3 million over five years towards an Affordable Rental Housing Innovation Fund to help encourage the construction of affordable rental housing.
<b>Health and food</b>	Developing and negotiating a health accord with provincial and territorial governments aimed at transforming key parts of Canada's health care system.
	Providing additional funding of \$64.5 million for five years, as well as \$13.8 million per year ongoing, to expand Nutrition North Canada to additional isolated northern communities.
<b>Post-secondary education</b>	Increased Canada Student Grants for low- and middle-income students from \$2,000 to \$3,000 a year.
	Improved the Canada Student Loans Program to better meet the needs of low-income students. Starting in 2017, students will contribute a fixed amount toward the costs of their education. In return, their financial assets and student income will not be considered.
	Changed the repayment rules for the Canada Student Loans Program so that graduates with loans will only have to start repaying their loans when they begin to earn at least \$25,000 a year.
	Improved access to the Canada Learning Bond for children from low-income families.
<b>Support for low-income workers and the unemployed</b>	Reduced Employment Insurance premiums, effective 2017.
	Working to reduce the waiting period to enhance income support through Employment Insurance.
	Eliminated higher eligibility requirements to the Employment Insurance program for the New-Entrant and Re-Entrant to the Labour Market categories.
	Extended the Employment Insurance program's Working While on Claim pilot and working to develop a long-term solution.
	Temporarily extended Employment Insurance benefits to regions that have experienced significant job losses as a result of the commodity price decline.



	Committed to enhance parental and caregiving benefits delivered through Employment Insurance.
	Invested an additional \$125 million in 2016–17 in the Labour Market Development Agreements and an additional \$50 million in 2016–17 in the Canada Job Fund Agreements to support training and skills development.
	Introduced initiatives to promote good-quality jobs and decent work in the federally regulated private sector.
	Invested \$4 million in 2016–17 to extend the Northern Adult Basic Education Program for one year while the Government reviews the program with a view to determine how best to support the participation of Northerners in the labour market.

## GLOSSARY

<b>Adequate housing</b>	Housing that does not require any major repairs, according to residents. Major repairs include those to defective plumbing or electrical wiring, or structural repairs to walls, floors or ceilings.
<b>Affordable housing</b>	Housing that costs less than 30% of before-tax household income. For renters, shelter costs include, as applicable, rent and payments for electricity, fuel, water and other municipal services. For owners, shelter costs include, as applicable, mortgage payments, property taxes, condominium fees and payments for electricity, fuel, water and other municipal services.
<b>Core housing need</b>	Housing that does not meet one or more of the adequacy, suitability or affordability standards and the household would have to spend 30% or more of its before-tax income to pay the median rent of alternative local housing that is accessible.
<b>Employment Insurance</b>	Provides temporary support to partially replace lost employment income for individuals who are unemployed involuntarily (e.g. due to short of work, seasonal or mass lay-offs) while they look for new employment or upgrade their skills, or who are absent from work temporarily due to specific life circumstances such as sickness, pregnancy, childbirth or providing care to gravely ill family members.
<b>Food insecurity</b>	When an individual or household does not have enough money to purchase or access a sufficient amount and variety of food to live a healthy lifestyle.
<b>Legislative framework</b>	A set of rules bound by law in order to manage a particular aspect of society.
<b>Low Income Cut-offs</b>	Income level below which a family spends 20 percentage points more of their income than the average family on food, clothing and housing.
<b>Low Income Measure</b>	Income level below 50% of adjusted national median household income.

<b>Market Basket Measure</b>	Measures families that lack the disposable income to purchase a basket of goods and services representing a basic standard of living within their community.
<b>Non-standard work</b>	Refers to jobs that fall outside of the realm of standard work arrangements (i.e. full-time, continuous work with one employer). This includes part-time work, temporary work and self-employment.
<b>Poverty</b>	Currently, there is no official definition of poverty in Canada. The Government of Canada uses three measures of low income to identify who is living in poverty: the Low Income Cut-offs, the Market Basket Measure and the Low Income Measure.
<b>Poverty rate</b>	The proportion of the population—usually displayed as a percentage—that is considered to be living in poverty, based on one of the three measurements of low income in Canada: the Low Income Cut-offs, the Market Basket Measure or the Low Income Measure.
<b>Recent immigrants</b>	Those who have lived in Canada for less than 10 years.
<b>Social mobility</b>	Refers to the movement of individuals, families or households, within or between socio-economic statuses. It can be measured in a number of ways, including income, net worth, education, profession, neighbourhood and social assistance use.
<b>Suitable housing</b>	Housing that has enough bedrooms for the family. Enough bedrooms means one bedroom for each: adult couple living together; lone parent; unattached household member age 18 or older; same-sex pair of children under age 18; and an additional boy or girl in the family, unless there are two opposite sex children under five years of age, in which case they are expected to share a bedroom. A household of one individual can occupy a bachelor unit (that is, a unit with no bedroom).
<b>Working poor</b>	Canadians who work at least 910 hours in a year and live in poverty based on the Low Income Cut-offs.

# PRIVACY NOTICE STATEMENT

Participation in this consultation is voluntary, and acceptance or refusal to participate will in no way affect any relationship with Employment and Social Development Canada (ESDC) or the Government of Canada.

Information provided to ESDC related to this engagement initiative can be subject to access to information and privacy requests and will be administered in accordance with the *Access to Information Act* and the *Privacy Act*.

The information is collected under the authority of the *Department of Employment and Social Development Act* (DESDA) for the development of a Poverty Reduction Strategy. It may be used by ESDC, by other Government of Canada departments or by other levels of government for policy analysis and research; however, these uses and/or disclosures of your personal information will never result in an administrative decision being made about you.

Any personal information provided will be administered in accordance with the DESDA, the *Privacy Act* and other applicable laws. However, those providing information are requested not to provide any identifying personal information about themselves or anyone else (other than name, organization and contact information). In the event that you provide unsolicited personal information, your unsolicited personal information could be used in publicly available reports on the consultation and elsewhere as deemed appropriate by ESDC. If personal information is provided by an individual member of the general public (who is not an individual participating in the consultation on behalf of, or as a representative of, a stakeholder organization), ESDC shall make every effort to remove the identifying personal information prior to including the individual's responses in the data analysis, unless otherwise noted.

You have the right to the protection of, access to and correction of your personal information, which is described in Personal Information Banks ESDC-PSU-914 or ESDC-PSU-938. Instructions for obtaining this information are outlined in [Info Source](#). Info Source may also be accessed online at any Service Canada Centre.

You have the right to file a complaint with the [Privacy Commissioner of Canada](#) regarding the institution's handling of your personal information.

To obtain information related to this consultation, a request may be submitted in writing to ESDC pursuant to the *Access to Information Act*. When making a request, reference should be made to the name of this discussion paper.

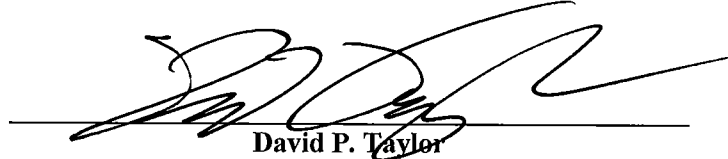
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**This is Exhibit "26" referred to in the affidavit of Cindy Blackstock affirmed before me at Ottawa in the Province of Ontario this 24<sup>th</sup> day of October, 2019**

A handwritten signature in black ink, appearing to read 'David P. Taylor', is written over a horizontal line. The signature is stylized and cursive.

**David P. Taylor**

**Law Society of Ontario: 63508Q**

**A Commissioner for taking  
Affidavits for Ontario**





(<https://aptnnews.ca>)



## Surviving care: This is who Trudeau has been fighting at human rights tribunal

National News (<https://aptnnews.ca/category/national-news/>) | October 11, 2019 by Kenneth Jackson (<https://aptnnews.ca/author/kjackson/>) Attributed to: | 0 Comments ([https://aptnnews.ca/2019/10/11/surviving-care-this-is-who-trudeau-has-been-fighting-at-human-rights-tribunal/#disqus\\_thread](https://aptnnews.ca/2019/10/11/surviving-care-this-is-who-trudeau-has-been-fighting-at-human-rights-tribunal/#disqus_thread))

Share

Tweet



**Content warning:** This story addresses suicide and sexual abuse in the child welfare system.

**Kenneth Jackson**

**APTN News**

Both have been in government care most of their lives.

Both have harrowing stories of sexual abuse.

Both ended up in Ottawa group homes hundreds of kilometres from their First Nations in northwestern Ontario.

And both have something to say to the Justin Trudeaus and Andrew Scheers of the world looking to deny them compensation awarded by the Canadian Human Rights Tribunal.

"I want to tell them that they need to stop living up their asses," says the 19-year-old woman, who *APTN News* is calling Mariah for this story.

*APTN* can't legally identify her because she continues to receive funding, like housing and clothing allowances, from an Indigenous child welfare agency in northwestern Ontario.

It's known as extended care, which will end when she turns 21.

The Canadian government is asking the Federal court to dismiss the tribunal's order to pay every First Nations child put in care \$40,000 after Canada was found to be wilfully under-funding on-reserve child welfare.

Trudeau has said (<https://aptnnews.ca/2019/10/10/challenging-human-rights-tribunal-compensation-order-incomprehensible-jane-philpott/>) the

Liberals believe the survivors should be compensated, but critics have questioned why the federal government is seeking to have the tribunal's order dismissed.

**Related:** Death as Expected: Inside a child welfare system where 102 Indigenous kids died over 5 years (<https://aptnnews.ca/2019/09/25/inside-a-child-welfare-system-where-102-indigenous-kids-died-over-5-years/>)

Scheer, leader of the Conservatives, has said several times he wants the tribunal's order judicially reviewed.

"Simply put it's bull-crap," says Jason, who *APTN* also can't identify. "If you're saying someone, who has been through a lifetime of rape, physical abuse and just constant beatings, that they don't deserve \$40,000? It's ridiculous."

Jason, 20, is in a similar situation as Mariah, but his extended care runs out in March 2020.

*APTN* first met Jason back in 2017 when he was sleeping in a stairwell of the Rideau Centre, a downtown Ottawa shopping mall.

**Watch Jason's full interview:**

12:30



NATIONAL NEWS

Soon after turning 18, staff at his group home dropped him, and his few possessions, off at the Mission, a downtown shelter which was confirmed during a previous interview with his former case worker at Weechi-it-te-win Family Services.

"I gave him a heads up about what was going to be happening when he turned 18 and Mary Homes (group home) gave him a heads up on that, (too)," Andrew Letander said, in the May 6, 2017 *APTN* article, Ojibway teen sleeping in Ottawa mall stairwell after aging out of group home (<https://aptnnews.ca/2017/05/06/ojibway-teen-sleeping-in-ottawa-mall-stairwell-after-aging-out-of-group-home/>).

Jason's parents died when he was young — his mom from suicide and his dad of cancer.

"He's been bounced around from group home to group home all his life," Letander said. "I am worried about him."

Ottawa's Indigenous community found him in the stairwell and reacted fast in providing him proper shelter and food.

He would bounce around a bit before obtaining assisted housing for young people. He says he was kicked out of there because he had a cat and there was a strict no-pets policy.

He currently lives with his girlfriend in the west end of Ottawa.

"The last time I ever seen my worker, physically, was probably just before I got dropped off at the Mission when he asked me if I wanted to move back to the rez," says Jason.

He declined.

Life in group homes had twisted his sense of "normal".

"When you are in a group home or treatment centre most of your life you don't know what to expect from reality, from society in general. The majority of time, group home kids think the problem is society and not us, because we don't know what normal is," he says.

Jason first bounced around in northwestern Ontario before arriving in Ottawa.

"When I was six, a year after my mom passed, I was sexually assaulted for at least three to four months and I moved from that place to Kenora. After that it just started getting worse and I ended up setting my place on fire and having to move again and again, really just because I didn't like the situation I was in anymore," he says.

"I didn't trust anyone, so I didn't want to stay."

He is struggling with anxiety and finds smoking marijuana helps, but his girlfriend is trying to help him get his health card to "get meds" to help treat it.

He's also reflecting on his past and has become more self-aware in the hopes of healing. He also wants to go back to school and get a regular job.

The normal things.

After fighting his way through care, he's now fighting for his future.

"I'm just going to try and do my best to make my future work," he says.

Mariah knows what it means to fight.

She's had to battle through some horrific trauma while bouncing around in Ontario's child welfare system.

She says it started when she was two-weeks-old and her mom, about 15-years-old at the time, left her in a hotel room to go "party".

A family member found her after hearing her 14-day-old cries.

"I could have been dead right now, but my auntie went to check on me and she heard me crying," says Mariah, adding her mother was also raised in the child welfare system.

She says an agency paid her grandmother to care for her for several years before she ended up first in foster care in the Kenora area, as well as Thunder Bay.

It was in these places she faced her most severe abuse.

She told *APTN* a childhood memory of propping a chair up against the door to her bedroom at a foster home and actually nailing it to the floor to keep the foster parent's grandson from coming in her room.

She was nine.

**Watch Mariah's full interview:**

14:33



“It was traumatizing. I was scared. I was a child,” she says.

But she kept him out.

Then she started running away like a lot of kids in care do.

“There is a reason. We don’t do it because we are bored. We are angry at them,” she says. “I ran away because I just didn’t want to deal with that.”

She would find predators on the streets, or maybe they found her.

“I should have died at least three times,” she says.

Then a couple years later she ended up in a group home in Prescott, Ont., before moving to an Ottawa group home.

It was there she lived with Amy Owen, a 13-year-old girl from Poplar Hill First Nation who died by suicide (<https://aptnnews.ca/2019/06/20/group-home-at-odds-with-coroner-over-how-long-amy-owen-left-alone-day-of-suicide/>) in the room above Mariah’s in the east end of Ottawa on April 16, 2017.

Jason also knew Owen a couple months before she died. He pulled her off a busy Ottawa street where she was running into oncoming traffic.

Both of these young adults have stared death in the face while their friends died around them.

Now they want Trudeau, and Canada, to hear their stories.

“They can get anything they want with a snap of a finger,” says Mariah.

She just wants an apartment.

Not just for her, but also her young son she had at 16.

[kjackson@aptn.ca](mailto:kjackson@aptn.ca) (mailto:kjackson@aptn.ca)

The Canada Suicide Prevention Service enables callers anywhere in Canada to access crisis support using the technology of their choice (phone, text or chat), in French or English:

Phone: toll-free 1-833-456-4566

Text: 45645

Chat: [crisisservicescanada.ca](http://www.crisisservicescanada.ca) (<http://www.crisisservicescanada.ca/>)

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