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opening statement  
CHRT  
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We filed this case on behalf of all First Nations children who long for the same opportunity that governments give other Canadian children to grow up safely in their families. Provincial child welfare laws apply on and off reserve but the provincial governments typically do not pay for it – they expect that the federal government’s funding service will meet child welfare needs for children on reserve. When the federal government’s funding service does not do so, or does so inadequately, the provinces typically do not step in resulting in a two tiered child welfare system where First Nations children and families on reserve get less.

This case was filed after ten years of trying to work with the federal government to get them to treat First Nations children equitably. In the beginning, many of us believed that if the federal government knew about the inequality in child welfare on reserve they would do something about it. We proved the inequality and the federal government did nothing about it. And then we believed if we worked jointly on evidence based and affordable solutions with the federal government they would do the right thing. Ten years and two solutions later – the inequality continues. Reports by independent leading experts, the Auditor General of Canada and the Standing Committee on Public Accounts confirming the inequality were

not enough to get the federal government to do the right thing even at times when federal finance ministers were recording surplus budgets in the billions of dollars or spending billions of dollars to stimulate the economy. It seemed that shovel ready morality was set aside in favour of shovel ready projects.

The children could not wait. There are more First Nations children in child welfare care today than at the height of residential schools by a factor of three. The loss of culture, language and disruption of family relationships during residential schools compelling an apology from the Prime Minister continue. As will be shown in evidence, Indian Affairs own documents link problems with their child welfare funding with growing numbers of First Nations children being removed from their families.

At a time when federal leaders are meeting a few blocks away to discuss what issues matter the most to Canadians— this case calls them back to the conscience of the Nation. Great governments, and great leaders, are not measured by interests and issues they are measured by whether they stand on guard for the values that define our country the most- equality, freedom, justice and unwavering commitment human rights.

In this case, the federal government has relied on a series of legal technicalities to question the jurisdiction of the tribunal to hear the case. They might be successful. And if they are what

happens to the First Nations children who are denied equitable treatment by another Canadian government? And what happens to our Canada if vulnerable children can be denied equitable government services simply because of their race or on some other discriminatory ground?

The implications of this case reach into hearts of Canadians and into the conscience of this great nation. As the United Nations Convention on the Rights of the Child suggests – when the children win – we all win.

*UN Declaration  
on Right of Indigenous Peoples.*