



First Nations Child Welfare Complaint at the Canadian Human Rights Tribunal

July 2014



What is the First Nations child welfare complaint?

In 2007, the First Nations
Child and Family Caring
(called the “Caring Society”

for short) and the Assembly of First Nations filed a human rights complaint against the government of Canada. The complaint says that First Nations children and families living on reserve are not receiving the same level of child welfare services as other families in Canada, and that this is discrimination.

What are child welfare agencies?

Child welfare agencies make sure children are safe and getting what they need to be healthy. Sometimes families go through hard times and need help to make sure children are safe and get what they need to grow up strong and healthy. Lots of children and families across Canada get help from child welfare agencies.

What are human rights?

“Human rights” are things every person must have to be safe, healthy and happy. All children have rights under the United Nations Convention on the Rights of the Child. For example, you have the right to a good, quality education. You have the right to learn and tell others what you think. You were born with these rights and no one can take them away. Adults are responsible for protecting your rights, and for making sure that people listen to what you have to say.

More about the First Nations child welfare complaint

The complaint says that First Nations children living on reserve are being treated differently than other children in an unfair way. Research shows that First Nations children and families living on reserve receive fewer services than other families when they need help. Many First Nations children have to leave their families because their parents or caregivers are not getting the help they need. The Caring Society and people and organizations across Canada and around the world believe this is discrimination.

The complaint was filed in February 2007 but it took six years for the hearings to start as the Federal government spent over 3 million dollars trying unsuccessfully to stop the case from being heard by the Canadian Human Rights Tribunal. The hearings finally started in February 2013 and will wrap up in October 2014. The Tribunal is expected to make its decision (whether or not discrimination is taking place) early next year, in 2015.

About the Canadian Human Rights Tribunal

The Tribunal holds hearings, listens to what people have to say and decides whether discrimination is taking place. It is a lot like a court. The people who make the decisions are called “Tribunal Members”. They are like judges and their decisions must be honoured.

Why is this case important? If the Tribunal decides that Canada is discriminating against First Nations children, the government will have to make changes right away to ensure First Nations children are treated fairly.

If either side does not agree with what the Tribunal decides, they can ask another court (called the Federal

Court) to review the decision. This means that even after the Tribunal case ends, there could still be more court hearings in the future.

The “I am a witness campaign”

The Caring Society started the “I am a witness” campaign to raise awareness about the First Nations child welfare complaint. The campaign asks people of all ages to learn about the case and decide for themselves if Canada is treating First Nations children fairly.

So far more than 13,000 people from around the world have signed up to 'be a witness' to the case. You can sign up too at: www.fnwitness.ca

You can also watch the hearings online on the Aboriginal Peoples' Television Network:

<http://aptn.ca/news/tag/kids-in-care/>

You can help!

Sign up at for the “I am a witness” campaign at:

www.fnwitness.ca

Watch the 13 minute documentary *Letters to Canada* made by children and youth about the case:

<http://www.youtube.com/watch?v=pHPHUHYq8A8>

Learn more about child rights. Check out this child-friendly version of the United Nations Convention on the Rights of the Child at:

www.unicef.org/rightsite/files/uncrcchildfriendlylanguage.pdf

Ask yourself:

- What do children need to be safe at home? Do you think First Nations child are getting what they need? Why or why not?
- What do YOU think about the case? Do you have any questions? Make a list of your questions to ask a teacher or other adult.
- If you were a Tribunal member, what would your decision be? Why?

Tell your family, friends, and others about what you have learned about the case and how they can get involved!

Remember...CHILDREN HAVE POWER!

“You have a voice. Your voice has power. People will listen to your opinions and feelings. When something is wrong, speak up! Take action!”

-Lisa Howell, teacher at Pierre Elliot Trudeau School, Gatineau, QC

