



## Child Friendly Information Sheet

### **ANOTHER BIG VICTORY FOR THE KIDS!**

## ***Decision of the Canadian Human Rights Tribunal on First Nations Child Welfare***

*Case Reference: 2018 CHRT 4 (February 1, 2018)*

### **What is this case about?**

First Nations kids have won another victory in their case to get the Government of Canada (“the Government”) to make sure that First Nations families get the child welfare services they need to keep their kids safe and get through hard times!

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

In January of 2016, the Canadian Human Rights Tribunal (called “the Tribunal,” which is like a court) ruled that the Government was discriminating against First Nations kids by not giving them equal child welfare services. It ordered Canada to take action immediately to make the discrimination stop. The Government made some changes, but not enough, and the Tribunal made three more orders to try to get the Government to give First Nations children and families the help they deserve. The Government did a little more, but still not enough.

On February 1, 2018, the Tribunal made another decision and listed many specific things the Government must do, along with dates they need to get them done by. For example, the Tribunal ordered the Government to pay the bills for services families need to get through hard times and to make sure the buildings families need to visit for help are fixed up if they are not safe for kids.

### **What does the decision say?**

The Tribunal decided that the Government is still breaking the law because it is not doing enough to make sure that First Nations children and families get the services that other children receive. The Tribunal said the Government is taking too long to make changes and that discrimination is still happening.

### **What does this mean?**

The Tribunal’s decision is a legal order. This means the Government must do what the Tribunal says. The Tribunal has ordered the Government to do more to make sure First Nations children and their families get the child welfare services they need. The Government needs to stop discriminating against First Nations kids **right now** and make sure they get a fair chance to grow up safely at home with their families.

The Tribunal also said the Government needs to listen to First Nations groups to understand what it needs to do to fix the discrimination. The Government also needs to learn more about how to meet the needs of children who live in small communities or communities that are far away from big cities. The Tribunal said that the Government cannot pay for child welfare by taking away money from other services that First Nations kids need, like houses or schools.

The Government has been ordered to report back to the Tribunal to explain what it is doing to stop the discrimination and act in the best interest of First Nations kids. If the Tribunal thinks that the Government is not doing enough, it will order Canada to do more.

## A victory for all kids

The decision is another victory for all people who believe First Nations children have waited long enough for justice. Children and young people (like you!) have made a big difference in the case. Thousands of kids have watched the hearings in person or on TV, written letters to the Prime Minister, participated in marches and drawn pictures about what they have learned by following the case. The decision shows that kids can make a big difference when they work together to do the right thing. Kids have the power to make the world a better place for everyone!

## What still needs to be done?

It is very important to continue to follow the case to make sure the Government stops discriminating against First Nations kids right away, not just in child welfare but in other areas too, like education and health care. Please visit [www.fncaresociety.com](http://www.fncaresociety.com) to learn more about what you can do to help.

## How can I learn more about the case?

The Caring Society has a website with lots of videos and other learning resources for kids. Go to: [www.fnwitness.ca](http://www.fnwitness.ca)

Another way to learn more about the case is to read Spirit Bear's book. Spirit Bear is a teddy bear who witnessed the entire case—he is 11 years old now! The book is called *Spirit Bear and Children Make History* and you can have your library get a copy by emailing: [info@fncaresociety.com](mailto:info@fncaresociety.com)

You can learn more about Spirit Bear on his webpage: [www.fncaresociety.com/SpiritBear](http://www.fncaresociety.com/SpiritBear)

Or follow Spirit Bear on Twitter: [@SpiritBear](https://twitter.com/SpiritBear)

## WORDS TO UNDERSTAND

**Best interests of the child:** means that we must always do what is best for kids. We must give all kids an equal chance to live a good life by meeting their needs, respecting their cultures and by giving extra care to kids who need special help.

**Canadian Human Rights Act:** is a law in Canada that says that everyone deserves to be treated equally. This law gives people of all races, ages, genders, sexual orientations, nationalities, religions and those with disabilities the right to equality.

**Canadian Human Rights Tribunal:** is like a court. The Tribunal decides if someone is breaking the *Canadian Human Rights Act* by not treating a person or group fairly because of their age, race, gender, sexual orientation, ethnicity, nationality, religion or because they have a disability.

**Child welfare services:** services that keep families together when they go through hard times.

**Discrimination:** to treat someone unfairly because of their age, race, gender, sexual orientation, ethnicity, nationality, religion or because they have a disability.

**Jordan's Principle:** makes sure that First Nations kids receive the same services as other kids in education, health care, childcare, culture and language and recreation (fun activities!). Learn more at [www.jordansprinciple.ca](http://www.jordansprinciple.ca)

For more information on the case go to

[www.fnwitness.ca](http://www.fnwitness.ca) [info@fncaresociety.com](mailto:info@fncaresociety.com) [#Waiting4UCanada](https://twitter.com/Waiting4UCanada)

First Nations Child and Family Caring Society of Canada | 309 Cooper Street, Suite 401, Ottawa ON K2P 0G5