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MEDIA RELEASE

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Vindication for Indigenous Children & Families under new Canadian Human Rights Tribunal Ruling

In a landmark ruling, released today by the Canadian Human Rights Tribunal (CHRT), the Government of Canada is once again ordered to cease its discriminatory practice of inadequately funding the costs of child welfare services for Indigenous children and families. While Indigenous children make up 8% of the child population in Canada, they represent 50% of all children in foster care across the nation. This is the fifth CHRT order against Canada stemming from the landmark decision of January 2016 which found Canada to be racially discriminatory against Indigenous children.

Canada argued that it had responded to the CHRT's 2016 ruling by implementing substantive changes to remedy the discriminatory impacts of its First Nations Child & Family Services program. Today's decision confirms that Canada did not fully comply with the CHRT remedies. The CHRT has clearly stated that their rulings are not recommendations, but are in fact, legally binding, "Canada must accept that liability was found and that remedies flow from this finding." As a result, Federal Policy and Treasury Board funding mandates must be changed to align with the ruling. The CHRT called the First Nations' case, "vital," because, "it deals with mass removal of children. "There is an urgency to act and prioritize the elimination of the removal of children from their families and communities."

The CHRT ordered the government to provide funding based on the "actual costs" for prevention-based child welfare services, and to reimburse First Nation child welfare agencies retroactive to January 26, 2016. Canada has until May 3, 2018 to identify which First Nations agencies were under-funded and to report back to them. The Tribunal also ordered Canada to stop it's, "rob Peter to pay Paul" response to the ruling as it initially tried to take funding from other much needed Indigenous social programs, especially housing, as its answer to the CHRT required remedies.

The ruling notes the current system of funding is based on child welfare intervention -- on bringing and keeping children into the foster care system rather than providing funds and services to prevent children from coming into care in the first place. British Columbia is one of only two provinces in Canada that has never been provided with Enhanced Prevention Focused Approach funding, a top-up measure to core funding, intended to support Indigenous families in a preventative manner, however, this funding was also ruled inadequate by the CHRT decision.

"This ruling is a victory for our children. Now we will have the resources to work with our nations to keep our children home where they belong, in community with their families and loved ones," said Mary

Teegee, Carrier Sekani Family Services Executive Director of Child and Family Services, and, Chair of the BC First Nations Delegated Indigenous Agencies Directors Forum. “This new ruling by the Tribunal presents the first real opportunity for British Columbia Indigenous agencies to provide much needed prevention services based on actual and equitable costing. And, most importantly, we are a part of that change in a self-determined manner as only we know, from directly working with our Nation communities, what is needed.”

The Tribunal has maintained their jurisdiction over this case to ensure compliance with its orders and has also set out strict deadlines for implementation of the remedies. The CHRT Panel states, “It took years for the First Nations children to get justice. Discrimination was proven. Justice includes meaningful remedies. Surely Canada understands this.”

For additional background information please refer to: https://fncaringsociety.com/i-am-witness

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