

FIRST NATIONS LEADERSHIP COUNCIL

News Release

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FNLCL Disgusted as Canadian Government Continues to Deny Fighting First Nations Children in Court while Filing an Appeal that States Otherwise

(Xʷməθkʷəy̓əm (Musqueam), Sḵwx̱wú7mesh (Squamish) and səliłwətał (Tsleil-Waututh)/Vancouver, B.C.) The First Nations Leadership Council (FNLCL) is disgusted, yet not surprised, to learn of Canada's decision today to appeal the Federal Court ruling of Justice Favel that upheld the rulings of the Canadian Human Rights Tribunal (CHRT) to compensate First Nations children, and their families, for the "willful and reckless" discrimination that incentivized the forced removal of thousands of First Nations children from their families and underfunded child and family services in First Nations communities.

In 2016 the CHRT issued a landmark decision, finding that Canada was discriminating against First Nations children, families and communities through inequitable funding formulas for First Nations child and family services. Since the 2016 ruling, the CHRT has issued over 30 non-compliance orders that Canada has repeatedly appealed. The September 29th decision of Justice Favel which dismissed two of Canada's appeals also made strong statements regarding Canada's positive obligations to reconciliation with First Nations. Although Canada indicated today that they have filed a "[protective appeal](#)" and intend to negotiate, their filings indicate a broad and full appeal of the Tribunals compensation decision.

"Just ten days ago, Prime Minister Trudeau sat with First Nations people and leaders in Tk'emlúps te Secwépemc and made more apologies for his empty commitment to true reconciliation," stated Regional Chief Terry Teegee of the BC Assembly of First Nations. "While attending that event he stated his government was consulting on the ruling to compensate First Nations children and families – a statement that was widely questioned by Dr. Cindy Blackstock and First Nations leaders who are directly connected to this case. Today's file for appeal, and public statement released by Canada, tells us that the only consultation being undertaken was with government lawyers. Only once the notice was filed did Canada make any attempt to come to the table with the Assembly of First Nations and the Caring Society on this issue. Once again, we see Canada's commitment is actually to deny and delay justice and equitable treatment for First Nations children, families and communities. We are disappointed, but more so disgusted with today's announcement and the superficial statements of Minister Miller and Minister Hajdu. If Canada was truly committed to compensating First Nations children for the harm suffered and reforming the discriminatory First Nations child welfare system, why wait to come to the table on settlement until the 11th hour? The reality is that the federal government is abusing this process. There is no need for negotiation as their own courts have repeatedly set the stage and indicated that this compensation needs to occur immediately. This is nothing but a stall tactic to fulfilling their obligations."

"For almost two decades, and 30 court rulings later, Canada continues to fight First Nations children and families in court and to knowingly – and publicly – perpetuate discrimination while making a pathetic farce of so-called reconciliation with Indigenous peoples. We are beyond frustrated with the constant smoke and mirrors while our children and families continue to suffer as a direct result of Canada's racist and discriminatory practices. There was a very real opportunity here by Prime



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Minister Trudeau and newly appointed Minister Patty Hajdu to shift the narrative, and instead the decision is to maintain the status quo. Their public statements today are entirely inconsistent with the broad notice of appeal filed in court today,” stated Cheryl Casimer, First Nations Summit Political Task Group Member. “A core objective of Canada’s legal system has been to assimilate, displace, and deny the rights of First Nations people since its inception, targeting our children. 150+ years later we still see it being used for the same purpose. We will not sit idly by as this colonial government continues to deny our rights.”

“Canada has been aware of this discrimination for decades, yet instead of choosing to rectify the problem and ensure equitable treatment for First Nations children, they have wasted years and hundreds of thousands of dollars fighting this in court. At the same time, they sit at tables with us and tout a Nation-Nation relationship while making every effort to strip us of our fundamental human rights. We are sick of this pathetic attempt to pacify us,” stated Grand Chief Stewart Phillip, President of the Union of BC Indian Chiefs. “Though he hides behind a phony discourse of reconciliation, Prime Minister Trudeau continues to show us that the apple does not fall far from the tree, and he is made up of the same patriarchal white supremacy and racism that his father demonstrated. Nothing changes if nothing changes, and we demand this government put their money where their mouth is. Stop fighting First Nations kids in court, uphold our rights, and take action that supports meaningful and real reconciliation. Yet again we assert that Canada must stop this complete fuddle-duddle, and instead dedicate itself to providing the resources to end the current First Nations child welfare epidemic that is happening.”

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The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC).

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