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NAN Grand Chief – Business as Usual Approach Conscious Choice to Perpetuate Discrimination

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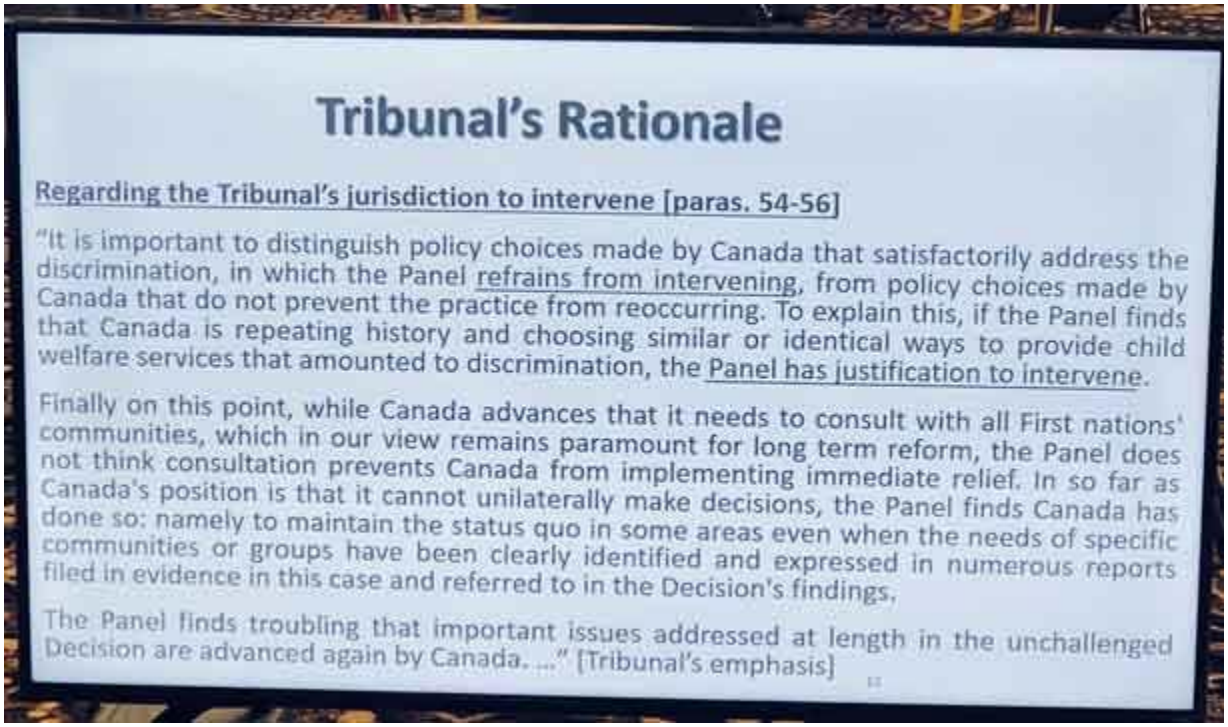
Nishnawbe Aski Grand Chief Alvin Fiddler – NAN Winter Chief's Assembly

Canadian Human Rights Decision Welcomed

THUNDER BAY, ON- Nishnawbe Aski Nation (NAN) Grand Chief Alvin Fiddler welcomes a ruling released today by the Canadian Human Rights Tribunal (CHRT) on immediate relief in a landmark legal battle against the Government of Canada on child welfare.

“Canada’s attempted justification for its inaction in the wake of a 2016 finding of discrimination by the Human Rights Tribunal has been flatly rejected as the Panel recognized that Canada’s ‘business as usual’ approach was a conscious choice to perpetuate discrimination. This is a huge win for our children,” said Grand Chief Alvin Fiddler during an assembly of NAN Chiefs in Thunder Bay this week. “The Tribunal has broken new ground in raising the bar for how Canada addresses its landmark judgment in 2016. The good news is that Canada is responding to this challenge and is working in collaboration with NAN, the Caring Society, Chiefs of Ontario, and the Assembly of First Nations and others to develop solutions.”



Tribunal Ruling

“This ruling is tremendously good news,” states Julian Falconer speaking at the NAN Winter Chiefs Assembly. “The problem over the past two years were that there was no action”.

“In March 2017, NAN got involved with intervenor status,” added Falconer.

Canada to be held Accountable

Having made a liability finding in January 2016 that Canada discriminated against 163,000 Indigenous children, the Tribunal has now found that Canada will not only be held accountable for the discrimination, but also for its attempts to justify its inaction.

“The importance of this ruling is its recognition that children come first and that bureaucratic inaction, no matter how well-intentioned, can perpetuate discrimination,” said Deputy Grand Chief Anna Betty Achneepineskum, who holds the social services portfolio. “The Tribunal has effectively created a cost of inaction and has ordered Canada to compensate parties involved dating back to its ruling in 2016. NAN is also grateful for the Tribunal’s acknowledgment of the important work that is being

done, in collaboration with Canada, to further the development of a Remoteness Quotient for the North as well as new programs for youth suicide prevention."

The Tribunal's 101-page decision contains a series of ground-breaking orders that Canada must comply with. The most significant aspect of the decision is that the Tribunal ordered Canada to develop systems and fund the actual costs of a variety of expenditures, retroactive to the date of the Tribunal's original finding of discrimination (January 26, 2016).

Canada is required to report according to an aggressive schedule on their ongoing compliance and fund the actual costs agencies face providing full and equitable services and make progress reports to the Tribunal.

The Tribunal also congratulates NAN on achieving two agreements with Canada, specifically the Choose Life Order and the Remoteness Quotient Table. The Tribunal stated that it is *"encouraged by NAN and INAC's progress that will lead to a real positive outcome for children".*Regarding the Choose Life Order, the Tribunal stated that the agreement is *"a sign that meaningful agreements can be made in a relatively short time frame in the best interest of children. The Panel is impressed by the proactive, timely and effective work leading to this historical agreement".*

Background

On January 26, 2016, the Tribunal issued a landmark decision, *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada*. The 2016, decision found that Aboriginal Affairs and Northern Development is racially discriminating against 163,000 First Nations children by not providing enough funding for child and family services on reserves.

The Tribunal divided the proceedings into three phases of relief: immediate, medium and long-term. The Tribunal has indicated that today's February 1, 2018, decision concludes the immediate relief phase of the proceedings.

Due to concerns that Canada was not complying with the Tribunal's various orders, the Parties commenced a compliance hearing, which took place in Ottawa from March 22-24, 2017. During this compliance hearing, the Parties challenged Canada's claims of compliance with the Tribunal's immediate relief orders. The Tribunal's February 1, 2018, decision is the Tribunal's response to the evidence presented at the March 22-24, 2017, compliance hearing.