

## For Immediate Release

### Canadian Human Rights Tribunal Dismisses Case - Misses Opportunity to Change the Lives of First Nation Children

**TORONTO, March 14, 2011** – Today the Canadian Human Rights Tribunal dismissed the case filed in 2007 by the Assembly of First Nations (AFN) and the First Nation Child and Family Caring Society of Canada (FNCFCSC). The FNCFCSC and the AFN allege the federal government, as represented by the Minister of Indian and Northern Affairs [INAC], racially discriminates against First Nations children by providing less child welfare benefit on reserves.

The decision of the Chair of the Canadian Human Rights Tribunal, Shirish Chotalia, has suggested the Federal Government can provide a different, and inequitable, level of service to First Nations children so long as it does so consistently to all First Nations children living on reserve. In turn, Tribunal Chair noted that the services INAC provides to First Nations children in Ontario cannot be compared to the level of service provided by the Provinces to non on-reserve children; as both are different service providers and each serves separate service recipients.

“I am saddened by the decision of the Tribunal,” said Irwin Elman, Ontario’s Provincial Advocate for Children and Youth. “Truth and Reconciliation can only begin when systemic discrimination is challenged and brought to the light of day. An opportunity was lost here today - the human rights of First Nations children were made secondary in the findings of the tribunal and that is a loss for all of us involved in the work of child advocacy and children’s rights.”

Mr. Elman states, “Here in Canada 8 generations of First Nations children have been denied the right to equitable treatment first through the residential school system and now through the failure of INACs funding of First Nations child welfare. It is unacceptable to me as Ontario’s Child and Youth Advocate that it is permissible for a two-tiered system to exist between the province and the federal levels of government.”

“My Office signed on to the FNCFCSC “Be a Witness Campaign” in 2009 and began following the case before the Human Rights Tribunal”, said Irwin Elman. “We will steadfastly continue to be a Witness should the AFN and FNCFCSC appeal the decision. We will work with renewed energy to encourage other Canadians to do likewise. We will continue to work with First Nations children and their communities and other advocates to find a path forward to make reconciliation a reality in our Province.”

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