



Communiqué to First Nations Communities

September 22, 2008

To: All First Nations Chiefs, Councillors and Citizens:

Re: Update on the Canadian Human Rights Complaint Concerning First Nations Child and Family Services

The Assembly of First Nations (AFN) is providing you with an update on the progress of the Canadian Human Rights (CHR) complaint regarding First Nations Child and Family Services (FNCFS). In addition, the AFN is seeking your continued support in raising the profile of the CHR complaint so that First Nations children will receive all the resources that are required to provide them with better outcomes.

Based on inequitable treatment of First Nations Child Welfare Agencies, the Chiefs-In-Assembly by way of Resolution 7/2006 approved the submission of a joint complaint by the Assembly of First Nations (AFN) and the First Nation Child and Family Caring Society of Canada (FNCFCS) to the Canadian Human Rights Commission (CHRC).

On February 23, 2007 the AFN jointly filed a CHR complaint with the FNCFCS arguing that FNCFS agencies receives less funding per capita than provincial agencies and further that this discriminatory funding practice limits the ability of FNCFS agencies to provide the same quality of care to children as provincial services.

Key findings from the *Wen:de Report: We Are Coming to the Light of Day (2005)* indicate that the funding formula is a substantial problem as it significantly under-funds primary, secondary and tertiary children intervention services. Federal government funding for First Nations children is 22 percent less than other children in care.

The Investigators for the CHRC have completed their report and have recommended that the Commissioners formally accept jurisdiction for the CHR complaint filed by the AFN and the FNCFCS of Canada and that the matter be referred to a tribunal hearing.

The Commissioners will meet on September 24, 2008 to decide on the jurisdiction of the case at which time the CHRC will notify the AFN and FNCFCs of their decision within five to ten working days.

The AFN is asking for the assistance of all Chiefs and FNCFCs agencies to pass resolutions and to write letters to the National Chief, INAC, Members of Parliament and have them carbon copied to the CHRC and the Office of the Auditor General indicating their support for equitable and non-discriminatory child welfare funding for FNCFCs agencies across Canada. (*Please see attached template for letter of support.*) Letters of support and resolutions have recently been received from Ontario and British Columbia.

We believe that our case supporting the Canadian Human Rights complaint is strong and it has also been verified by various independent sources. The outcome of this case has significant precedent setting implications considering other potential human rights violations in relation to other federally funded programs.

The AFN and FNCFCs are moving forward with the Human Rights Complaint and funding will be needed to support this important initiative to cover costs for legal fees, and for other related efforts. Donations can now be made on line at www.fncaringociety.com or by sending checks or money orders payable to the First Nations Child and Family Caring Society of Canada. Further fundraising actions are being explored by AFN at this time. For example:

- Solicit on-line for donations through the AFN website and Health Bulletin;
- Letter writing campaign requesting donations from corporate partners of the AFN as well as to the private sector;
- Dinner and/or entertainment gala to include a silent auction;
- Blanket Dance at the Special Chiefs Assembly;
- Fundraising at the annual AFN Christmas Gala; and
- Golf tournament event planned for next year.

For more information, contact:

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1-866-869-6789, extension 320, or mbradstreetmetallic@afn.ca

Karyn Pugliese, AFN Health and Social Communications Officer
1-866-869-6789 extension 210 or kpugliese@afn.ca

[date]

Phil Fontaine
National Chief
473 Albert Street, Suite 810
Ottawa, ON K1R 5B4

Dear National Chief Fontaine:

As the Chief of the [First Nations Band], I am writing you to support and commend your efforts to hold the Government of Canada accountable for their discriminatory child and family services policies and practices that have resulted in inequitable child welfare funding for First Nations Child and Family Services agencies.

It is the viewpoint of the [First Nation] that our children and our families have a right to equitable service that is comparable to other Canadian children and families. The injustice of continued under-funding for First Nations Child and Family Services can not be tolerated any longer. Therefore, by way of resolution, the [First Nation] is fully supportive of the Canadian Human Rights complaint filed by the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society of Canada (FNCFC) to the Canadian Human Rights Commission (CHRC).

In support of the human rights complaint, the [First Nation] has passed the following resolution at a duly convened Chief and Council meeting held at [First Nation] on [date].

RESOLUTION [#]

Moved by: [Councillor name]

Seconded by: [Councillor name]

THAT with respect to the Canadian human rights complaint filed by the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada with the Canadian Human Rights Commission against the Indian and Northern Affairs Canada,

BE IT RESOLVED that [First Nation] endorses the action taken by the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada.

CARRIED

Thank you for proceeding towards a movement of equitable and sustainable funding for First Nations child welfare.

Sincerely,

[name]

CC: Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa, ON K1A 1E1

The Auditor General of Canada
240 Sparks Street
Ottawa, ON K1A 0G6

The Honorable Chuck Strahl, P.C., M.P.
Minister of Indian and Northern Affairs
10 Wellington Street
Gatineau, QC K1A 0H4

Cindy Blackstock
First Nations Child and Family Caring Society of Canada
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