



Statement

July 4, 2022

For Immediate Release

On June 20, 2022, the Federal Court of Canada approved the class action lawsuit against the federal government on behalf of off-reserve First Nations, Métis, Inuit and Urban Indigenous children who were taken from their families and placed in non-Indigenous care.

The lawsuit, brought forward by lawyer Angela Bespflug on behalf of lead plaintiff, Cheyenne Stonechild, follows the two Agreements in Principle signed by the federal government in December 2021, with one related to long-term reform of Indigenous Child and Family Services – including funding for preventing children from coming into care – and a second, amounting to \$20 billion in compensation to First Nations children and their families affected by discrimination in the First Nations Child and Family Services program and the overly-narrow implementation of Jordan’s Principle.

I support Indigenous leaders and Indigenous Child and Family Service Agency Directors in calling on the provincial government to ensure substantive equality for all Indigenous children and youth regardless of where they live.

I stand firmly with Cheyenne Stonechild and all other young people connected to the class action suit; it is time for government to ensure that no child is left behind. In March 2022, my Office released *Crossroads: The roadmap from fiscal discrimination to equity in Indigenous child welfare*, a report that sought to map child welfare funding and service delivery in B.C., highlighting funding practices by the Ministry of Children and Family Development (MCFD) that, at the federal level, have already been deemed discriminatory through a Canadian Human Rights Tribunal (CHRT) ruling.

The intent of the report was to map the fiscal ecosystem of funding to services in order to reveal gaps and to create a comprehensive picture of how – and how much – money is being spent on First Nations, Métis, Inuit and Urban Indigenous compared with non-Indigenous child and family services, how that spending translates into services being delivered, and what kinds of outcomes are being achieved for young people. The report indicated the financial ramifications for the federal government as a result of the CHRT ruling could have been much less had it implemented recommendations made long before the CHRT suit was launched. The CHRT has created a pathway for provincial governments to move forward.

As Mary Teegee stated in our presentation of *Crossroads* to the Selected Standing Committee on Children and Youth, “*All of you on the committee, and those of us in this room, we are the*

ancestors that those not yet born will be talking about. What do you want them to say about you? What do you want your legacy to be?"

This lawsuit is being brought forward against the federal government, but, as highlighted in the *Crossroads* report, the responsibility for fair and equitable funding for First Nations, Inuit, Métis and Urban Indigenous children and youth living off-reserve also falls to the provincial government. The recommendations in the report included tight but achievable timelines. This suit points to the importance of those timelines being adhered to – children are waiting.

For too long, an underlying unspoken attitude of “this is the ‘other’ government’s responsibility” has resulted in First Nations, Métis, Inuit and Urban Indigenous children and families receiving vastly different supports depending on ancestry, status and residency. Regardless of whether a child or family receives services from a Nation, an Indigenous Child and Family Services Agency or a provincial or territorial government, they deserve equal supports.

It is time for government to lean in and do the right thing for First Nations, Métis, Inuit and Urban Indigenous children living off-reserve. Children and families simply cannot wait any longer – government needs to act now. As Cheyenne Stonechild has profoundly stated, “*Why is this treatment different?... We are no less harmed by the (child welfare) system, and we are no less Indigenous. We hope that Canada sees us and does the right thing.*”

Again, I firmly stand alongside Cheyenne Stonechild, and the First Nations, Métis, Inuit and Urban Indigenous children living off-reserve who deserve equality and the same respect afforded to those living on-reserve. We no longer can say we are not aware. Governments know this. When we know better, we must do better.

Sincerely,



Dr. Jennifer Charlesworth
Representative for Children and Youth