TITLE:	Children and the Canadian Human Rights Act
SUBJECT:	Social Development
MOVED BY:	Chief Isadore Day, Serpent River First Nation, ON
MOVED B:	Chief Laurie Carr, Hiawatha First Nation, ON
DECISION:	Passed provisionally by AFN Executive Committee on September 10, 2009

WHEREAS:

A. The Charter of Rights and Freedoms guarantees every person equal protection and benefit under the law without discrimination and the United Nations Convention on the Rights of the Child specifically requires that the Government of Canada ensures that children do not experience discrimination.

B. The Auditor General of Canada (2008) found that INAC's funding for First Nations child and family services is inequitable, and INAC's First Nations Child and Family Services Fact Sheet (October, 2006) states "A fundamental change in the funding approach of First Nations Child and Family Services Agencies to child welfare is required in order to reverse the growth rate of children coming into care, and in order for the agencies to meet their mandated responsibilities".

C. There are more First Nations children in child welfare care today than at the height of residential school operations and a report by the Standing Committee on Public Accounts in 2009 confirms that INAC has failed to take necessary action to address the inequities in First Nations child and family services funding.

D. The Assembly of First Nations in partnership with the First Nations Child and Family Caring Society of Canada have filed a historic complaint with the Canadian Human Rights Commission (CHRC) to redress INAC's inequitable child and family services funding on reserves.

E. The Canadian Human Rights Commission has formally accepted the First Nations child and family services complaint and has referred it for hearing at the Canadian Human Rights Tribunal (Tribunal) which is underway.

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F. The Government of Canada is attempting to pre-empt the Tribunal hearing by challenging the CHRC decision in the federal court and raising legal technicalities rather than addressing the merits of case through the Tribunal's process.

G. Since the commencement of the CHRC complaint, the Assembly of First Nations has experienced significant INAC funding cuts in the First Nations Child and Family Service area which have adversely impacted the AFN's ability to engage in policy work in this important area and limited its legal capacity to actively participate in the CHRC complaint.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Affirm that the safety and wellbeing of First Nations children and their families is of utmost concern and direct the Assembly of First Nations to seek adequate human and financial resources so that the child welfare CHRC complaint can be pursued as a matter of urgent priority and First Nations child and family services can be adequately supported.
2. Advance a legal strategy that will result in a determination of the complaint based upon the merits of discrimination while challenging the legal technicalities advanced by Canada.
3. Request financial donations from all First Nations governments, organizations and businesses to support this historic complaint aimed at achieving equality for First Nations children, youth and families.

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