

FIRST NATIONS LEADERSHIP COUNCIL

News Release

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Every Child Matters: FNLC calls on Canada to reengage with negotiating parties in light of the CHRT's decision regarding the Final Settlement Agreement

(xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səliłwətał (Tsleil-Waututh)/Vancouver, B.C.)

The Canadian Human Rights Tribunal has released its decision regarding the Final Settlement Agreement ("FSA") regarding compensation for the victim/survivor class members of the child welfare system. There were two key aspects of the CHRT's decision, one is confirmation that not all classes of victims/survivors are covered by the FSA. In addition, the CHRT found that the FSA did not fully satisfy the Tribunal's orders because categories of victims/survivors had been removed.

The Tribunal highlighted four groups of children that were not covered:

- 1) First Nations children removed and placed in non-Indigenous Services Canada placements.
- 2) Estates of deceased caregiving parents and grandparents are not entitled to compensation.
- 3) Certain caregiving parents and grandparents will receive less compensation.
- 4) Some Jordan's Principle survivors may receive less compensation.

Despite this lack of coverage, the Tribunal found that the FSA "substantially satisfied" its orders. Its orders could be fully satisfied if the FSA were amended to include all the categories of victims/survivors, the compensation amounts included in the Tribunal's orders, and the possibility for victims/survivors to opt-out of the FSA in an appropriate manner.

The FNLC through resolutions of each organization's Chiefs-in-Assembly (*BC AFN Resolution 34/2022, UBCIC Resolution no. 2022-67, FNS Resolution #0622.22 & Resolution #0622.23*) call on Canada to follow the Articles of UNDRIP and ensure that in any decision-making involving the FSA that First Nations are consulted and cooperated with in order to obtain their free, prior, and informed consent:

- i. Article 2: Indigenous peoples are free and equal to all other individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- ii. Article 7: 1. Indigenous individuals have the right to life, physical and mental integrity, liberty and security of person. 2. Indigenous peoples have the collective right to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- iii. Article 19: States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

The FNLC urgently calls on Canada to come back to the table to discuss how to ensure that all victims/survivors of the child welfare system are compensated. We



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must collectively ensure that impacted children are not left out of any settlement and that no child is left behind. Substantial inclusion of victims/survivors of the child welfare system is not full inclusion – we must proceed on the principle that every child matters. We have shared understandings – Canada has recognized the wrongs and injuries that have been suffered by the children in the care of these systems. We must redouble our efforts and work together to identify solutions to make sure that all victims/survivors are cared for.

We are confident that we can find a way to implement the FSA to provide for those victims/survivors who are living with the impacts of their experiences that fall into an existing category and find solutions to provide compensation to those who are not currently.

We need to also ensure that this work occurs in an expedient manner, this means that those who can receive compensation now under the FSA should get it. At the same time, this work is incomplete without full inclusion of all victims/survivors. Negotiations must continue to guarantee that those victims/survivors in the categories not covered by the FSA are compensated.

The tribunal decision ensures that no child is left behind and encourages the final settlement agreement to be amended to compensate all victims. Rather, it is part of an ongoing effort to find effective solutions that ensure everyone is taken care of. We call on the Federal Government and all Indigenous organizations to focus their efforts on ensuring that we are placing the interests of our children first and directing our energy toward the negotiating table. This is not a fight we will give up on, and we are stronger when we work together. Our children and families are depending on us to recognize this and focus our attention at this critical time.

The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC).

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