



The Honourable David Lametti, Minister of Justice and Attorney General of Canada

The Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations

The Honourable Marc Miller, Minister of Indigenous Services

*Re: Application for Judicial Review of Canadian Human Rights Tribunal Decision 2019 CHRT 39 First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*

November 25, 2019

Dear Ministers Lametti, Bennett and Miller,

Congratulations on your re-election and your appointments to Cabinet. We look forward to working with you during the current Parliament.

We write today to express our profound dismay regarding Canada's application for judicial review of the Canadian Human Rights Tribunal's decision regarding compensation in the First Nations Child and Family Caring Society case.

This is a case of egregious and long-standing discrimination against First Nations children, their families and communities. As human rights advocates, we have observed the unfolding of this case over more than a decade. We were comforted when the Government of Canada decided not to appeal earlier decisions of the Tribunal, and instead began the work of dismantling the discriminatory policies and funding formulas that have resulted in mass removals of First Nations children from their families, and in First Nations children going without necessary care and supports.

For that reason, we are particularly disturbed that Canada has decided to appeal the order for compensation to each child, parent and grandparent affected by the discrimination. As experts on systemic discrimination, and the ways in which it affects both individuals and groups, we are shocked by Canada's claim that compensation to individuals is not appropriate in systemic cases. This argument is an affront to women, and to every other group affected by systemic discrimination; it is not consistent with international human rights law on effective remedies.

Because this case is so important, and because Canada's willingness to dismantle the discrimination and make reparations is key to any efforts at reconciliation with Indigenous peoples, we urge you work with the Canadian Human Rights Tribunal and the other parties to devise a scheme for payment of the compensation that has been ordered to those who are the victims of this long-standing and deeply rooted discrimination. Substituting payment of compensation through a yet to be approved class action case is not an acceptable solution for the violations of human rights law. We agree with Prime Minister Trudeau, reconciliation is not just a word.

Thank you for your consideration of this request.

Sincerely,

Angela Cameron, Co-Chair, Steering Committee  
Lara Koerner, Co-Chair, Steering Committee  
Shelagh Day, C.M., Chair, Human Rights Committee  
Amanda Dale, Executive Director