



# MOTION REGARDING CONDEMNATION OF JUDICIAL CHALLENGE OF HUMAN RIGHTS TRIBUNAL RULING REGARDING FIRST NATIONS CHILDREN 2019-10-10

Submitted for: October 10, 2019

**WHEREAS**, the Canadian Federal Government established and supported the Indian residential school system which forcibly removed First Nations children from their families, forcing these children to assimilate into Canadian society. The residential school system, in addition to its regimented attack on Indigenous languages and cultures, exposed thousands of First Nations children to physical assault, including strappings, whippings, and electrocution, sexual assault, forced labour, and malnourishment which led to the deaths to thousands of First Nations children;

**WHEREAS**, the Truth and Reconciliation Commission concluded that Canada engaged in a cultural genocide aimed at destroying the structures and practices that allowed First Nations to continue as a group. Further, the Final Report of the Inquiry into Missing and Murdered Indigenous Women and Girls concluded that current practices constitute Genocide;

**WHEREAS**, intergenerational trauma caused by genocidal policies has contributed to unique barriers and challenges that Indigenous families face in healing and recovering;

**WHEREAS**, a systematic underfunding of social services, in addition to lack of access to adequate medical care, education, and infrastructure, has exasperated problems on reserve and further limited the ability of First Nations families to heal;

**WHEREAS**, on January 26, 2016, the Canadian Human Rights Tribunal found Canada guilty of purposely discriminating against First Nations children. The Tribunal's decision regarding a complaint filed in February 2007 by the First Nations Child and Family Caring Society and Assembly of First Nations ordered that Canada:

1. Cease its discriminatory practices regarding the provision of First Nations Child and Family Services (FNCFS) Program
2. Reform the FNCFS Program
3. Cease applying the narrow definition of Jordan's Principle; and



4. Take measures to immediately implement the full meaning and scope of Jordan's Principle

**WHEREAS**, there are currently more First Nations children who have been forcibly removed from their communities than at the height of the residential school system;

**WHEREAS**, these children have been denied access to their culture, their communities, and families, when the Federal Government could have invested the same funds into offering adequate social services on-reserve;

**WHEREAS**, the Canadian Human Rights Tribunal ordered the federal government on September 6, 2019, to pay \$40,000 to every First Nation child apprehended by the child welfare system after January 1, 2006;

**WHEREAS**, the Attorney General of Canada filed an application<sup>1</sup> for a judicial review and stay of the ruling which calls for dismissing the Human Rights Tribunal Ruling and the accompanying monetary compensation;

**WHEREAS**, the Federal Government had the option to to seek a formal extension until after the Federal election from the tribunal or through the courts rather than seek a judicial review;

**BE IT RESOLVED, THAT** the Students' Society of McGill University ("SSMU") Legislative Council unequivocally condemns the federal government's decision to appeal the ruling of the Canadian Human Rights Tribunal that called on the compensation of First Nations children apprehended by the child welfare system after January 1, 2006.

**BE IT FURTHER RESOLVED, THAT** the SSMU Indigenous Affairs Commissioner and SSMU Executives jointly write and publish a statement, to be sent to the SSMU Membership, announcing the passage of this motion and the information herein.

Moved by:  
Madeline Wilson, *Vice-President (University Affairs)*

Seconded by:  
Jo Roy, *Social Work Representative*

Written by:  
Tomas Jirousek, *Indigenous Affairs Commissioner*

---

<sup>1</sup> [CBC News: "Trudeau government seeks judicial review of tribunal decision to compensate First Nations kids"](#)