

September 21, 2012

Media Advisory

Office of the Provincial Advocate for Children and Youth

Ontario's Advocate for Children and Youth Seeks to Intervene in Federal Government's Appeal that Discriminates Against First Nations Children

Toronto – Irwin Elman, Ontario's Children and Youth Advocate, will file a motion seeking leave to the Federal Court of Appeal on September 24th, 2012 in a case about equitable child welfare funding and services for First Nations children. The Provincial Advocate is opposing the Federal Government's appeal from a court decision that held the Canadian Human Rights Tribunal should hear the complaint filed by the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations. The complaint alleges that the Federal Government's funding scheme provides poorer quality child welfare services for First Nations children than the services other Canadian children receive.

"The Human Rights Tribunal is supposed to hear a case which echoes the voices of First Nations children including those living in Ontario. Those voices should be heard," said Mr. Elman, "This is a children's rights issue not simply an issue about funding and jurisdictions. The best interest of children needs to be given consideration in the Court's deliberation."

On its appeal, Canada is arguing that to compare the services First Nations children receive with those other Canadians receive is "beyond the jurisdiction" of the human rights tribunal.

"This is exactly what a human rights tribunal is for. This case should be heard on its merits, and then the human rights tribunal can look at the evidence and decide whether or not First Nations children are being treated fairly," said Mr. Elman. "This is about how we want to treat children in our society, and about what we believe is fair."

The Office of the Provincial Advocate for Children and Youth provides an independent voice for children and youth, focusing on the best interest and rights of Ontario's young people in child welfare care. The Advocate's office partners with young people to bring the important issues affecting them forward to be heard.

"Young people need to know we are here for them, and I hope our involvement will demonstrate that we are here for the First Nations children who are involved with the child welfare system and that their needs and rights matter," said Mr. Elman.

Media is invited to join the Provincial Advocate at the Federal Court of Appeal. Mr. Elman will be available to answer any questions regarding this action:

Date: Monday, September 24, 2012

Location: Federal Court: 180 Queen Street West, Toronto (In front of the building, east side)

Time: 10am

For more information, please contact Lilian Kim, Communications - Office of the Provincial Advocate for Children and Youth at 416-325-1528 or [lilian.kim@provincialadvocate.on.ca](mailto:lilian.kim@provincialadvocate.on.ca)