



January 17, 2025

Dear National Chief,

We write in reply to your letter dated January 14, 2025. The Canadian Human Rights case filed jointly by AFN and the Caring Society requires that Canada cease its discriminatory conduct towards all First Nations children, youth and families because Every Child (in every region) Matters. The Caring Society believes strongly that the best results for children, youth, and families happen through collaborative work done in alignment with the direction of First Nations rights holders and informed by their experts. That is why we have repeatedly written to you to discuss: 1) the then ongoing negotiations on the draft Final Settlement Agreement, 2) our proposed amendments in the wake of the release of the draft agreement, and 3) after receiving the direction of First Nations-in-Assembly in October and December of 2024. While you have not accepted these invitations to date, we continue to warmly welcome discussions with you and the Executive to discharge the direction of First Nations rights holders to reset negotiations to ensure Canada's discrimination stops for all First Nations children, including on matters raised in your letter.

The draft Final Settlement Agreement included clause 379, which specifically stated the agreement was subject to approval by First Nations Leadership. That is an essential provision as UNDRIP requires free, prior and informed consent. After reviewing the agreement on its merits, First Nations reset negotiations. Canada presented the agreement as a "choice" and now retaliates against First Nations outside of Ontario by refusing to resolve the discrimination for their children. Canada's conduct now raises serious questions about its commitment to discharge its legal obligation to stop discriminating against First Nations children and their families. This is a serious breach of good faith negotiations, honour of the Crown, and the retaliation provisions of the Canadian Human Rights Act. We hope that Canada will reconsider its position and focus on the historic opportunity to do the right thing for all First Nations children and families.

We respect the direction of First Nations-in-Assembly and AFN's mandate to fully discharge that direction. We can confirm that the Caring Society, in collaboration with First Nations and technical experts across Canada, supports the direction of First Nations-in-Assembly, including the formation of the National Children's Chiefs Commission. We would welcome AFN's participation in this important endeavour, as it is vital to ensure regional views are respected in long-term reform.

Canada cannot be permitted only to negotiate with those who agree with the draft Final Settlement Agreement, particularly when said agreement explicitly included a clause providing for choice. Any effort by Canada or its agents to coerce First Nations' approval through the negotiation process or by the consequence of exercising that decision-making must be firmly rejected. Given that the First Nations-in-Assembly directed that Canada return with a mandate aligned with the AFN resolutions within 30 days or face further legal action, we have filed a motion to bring Canada back to the table. The relief we seek does not impede First Nations in Ontario from negotiating an agreement meeting the Tribunal's requirements. Instead, the order we seek requires Canada to consult with the co-complainants of this case on long-term reform and ensures that we do not set a precedent that allows the government to divide and conquer First Nations children.

The table is set for success for every First Nations child. The National Children's Chiefs Commission is working diligently. First Nations experts from across the country have solutions to propose that would ensure the discrimination ends and prevent it from happening again. All that is required is for Canada to

exercise good faith in its negotiations and respect the direction of rights holders. As National Chief, you and your team are particularly well-placed to ensure they do so. We acknowledge the commitment of the AFN Regional Chiefs who have worked diligently to support the direction of First Nations-in-Assembly, including the formation of the National Children's Chiefs' Commission, and the Caring Society is here to help in any way we can.

This is a moment for leadership, and we are here to work with you to show every First Nations child that we love them enough to put them first and ensure that discrimination stops now and forever. Please let me know when you and the AFN Executive would like to meet so we can do this together.

Regards,



Raymond Shingoose
President, First Nations Child & Family Caring Society



Cindy Blackstock
Executive Director, First Nations Child & Family Caring Society

CC:
AFN Executive
National Children's Chiefs Commission