

Canadian court upholds Indigenous child compensation order

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Federal court ruling comes on eve of Canada's first-ever National Day for Truth and Reconciliation, which aims to honour Indigenous children forced to attend 'residential schools'
[File: Jennifer Gauthier/Reuters]

Ottawa, September 30 (RHC)-- A Canadian federal court has upheld a human rights tribunal decision ordering Ottawa to compensate Indigenous children and their families who faced discrimination in the provision of government services, the latest development in a years-long fight by Indigenous rights advocates.

The Canadian Human Rights Tribunal ruled in 2016 that the federal government had discriminated in the provision of child and family services for Indigenous people, which pushed more Indigenous children into foster care.

According to census data, more than 52 percent of children in foster care in 2016 were Indigenous, while Indigenous children made up only 7.7 percent of the country's total population.

Prime Minister Justin Trudeau's Liberal government in 2019 appealed the tribunal's ruling, which ordered the government to pay each affected child 40,000 dollars Canadian (\$23,114), the maximum allowed under the Canadian Human Rights Act. The tribunal also said that, with some exceptions, parents or grandparents of the children would also be eligible for compensation.

But Justice Paul Favel of the Federal Court rejected the government's appeal on Wednesday and encouraged the two parties to continue negotiating. "The parties must decide whether they will continue to sit beside the trail or move forward in this spirit of reconciliation," Favel wrote.

Cindy Blackstock, executive director of the First Nations Child and Family Caring Society of Canada, which is involved in the case, urged Trudeau to "do the right thing" and forego the option of filing an appeal of the federal court's decision.

"Do not appeal these decisions and obey the legal orders to stop the discrimination. You owe it to the Survivors and the children who were lost to not fight against the equality and care of this generation of children," Blackstock wrote on Twitter.

The court's decision comes on the eve of Canada's first-ever National Day for Truth and Reconciliation, which aims to honour the Indigenous children who survived or died after being forced to attend so-called residential schools.

For over a century, more than 150,000 First Nation, Metis and Inuit children had to attend the forced-assimilation institutions, which were government-funded and run by various churches, most notably the Roman Catholic Church.

The Indigenous children were stripped of their languages and culture, and suffered horrific physical, psychological and sexual abuse at the institutions. A federal commission of inquiry in 2015 concluded the system amounted to "cultural genocide."

Over the past months, hundreds of unmarked graves have been discovered at the sites of former residential schools, prompting widespread calls for action and accountability from the federal government and the Catholic Church. Thousands of Indigenous children are believed to have died at the institutions.

In its 2016 decision, the Canadian Human Rights Tribunal said discrimination in the provision of services to First Nations children "perpetuate(s) the historical disadvantage and trauma suffered by Aboriginal people, in particular as a result of the Residential Schools system."

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