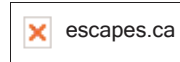


# Children ask Harper to 'Have a Heart' and improve education on reserves

## Ottawa expected to argue it's not responsible for services delivered

BY TERESA SMITH, POSTMEDIA NEWS FEBRUARY 15, 2012



Parliament Hill was decked out in red hearts Tuesday morning, as about 400 children - aboriginal and non-aboriginal - from across the country brought "valentines" with a special message for Prime Minister Stephen Harper.

The Have a Heart campaign aims to raise awareness about the problems facing aboriginal children in government care.

It's part of a major publicity campaign surrounding a Federal Court judicial review brought by aboriginal child-advocacy groups against a Canadian Human Rights Tribunal decision to dismiss a case against the federal government.

The First Nations Child and Family Caring Society of Canada and the Assembly of First Nations allege the government is discriminating against aboriginal children by consistently underfunding child-welfare services on reserves, leading, they contend, to poverty, poor housing, substance abuse and a vast over-representation of aboriginal children in state care.

"This case will not only affect one child, one family or one first nation. This complaint is about all FN children on reserve - it is therefore, an issue of significant importance" and should be heard on the merits, said Sarah Clarke, counsel for the First Nations Child and Family Caring Society of Canada.

The caring society is one of several groups, including the Chiefs of Ontario, Amnesty International and The Canadian Human Rights Commission, appealing a 2011 ruling by the Canadian Human Rights Tribunal.

In that ruling, the tribunal dismissed a discrimination case brought by the Assembly of first nations and caring society in 2007.

However, the federal government is expected to argue today that, because it merely sends funds to band managers, who administer the services, the government cannot be held responsible for the services delivered.

The government also says the question itself is invalid because it funds services on reserves, while provincial governments are responsible for services to the rest of Canadians, and that comparing two governments is both "unreasonable" and nonsensical.

The "comparator" argument was used in the human rights tribunal's initial decision to dismiss the case in 2011 before any of the main evidence had been heard.





Hundreds of people gathered on Parliament Hill Tuesday to draw attention to the lack of education funding and opportunities for first nations children.

**Photograph by:** Pat Mcgrath, Postmedia News, Postmedia News

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At the Tuesday rally on Parliament Hill, students from six public schools from Ontario and Quebec gathered to deliver Valentine's Day cards to Harper demanding "equal education" for first nations children. Several carried posters with hand-written messages, such as "My Canada includes Reserves" and "The Gov't of Canada is no ally to protect the rights of First Nations Children." Union representatives from CUPE also attended.

A young boy from the Kiti-gan Zibi First Nation in Mani-waki, Que., was one of several students from Grades 4 to 8 who spoke to the crowd about the need for improved education services in first nations schools.

His school, he said, doesn't even have a library.

"The United Nations Declaration on Human Rights is for all Canadians," said another student, named Elliot. "Despite the commitment of Canada, Canada has failed miserably in this regard."

The Federal Court "has an obligation to hear the case," Elliot said. He added that Harper has "no right to criticize China about human rights" when first nations communities in Canada lack basic housing and education.

At the end of the rally, Char-lie Angus, the New Democrat MP for Timmins-James Bay, Ont., joined the children and spoke of Attawapiskat First Nation student Shannen Koos-tachin, who had campaigned for improved education for first nations youth.

"The government told her, 'I'm sorry, first nations children, they're not a priority for us.' And that could've broken Shannen's heart, but it didn't," he said.

"And Shannen looked the minister in the eye and she said, 'We're not giving up.' And then she said to me, 'He was nervous,'" Angus recalled.

"You can make them feel nervous when you start to march. And that's what Shannen did," he said.

"Today, you are carrying on in the footsteps Shannen did."

Angus lead the crowd in singing a song he wrote in memory of Koostachin, who was killed in a car accident last May.

"If Prime Minister Harper is serious about putting the relationship between first nations and the government of Canada back on the right track, one of the first things he could do is allow this hearing to go for-ward," said Cindy Blackstock, the executive director of the First Nations Child and Family Caring Society and a driving force behind the current Federal Court case.

Blackstock wants the Federal Court to force the government "to put all the facts on the table to see whether the Canadian government, in 2012, is racially discriminating against children."

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