

WeirFoulds' Partner Raj Anand assists the Assembly of First Nations in obtaining the Federal Court's decision in upholding landmark compensation order for First Nations children

October 1, 2021

On September 29, 2021, one day before the National Day for Truth and Reconciliation, the Federal Court released its 109 page decision in Canada's attempt to set aside the orders for compensation to tens of thousands of First Nations children who were taken from their homes into child welfare systems.

WeirFoulds Partner Raj Anand was retained by Nahwegahbow Corbiere Barristers and Solicitors, counsel to the Assembly of First Nations, to assist in preparing its written and oral arguments on the Federal Court applications. The AFN and the other respondents were successful in obtaining a ruling that painstakingly dismissed each of the federal government's arguments and upheld a landmark Canadian Human Rights Tribunal compensation order for First Nations children and their caregivers.

Justice Paul Favel, concluded with:

[300]...

In my view, the concept of reconciliation is, in essence, a continuation of the nation-building exercise of this young country....As Pitikwahanapiwin (Chief Poundmaker), a nation-builder in his own right, so aptly said:

We all know the story about the man who sat by the trail too long, and then it grew over, and he could never find his way again. We can never forget what has happened, but we cannot go back. Nor can we just sit beside the trail.

[301]

In my view, the procedural history of this case has demonstrated that there is, and has been, good will resulting in significant movements toward remedying this unprecedented discrimination. However, the good work of the parties is unfinished. The parties must decide whether they will continue to sit beside the trail or move forward in this spirit of reconciliation.

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