



Assembly of Manitoba Chiefs
EMPOWERING OUR NATIONS

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May 25, 2022

The Honourable Heather Stefanson
Premier of Manitoba
204 Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8
By email: premier@leg.gov.mb.ca

Dear Premier Stefanson:

Re: Open Letter on Manitoba's response to *Flette et al. v The Government of Manitoba et al.*

Kindly accept this letter as a request for the province of Manitoba to not appeal the decision of Manitoba Court of Queen's Bench Justice Edmund in *Flette et al. v The Government of Manitoba et al.*, 2022 MBQB 104, and to urge your government to take immediate steps to address the findings and remedies in the ruling in a manner consistent with Manitoba's stated commitment to reconciliation with First Nations, as well as in consideration of the significant negative impacts on the lives of thousands of First Nations children and youth caused by Manitoba's clawback of the CSA.

In its May 18, 2022 ruling, the Court of Queen's Bench confirmed what AMC and its member Nations have long known: the Government of Manitoba discriminated against First Nations children in the child welfare system, and its attempt to absolve itself of liability for clawing back over \$334 million in Children's Special Allowances (CSA) from children and youth is unlawful and constitutionality invalid.

The Court confirmed that Manitoba's treatment of CSA benefits discriminated against First Nations children and youth contrary to section 15 of the Charter, including through the denial of access to \$200 million intended exclusively to promote their well-being.

As you may know, AMC's submissions to the Court in this matter included first-hand accounts illustrating the detrimental and life-long impacts of removing First Nations children from the loving care of their families. These stories are replete with examples of Manitoba's systemic failure to meet the physical, emotional, spiritual and cultural needs of First Nations children and provide them meaningful opportunities for learning, development and growth. These failures persist.

This decision, however, presents Manitoba with both a choice and an opportunity. Your response may reinforce and perpetuate generations of colonial harm, or you may work toward returning to children much-needed resources which should not have been taken in the first place.

I urge your government not to appeal this ruling and instead ensure that each child impacted by the government's actions receives the benefits to which they were entitled.

Sincerely,

ASSEMBLY OF MANITOBA CHIEFS

A handwritten signature in cursive script, appearing to read 'CmL', is positioned above the typed name.

Acting Grand Chief Cornell McLean