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## Charlie Angus

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Minister of Health Jane Philpott  
Confederation Building Room 162  
House of Commons  
Ottawa, Ontario Canada K1A 0A6

*March 18<sup>th</sup> 2016*

### **RE: Denial of Medical Services to First Nation Youth**

Dear Minister Philpott,

I am writing you regarding the decision by your officials to reject for the fourth time a young Indigenous girl's claim for FNIB support for badly-needed orthodontic treatment. I appreciate your staff taking the time to explain their decision to yet again deny support for this young girl, however, I am deeply concerned that your department still doesn't seem to recognize the need for urgent reform in light of the very damning Human Rights Tribunal ruling of January 26, 2016.

I had asked you to look into this case because it speaks to how departmental policies are failing Indigenous children. I am not a medical expert, but, it appears to me that this young person had ample medical evidence to show that her orthodontic issues were severe and could result in extensive surgery or the loss of her teeth. And yet she was denied through each stage of the appeals process.

I know it was a mere coincidence in timing that your officials rejected her for the third time on the very day that the Human Rights ruling came down, but as a symbolic gesture it speaks volumes. When we look at this young girl being rejected in the third round of appeal, I note that the overall rejection rates in this category are staggering ---above 80% at level 1, 99% at level 2, and 100% at level 3. If your officials reject every case that gets to the third round process, it speaks less to the merits of the individual case and more to a larger systemic problem within your department.

Having read your government's response to the Human Rights Tribunal ruling I find it does not put the needs of the child first, which, is what this is all about. To suggest that Canada will now begin discussions on responding to Jordan's Principle is at odds with evidence from the Tribunal Hearings. This evidence shows your officials have long analysed how policies in your department fail to sufficiently meet children who are at risk. And for every day the government waits and sits on recommendations that it has on its own books, these children continue to be at risk.

In the hearing, we learned many disturbing facts about cases where departmental policies and guidelines fail to protect these kids. I point you to the report that was supplied to the Tribunal entitled "INAC and Health Canada First Nations Programs: Gaps in Service Delivery to First Nation Children in BC Region (TAB 78 in Human Rights Tribunal evidence list). In this report government officials state that:

*Children are denied access to dental help even in emergency situations.*

*Dentists are refusing to take cases because they are routinely turned down by Health Canada.*

*Denial of prescriptions that have been ordered by pediatricians.*

These three facts jumped out at me because they mirror so closely what officials have done in the case of this young person. I urge you to initiate a full review of departmental policies to ensure they are in compliance with the Human Rights ruling and to put in immediate measures to ensure that children who continue to be at risk are protected.

It may well be that your government will not challenge the overall Tribunal ruling in court, but there is still enormous power within the bureaucracy to fight families like hers on a case by case basis. If the family in the case I put before you opts to use legal means to obtain rights for their daughter, I am urging you not to rely on the endless resources of the federal government in what could be a dragged out legal action.

We have only to look at the dismal actions of the Federal government in the Pictou Landing case where the federal government spent over \$300,000 in legal costs fighting the family of a seriously-handicapped youth. In this case, the court ruled like that the government failed this family and are obligated to provide a broader implementation of Jordan's Principle.

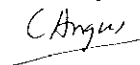
*I do not think the principle in Jordan's Principle case is to be read narrowly. The absence of a monetary dispute cannot be determinative where officials of both levels of government maintain an erroneous position on what is available to persons in need of such services in the province and both then assert there is no jurisdictional dispute.*

The days when the government of Canada uses its bureaucracy and its legal war chest to fight against putting the needs of Indigenous children first must stop. I take seriously the words of the Prime Minister when he stated that there is no other relationship that is more important to him or to Canada than the one with Indigenous Peoples and at the same time he made himself the Minister of Youth.

And yet these aspirational words will only have meaning if individual politicians take concrete action. The question posed by this ruling is whether government officials are willing to transform to create truly child centred policies, or simply administrators of a discriminatory status quo. I ask that your government's actions start meeting the urgency that this moment requires to protect these kids.

I look forward to hearing from you in this matter.

Sincerely,



Charlie Angus  
MP Timmins-James Bay