



What does the Child Welfare and Social Programs Sector do for First Nations?

The Child Welfare and Social Programs Sector (the Sector) is responsible for advocacy pertaining to First Nations control and jurisdiction over social development programs and policies across the life course. The Sector advocates for First Nations control, jurisdiction, and capacity as the foundation for holistic, sustainable, inclusive, and culturally based systemic reform, as directed by First Nations.

For decades, the Assembly of First Nations (AFN) has advocated for improved funding for Indigenous Services Canada's (ISC) social programs, including the On-Reserve Income Assistance Program, the Assisted Living Program, and the Family Violence Prevention Program. The AFN has also advocated for increased funding for First Nations Early Learning and Child Care (ELCC), and for a coordinated, First Nations-led approach to ELCC, including co-developing the Indigenous ELCC Framework. These programs have been historically underfunded with flawed funding models that do not adequately address First Nations unique needs. Poverty reduction and moving towards a better future for First Nations continues to be an underlying goal of this advocacy.

In 2007, the AFN and First Nations Child and Family Caring Society filed a complaint at the Canadian Human Rights Tribunal (CHRT), alleging discrimination against First Nations children in the delivery and under-funding of First Nations Child and Family Services (FNCFS) and Jordan's Principle. In January 2016, the CHRT issued a landmark ruling finding that Canada was systemically discriminating against First Nations children on-reserve and in the Yukon. It ordered Canada to immediately reform FNCFS and properly implement Jordan's Principle to ensure that First Nations children's needs are met, and the best interests of children are protected.

How has the AFN's recent advocacy affected this area?

The AFN has worked to increase First Nations' knowledge of Jordan's Principle and continues to advocate for First Nations children to receive the products and services they need without delay or denial, as well as advocating for First Nations leadership in determining the future of Jordan's Principle. The AFN's advocacy led to an investment in Jordan's Principle of up to \$1.2 billion over three years in 2019. Throughout the COVID-19 pandemic, Jordan's Principle has remained available to support the health, social and education needs of First Nations children. The AFN hosted a virtual gathering on First Nations innovation and determination in Jordan's Principle in March 2021.

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In response to COVID-19, the AFN's advocacy focused on ensuring that First Nations ELCC providers are supported to safely serve First Nations children and families, which resulted in an emergency investment of over \$70 million for the safe re-opening and delivery of First Nations ELCC services. Canada's 2020 Fall Economic Statement (FES) indicated a shift towards Canada-wide ELCC, including funding for Indigenous ELCC. Canada also committed to making previous investments under the Indigenous ELCC Framework permanent after 2028. Budget 2021 proposed to invest \$2.5 billion over five years in Indigenous ELCC, including capacity, creating childcare spaces and infrastructure investments, among others. Budget 2021 also commits to tabling federal ELCC legislation by Fall 2021.

AFN advocacy efforts regarding the On-Reserve Income Assistance (IA) Program during COVID-19 led to a \$270 million investment in 2020 to better support First Nations accessing income assistance during the pandemic. It further led to a \$540 million proposed investment over two years in Budget 2021 to continue to address basic needs and increased program demand. Furthermore, the AFN's advocacy for extended funding for the Case Management and Pre-Employment Supports associated with the IA Program has been actualized in the Budget 2021 announcement, with a proposed \$78.4 million investment over two years. The AFN has further advocated for greater investments in the Family Violence Prevention Program, which received an investment of \$44.8 million over 5 years to build 12 new shelters on-reserve and in the territories. Finally, the AFN hosted the virtual National Forum on First Nations Income Assistance: Reform for the Future, in March 2021, which had over 900 viewers.

The AFN played a critical role in advocating for and developing *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act), which received Royal Assent in 2019 and came into force on January 1, 2020. The Act recognizes First Nations' jurisdiction over child and family services and sets national standards for the best interests and wellbeing of First Nations children and youth in care. The Chiefs Committee on Child and Family Services and Self-Determination continues to support First Nations-led implementation of the Act.

On July 7, 2020, the National Chief Perry Bellegarde and Minister of Indigenous Services, Marc Miller, signed a Protocol regarding *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Protocol). The Protocol is a three-year agreement that ensures a First Nations distinctions-based framework is applied when implementing the Act. The AFN is working with First Nations and Canada under the Joint National Working Group on Legislative Implementation of the Act in relation to First Nations (JNWG), established under the Protocol.

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In September 2020, the Institute of Fiscal Studies and Democracy proposed a needs-based funding approach for First Nations Child and Family Services, and a framework to measure the wellbeing of First Nations children, their families and communities. During COVID-19, National Chief Perry Bellegarde's advocacy led to a moratorium on First Nations youth aging out of care to ensure that youth have continued access to the services and supports they need to thrive, and for agencies to be reimbursed for the costs of this continued care.

As a result of the AFN's advocacy, Budget 2021 has proposed to increase the FNCFS budget by \$1 billion over five years, with \$118.7 million ongoing. This funding will, in part, permanently ensure that First Nations youth who reach the age of majority receive the supports that they need, for up to two additional years. Furthermore, in the July 2020 Economic and Fiscal Snapshot, Canada committed over \$542 million over five years to support the implementation of the Act. Budget 2021 proposed a further investment of \$73.6 million over four years to support implementation of the Act. As this level funding is still far below the estimated \$3.5 billion needed, the AFN continues to advocate for additional funds.

Under National Chief Perry Bellegarde's leadership, the AFN has returned to the CHRT several times to address Canada's non-compliance with the orders on FNCFS reform and Jordan's Principle. On September 6, 2019, the CHRT ordered Canada to pay the maximum allowable compensation to First Nations children and their families who were unnecessarily placed into the child and family services system or denied necessary services under Jordan's Principle from January 1, 2006 onwards. This order is a step towards justice. In February 2021, the Parliamentary Budget Officer estimated that the cost of complying with the compensation order could range from \$1.3 billion to \$15 billion.

In September 2020, Canada certified a monumental \$10 billion class action lawsuit that the AFN filed to seek justice for the thousands of First Nations children and families that have been discriminated against by Canada's child and family services system and Jordan's Principle, which is now in mediation. The AFN was moved to file this lawsuit because the September 2019 CHRT ruling excluded First Nations children and youth involved with the child and family services system from 1991 until 2005.

Where do we hope to go in the future?

Child and Family Services: The AFN continues to work with ISC and First Nations to implement the Act and advocate for a new sustainable funding model to implement the legislation. The AFN will continue to ensure that First Nations sovereignty over child and family services is upheld and

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respected, and that the number of First Nations children and youth in care is reduced and families are supported in order to thrive.

Jordan's Principle: As Canada prepares for Jordan's Principle authority renewal in fall 2021, the AFN will continue to advocate for greater First Nations control over the long-term implementation of Jordan's Principle. The AFN is fighting for First Nations children and their families to see justice for the pain and suffering they experienced due to Canada's discriminatory approach to Jordan's Principle. Through the federal class action lawsuit and the compensation process ordered by the CHRT, the AFN will continue to seek fair and just compensation for these children and families.

Early Learning and Child Care (ELCC): The AFN will continue its advocacy for support for First Nations ELCC programs and providers during the COVID-19 pandemic and beyond, and will continue to advocate for First Nations in the work towards a national system of ELCC and the implementation of the Budget 2021 commitments.

Social Programs: The AFN continues to advocate for reform of the On-Reserve Income Assistance Program, as well as extended and expanded access to Case Management and Pre-Employment Supports. The AFN is also pursuing a project supporting the development of First Nations-specific indicators of poverty and wellbeing, which is planned to begin in Summer 2021. The AFN continues to push for greater investments in the Assisted Living, Long-Term Care, and Family Violence Prevention Programs. The AFN is also planning a virtual National Forum on Income Assistance in early 2022.

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