



History: AFN's Advocacy at the Canadian Human Rights Tribunal on First Nations Child and Family Services and Jordan's Principle



AFN's Advocacy at the Canadian Human Rights Tribunal: Background and Timeline

Pre-2007	Findings of Discrimination	The Joint National Policy Review and the Wen:de reports found serious shortfalls in the funding of First Nations Child and Family Services (FNCFS). The Canadian Incidence Studies on Reported Child Abuse and Neglect highlighted the disproportionate involvement of First Nations children in the child and family services system.
2007	Complaint Filed	The Assembly of First Nations (AFN) and Caring Society filed a human rights complaint alleging that Canada was discriminating against First Nations children and families in the funding of the FNCFS Program and narrow application of Jordan's Principle.
2016	Proven Discrimination	The Canadian Human Rights Tribunal (CHRT) substantiated the complaint (2016 CHRT 2), and ordered Canada to immediately overhaul the FNCFS Program and fully implement Jordan's Principle.
2017	Jordan's Principle Orders	The CHRT issued immediate relief orders on Jordan's Principle (2017 CHRT 14 and 2017 CHRT 35).
2019	Compensation Order	The CHRT ordered Canada to pay \$40,000 in compensation to eligible First Nations children and their families harmed by Canada's discrimination (2019 CHRT 39). In October 2019, Canada filed for a judicial review of this order.
2020	Jordan's Principle Eligibility	The CHRT issued an order on eligibility for Jordan's Principle (2020 CHRT 36). In December 2020, Canada filed for a judicial review of this order.
2021	Federal Court Decision & Appeals	In June 2021, Federal Court heard the judicial reviews of the CHRT's compensation and eligibility orders. In September 2021, the Federal Court upheld both orders . Canada filed a "protective review" of the Federal Court decision in October 2021.
	Capital Order	In August 2021, the CHRT issued an interim letter-decision regarding capital assets. Canada filed for a judicial review of this decision in September 2021. In November 2021, the CHRT issued its full order and reasons regarding capital assets (2021 CHRT 41).



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AFN's Mandate from Chiefs-in-Assembly

The following resolutions guide the AFN's advocacy at the CHRT, including compensation and long-term reform of the FNCFS Program and Jordan's Principle:

<p>AFN Resolution 62/2016, <i>Full and Proper Implementation of the historic Canadian Human Rights Tribunal decision in the provision of child welfare services and Jordan's Principle</i></p>	<p>Calls upon Canada to implement the CHRT's orders, including immediately remedying the discrimination found by the CHRT, and cease unilateral actions that exclude First Nations. Further, supports the re-establishment of the National Advisory Committee (NAC) on FNCFS Program Reform.</p>
<p>AFN Resolution 83/2016, <i>National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy</i></p>	<p>Calls on Canada to immediately comply with the CHRT's orders, affirms NAC as the process to advise on FNCFS reform and Jordan's Principle implementation.</p>
<p>AFN Resolution 40/2017, <i>Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders</i></p>	<p>Calls on Canada to comply with all CHRT orders, including dropping an appeal, and reiterates the Chiefs-in-Assembly's concerns regarding Canada's failure to comply with resolutions on this matter.</p>
<p>AFN Resolution 92/2017, <i>Support for the Spirit Bear Plan to End Inequities in all Federally Funded Public Services for First Nations Children, Youth and Families</i></p>	<p>Supports the Spirit Bear Plan, as developed by the First Nations Child and Family Caring Society.</p>
<p>AFN Resolution 27/2018, <i>Support for the long-term implementation of Jordan's Principle</i></p>	<p>Calls on Canada to implement and invest in Jordan's Principle beyond March 31, 2019, including capital and First Nations control over Jordan's Principle as part of the long-term approach to implementing Jordan's Principle.</p>
<p>AFN Resolution 85/2018, <i>Financial Compensation for Victims of Discrimination in the Child Welfare System</i></p>	<p>Calls on Canada to ensure financial compensation is the maximum allowable under the Canadian <i>Human Rights Act</i>, and ensure that siblings, parents and/or grandparents are provided with compensation.</p>

The following committees inform the work of the AFN regarding FNCFS and Jordan's Principle:

- **National Advisory Committee on Child and Family Services Program Reform (NAC):** Mandated by Chiefs-in-Assembly to provide advice and input into the design and development of reform of the FNCFS Program to promote the safety and best interests of First Nations children and to ensure substantive equality.
- **Consultation Committee on Child Welfare (CCCW):** Oversee the development and implementation of immediate relief measures ordered by the CHRT and encompassed by the Consultation Protocol, including Jordan's Principle.
- **Jordan's Principle Action Table (JPAT):** A sub-committee of the NAC that is focused on the implementation of Jordan's Principle, including reform and the long-term implementation approach, and makes recommendations to the NAC.
- **Jordan's Principle Operations Committee (JPOC):** A sub-committee of the CCCW that provides input and guidance on the operational aspects of Jordan's Principle and makes recommendations to the CCCW.