



JORDAN'S PRINCIPLE

OVERVIEW

In 2007, the Assembly of First Nations (AFN), in partnership with the First Nations Child and Family Caring Society (Caring Society), launched a case at the Canadian Human Rights Tribunal (CHRT) alleging that Canada discriminates against First Nations children by underfunding First Nations Child and Family Services on-reserve and called for the full implementation of Jordan's Principle. On January 26, 2016, the CHRT ruled that Canada's failure to ensure First Nations children can access government services on the same terms as other children via a mechanism known as Jordan's Principle was discriminatory and contrary to the law.

The CHRT has issued four compliance rulings and the April 2016 ruling required Canada to immediately take measures to address a

number of its findings and provided a clear definition of Jordan's Principle to apply to all First Nations children and all jurisdictional disputes. As a result of these orders, Jordan's Principle is now a legal principle. Jordan's Principle requires Canada to provide services to all First Nations children regardless of where they live, within 12 to 48 hours, ensuring there are no gaps in services for First Nations children, and for the removal of jurisdictional disputes. When a government service is not necessarily available to all other children the government must still evaluate the needs of the child to ensure substantive equality.

Budget 2019 committed \$1.2 billion over three years for Jordan's Principle implementation.

UPDATE

- Between July 2016 and August 31, 2019, more than 358,000 requests were approved under Jordan's Principle.
- Jordan's Principle eligibility has been expanded, now providing coverage to non-status First Nations children who ordinarily reside on-reserve, and to First Nations children without Indian Act status who live off-reserve who are recognized as members by their Nation and who have urgent and/or life-threatening needs.
- In July 2018, Chiefs-in-Assembly passed Resolution 27/2018, *Support for the long-term implementation of Jordan's Principle*, and the work of the Jordan's Principle Action Table.
- The long-term policy options developed at the Action Table call for greater First Nations control of services for First Nations children and families in addition to enhanced and ongoing funding for child-centered, needs-based and First Nation-based programs and services. However, Budget 2019 did not support the innovative policy options created at the Action Table.

ISSUE UPDATE

November 2019

- Funding for service coordination has increased from \$23M in 2018-19 to a new \$40M allocation.
- In July 2019, Chiefs-in-Assembly passed Resolution 15/2019, *Jordan's Principle Operations*, seeking regional appointment for the Jordan's Principle Operations Committee (JPOC), which provides operational guidance on the implementation of Jordan's Principle. The AFN is still seeking appointment for regional representation.
- On September 6, 2019, the CHRT issued its order on the issue of compensation to victims/survivors due to Canada's discriminatory practices towards First Nations children and families, and in its narrow application of Jordan's Principle (see Child Welfare update). On October 5, 2019, Canada applied for a judicial review of the ruling.

NEXT STEPS

- The AFN is hosting a joint Service Coordinator and Focal Point gathering on November 13-14, 2019, to support networking, share best practices, and build relationships with federal counterparts. The Gathering is taking place in Montreal, QC.
- The AFN continues to advocate for reinvestment and implementation of Jordan's Principle, in addition to the need for investments in capital costs.

