



## What is the history of this issue and how does it impact First Nations?

[Jordan's Principle](#) is named in honour of Jordan River Anderson, a First Nations boy from Norway House Cree Nation in Manitoba who was born with complex medical needs. Jordan could have received home-based care, but because the governments of Canada and Manitoba could not agree on who would pay for his care, Jordan spent his entire life in hospital, where he passed at age 5 in 2005. Jordan's Principle ensures that First Nations children have access to the health, social and educational supports they need to thrive, regardless of where they live, and without denial, delay or disruption.

In 2007, the Assembly of First Nations (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 First Nations children's needs are met and their best interests are protected.

Jordan's Principle has approved over 828,000 products, services and supports for First Nations children between July 2016 and February 28, 2021.

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

The AFN continues to advocate for First Nations children to receive the products, services and supports they need, without delay, disruption or denial. The AFN has further advocated for First Nations to determine and advance their priorities for the future of Jordan's Principle, including greater First Nations control over Jordan's Principle. The AFN's advocacy led to an investment in Jordan's Principle of \$1.2 billion over three years in 2019.

The AFN has returned to the CHRT several times to address Canada's non-compliance with the orders on FNCFS and Jordan's Principle. In September 2019, the CHRT ordered Canada to pay the maximum allowable compensation for victims of discrimination under the FNCFS Program and Jordan's Principle. In October 2019, Canada filed for judicial review of this ruling. Under the leadership of National Chief Perry Bellegarde, the AFN has worked with the Parties to the CHRT to outline a framework for compensation under the ruling. 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. The AFN also filed a \$10 billion class action lawsuit to build on the

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work at the CHRT, including covering victims who were excluded from the CHRT's compensation ruling. In September 2020, the class action was certified, and the case is currently in mediation.

In November 2020, the CHRT issued a ruling to expand Jordan's Principle eligibility to include more First Nations children. Under the latest ruling, children who meet any of the following criteria are eligible for consideration under Jordan's Principle:

- First Nations children registered (or eligible to be registered) under the Indian Act, whether they live on- or off-reserve. This includes all children who will become eligible for Indian Act status under Bill S-3 implementation.
- First Nations children who have one parent/guardian who has or is eligible for Indian Act status, whether they live on- or off-reserve.
- First Nations children recognized as a citizen/member by their First Nation, regardless of Indian Act status eligibility, whether they live on- or off-reserve.
- First Nations children who ordinarily reside on-reserve.

This ruling also included a provision for funding for First Nations to increase capacity to identify and confirm children as members of their nation for the purposes of Jordan's Principle. On December 22, 2020, Canada filed for judicial review of the ruling; however, children who are eligible under the above criteria are still considered eligible while the judicial review is underway.

Throughout the COVID-19 pandemic, Jordan's Principle has remained available to support First Nations children to access the health, social and education programs, services and supports they need. The AFN continues to advocate for consistency across regions in the programs, services and supports that are approved to ensure that all First Nations children, regardless of where they live, are receiving equitable services.

In March 2021, the AFN hosted a virtual gathering on First Nations innovation and determination in Jordan's Principle. The gathering brought together Knowledge Keepers, Youth, First Nations leadership, government officials, Service Coordinators and more to hear from First Nations implementing innovative models of service delivery and coordination and discuss First Nations control over Jordan's Principle.

### **Where do we hope to go in the future?**

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The AFN continues to advocate for First Nations-determined and -led long-term implementation of 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 Jordan's Principle.

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The AFN will continue to fight 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.

*For more information on Jordan's Principle, or to submit a request, contact the Government of Canada's Jordan's Principle Call Centre at 1-855-572-4453 (open 24 hours a day, 7 days a week), or visit [www.canada.ca/jordans-principle](http://www.canada.ca/jordans-principle).*

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