



SPECIAL CHIEFS ASSEMBLY

DATE: DECEMBER 7-9, 2021

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# First Nations Child and Family Services and Jordan's Principle Compensation

*Assembly of First Nations (AFN) Dialogue Session*

*December 6, 2021 – 1:00 pm ET*



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ASSEMBLÉE EXTRAORDINAIRE DES CHEFS

DU 7 AU 9 DÉCEMBRE 2021



# Background

- **2019:** Canadian Human Rights Tribunal (CHRT) ordered Canada to pay compensation to victims of discrimination found in their First Nations Child and Family Services (FNCFS) Program and Jordan's Principle including:
  - From 2006, First Nations children on reserve or in the Yukon who were unnecessarily removed from their home, and their parent(s) or caregiving grandparent(s)
  - From 2006, First Nations children who were necessarily removed from their home but were placed outside of their extended family or community
  - From 2007, First Nations children who faced a gap, delay and/or denial of an essential service, and their parent(s) or caregiving grandparent(s)



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## Background (cont.)

- **2020:** AFN is a plaintiff and filed a Class Action lawsuit against Canada for the harms it perpetuated against First Nations children and families in the federal FNCFS Program and Jordan's Principle that is similar to CHRT, and it includes more individuals from 1991. The AFN also has other representative plaintiff individuals who are important to the pursuit of this case
- **2021:** Federal Court of Canada upheld the CHRT's compensation order, and Canada agreed to negotiate with the AFN and other parties



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# Proposal for Compensation for FNCFS and Jordan's Principle

- AFN is advocating for:
  - Compensation for First Nations children and their parent(s) or caregiving grandparent(s) who experienced discrimination in the FNCFS Program and Jordan's Principle
  - Additional funds for legal and administrative fees, health supports for survivors



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## Next Steps

- Currently drafting Agreement-in-Principle (AIP) that includes compensation
  - This aspect of the AIP is only the Framework to reach a final settlement agreement
- AFN is seeking support of Chiefs-in-Assembly for the AFN Executive Committee to sign off on the AIP as a framework for a final negotiations to settle compensation.
- Final settlement agreement to be brought to the Chiefs-in-Assembly in 2022 for approval or a Special Chiefs Assembly for review and approval.