

**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 programs 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 from the CHRT, Jordan's Principle is now a legal principle. Jordan's Principle requires the federal government to provide services to all First Nations children regardless of where they live, within 12 to 48 hours, ensuring there are no gaps in government services for First Nations children, and the removal of jurisdictional disputes so that children do not have to wait for services while government departments determine who pays for the service. 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.

As per Resolution 83/2016, *National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy*, the National Advisory Committee on Child and Family Services Program Reform (NAC) was re-established and provides key recommendations for medium- and long-term relief related to the Tribunal decisions, and provides general advice on program reform, including the application of Jordan's Principle. In an effort to organize their work, the NAC has created Action Tables each with its own area of focus, including a Jordan's Principle Action Table.

The Jordan's Principle Action Table is oriented towards proposing policy options for the extension of federal program authorities, support for service delivery models, and funding to fully implement Jordan's Principle. This work is being done with representatives of the Government of Canada and representatives of First Nations across Canada, including the AFN.

In July 2016, the government of Canada announced \$382M in new funding to implement Jordan's Principle and created an interim three year approach called the Child First Initiative (CFI). The CFI is a needs-based approach meant to ensure access to services

ISSUE UPDATE

October 2018

without delay or disruption, and is in place until 2019, at which time Canada has made an ongoing commitment to an inclusive national engagement process that will yield a

sustainable, long-term approach to Jordan's Principle. The Jordan's Principle Action Table is informing this work.

UPDATE

- Since June 2017, the Jordan's Principle Action Table has been supporting the co-development of long-term policy options for Jordan's Principle, which will inform a Memorandum to Cabinet in fall 2018.
- The Jordan's Principle Action Table has proposed a phased approach to the implementation of the full definition of Jordan's Principle recognizing that First Nations have not had sufficient time to determine how they want to implement the Principle. The Action Table is, therefore, proposing to seek a mandate and funding to support First Nations-led dialogue. This will support dialogue, visioning, needs assessment and planning for what is still unknown in terms of service needs, how First Nations want to organize to deliver services, or how they want to implement Jordan's Principle for themselves.
- The long-term policy options being proposed for Jordan's Principle will 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. The Action Table has emphasized that First Nations should not be limited by current program authorities and eligibility, and a more holistic policy authority would be a means to facilitate a single transfer of funding to First Nations to plan for and realize their vision for children and families.
- 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 AFN hosted a two-day Jordan's Principle Summit on September 12 and 13, 2018, in Winnipeg, MB, to share best practices and innovative approaches to implement Jordan's Principle and discuss the long-term approach to Jordan's Principle as defined by First Nations.

NEXT STEPS

- Move forward with the Jordan's Principle Action Table work.
- Co-development of policy options for a fall 2018 Memorandum to Cabinet to inform the full implementation of Jordan's Principle, as directed by regional discussions and the Jordan's Principle Action Table.
- Call on Canada to continue to invest in and implement Jordan's Principle beyond March 31, 2019, as well as to invest in capital costs required for the local delivery of health, social, and education programs and services for First Nations children and families.