



First Nations Child & Family Caring Society Statement in response to the Canadian Human Rights Tribunal decision on compensation

October 25, 2022 - The Caring Society welcomes the Canadian Human Rights Tribunal decision today confirming Canada's obligation to pay a minimum of \$40,000 in human rights compensation to all eligible victims of Canada's discriminatory treatment of First Nations children, youth and caregivers covered by the Tribunal's orders. Canada's dramatic under-funding of child and family services contributed to thousands of unnecessary family separations between 2006 and 2022. Canada's failure to implement Jordan's Principle created serious harms, including deaths, of children.

It has been three long years since the Tribunal ordered this compensation to victims. Over a year ago, the Federal Court upheld the Tribunal's compensation order. Instead of paying the victims the money they were entitled to right away, Canada announced it wanted to pay the compensation via a class action settlement. At the time, government officials said they wanted to go the class action route to give victims more compensation. However, today's Tribunal ruling confirms that the Final Settlement Agreement (FSA) on compensation signed between class action lawyers and Canada on June 30, 2022, does not satisfy the Tribunal's compensation orders. The Tribunal found that the FSA disentitles some victims, including children who had been removed from their home, families and communities, while reducing the compensation amounts for others or making their entitlements unclear. The Tribunal made clear that it does not have the legal authority to take compensation away from victims who have protected rights: "Denying entitlements once recognized in orders is an unfair and unjust outcome that the Tribunal cannot endorse given the *CHRA's* objectives and mandate. [...] Granting the requested orders would disentitle certain victims/survivors from compensation under the Tribunal's orders."

The Caring Society recognizes that the FSA is an important agreement that provides additional compensation to some victims. We fully support this very important goal. We call on Canada to adopt the Tribunal's ruling and take up its clear suggestions to fix the FSA to ensure all victims get the human rights compensation and supports they are legally entitled to as soon as possible. We are ready to assist Canada and the class action parties in doing so.

We believe the Tribunal's decision is a step in the right direction toward reconciliation. Our expectation is that Canada immediately pays all financial reparations and supports owed to the victims who have suffered so greatly and waited so long.