CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

THE FIRST NATIONS CHILD AND FAMILY CARING SOCIETY
– and –
THE ASSEMBLY OF FIRST NATIONS

Complainants

– and –
CANADIAN HUMAN RIGHTS COMMISSION

Commission

– and –
ATTORNEY GENERAL OF CANADA
(Representing the Honourable Minister of Indigenous Services Canada)

Respondent

– and –
CHIEFS OF ONTARIO
AMNESTY INTERNATIONAL CANADA
NISHNAWBE ASKI NATION

Interested Parties

– and –
THE FIRST NATIONS OF QUEBEC AND LABRADOR HEALTH AND SOCIAL SERVICES COMMISSION

Applicant

– and –
THE ASSEMBLY OF FIRST NATIONS QUEBEC-LABRADOR

Co-Applicant

Joint written submissions of the Applicant and the Co-Applicant seeking intervenor status in the proceedings

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LIST OF ACRONYMS

A

AFN · *Assembly of First Nations*
AFNQL · *Assembly of First Nations Quebec-Labrador*

C

CHRA · *Canadian Human Rights Act*
CHRT · *Canadian Human Rights Tribunal*
COO · *Chiefs of Ontario*

D

DRFNC · *Declaration of the Rights of First Nations Children*

F

FNCFS · *First Nations Child and Family Services*
FNCFSA · *Final agreement on the long-term reform of the First Nations Child and Family Services Program*
FNQLHSSC · *First Nations of Quebec and Labrador Health and Social Services Commission*

I

ISC · *Indigenous Services Canada*

N

NAN · *Nishnawbe Aski Nation*
NCCC · *National Chiefs' Commission for Children*

R

RHWB · *Regional Health and Wellness Body*

U

UNDRIP · *United Nations Declaration on the Rights of Indigenous Peoples*

PART I – STATEMENT OF FACTS

Overview

1. The Applicant and the Co-Applicant have filed a joint motion seeking intervenor status in Case No. T1340/7008.

2. The Government of Canada, the First Nations Child and Family Caring Society (hereinafter the "Caring Society"), and the Chiefs of Ontario (COO) have responded to this motion.

3. The Caring Society has consented to the motion to intervene filed by the Applicant and the Co-Applicant.[1]

4. In an affidavit by Marc Boivin, Director of the Child and Family Services Reform Sector at Indigenous Services Canada (ISC), the Government of Canada stated that following discussions with the AFN, they would promptly publish the First Nations Child and Family Services Agreement (FNCFSA) in French.[2] This is in contradiction to the claims of the Applicant and the Co-Applicant, whose joint motion is partly based on the interval between the publication of the English and French versions.

5. Marc Boivin also asserted that the French translation of the FNCFSA had been reviewed and did not contain any significant translation issues.[3]

6. However, the evidence shows that the French version of the FNCFSA was published more than a month after the English version and contains anomalies.

7. The Applicant and the Co-Applicant therefore dispute the Government of Canada's version of the facts and emphasize that the French version of the FNCFSA was only made available a month after the English version, which affected consultations.

8. The Applicant and the Co-Applicant reiterate the necessity of being granted intervenor status to prevent further language-related issues from infringing on the rights of First Nations in Quebec working in French, particularly in the context of discussions and consultations on the FNCFSA and Jordan's Principle.

9. The position of the Chiefs of Ontario (COO) is not clear based on their written exchanges and affidavits. Consequently, the Applicant and the Co-Applicant intend to disregard it while remaining respectful of the autonomy and choices of First Nations in Ontario.

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[1] Email from Mr. David Taylor to Ms. Judy Dubois dated March 17, 2025.
[2] Affidavit of Marc Boivin, para. 5.
[3] *Ibid.,* para. 13.

10. The Applicant and the Co-Applicant will also emphasize the regional specificities of First Nations in Quebec, as well as the *Declaration of the Rights of First Nations Children* (DRFNC) adopted by the Assembly of First Nations Quebec-Labrador (AFNQL).[4] These regional specificities are factors that justify the granting of intervenor status in the case, and on which neither the Government of Canada nor the COO have taken a position.

Context

11. Before describing the events leading up to the joint motion in more detail, a brief summary is necessary. On July 11, 2024, the Government of Canada, the Assembly of First Nations (AFN), the Chiefs of Ontario (COO), and the Nishnawbe Aski Nation (NAN) reached a final agreement on the long-term reform of the First Nations Child and Family Services Program (FNCFSA) in English. A copy of the document was distributed to First Nations across Canada.

12. One month after the English-language publication of the FNCFSA, a French version of the Agreement was made available on the AFN website on August 12, 2024.[5]

13. A revised French version of the FNCFSA was posted on the AFN website on August 19, 2024.

14. This revised version still contained linguistic inconsistencies.[6]

15. The final FNCFSA does not take into account the recommendations made in the final report[7] of the First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC) submitted to the AFN in November 2022. These recommendations included taking the realities of First Nations in Quebec with respect to self-determination into consideration in the context of the repatriation of responsibilities from Indigenous Services Canada (ISC) as part of the governance process.[8]

16. However, the *Department of Indigenous Services Act*[9] provides that the Minister of Indigenous Services Canada may transfer the department's responsibilities related to the development and delivery of these services by entering into agreements with Indigenous organizations.

17. On this subject, on March 26, 2025, the Chiefs of the Assembly of First Nations Quebec-Labrador (AFNQL) adopted Resolution nº 05/2025.[10]

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[4] **Exhibit GP-2**: Assembly of First Nations Quebec-Labrador, *Declaration of the Rights of First Nations Children*, (June 10, 2015), Essipit.
[5] Affidavit of Marc Boivin, para. 10.
[6] **Exhibit CA-3.**
[7] **Exhibit CA-11**, p. 34-35.
[8] Motion to intervene by the Applicant and Co-Applicant, para. 55.
[9] *Department of Indigenous Services Act,* SC 2019 c. 29, ss. 7 and 9.
[10] **Exhibit CA-17**: Assembly of First Nations Quebec-Labrador, *Negotiation and development of a transition plan for a new health and wellness governance model by and for First Nations in Quebec,* 2025, resolution nº 05/2025.

18. This resolution mandates the Chiefs Advisory Committee on Health and Wellness Governance and the FNQLHSSC to create an ad hoc committee tasked with, among other things, establishing a team to negotiate with the Government of Canada and the Government of Quebec to develop a framework agreement, eventually leading to the signing of a final agreement. This agreement would allow local First Nations governments to transfer federal responsibilities over health and social services to a governance structure that will be referred to as the Regional Health and Wellness Body (RHWB).

19. On March 17, 2025, the Department of Justice Canada sent a letter to the Canadian Human Rights Tribunal (CHRT) (hereinafter referred to as "the Tribunal"). In this letter, Canada requested that the Tribunal consider the joint motion from the COO and NAN before any other motions.

20. However, Canada also stated that the outcome of the joint motion from the COO and NAN may influence the course of the proceedings—including the use of the dialogic approach and the finalization of the long-term remedial phase—for other provinces and territories, including First Nations in Quebec.

21. In this context, the Applicant and the Co-Applicant consider their intervention in the joint motion from the COO and NAN to be necessary.

PART II – LEGAL FRAMEWORK

22. In its order[11] dated December 20, 2022, the Tribunal stated that particular First Nations interests could participate in discrete questions before the Tribunal by using the "interested party" mechanism provided for in the *Canadian Human Rights Tribunal Rules of Procedure.*[12]

23. Pursuant to subsection 50(1) and paragraph 48.9(2)(b) of the *Canadian Human Rights Act* (CHRA), as well as section 3 and subsection 8(1) of the *Canadian Human Rights Tribunal Rules of Procedure* (03-05-04), granting interested party status falls within the discretionary power of the Tribunal.

24. An individual or organization may be granted interested party status if the proceedings affect them and if they can assist the Tribunal in resolving the issues before it. This assistance must provide a perspective that is distinct from those advanced by the other parties and contribute meaningfully to the Tribunal's decision-making process.[13]

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[11] *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada),* 2022 CHRT 41, para. 465.
[12] *Canadian Human Rights Tribunal Rules of Procedure*, 2021 (SOR/2021-137)
[13] *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada),* 2016 CHRT 11, para. 3.

25. The applicable criteria for being granted interested party status are those set out in paragraph 23 of *Walden et al. v. Attorney General of Canada (representing the Treasury Board of Canada and Human Resources and Skills Development Canada) [Walden],*[14] namely that:
a. the prospective interested party's expertise will be of assistance to the Tribunal;
b. its involvement will add to the legal positions of the parties; and
c. the proceeding may have an impact on the moving party's interests.

26. The approach adopted in *Attaran v. Citizenship and Immigration Canada*[15] [*Attaran*] refines and expands upon the framework developed in *Walden*.

27. In *Attaran*, at paragraph 12, the Tribunal states that interested party status must be determined holistically and on a case-by-case basis. The Tribunal also approvingly references *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada),*[16] a decision that forms part of the present case.

28. The Tribunal reiterated this case-by-case approach and the jurisprudential history on the legal framework applicable to motions for intervention by an interested party in *Letnes v. Royal Canadian Mounted Police*[17] at paragraph 14.

29. Regarding the motion for intervention brought by the Applicant and the Co-Applicant, we submit that the Tribunal must address the following questions:
a. Should the Applicant and the Co-Applicant be granted interested party status?
b. If interested party status is granted, what will be the scope of the Applicant and the Co-Applicant's participation in the proceedings?

PART III – WRITTEN SUBMISSIONS

a. Should the Applicant and the Co-Applicant be granted interested party status?

30. The Applicant and the Co-Applicant submit that they meet the applicable criteria to be granted interested party status.

31. The Tribunal's case law in the present matter indicates that the analysis of these criteria should not be conducted in a strict or automatic manner, but rather on a case-by-case basis, using a flexible and holistic approach.[18]

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[14] *Walden et al. v. Attorney General of Canada (representing the Treasury Board of Canada and Human Resources and Skills Development Canada*), 2011 CHRT 19.
[15] *Attaran v. Citizenship and Immigration Canada,* 2018 CHRT 6.
[16] *Supra,* note 14.
[17] *Letnes v. Royal Canadian Mounted Police,* 2021 CHRT 30.
[18] *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada),* 2022 CHRT 26, para. 31.

32. The Applicant and the Co-Applicant argue that their intervention brings a distinct perspective from those advanced by the other parties and contributes to the Tribunal's decision-making process.

33. In this regard, all communities in Quebec have implemented front-line prevention services, and the majority have assumed youth protection responsibilities through FNCFS agencies.[19]

34. As will be discussed further below, the FNQLHSSC has coordinated the health and wellness governance process for First Nations in Quebec since 2014.[20]

35. Due to this history and expertise, we believe that granting interested party status to the Applicant and the Co-Applicant will positively support the Tribunal in properly adjudicating the matter.[21]

36. The Applicant and the Co-Applicant possess specific expertise regarding the challenges associated with child and family services and Jordan's Principle among First Nations in Quebec.

37. Moreover, the Tribunal's decisions have a direct impact on children and families in Quebec communities represented by the AFNQL.

38. The evidence submitted by the Applicant and the Co-Applicant demonstrates that the rights of First Nations in Quebec[22] — whose interests they are mandated to represent—have been negatively affected by the negotiation process. In this respect, the proceedings have current and potential impacts on the interests of the Applicant and the Co-Applicant. The only viable option available to them remains to apply for intervener status in order to express and protect the interests of the parties they represent.

39. From a linguistic standpoint, First Nations in Quebec did not have access to the French version of the FNCFSA at the time the English version was published.[23]

i. Honour of the Crown

40. The Government of Canada has a fiduciary relationship with Indigenous Peoples, which requires Canada to act honorably in its dealings with First Nations and to treat them fairly.[24] Such a fiduciary relationship also entails a duty to consult on a case-by-case and ongoing basis.[25]

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[19] Affidavit of Richard Gray, paras 34 and 40.
[20] Motion to intervene by the Applicant and Co-Applicant, paras 51-52; **Exhibit CA-13**.
[21] *Supra* note 19, para. 37.
[22] Affidavit of Ghislain Picard, paras. 21 et 32; **Exhibit GP-1**.
[23] *Ibid.*, paras. 54-57; **Exhibit GP-5**.
[24] *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada),* 2021 CHRT 41, para. 23
[25] *Haida Nation v. British Columbia (Minister of Forests),* [2004] 3 SCR 511 paras. 43-45.

41. The consultation process necessarily supposes that consultations will take place in a working language understood by all, including for First Nations communities working in French.[26]

42. By failing to provide a French version of the FNCFSA at the same time as the English version, the Government of Canada failed in its fiduciary duty—both by creating inequity between First Nations working in English and those working in French, and by unjustifiably undermining the quality of consultations with First Nations working in French.

43. Furthermore, the FNCFSA signed by the COO and NAN is currently being invoked by the Government of Canada as a binding precedent for other First Nations across Canada.[27]

44. This situation appears disrespectful of the democratic choice made by the First Nations within the AFN, who rejected the FNCFSA on October 17, 2024. On October 18, 2024, the Assembly of Chiefs adopted Resolutions n° 60/2024 and 61/2024.[28] This failure to comply with the resolutions constitutes a continuation of the inequity that the Government of Canada imposes on First Nations in Quebec who participated in this democratic process.

45. This democratic process within the AFN led to the establishment of a National Chiefs' Commission for Children (NCCC) to negotiate a new FNCFSA and to change the legal team responsible for the file.[29] First Nations in Quebec are participating in the NCCC through the Chief of Timiskaming First Nation, Vicky Chief.[30]

46. On January 24, 2025, the NCCC sent a letter to Canada inviting them to engage in discussions with the NCCC, the AFN Executive, and the Caring Society as soon as possible to explore Canada's interest in entering into a binding letter of commitment before March 24, 2025. The goal was to secure existing commitments and resolve the ongoing matter before the Tribunal concerning child and family services.[31]

47. On March 4, 2025, in a letter,[32] National Chief Cindy Woodhouse Nepinak urged the Government of Canada to obtain a revised mandate to negotiate the FNCFSA. The letter also stated that the AFN supports the NCCC in its efforts to advance the mandates of the First Nations in Assembly regarding the negotiation of final agreements on the long-term reform of the FNCFS program and Jordan's Principle.

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[26] Affidavit of Richard Gray, paras. 22-30.
[27] Letter from the Government of Canada (March 17, 2025) sent to the Tribunal.
[28] Affidavit of Ghislain Picard, para. 97.
[29] *Ibid.*, para. 99.
[30] **Exhibit GP-11**.
[31] **Exhibit CA-18**: Letter from Pauline Frost (January 24, 2025).
[32] **Exhibit CA-19**: Letter from National Chief Cindy Woodhouse Nepinak, (March 4, 2025) to the Government of Canada. [33] **Exhibit CA-20**: Letter from the Minister of Indigenous Services Canada, the Honourable Patty Hajdu (February 25, 2025).

48. However, to this day, Canada has not contributed to the work of the National Chiefs' Commission for Children.[33]

49. The Government of Canada is undermining the interests of First Nations in Quebec by greeting requests to negotiate with the NCCC with silence. This conduct is inconsistent with the honour of the Crown, which requires fairness and meaningful consultation—especially in a context where the honour of the Crown must be rooted in reconciliation.[34]

50. The AFNQL Regional Chief[35] is working with the AFN Executive and, consequently, supports the negotiation mandate granted to the NCCC, in accordance with the democratic will of the AFN Chiefs in Assembly.

51. However, Canada's silence on the NCCC's work places First Nations in Quebec in an ambiguous position regarding the governance process initiated in 2014. While Quebec First Nations are ready to begin discussions with the Government of Canada to repatriate the powers of Indigenous Services Canada, no element of the FNCFSA acknowledges this fact.

52. The lack of respect for the self-determination process led by First Nations in Quebec undermines the spirit of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).[36]

ii. The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP)

53. Since 2019, Canada has committed to implementing UNDRIP, notably through the adoption of the *Act respecting First Nations, Inuit and Métis children, youth and families.*[37] About this legislation, the Supreme Court of Canada states:

> While the Declaration is not binding as a treaty in Canada, it nonetheless provides that, for the purposes of its implementation, states have an obligation to take, "in consultation and cooperation with indigenous peoples, . . . the appropriate measures, including legislative measures, to achieve the ends" of the Declaration (art. 38). Recognized by Parliament as "a universal international human rights instrument with application in Canadian law", the Declaration has been incorporated into the country's positive law by the *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c. 14 ("*UNDRIP Act*"), s. 4(a). This statute recognizes that the Declaration "provides a framework for reconciliation" (preamble).[38]

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[33] **Exhibit CA-20**: Letter from the Minister of Indigenous Services Canada, the Honourable Patty Hajdu (February 25, 2025).
[34] *Quebec (Attorney General)* v. *Pekuakamiulnuatsh Takuhikan*, 2024 CSC 39, para. 12.
[35] Chief Francis Verreault-Paul was elected to the position on February 25, 2025, succeeding Ghislain Picard, who held the role for 33 years.
[36] *United Nations declaration on the rights of Indigenous peoples*, Off Doc UN GA, 61st sess., UN DOC A/RES/61/295
[37] S.C. 2019, c. 24.
[38] *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families,* 2024 SCC 5, para. 4.

54. More recently, the Quebec Superior Court and the Federal Court have respectively declared that UNDRIP is a "binding international instrument"[39] and that it "sets out the collective and individual rights of Indigenous peoples,"[40] thereby establishing it as a minimum standard to be upheld.

55. However, Canada's conduct contradicts UNDRIP and the principles of reconciliation, particularly Articles 18 and 19 of UNDRIP as they apply to First Nations in Quebec.

> **Article 18**
> Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
>
> **Article 19**
> States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

56. As mentioned above (paras. 45–51), Canada remains silent in response to the request to negotiate with the NCCC. Yet the NCCC was established through the AFN's democratic process, in which Quebec communities fully participated. This contravenes Article 18 of UNDRIP.

57. Furthermore, communities in Quebec were not able to participate actively and on an equal footing with other communities across Canada in decision-making processes affecting their rights, particularly in the context of the FNCFSA and its translation issues. This contravenes the spirit of Article 19 of UNDRIP.

58. Moreover, the rejection of the FNCFSA is partly based on the regional specificities of various First Nations.[41] Beyond the language barrier that prevented proper consultations with First Nations working in French, First Nations in Quebec have established distinct governance structures that were not considered in the FNCFSA.[42] However, UNDRIP places the right to self-determination at the heart of its approach.[43]

59. Had they been properly consulted, First Nations communities in Quebec would have pointed out that the mechanisms contained in the FNCFSA did not respect their own decision-making institutions.[44]

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[39] *R. c. Montour*, 2023 QCCS 4154, para. 1194.
[40] *Kebaowek First* Nation v. *Canadian Nuclear Laboratories,* 2025 CF 319, para. 74.
[41] Affidavit of Ghislain Picard, paras. 90-96.
[42] Affidavit of Richard Gray, paras. 41-42.
[43] *Supra*, note 36.
[44] Affidavit of Marjolaine Sioui, para. 74.

iii. Issues Related to Jordan's Principle

60. Since 2017, First Nations in Quebec have had Jordan's Principle coordinators in communities and other institutions. These coordinators are responsible for supporting First Nations in facilitating the implementation of Jordan's Principle.[45]

61. However, there is no evidence that First Nations communities and organizations will retain funding to coordinate Jordan's Principle in the future.

62. This structural feature of service delivery in Quebec helps prevent significant delays in processing requests. This prevention is greatly facilitated by the experience developed by these coordinators within communities and other institutions.

63. In reality, delays in Quebec are caused by the lack of communication from ISC's national office and budget cuts affecting ISC's Quebec regional office.[46]

64. Yet the Quebec region had the lowest rate of delays in processing Jordan's Principle requests.[47]

65. The Applicant and the Co-Applicant therefore insist on intervening in the matter related to Jordan's Principle. They possess unique expertise in this area due to their roles in coordinating meetings of Jordan's Principle coordinators since 2018.[48]

iv. Issues Related to the FNCFSA

66. The FNCFSA states that FNCFS agencies must submit reports based on performance indicators listed in Appendix 2 (Article 99)[49] and incorporate program success indicators from the "Measuring to Thrive" framework (Article 139).[50]

67. However, through the work of the FNQLHSSC, First Nations in Quebec have developed their own population health indicators tailored to the realities of their diverse communities.[51]

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[45] Affidavit of Jessie Messier, paras. 5-8; **Exhibit JM-1**.
[46] *Ibid.,* paras. 21-25.
[47] *Ibid.,* para. 26 and referring to the letter dated January 17, 2025, from the Department of Justice Canada and identified under number LEX-50001666425.
[48] *Ibid.,* para. 26 and referring to the letter dated January 17, 2025, from the Department of Justice Canada and identified under number LEX-50001666425.
[49] Though the usual French word for "Appendix" in this context is "Annexe," Appendix 2 is listed as "Appendice 2" in the French version—one of many anomalies in the French translation; **Exhibit CA-3**.
[50] Examples include knowledge of Indigenous languages, connection to the land, collective activities, spiritualities, and family reunifications.
[51] For example, it is difficult to rely on knowledge of Indigenous languages as a reliable health indicator in a community where the Indigenous language is nearly extinct and undergoing revitalization compared with a community where the

68. Moreover, success indicators must be defined by First Nations based on their relevance to social services and in alignment with community plans, as First Nations are best positioned to understand the specific realities that affect them when implementing various programs.[52]

69. Additionally, the FNCFSA completely omits the health and social services governance process initiated over a decade ago by First Nations in Quebec.

70. The AFNQL, the Government of Quebec, and the Government of Canada are parties to a tripartite agreement aimed at developing a governance model that grants greater autonomy and control over health and social services to First Nations in Quebec.[53]

71. As part of this effort, work is currently underway to establish the new RHWB. On March 26, 2025, the FNQLHSSC was formally mandated[54] to begin negotiations with ISC to repatriate its powers.[55]

72. In this context, many elements of the current FNCFSA appear entirely inadequate for the realities of First Nations in Quebec. Here is a non-exhaustive overview:

a. Funding for Post-Majority Support Services (PMSS) for First Nations does not cover youth living outside their communities (Article 29), which constitutes an unacceptable partition of First Nations in Quebec[56] and results in inadequate service delivery to youth who need support regardless of where they live.[57]

b. The FNCFS agency is required to submit a multi-year plan and a child and community well-being plan (Article 134). Not only does this risk duplicating activities, but it should be up to the community and its FNCFS agency to decide whether such a plan is needed or should be submitted to ISC. The FNCFSA promotes "siloed planning," whereas communities in Quebec advocate for and support integrated health and wellness planning.[58]

c. The Agreement entirely disregards the OCAP® principles, the First Nations' vision, and data sovereignty, as it fails to consider ongoing efforts to establish a Regional Information Governance Centre for First Nations in Quebec.[59]

73. In conclusion, the current FNCFSA is contested by First Nations in Quebec because it conflicts with Article 16 of the *Declaration of the Rights of First Nations Children* (DRFNC), implemented by the AFNQL in 2015:

Indigenous language is still commonly spoken and remains the mother tongue but is in decline due to various socio-economic factors (Affidavit of Ghislain Picard, paras. 77–82). This is just one example among dozens of other indicators that require adaptation based on the specific realities of each community.

[52] *Supra,* note 45.

[53] **Exhibit MS-15**.

[54] *Supra,* note 10.

[55] *Supra,* note 9.

[56] This also raises issues in relation to Section 15 of the Canadian Charter of Rights and Freedoms, which is part of the *Constitution Act, 1982, Schedule B of the Canada Act 1982* (UK), 1982, c. 11.

[57] **Exhibit CA-11**, p. 21-22.

[58] **Exhibit MS-11**, p. 16-17.

[59] Affidavit of Marjolaine Sioui, paras. 70-76.

> Our children and families, and the Nations and communities that serve them, have the right to adequately funded, community and Nation controlled, institutions and services, including those providing health care, education, recreation and social services. Such funding may come from own-source revenues where the Nation or community has gained sufficient control of its lands and resources previously taken by Canada and Quebec to have a viable economy, or for the time being from Canada, Quebec and the resource and other enterprises operating on our territories[60] (our emphasis).

b. If Interested Party Status Is Granted, What Will Be the Applicant's and the Co-Applicant's Scope of Participation in the Proceedings?

74. Regardless of the conclusion regarding the Applicant and the Co-Applicant's interest and the contribution they are likely to make, the Tribunal must ensure that the proposed intervention does not unduly compromise the requirement that proceedings be conducted informally and expeditiously, and that it does not prejudice the parties or the Tribunal.[61]

75. Accordingly, the Applicant and the Co-Applicant propose to offer their unique perspective as advocates for the interests of First Nations communities in Quebec by submitting written observations on the negotiation of the FNCFSA or Jordan's Principle when necessary and without duplicating the positions of the other parties to the proceedings.

76. Furthermore, the Applicant and the Co-Applicant wish to intervene to help address the real challenges associated with the French translation of documents required for proper consultation with First Nations in Quebec. This requires participation in the hearing and collaboration with the Tribunal to identify relevant documents as the proceedings progress in Case No. T1340/7008.

77. On the specific issue of language, the Applicant and the Co-Applicant propose to take the necessary steps to participate in the proceedings, as their submissions and evidence on the language issue do not duplicate or overlap with those of the parties or the Commission.

78. Even beyond the language issue, the Applicant and the Co-Applicant believe that their expertise, along with the unique differences in governance in the areas of health and wellness among First Nations in Quebec, are sufficient to justify their intervention.

79. Consequently, the Applicant and the Co-Applicant's scope of participation is based on the precedent established by the Nishnawbe Aski Nation,[62] with an additional request specifically addressing the language issue.

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[60] *Supra,* note 4.
[61] *Supra,* note 14, par. 12.
[62] *Ibid.*

Conclusion

80. Far from delaying the proceedings, the Applicant and the Co-Applicant will contribute to the case by bringing a necessary and distinct perspective from that of the current parties.

81. Not only has the Government of Canada failed in its fiduciary duty, but its conduct is also contrary to UNDRIP and the principles of reconciliation with First Nations in Quebec.

82. In 2016, the Tribunal concluded that Canada had discriminated against First Nations children and families.

83. It is clear that certain groups, including First Nations in Quebec, continue to experience discrimination in the area of child and family services.

84. The Applicant and the Co-Applicant must therefore intervene to protect the interests of First Nations children and families in Quebec.

PART IV – ORDERS SOUGHT

85. The Applicant and the Co-Applicant seek to participate in the proceedings as intervening parties in order to act in relation to the Consultation Protocol (2018 CHRT 4), to request the translation of documents necessary for adequate consultations, and to seek orders to that effect.

86. The Applicant and the Co-Applicant wish to intervene to help overcome the challenges associated with the French translation of documents necessary for consultations with First Nations in Quebec in keeping with the honour of the Crown. This requires:
    1. Ongoing participation in communications between the parties and the Tribunal;
    2. The ability to seek orders;
    3. The submission of documentary and testimonial evidence;
    4. The ability to conduct cross-examinations;
    5. Attendance at hearings.

87. The language issue is limited to matters related to negotiations and consultations, where the real challenges arise in the translation of the relevant documents into French.

88. The Applicant and the Co-Applicant also seek to participate in the proceedings as intervening parties in order to:
    1. Participate continuously in communications between the parties and the Tribunal;
    2. Collaborate orally in the case management process;

3. Submit written observations of no more than 25 pages when necessary and without duplicating the positions of other parties to the proceedings, whether regarding the negotiation of the FNCFSA or Jordan's Principle.

89. The plaintiff and the co-plaintiff reserve their right to intervene in the joint application of COO and NAN on May 22, 2025.

Respectfully submitted this 16th day of May, 2025.

Pierre-Simon Cleary
Tel. 418-842-1540, p. 2111
Fax. 418-842-7045
@. pcleary@cssspnql.com

Leila Ben Messaoud
Tel. 418-842-1540, p. 2813
Fax. 418-842-7045
@. lbmouellet@cssspnql.com

Legal counsel for the applicant, the First Nations of Quebec and Labrador Health and Social Services Commission, and the Assembly of First Nations Quebec-Labrador.

The present is being submitted

To :	**Judy Dubois** Canadian Human Rights Tribunal 240 Sparks Street, 6th Floor West Ottawa, ON K1A 1J4 @ : Registry.Office@chrt-tcdp.gc.ca ; Judy.Dubois@tribunal.gc.ca **Registry Office of the Canadian Human Rights Tribunal**
-and-	**Paul Vickery, Sarah-Dawn Norris et Meg Jones** Department of Justice Canada (Ottawa Office) 50 O'Connor Street Ottawa, ON K1A 0H8 @ : Paul.Vickery@justice.gc.ca ; Sarah-Dawn.Norris@justice.gc.ca ; Meg.Jones@justice.gc.ca **Counsel for the Attorney General of Canada (Ottawa)**
-and -	**Dayna Anderson** Department of Justice Canada (Prairies Office) 601 – 400 St. Mary Avenue Ottawa, ON K1A 0H8 Winnipeg, MB R3C 4K5 @ : Dayna.Anderson@justice.gc.ca **Counsel for the Attorney General of Canada (Prairies Office)**
-and -	**David Taylor et Kiana Saint-Macary** Conway Baxter Wilson LLP 400-411 Roosevelt Avenue Ottawa, ON K2A 3X9 @ : dtaylor@conwaylitigation.ca ; ksaintmacary@conwaylitigation.ca **Counsel for the First Nations Child and Family Caring Society**

-and -	**Sarah Clarke** Clarke Child and Family Law 36 Toronto Street, Suite 950 Toronto, Ontario M5C 2C5 @ : sarah@childandfamilylaw.ca **Counsel for the First Nations Child and Family Caring Society**
-and -	**Peter N. Mantas** Fasken Martineau DuMoulin LLP 55 Metcalfe Street, Suite 1300 Ottawa, Ontario K1P 6L5 @ : pmantas@fasken.com **Counsel for the Assembly of First Nations**
-and -	**Anshumala Juyal and Khizer Pervez** Canadian Human Rights Commission 344 Slater Street, 8th Floor Ottawa, Ontario K1A 1E1 @: Anshumala.Juyal@chrc-ccdp.gc.ca; khizer.pervez@chrc-ccdp.gc.ca **Counsel for the Canadian Human Rights Commission**
-and -	**Maggie Wente and Darian Baskatawang** Olthuis Kleer Townshend LLP 250 University Avenue, 8th Floor Toronto, Ontario M5H 3E5 @: mwente@oktlaw.com ; dbaskatawang@oktlaw.com **Counsel for the Chiefs of Ontario**
-and -	**Julian N. Falconer, Asha James, Shelby Percival and Meghan Daniel** Falconers LLP 10 Alcorn Avenue, Suite 204 Toronto, Ontario M4V 3A9 @: julianf@falconers.ca ;ashaj@falconers.ca ; shelbyp@falconers.ca ; meghand@falconers.ca **Counsel for Nishnawbe Aski Nation**
-and -	**Justin Safayeni and Stephen Aylward** Stockwoods LLP TD North Tower 77 King Street West, Suite 4130 Toronto, Ontario M5K 1H1 @ : justins@stockwoods.ca ; stephena@stockwoods.ca **Counsel for Amnesty International Canada**

PART V – LIST OF AUTHORITIES

STATUTES	
1.	*An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24
2.	*Department of Indigenous Services Act,* S.C. 2019, c. 29
3.	*Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK),* 1982, c. 11
4.	*Canadian Human Rights Tribunal Rules of Procedure,* SOR/2021-137
CASE LAW	
5.	*Attaran v. Citizenship and Immigration Canada*, 2018 CHRT 6
6.	*Letnes v. Royal Canadian Mounted Police*, 2021 CHRT 30
7.	*Quebec (Attorney General) v. Pekuakamiulnuatsh Takuhikan*, 2024 SCC 39
8.	*Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73
9.	*Kebaowek First Nation v. Canadian Nuclear Laboratories*, 2025 FC 319
10.	*R. v. Montour*, 2023 QCCS 4154
11.	*Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5
12.	*First Nations Child and Family Caring Society et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs)*, 2016 CHRT 11
13.	*First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs)*, 2021 CHRT 41
14.	*First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs)*, 2022 CHRT 26
15.	*First Nations Child and Family Caring Society et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs)*, 2022 CHRT 41
16.	*Walden et al. v. Attorney General of Canada (representing the Treasury Board of Canada and Human Resources and Skills Development Canada)*, 2011 CHRT 19
OTHER SOURCES	
17.	Assembly of First Nations Quebec-Labrador, *Declaration of the Rights of First Nations Children* (June 10, 2015), Essipit (**Exhibit GP-2**)
18.	United Nations Declaration on the Rights of Indigenous Peoples**,** UNGA Official Doc, 61st Sess., UN Doc A/RES/61/295

ADDITIONAL EXHIBITS IN SUPPORT OF THE JOINT MOTION

CA-17: Assembly of First Nations Quebec-Labrador, *Negotiation and development of a transition plan for a new health and wellness governance model by and for First Nations in Quebec,* 2025, resolution nº 05/2025, in French and English;

CA-18: Letter from Pauline Frost, Chair of the NCCC, dated January 24, 2025, addressed to the Government of Canada, in English;

CA-19: Letter from National Chief Cindy Woodhouse Nepinak, dated March 4, 2025, addressed to the Government of Canada, in English;

CA-20: Letter from the Minister of Indigenous Services Canada, the Honourable Patty Hajdu, dated February 25, 2025, addressed to Pauline Frost, Chair of the NCCC, in English.