

# Safeguarding Generations of Children from Canada's Discrimination

September 2, 2025

## 2025 CHRT 80 and resolutions adopted by First Nations-in-Assembly

This thematic update summarizes First Nations-in-Assembly resolutions and Canadian Human Rights Tribunal (Tribunal or CHRT) directions in [2025 CHRT 80](#) regarding the long-term reform of the First Nations Child and Family Services (FNCFS) Program and Jordan's Principle. Long-term reform in this context means stopping Canada's discriminatory conduct toward First Nations children and families, as substantiated in the landmark decision 2016 CHRT 2, and making sure it never happens again. Canada and the other CHRT parties, including the interested parties, are urged to follow the Tribunal's direction and not file for judicial review of this important decision for First Nations children.

## Safeguarding Children: Long-term Reform Minimum Standards

The Tribunal has issued a non-negotiable cease-discrimination order under s. 53(2)(a) of the *Canadian Human Rights Act* to safeguard multiple generations of First Nations children and families, which Canada cannot contract out of or amend through agreements. The Tribunal affirms that the cease order against Canada to stop its discrimination is final and binding and that long-term reform remedies must respect the spirit of Tribunal findings

and orders, Children's rights, First Nations rights, and be based on the best available evidence.

- Long-term reform remedies must:
- Have lasting, adequately resourced, and sustainable effects;
- Be flexible and improve upon previous orders;
- Incorporate regional and local First Nations perspectives;
- Be evidence-based, relying on current research without delay;
- Align with the spirit of Tribunal findings in a non-rigid manner;
- Be First Nations-centered and culturally appropriate;
- Comply with domestic and international human rights, including the UN Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of the Child;
- Strive for excellence without narrowing Tribunal findings.

## Call for New Good Faith Negotiations

The First Nations-in-Assembly have rejected the draft Final Settlement Agreement on Long-Term Reform dated July 11, 2024, and the proposed amendments from October 7, 2024.<sup>1</sup> They called for a new negotiation process for agreements related to the FNCFS Program and Jordan's Principle, to be developed and approved by the First Nations-in-Assembly, reflecting

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<sup>1</sup> AFN Resolution 60/2024

the spirit and intent of the resolutions passed.<sup>2</sup> They also established a National Children's Chiefs Commission (NCCC) to oversee and provide strategic direction on long-term reform (more information on the mandate of the NCCC is included below).

For its part, the Tribunal also recognized the importance of a new negotiating process and urged Canada to return to negotiations with the NCCC and co-complainants to consider evidence-informed solutions.

## Canada Cannot Stall Progress on Long-term Reform

The Tribunal noted Canada's refusal to negotiate national long-term reform and ordered the Caring Society and the Assembly of First Nations (AFN) to work with the NCCC to present a plan for the long-term reform of First Nations child and family services to the Tribunal on December 20, 2025. Canada was encouraged to consult the NCCC, Caring Society and AFN on a voluntary basis to produce as many remedies on consent as possible and has until August 29, 2025 to advise the Tribunal if it will consult.<sup>3</sup> If Canada refuses to negotiate or does not do so in good faith, then Canada must present its own plan on long-term reform on December 20, 2025, and the Tribunal will adjudicate the path forward. Both plans must be rooted in the best evidence available and achieve the minimum standards set for long-term reform outlined above.

## Canada Cannot Use Ontario FSA for National Reform

The Tribunal states it will not use the Ontario Final Agreement (OFA) to inform national long-term reform. It also notes Canada's refusal to negotiate on long-term reform and that long-term reform nationally must occur concurrently with, and separate from, the OFA proceedings before the Tribunal. Importantly, the remedies set out in the OFA must also satisfy the best evidence requirements and the minimum reform standards set out above. Ultimately, the merits of the OFA in meeting these minimum requirements will be determined by the Tribunal.

## Governance, Inclusion and Transparency

As noted above, First Nations-in-Assembly directed the establishment of the NCCC with regional representation, including areas not represented by the AFN.<sup>4</sup> The NCCC is mandated to provide strategic direction and oversight of negotiations, establish a technical team with experts from across the country, a negotiation team with regional representation, a new legal team and report back to the First Nations-in-Assembly by December 2024 regarding timeframes and terms of reference for both the FNCFS Program and Jordan's Principle. The AFN is directed to refrain from committing to agreements without approval from the First Nations-in-Assembly.

First Nations-in-Assembly directed that governance structures in Long-term Reform (LTR) Agreements must uphold the sacredness of children, youth, and families, be transparent and accountable, preserve First Nations decision-

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<sup>2</sup> AFN Resolution 61/2024

<sup>3</sup> On August 29, 2025, Canada wrote to the Tribunal and claimed that it (i) had fully discharged its obligations to consult with the NCCC and the parties, (ii) that further consultations with the parties and the NCCC should not be ordered, (iii) questioned the jurisdiction of the Tribunal to develop the minimum standards of long-term reform set out above, and (iv) that it has concerns that there is a lack of consensus on whether a national long-term reform agreement is appropriate.

<sup>4</sup> AFN Resolution 60/2024

making, and include guidance from youth, those in care or formerly in care, and child and family service experts.<sup>5</sup>

First Nations-in-Assembly also mandated positive and effective measures to ensure the expertise of First Nations, child and family service providers, Jordan's Principle experts, Elders, Youth, the National Advisory Committee (NAC), Jordan's Principle Operations Committee, and regional experts are incorporated throughout negotiations and approval processes.<sup>6</sup> First Nations-in-Assembly approved, in principle, the NCCC's Terms of reference at the Special Chiefs Assembly in December 2024.<sup>7</sup> To date, the NAC's Terms of Reference have not been approved.

First Nations-in-Assembly also called upon Canada to obtain a new negotiation mandate addressing these resolutions.<sup>8</sup> Further, Canada and the AFN were both called upon to include the Caring Society unconditionally in negotiations, with a protocol ensuring openness, transparency, and accountability to First Nations.<sup>9</sup>

## Recognition of First Nations Rights Holders and Regional Needs

The Tribunal has consistently recognized First Nations people and communities as rights holders.<sup>10</sup> And, together, the Tribunal and First Nations-in-Assembly have recognized the unique regional circumstances

that must be accommodated during the reform process. For example, both directed that consultations must ensure French-speaking First Nations have access to communication and materials in French.<sup>11</sup> Long-term reform remedies must respect regional and local perspectives and distinct needs of First Nations.

## Technical Experts and Research provide Critical Information

The Tribunal was clear that the remedies to permanently end Canada's discrimination must be informed by technical experts and research. It has directed the Parties to ensure that long-term reform plans are supported with evidence. The Tribunal recognized that all of its previous Orders were made "on the basis of the best evidence then available" and recognized that additional studies and data collection are "necessary to inform best practices relation to long-term reform."

## Communication, Consultation, and Voting Procedures

First Nations-in-Assembly called on Canada to fulfill its duty to consult with First Nations on long-term reform approaches consistent with the Honour

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5 AFN Resolution 60/2024

6 AFN Resolution 60/2024

7 AFN Resolution 89/2024

8 AFN Resolution 60/2024

9 AFN Resolution 60/2024

10 2025 CHRT 80 at para. 80, citing 2022 CHRT 26 at paras. 41-42.

11 AFN Resolution 60/2024 and 2025 CHRT 80 at para. 121.

of the Crown.<sup>12</sup> The AFN Executive Committee is directed to postpone any votes on agreements until all First Nations have had at least 90 days to review complete agreements in both official languages.<sup>13</sup>

First Nations not affiliated with the AFN must be given formal opportunities to express their views, which must be fully considered and incorporated.<sup>14</sup>

Voting accommodations must allow Chiefs and Proxies to vote virtually, in-person, or by other means to ensure participation despite community circumstances or emergencies.<sup>15</sup> The Expert Advisory Committee (EAC) and NAC members are invited to present to the First Nations-in-Assembly before any vote.<sup>16</sup>

## Support and Resources for Independent Review

First Nations-in-Assembly directed an open amendment process of any proposed agreement that will allow the First Nations-in-Assembly to suggest, consider, and approve changes before voting on agreements.<sup>17</sup>

Canada is called upon to fund First Nations to secure independent legal and technical advice, enabling communities to fully understand the implications of the LTR Agreements.<sup>18</sup>

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<sup>12</sup> Resolution 61/2024

<sup>13</sup> Resolution 60/2024

<sup>14</sup> Resolution 60/2024

<sup>15</sup> Resolution 60/2024

<sup>16</sup> Resolution 60/2024

<sup>17</sup> Resolution 60/2024

<sup>18</sup> Resolution 60/2024

	The Pathway to Ending Discrimination	Direction from First Nations-in-Assembly	Tribunal Direction in 2025 CHRT 80 dated August 20, 2025
1	<b>Ensuring Non-Discrimination Order as minimum standard</b>	Amend the purpose and associated text of the agreement to clarify that the agreement is intended to hold Canada accountable to stop the discrimination and prevent its recurrence. <sup>19</sup>	A Tribunal's cease-order (cease discrimination) under s. 53(2) (a) of the <i>Canadian Human Rights Act</i> is <b>treated the same as an injunction</b> (2025 CHRT 80, para 60). <b>The Tribunal affirms that this order [2016 CHRT 2] has never been negotiable and was not issued on an interim basis (para 67).</b>
2	<b>Canada cannot contract out of its human rights obligations</b>	Expand the principles to include honour of the Crown, Canada's responsibility to fully end discrimination and ensure it never happens again, intergenerational equity, transparency, accountability and inclusivity. <sup>20</sup>	The "cease the discriminatory practices" ordered in 2016 CHRT 2 is <b>final and binding</b> (para 67). It is not subject to variation under the dialogic approach, nor to derogation or abrogation by any future decision in these proceedings, or to amendment through any agreement between the parties. The Tribunal clarifies that compromise is one that is reasonable and respects the rights of First Nations children and in line with the spirit of the Tribunal's findings and orders (para 91).
3	<b>Flexibility in how to stop the discrimination but it must be stopped</b>	Any new proposal for long term reform in First Nations child and family services provide for a national umbrella agreement to ensure non-discrimination with regional agreements that take full account of the distinct circumstances, cultures and the Inherent rights of the children and the First Nations they belong to. Such regional agreements are funded in a manner that safeguards First Nations children, youth and families from discrimination now and forever. <sup>21</sup>	<b>The cease order determines what the authors of the discrimination must do-stop-while the dialogic approach addresses how compliance is achieved (para 67).</b>  2021 CHRT 12 emphasized that governments have a proactive human rights duty to prevent discrimination which includes ensuring their funding policies, programs and formulas are designed from the outset based on a substantive equality analysis and are regularly monitored and updated (para 40).

<sup>19</sup> AFN Resolution 60/2024, TBIR 1a

<sup>20</sup> AFN Resolution 60/2024, TBIR 1c

<sup>21</sup> AFN Resolution 88/2024, TBIR 2

	The Pathway to Ending Discrimination	Direction from First Nations-in-Assembly	Tribunal Direction in 2025 CHRT 80 dated August 20, 2025
4	<b>Standards for Long Term Reform</b>	<p>Renegotiate the draft FSA in keeping with the directions of First Nations-in-Assembly including but not limited to:</p> <ol style="list-style-type: none"> <li>Amend the purpose and associated text of the agreement to clarify that <b>the agreement is intended to hold Canada accountable to stop the discrimination and prevent its recurrence;</b></li> <li>Restore First Nations Chiefs as the key decision-makers on long-term reform;</li> <li>Expand the principles to include honour of the Crown, Canada's responsibility to fully end discrimination and ensure it never happens again, <b>intergenerational equity, transparency, accountability and inclusivity;</b></li> <li>Make governance of long-term reform transparent and accountable to First Nations Chiefs;</li> <li>Incorporate ongoing and meaningful oversight by, and consultation with, the NAC;</li> <li>Preserve the mandate and independence of the EAC to reform ISC;</li> <li>Expand the scope and strengthen the role of the Dispute Resolution Tribunal and ensure the remedies available to CHRT are also available to the Dispute Resolution Tribunal;</li> <li>Strengthen the Regional Modifications provisions to align with the CHRT orders that First Nations children must have access to and receive needs based, <b>substantively equal, culturally appropriate services that account for the distinct circumstances of their communities.</b><sup>22</sup></li> </ol>	<p>The Tribunal affirmed that long-term reform remedies shall:</p> <ol style="list-style-type: none"> <li>Have lasting effects, be adequately resourced, and remain <b>sustainable for present and future generations;</b></li> <li><b>Be flexible and improve upon the Tribunal's previous orders;</b></li> <li><b>Incorporate regional and local First Nations perspectives;</b></li> <li>Be evidence-based, <b>relying on the best currently available research and studies, without delay for additional studies;</b></li> <li>Align with the <b>spirit of the Tribunal's findings and rulings in a non-rigid manner;</b></li> <li><b>Be First Nations-centered and respectful of their distinct needs and perspectives;</b></li> <li><b>Be culturally appropriate, respect substantive equality, reflect the best interests of the child through an Indigenous lens</b> and respect the specific needs of First Nations children and families;</li> <li><b>Comply with domestic and international human rights, especially the Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Indigenous Peoples Act;</b> and</li> <li><b>Strive for excellence rather than perfection, without narrowing the Tribunal's findings and orders.</b> (para 113)</li> </ol>

<sup>22</sup> AFN Resolution 61/2024, TBIR 1

	The Pathway to Ending Discrimination	Direction from First Nations-in-Assembly	Tribunal Direction in 2025 CHRT 80 dated August 20, 2025
5	<b>Recognition of the NCCC</b>	Establish a national Children’s Chiefs Commission with representation appointed by every region (including regions not represented by the AFN) that will work openly and transparently to provide strategic direction and oversight of the LTR Agreements negotiations, reporting back to the First Nations-in-Assembly. <sup>23</sup>	“The Tribunal...urges Canada to return to the table of negotiations to listen to the NCCC and the co-complainants and consider the research, the experts and the evidence-informed solutions for long-term of the FNCFS Program” (para 106).
6	<b>Governance, Transparency, and Consultation with First Nations and First Nations Experts</b>	<p>The AFN Executive Committee and the NCCC to ensure that governance structures set out in an LTR Agreement <b>shall uphold the sacredness of children, youth, and families, be transparent, open, and accountable to First Nations, preserve First Nations decision-making, and include the guidance of youth, youth in care and formerly in care, and First Nations child and family service experts.</b><sup>24</sup></p> <p>Direct the AFN Executive Committee and the NCCC to develop an open and transparent amendment process for the First Nations-in-Assembly to suggest changes, allow for consideration of those changes, and make changes to the LTR Agreements before being put to a vote, such process to be approved by the First Nations-in-Assembly.<sup>25</sup></p> <p>Direct the AFN to refrain in the future from committing to support or otherwise make efforts to procure support from First Nations leadership on an agreement, arrangement, protocol or other similar instrument that has not been approved by First Nations-in-Assembly.<sup>26</sup></p>	<p>The Tribunal finds that the Caring Society, the AFN and the NCCC, can aptly consult and gather relevant Nations specific, local and regional perspectives, other First Nations experts and First Nations organization’s perspectives and incorporate them in their National long-term reform plan and requested orders for the Tribunal’s consideration (para 110).</p> <p>The National FNCFS long-term reform plan and requested remedies outside Ontario shall include detailed deadlines and clear, measurable targets based on the most recent studies, evidence, and the diverse viewpoints of First Nations and other experts (para 114).</p>
7	<b>Tribunal urges Canada to negotiate</b>	Call upon Canada to obtain a new negotiation mandate to address the matters in this resolution. <sup>27</sup>	The Tribunal... <b>urges Canada to return to the table of negotiations to listen to the NCCC and the co-complainants and consider the research, the experts and the evidence-informed solutions for long-term of the FNCFS Program</b> (para 106)

<sup>23</sup> AFN Resolution 60/2024, TBIR 2

<sup>24</sup> AFN Resolution 60/2024, TBIR 3

<sup>25</sup> AFN Resolution 60/2024, TBIR 4

<sup>26</sup> AFN Resolution 60/2024, TBIR 6

<sup>27</sup> AFN Resolution 60/2024, TBIR 10

	The Pathway to Ending Discrimination	Direction from First Nations-in-Assembly	Tribunal Direction in 2025 CHRT 80 dated August 20, 2025
8	<b>First Nations led solutions</b>	<p>Restore First Nations Chiefs as the key decision-makers on long-term reform.<sup>28</sup></p> <p>Ensure there is an evidence-informed, needs-based funding structure that is responsive to the distinct circumstances and needs of First Nations children and their families and can be upwardly adjusted to address those needs and circumstances on a First Nations, regional or sub-regional basis.<sup>29</sup></p>	<p>Long-term orders must be informed by First Nations' perspectives and guided by First Nations-led solutions (para 75).</p>

<sup>28</sup> AFN Resolution 61/2024, TBIR 1

<sup>29</sup> AFN Resolution 61/2024, TBIR 1



The Pathway to Ending Discrimination	Direction from First Nations-in-Assembly	Tribunal Direction in 2025 CHRT 80 dated August 20, 2025
<p><b>9 Inclusion and Representation</b></p>	<p>Take positive and effective measures throughout the respective LTR Agreement negotiations, review, and approval processes (including at the negotiation tables) to seek out and incorporate the expertise of:</p> <ul style="list-style-type: none"> <li>a. First Nations;</li> <li>b. First Nations child and family service providers;</li> <li>c. Jordan’s Principle experts;</li> <li>d. Elders and Youth;</li> <li>e. the National Advisory Committee (“NAC”);</li> <li>f. Jordan’s Principle Operations Committee (JPOC), and;</li> <li>g. Regional experts.<sup>30</sup></li> </ul> <p>Call upon Canada and direct the AFN Executive Committee to unconditionally include the Caring Society in negotiations of the LTR Agreements on the FNCFS Program and Jordan’s Principle, and to conduct those negotiations pursuant to a negotiation protocol developed in collaboration with the Caring Society, including the requirement that those negotiations be conducted in a manner that is open, transparent, and accountable to First Nations.<sup>31</sup></p> <p>Acknowledge and take action to address the historical impact of the child welfare system on Indigenous Children in the Northwest Territories.<sup>32</sup></p> <p>Direct AFN to call upon the Government of Canada to fairly and equitable include the Dene Nation First Nations of the Northwest Territories in the child welfare and compensation and long-term final settlement agreements.<sup>33</sup></p>	<p>“The Tribunal...urges Canada to return to the table of negotiations to listen to the NCCC and the co-complainants and consider the research, the experts and the evidence-informed solutions for long-term of the FNCFS Program” (para106).</p> <p>In the spirit of consultation and reconciliation, the Tribunal adopted the dialogic approach <b>to provide the parties with an opportunity to engage in good faith negotiations to advance this matter</b> while seeking direction from the Tribunal as needed (para 38).</p> <p>2025 CHRT 80 (para 119). Canada shall inform the Tribunal, by August 29, 2025, whether it agrees to meet with the National Children’s Chiefs Commission to discuss National FNCFS long-term reform outside Ontario, or whether it will reconsider meeting with the AFN and the Caring Society on a voluntary basis for the same purpose.</p>

30 AFN Resolution 60/2024, TBIR 7

31 AFN Resolution 60/2024, TBIR 9

32 AFN Resolution 87/2024, TBIR 1

33 AFN Resolution 87/2024, TBIR 2

	The Pathway to Ending Discrimination	Direction from First Nations-in-Assembly	Tribunal Direction in 2025 CHRT 80 dated August 20, 2025
10	<b>Research and Technical Experts Matter</b>	<p>Direct the AFN Executive Committee to support the EAC to conduct its work freely as an independent expert body and invite the EAC Members and NAC Members to present to the First Nations-in-Assembly in December 2024 and prior to any vote on the LTR Agreements.<sup>34</sup></p> <p>Ensure there is an evidence-informed, needs-based funding structure that is responsive to the distinct circumstances and needs of First Nations children and their families and can be upwardly adjusted to address those needs and circumstances on a First Nations, regional or sub-regional basis.<sup>35</sup></p>	<p><b>“This process would allow the long-term relief to be informed by data collection, new studies and best practices as identified by First Nations experts, First Nations communities and First Nations Agencies considering their communities’ specific needs, the National Advisory Committee on child and family services reform and the parties”</b> (2023 CHRT 44, paras 16).</p> <p><b>It re-enacted the National Advisory Committee (NAC) in partnership with the AFN and the Caring Society including the funding to participate at the NAC</b> and, provided the funding of the Aboriginal component of the Canadian Incidence Study of Reported Child Abuse and Neglect, among other things) (2018 CHRT 4, para 13).</p> <p>The Panel relies on the evidence, the parties in this case and the work that they do at the different committees such as the NAC, tables, forums and community consultations to inform its mid and long-term findings (2022 CHRT 11, para 42)</p>
11	<b>Regional Perspectives and Distinct Needs</b>	<p>Ensure that any new proposal for long term reform in First Nations child and family services provides for a national umbrella agreement to ensure non-discrimination with regional agreements that take full account of the distinct circumstances, cultures and the Inherent rights of the children and the First Nations they belong to; and</p> <p>Ensures that such regional agreements are funded in a manner that safeguards First Nations children, youth and families from discrimination now and forever.<sup>36</sup></p>	<p>Long-term reform remedies shall:</p> <p>3. Incorporate regional and local First Nations perspectives;</p> <p>6. Be First Nations-centered and respectful of their distinct needs and perspectives (2025 CHRT 80, para 113).</p>

<sup>34</sup> AFN Resolution 60/2026, TBIR 15

<sup>35</sup> AFN Resolution 61/2026, TBIR 1

<sup>36</sup> AFN Resolution 88/2024, TBIR 2

	The Pathway to Ending Discrimination	Direction from First Nations-in-Assembly	Tribunal Direction in 2025 CHRT 80 dated August 20, 2025
12	<b>Sustainable funding based on substantive equality</b>	<p>Direct Canada to fully implement the funding principle of predictable, stable, sustainable, needs-based funding in the form of an unconditional grant consistent with the principles of substantive equality and cultural continuity in line with the CHRT orders to secure long-term positive outcomes for First Nations children, families and societies.<sup>37</sup></p> <p>Ensure there is an evidence-informed, needs-based funding structure that is responsive to the distinct circumstances and needs of First Nations children and their families and can be upwardly adjusted to address those needs and circumstances on a First Nations, regional or sub-regional basis.<sup>38</sup></p>	<p>The Tribunal emphasizes that governments have a proactive human rights duty to prevent discrimination which includes ensuring their funding policies, programs and formulas are designed from the outset based on a substantive equality analysis and are regularly monitored and updated (2021 CHRT 12, para 40).</p>

<sup>37</sup> AFN Resolution 60/2024, TBIR 3

<sup>38</sup> AFN Resolution 61/2024, TBIR 1k

	The Pathway to Ending Discrimination	Direction from First Nations-in-Assembly	Tribunal Direction in 2025 CHRT 80 dated August 20, 2025
13	<b>Recognition of First Nations Rights Holders</b>	<p>Call on Canada and direct the AFN to publicly and fully commit to respecting and following the direction of the First Nations-in-Assembly arising from the rejection of Draft Resolution 01-2024, and adoption of Resolutions 60-2024 and 61-2024 at the Special Chief's Assembly held on Treaty 7 Territory on October 16-18, 2024.<sup>39</sup></p> <p>Direct the Children's Chiefs Commission to ensure that any FSA does not abrogate or derogate from First Nations' title rights, treaty rights or in any way limit or diminish Canada's duty to consult, fiduciary obligations to First Nations or the honour of the Crown.</p> <ol style="list-style-type: none"> <li>Ensure there is a region-specific, independent First Nations-led technical secretariat for each province/territory;</li> <li>Ensure that Canada puts in place sufficient liability coverage and statutory immunity for First Nations and FNCFS Agencies in relation to the services they provide, and ensuring that Canada shall be the insurer of last resort for First Nations and FNCFS Agencies that have exercised good faith decision-making;</li> <li>Ensure that Canada discloses all federal-provincial-territorial service level agreements during the negotiation process and consults with those affected First Nations throughout the negotiation process; and</li> <li>Ensure the CHRT retains jurisdiction over implementation of any FSA.<sup>40</sup></li> </ol>	<p>"...the [Tribunal] recognizes that the rights holders are First Nations people and First Nations communities and governments" (2022 CHRT 26, para 42).</p> <p>"...the Tribunal's understanding of the AFN's mandate has always been to advance the rights and interests of their members who are First Nations rights holders who provide direction to the Assembly by way of Chiefs-in-Assembly resolutions...Further, the AFN Resolutions are the essential mechanism by which First Nations provide specific mandates and direction to the AFN" (2022 CHRT 4, para 436).</p>
14	<b>Enabling consultations by ensuring access for First Nations speaking French</b>	<p>Direct the AFN Executive Committee to postpone any votes on the LTR Agreements or any other agreements until all First Nations have had at least 90 days to review the complete agreement with appendices, available in both official languages.<sup>41</sup></p>	<p>Consultations must ensure that French speaking First Nations will have the opportunity to communicate and read material in French (2025 CHRT 80, para 121).</p>

39 AFN Resolution 88/2024, TBIR 1

40 AFN Resolution 61/2024, TBIR 5

41 AFN Resolution 60/2024, TBIR 12

	The Pathway to Ending Discrimination	Direction from First Nations-in-Assembly	Tribunal Direction in 2025 CHRT 80 dated August 20, 2025
15	<b>Non-discrimination for Generations to Come</b>	The negotiation team's goal is to eliminate discrimination by Canada and ensure it never happens again, promote fairness, uphold First Nations' rights to self-determination, and respect their jurisdiction over their own affairs. They will ensure their work aligns with international standards affirmed by the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Convention on the Rights of the Child, complies with orders from the Canadian Human Rights Tribunal (CHRT), and maintains a clear, open process that meaningfully involves First Nations communities and First Nations youth. <sup>42</sup>	The Tribunal considers its general orders akin to an injunction to cease and desist the systemic racial discrimination identified and to prevent its recurrence, to constitute final orders that cannot subsequently be modified by this Panel or by future members (2025 CHRT 80, para 69).
16	<b>Priority to Prevention</b>	Ensure that prevention funding is allocated as follows: i. to First Nations to develop and deliver prevention programming in line with their self-determined service delivery model(s); and ii. to FNCFS agencies to ensure they can deliver prevention in a substantively equitable manner in keeping with legislative requirements to meet the needs of First Nations children and their unique cultural circumstances. <sup>43</sup>	<p>"The [Tribunal] also previously found that lack of prevention perpetuates the historical disadvantage and the legacy of residential schools already explained in the Merit Decision and rulings. It incentivizes the removal of children rather than assisting communities to stay together" (2022 CHRT 8, para 147).</p> <p>The elimination of the mass removal of children is achievable when a real shift is made from reactive services that bring children into care to preventive services, especially when prevention services are developed and delivered by the First Nations children's respective First Nations communities (2022 CHRT 8, para 150).</p> <p>One of the worst harms found by the Tribunal was that the FNCFS Program failed to provide adequate prevention services and sufficient funding (2025 CHRT 80, para 1).</p>

<sup>42</sup> AFN Resolution 89/2024, TBIR 3

<sup>43</sup> AFN Resolution 61/2024, TBIR 1

	The Pathway to Ending Discrimination	Direction from First Nations-in-Assembly	Tribunal Direction in 2025 CHRT 80 dated August 20, 2025
17	<b>Order for Monthly Tribunal Updates from AFN, Caring Society and Canada</b>	<p>Urge Canada to discharge its duty to consult and AFN to reject any proposal to supplant and/or adversely affect Canada's duty to consult, Honor of the Crown and other obligations to First Nations.<sup>44</sup></p> <p>Direct the Children's Chiefs Commission to report to First Nations-in-Assembly at every Assembly until their work is complete.<sup>45</sup></p>	The Caring Society, the AFN and Canada shall provide monthly updates to the Tribunal (2025 CHRT 80, para 124).
18	<b>Money and Policy Reform</b>	Call on Canada to provide adequate funding, including reimbursement of legal fees at actual cost, to an entity(ies) determined by the NCCC to support its work. <sup>46</sup>	<p>The Tribunal found that beyond providing adequate funding, there is a need to refocus the policy of the program to respect human rights principles and sound social work practice in the best interest of children (2023 CHRT 44, para 16).</p> <p>The Tribunal's orders and findings were to be read and implemented together (2025 CHRT 6, para 356).</p>

<sup>44</sup> AFN Resolution 88/2024, TBIR 3

<sup>45</sup> AFN Resolution 89/2024, TBIR 5

<sup>46</sup> AFN Resolution 90/2024, TBIR 5