



September 29, 2025

First Nations Child & Family Caring Society Statement in response to Canada's application for judicial review of 2025 CHRT 80

In the lead up to Orange Shirt Day and the National Day for Truth and Reconciliation, the federal government marked the occasion by taking First Nations children back to court contrary to the Truth and Reconciliation Commission's Calls to Action. The Caring Society strongly condemns Canada's September 19, 2025 judicial review challenging the Canadian Human Rights Tribunal's (Tribunal) recent ruling, 2025 CHRT 80. Canada is wasting taxpayer money fighting a ruling that simply requires Canada and the co-complainants, the Caring Society and the Assembly of First Nations, to present a plan with evidence to permanently end Canada's discrimination against First Nations children outside of Ontario and to not apply a solution for Ontario to the rest of the country, which has different needs.

Canada has spent millions in taxpayer dollars fighting First Nations children in court and has lost on every occasion. However, the real cost of Canada's legal challenges is children losing their childhoods waiting for Canada to stop violating their rights. As Chief Pauline Frost, Chair of the National Children's Chiefs Commission (NCCC), reminded us, the human rights complaint, filed eighteen years ago, is the entirety of a childhood.

Rather than ending its discrimination, Canada has chosen to file this legal challenge just days before Orange Shirt Day and the National Day for Truth and Reconciliation, dragging another generation of First Nations children back to court. The Truth and Reconciliation Commission's top three Calls to Action call for Canada to fix the inequitable provisions in child welfare services and Jordan's Principle. Instead, Canada is using symbolic gestures of reconciliation rather than carrying out the Calls to Action in a manner that Survivors of the residential school system intended – to ensure that First Nations children do not need to recover from their childhoods.

Minister Mandy Gull-Masty's statement following Canada's legal challenge claims that Canada is working "in partnership" with First Nations rights holders. Canada's actions tell a different story. Canada has repeatedly flouted legal orders to cease its discriminatory conduct and ignored the clear direction of First Nations rights holders. Worse, Canada appears to be excusing its discrimination toward First Nations children by suggesting it wants to "talk" with First Nations leaders. To be clear, First Nations leadership have been calling for an end to Canada's discriminatory conduct without delay, and it is beyond disappointing to see Canada imply First Nations leadership are somehow complicit with its discriminatory conduct.

Canada must immediately withdraw its legal challenge of 2025 CHRT 80, adhere to the Tribunal's rulings that establish the minimum human rights threshold for First Nations children, and move forward, in good faith and meaningful consultation, with the reforms that First Nations leadership has directed and their children and families have been waiting on for far too long.

-30-

Media contact:
Cindy Blackstock
info@fncaringsociety.com