

# Bear Witness to Justice for First Nations Kids

(Words highlighted in blue are explained on the following page.)

On January 26, 2016, the **Canadian Human Rights Tribunal** (also called the Tribunal) made a very important decision. They said that the **Government** of Canada (also called Canada) is discriminating against First Nations kids. Canada was not giving fair **child and family services** to First Nations kids. The Tribunal also said that Canada was not following **Jordan's Principle** to make sure First Nations kids get the help they need.

The Tribunal told Canada to:

- Stop discriminating against First Nations kids right away and make sure it doesn't happen again.
- Make sure First Nations children can get the child and family services they need so that they can grow up at home with their families and connected to their culture.
- Follow Jordan's Principle, a legal rule saying First Nations children should get the help they need when they need it, like visits to doctors or extra help in school.

This decision is a big win for First Nations kids! The decision is about fairness. The decision is also about making sure all First Nations children have what they need so that they have the same chances as others to live a good life.

## What the Tribunal Told Canada to do Each Year for 10 Years

**2016** The Tribunal said that Canada was still not doing enough to stop the **discrimination**. The Tribunal told Canada to fix things right away. The Tribunal also told Canada they had 2 weeks to follow Jordan's Principle the right way to make sure First Nations kids got the help they need when they need it.

**2019** The Tribunal said that Canada's **discrimination** hurt many kids and families. The Tribunal told Canada to give **compensation**. The Tribunal reminded everyone the most important thing is to end the **discrimination** forever.

**2021** The Tribunal told Canada to build or fix buildings where First Nations kids can get services

**2025** The Tribunal told Canada that First Nations kids have a right to real fairness (called **substantive equality**). The Tribunal told Canada to fix how they follow Jordan's Principle so kids don't have to wait for help. The Tribunal told Canada, the Caring Society and the AFN to make a plan that would end the unfairness in child and family services forever. Canada made one plan. The Caring Society and the AFN made another plan called the Loving Justice Plan. The Loving Justice Plan was made with lots of love and help from Elders, youth, leaders, and people who work with First Nations children.

**2022** The Tribunal said Canada must make sure First Nations kids can get the **child and family services** they need so they can grow up at home.

**2017** The Tribunal told Canada *again* to follow Jordan's Principle to make sure First Nations kids got the help they need.

**2020** The Tribunal found Canada was using rules from an old law called the **Indian Act** to stop some First Nations from getting help through Jordan's Principle. The Tribunal told Canada to stop using these rules because they are unfair.

**2023** The Caring Society asked the Tribunal to look *again* if Canada was following Jordan's Principle. Many First Nations kids were *still* not getting the help they needed.

**2018** The Tribunal said First Nations kids were *still* not getting the same help as other kids. The Tribunal told Canada to fix this faster.

**2024** Canada made a plan for **child and family services**. First Nations leaders said the plan was not fair.

**2026** 10 years since the important decision but a lot of work still needs to be done for the kids!



## Things to Know

- On February 23, 2007, two groups called the Caring Society and the Assembly of First Nations (sometimes also called the AFN) told the Tribunal that Canada was treating First Nations kids unfairly because of who they are.
- Canada tried to stop the case, but on February 25, 2013, the case finally began. Kids had been waiting a very long time – more than 6 years!
- Since 2011, Canada has tried 6 times to argue against the Tribunal's decisions.
- Canada hid more than 90,000 papers it was supposed to share.
- Canada has spent about \$14.5 million fighting this case. That's a lot of money that Canada could have used to fix its **discrimination!**
- Since the important decision in 2016, the Tribunal has made over **30 more orders** telling Canada to treat First Nations kids fairly. This is important because it shows that Canada has still not fixed the unfairness. The Tribunal has to keep reminding Canada to stop discriminating against First Nations kids and make things right.



## Helpful Words to Know

**Canadian Human Rights Tribunal:** A Tribunal is like a court where groups can go to try and solve a problem.

**Child and family services:** Are services that help keep kids safe at home with their families and connected to their culture. It is sometimes called child welfare services.

**Compensation:** This means giving something, usually money, to someone because they were hurt or treated unfairly. Compensation is more meaningful when the unfair treatment stops and never happens again.

**Discrimination:** Discrimination happens when people are treated unfairly because of who they are.

**Fairness:** Fairness happens when everyone gets what they need to be healthy, safe, valued, and respected.

**Government:** The people in charge of making big decisions for all the people living in an area, like a country, province or city. Governments decide which laws to create, how to spend Canada's money, what services and programs to create, and who gets those services.

**Indian Act:** The *Indian Act* is a law the Government of Canada made long ago without asking First Nations. It created many unfair rules that affected where First Nations people could live and how their communities were run. Parts of the law have changed, but it still affects First Nations families today.

**Jordan's Principle:** Jordan's Principle is a legal rule saying First Nations children should get the help they need when they need it, like visits to doctors or extra support in school.

**Orders:** A legal order is a decision from a court or Tribunal that tells governments and people what they must do to make things fair. It helps protect people's rights.

**Substantive Equality:** Substantive equality is about making sure each person, especially kids, has what they need so that they have the same chances as others to live a good life.aa

