



Information Sheet

Jordan's Principle

2016 CHRT 10

May 5, 2016

Introduction

On January 26, 2016, the Canadian Human Rights Tribunal ("Tribunal") concluded that the approach the federal government has taken regarding Jordan's Principle since Jordan's Principle was unanimously endorsed by the House of Commons in 2007 was discriminatory, contrary to section 5 of the Canadian Human Rights Act. The Tribunal ordered the federal government to immediately stop applying the discriminatory definition of Jordan's Principle and to immediately take measures to implement the full definition of Jordan's Principle.

On April 26, 2016, the Tribunal made further orders regarding immediate relief. With regard to Jordan's Principle, the Tribunal found that by embarking on a process that would take 12 months to bring relief to children affected, the federal government was not respecting the Tribunal's January 26, 2016 order to "immediately implement the full meaning and scope of Jordan's Principle." The Panel expressed its surprise that the federal government's discussions with partners and stakeholders were taking so long.

The Tribunal's April 26, 2016 order requires the federal government to immediately apply Jordan's Principle to all jurisdictional disputes (including between federal departments) involving all First

Nations children. The Tribunal has specified that, going forward, the government organization first contacted should pay for the service without policy review or case conferencing before funding is provided.

The Tribunal has required Indigenous and Northern Affairs Canada ("INAC") to report to the Panel by Tuesday, May 10, 2016 at 5:00 PM to confirm that the definition and scope of Jordan's Principle outlined in the Tribunal's April 26, 2016 order has been implemented.

While provincial governments and Health Canada are not parties to the Complaint before the Tribunal, the Tribunal's order is enforceable against INAC. All instances of jurisdictions or First Nations children being excluded from Jordan's Principle, or of policy reviews or case conferences being imposed before funding is provided, should be brought to the Caring Society's attention so that they can be raised with INAC and, if needed, with the Tribunal.

For more information on the case go to
www.fnwitness.ca or contact info@fncaringsociety.com