



First Nations Child & Family
Caring Society of Canada

Société de soutien à l'enfance
et à la famille des premières nations
du Canada

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GOVERNMENT OF CANADA STILL FAILING FIRST NATIONS CHILDREN: Canadian Human Rights Tribunal issues THIRD Compliance Order on Jordan's Principle

OTTAWA, ON (May 26, 2017, 2:00 p.m.) – The Canadian Human Rights Tribunal (“the Tribunal”) has issued a third compliance order finding Canada’s approach to Jordan’s Principle to be unlawful and discriminatory. In a decision released today, the Tribunal concludes that little has changed since its January 2016 ruling that found Canada to be racially discriminating against 165,000 First Nations children. Today’s ruling finds that the current government has adopted the same approach to Jordan's Principle as the former government in 2009-2012, resulting in unnecessary and unlawful bureaucratic delays, gaps and denial of essential public services to First Nations children. Despite frequent good-will statements by the Ministers of Health Canada and Indigenous and Northern Affairs Canada (“INAC”), the Tribunal found that the federal government has failed to comply with even the simplest part of the January 2016 decision, which ordered Canada to immediately adopt a broad definition of Jordan's Principle.

In the words of the Tribunal, “the definition of Jordan’s Principle adopted by Canada was a calculated, analyzed and informed policy choice based on financial impacts and potential risks rather than on the needs or the best interests of First Nations children, which Jordan’s Principle is meant to protect and should be the goal of Canada’s programming” (para. 55). The Tribunal notes that even the urgent request of the Wapakeka First Nation, which demonstrated the existence of a suicide pact within the community, was not addressed in a timely manner and two children died by suicide.

In response to today’s decision, Dr. Cindy Blackstock, Executive Director of the First Nations Child and Family Caring Society (“Caring Society”), is calling on Prime Minister Trudeau to intervene to ensure the Tribunal’s orders are finally met: “It is vital that the Prime Minister personally intervene to ensure INAC and Health Canada fully comply with Jordan's Principle. Today’s ruling includes evidence from the Tribunal hearing that shows the deaths of at least two children are related to Canada's non-compliance. It should not take four Tribunal orders and counting to get Canada to treat First Nations children lawfully and equitably.”

Professor Sébastien Grammond, one of the lawyers representing the Caring Society, adds, “This is a remarkable decision for First Nations children. Given Canada's lack of compliance with previous orders in this case, the Tribunal had to adopt a proactive approach and be very specific as to what Canada needs to do to implement Jordan's Principle.”

Named in memory of Jordan River Anderson, Jordan's Principle is a child-first principle to ensure First Nations children can access government services on the same terms as other children. Today's order comes on the heels of two previous non-compliance orders issued by the Tribunal in April 2016 and September 2016.

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About: The First Nations Child and Family Caring Society ("Caring Society") is a national non-profit organization dedicated to the wellbeing of First Nations children and their families.

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Background: In January 2016, the Canadian Human Rights Tribunal found that the government's provision of First Nations child welfare services to over 165,000 children created perverse incentives to place First Nations children in foster care and failed to reflect their distinct needs and circumstances. The Tribunal also found Canada's narrow interpretation of Jordan's Principle, a measure to ensure First Nations children can access government services on the same terms as other children, was discriminatory on the basis of race and national ethnic origin. The Tribunal ordered Canada to cease its discriminatory conduct immediately, reform First Nations child welfare programming and implement Jordan's Principle in compliance with the order.

To read the Tribunal orders and for more information on the case: www.fnwitness.ca