



What is the history of this issue and how does it impact First Nations?

Jordan's Principle is named in honour of Jordan River Anderson, a First Nations boy from Norway House Cree Nation in Manitoba who was born with complex medical needs. Jordan could have received home-based care, but because the governments of Canada and Manitoba could not agree on who would pay for his care, Jordan spent his entire life in hospital, where he passed at age 5 in 2005. Jordan's Principle ensures First Nations children have access to the health, social and educational supports they need regardless of where they live, without denial, delay or disruption.

In 2007, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society filed a complaint at the Canadian Human Rights Tribunal (CHRT), alleging discrimination against First Nations children in the delivery and under-funding of First Nations Child and Family Services (FNCFS) and Jordan's Principle. In January 2016, the CHRT issued a landmark ruling finding that Canada was systemically discriminating against First Nations children on-reserve and in the Yukon in its historic Merits Decision (2016 CHRT 2). The Decision ordered Canada to immediately reform the FNCFS Program and properly implement Jordan's Principle to ensure First Nations children's needs are met and their best interests are protected.

In November 2020, the CHRT issued a ruling to expand Jordan's Principle eligibility to include more First Nations children. Under the latest ruling, children who meet any of the following criteria are eligible for consideration under Jordan's Principle:

- First Nations children registered (or eligible to be registered) under the Indian Act, whether they live on- or off-reserve. This includes all children who will become eligible for Indian Act status under Bill S-3 implementation.
- First Nations children who have one parent/guardian who has or is eligible for Indian Act status, whether they live on- or off-reserve.
- First Nations children recognized as a citizen/member by their First Nation, regardless of Indian Act status eligibility, whether they live on- or off-reserve.
- First Nations children who ordinarily reside on-reserve.

Jordan's Principle has approved over 1.42 million products, services and supports for First Nations children between July 2016 and March 31, 2022.

How has the AFN's recent advocacy affected this area?

The AFN continues to advocate for First Nations children to receive the products, services and supports they need, without delay, disruption or denial. The AFN has further advocated for First



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Nations to determine and advance their priorities for the future of Jordan's Principle, including greater First Nations control over Jordan's Principle. The AFN's advocacy led to an investment in Jordan's Principle of \$1.2 billion over three years in 2019, and a further investment of \$4 billion over 6 years in Budget 2022.

The AFN has returned to the CHRT several times to address Canada's non-compliance with the orders on FNCFS and Jordan's Principle. Pursuant to the AFN's advocacy, the CHRT issued a ruling in November 2021 ordering Canada to pay for the purchase and construction of capital assets that support the delivery of Jordan's Principle. This is a positive step for First Nations and is a shift towards addressing critical gaps caused by persistent underfunding. Canada had sought a judicial review of this order; however, in January 2022, the appeal was dropped.

In September 2019, the CHRT ordered Canada to pay the maximum allowable compensation for victims of discrimination under the FNCFS Program and Jordan's Principle by way of its Compensation Decision, 2019 CHRT 39. In addition to advocacy at the CHRT, the AFN also filed a class action lawsuit to build on the work at the CHRT, including covering survivors who were excluded from the CHRT Compensation Decision. On December 31, 2021, the AFN, Government of Canada and other Parties reached two Agreements-in-Principle (AIPs), including one on compensation for First Nations children and caregivers harmed by Canada's discrimination in the FNCFS Program and Jordan's Principle, and a second on long-term reform of the FNCFS Program and Jordan's Principle to ensure that discrimination does not recur. The AFN continues to advocate for a fair and equitable compensation process for First Nations, and to ensure that long-term reform responds to the priorities and needs of First Nations children, families and communities.

In March 2022, the CHRT issued an order outlining the immediate measures for reform of Jordan's Principle and the FNCFS Program. With respect to Jordan's Principle, Canada was ordered to assess the resources required to provide transition supports to high needs First Nations youth reaching the age of majority, and to support research to identify and address gaps in services and supports available to First Nations children and youth.

Throughout the COVID-19 pandemic, Jordan's Principle has remained available to support First Nations children in accessing the health, social and education programs, services and supports they need. The AFN continues to advocate for consistency across regions in the programs, services and supports that are approved to ensure that all First Nations children, regardless of where they live, are receiving equitable services.



Where do we hope to go in the future?

The AFN continues to advocate for First Nations-determined and led long-term implementation of Jordan's Principle. The AFN will continue to advocate for greater First Nations control over Jordan's Principle in the co-development of policy options with Canada, for the full implementation of the relevant CHRT's orders, and for the compensation of those First Nations children and families who faced discrimination.