

# Canadian Human Rights Tribunal Updates

**Presented by  
Cindy Blackstock, PhD  
August 16, 2022  
First Nations Leadership Council Gathering**



**First Nations Child & Family  
Caring Society of Canada**

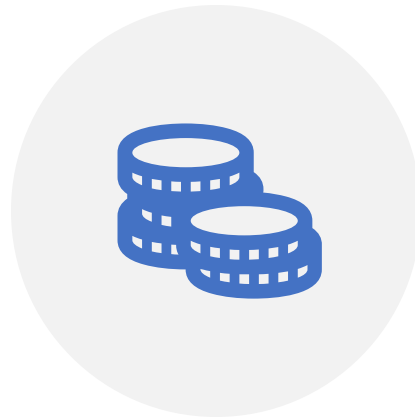
**Société de soutien à l'enfance  
et à la famille des Premières Nations  
du Canada**



# Three related proceedings



CHRT COMPENSATION



CLASS ACTION  
COMPENSATION



LONG TERM REFORM



# Key Questions for Compensation

- The Prime Minister said the class action was to give children and caregivers MORE than the 40K so why are some getting nothing and others getting less?
- Who has the right to waive the 40K in human rights damages for some victims?
- Why did the class action groups agree to a fixed amount before knowing how many people were going to claim?
- What supports will be available for victims – especially children and youth?



# Three key elements of discriminatory funding

---

- The funding structure
- Enforcement of funding obligations
- The funding level







# Key Elements for a Final CHRT order

## A reformed funding approach for Jordan's Principle

- Jordan's Principle data analysis to inform long term funding research plan (June 2022)
- Research to find Long term funding approach (TBA)

## Reform of the Department to prevent the recurrence of discrimination

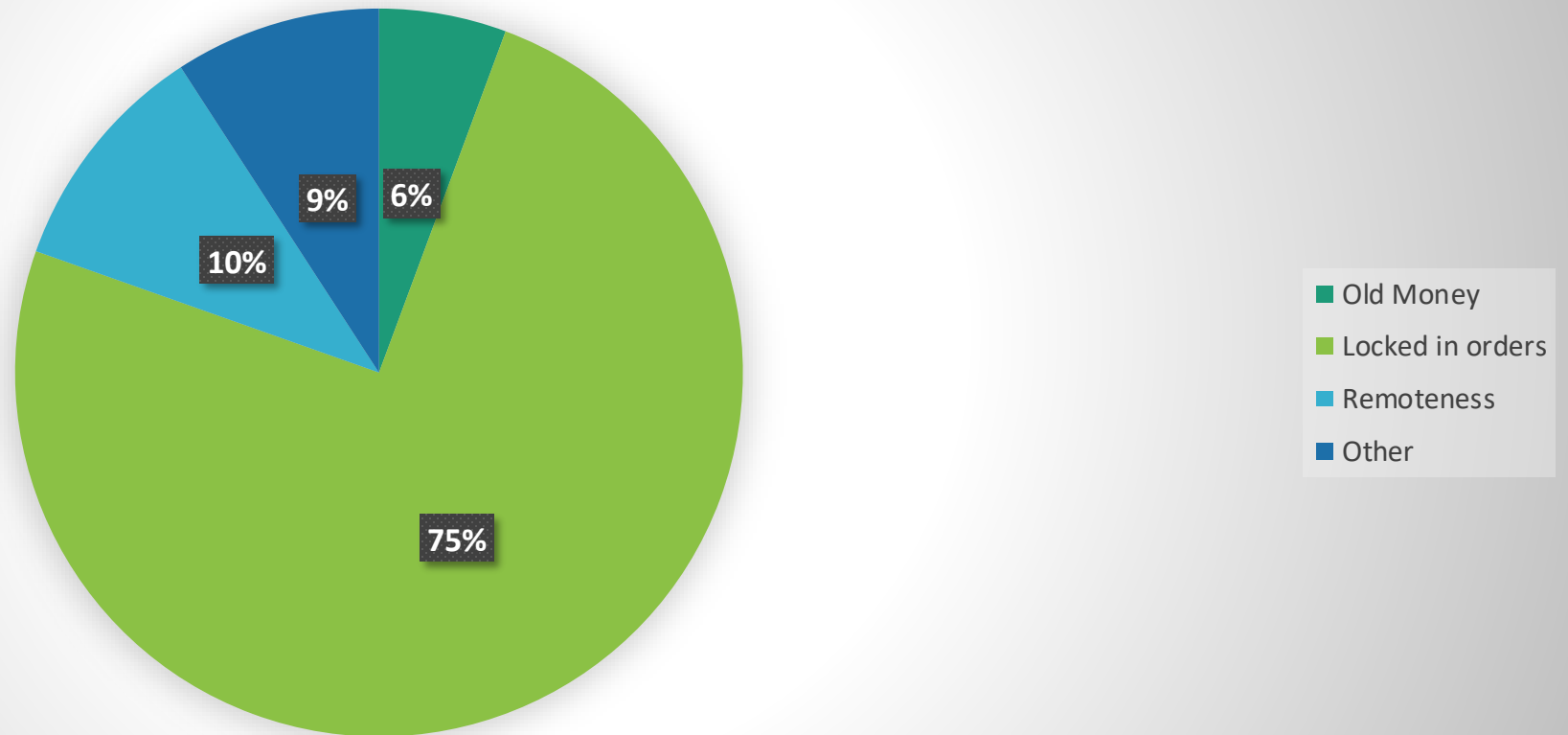
- Expert advisory committee (just formed)
- Evaluation (timeline TBA)
- Other reforms (TBA)

## A reformed funding approach for CFS for:

- Agencies (approach to be complete Spring 2023 followed by consultation and transition)
- First Nations receiving prevention with or without agencies (Dec 2022 or Jan. 2023 followed by consultation and transition)

# 19.08 Billion over 5 years

LTR Funds (B)



# Jordan's Principle Key Facts

---

- Requests increased 625% between 2017 and 2021
- 50% increase between 2019-20
- 10% of that increase due to COVID
- Over 50% of requests were for under 5K with the majority between \$100-999
- Only 16% of Jordan's Principle requests are determined within 2 days in Sask compared to 70% in Quebec





# What still needs to be done for Jordan's Principle?

Determine	Determine what requests are funding shortfalls in other federal programs
Cost out	Cost out the community navigator program
Ensure	Ensure ISC compliance with existing orders
Work	Work to calculate the growing costs of Jordan's Principle
Term	Long term funding approach



# Key Questions about the Long-Term Reform

---

---

What happens in year 6?

---

Why is Canada holding back some of the 19.08B instead of paying it now?

---

What happens if the Tribunal is gone before the work is done to find enduring solutions to prevent the discrimination? (Enforcement)

---

How do we ensure accountability to First Nations during the negotiation process and support Free Prior and Informed Consent?

---

How to ensure communities are ready for transitions to new funding approaches.



# What did the CHRT change?

Over 1.3 million  
Jordan's Principle  
services

An increase of 1.1  
B in child and  
family services

20 B in  
compensation for  
victims

19.08 B in more  
services over the  
next 5 years

Children on & off  
reserve eligible for  
Jordan's Principle

Capital for CFS and  
Jordan's Principle



# Federal Funding for C-92

- Canada saying CHRT orders do not apply
- Canada says provinces must fund off reserve
- Canada seeking:
  - Fixed amounts (i.e.: providing a fixed amount adjusted by inflation and pop.)
  - No coming back for more funds
  - No liability (i.e.: requiring indemnification if funds fall short)
  - Limited enforceability of funding agreement
  - No payment for children off reserve



# C-92

## Key Questions to Consider

What were the traditional laws re: Children/Families

Do those laws align with C-92 or other self-government avenues?

What problems can jurisdiction fix (that are not covered in prov. legislation)?

What aspects of the Nations law will ISC and the provinces fund?

What are the implications of C-92 funding for other areas of federal funding for the First Nation

How will the drivers of the over-representation be addressed so the law can have the desired benefit?

Does a full or partial jurisdiction model make the most sense? Transition?





Send your letter of reconciliation before September 30, 2021 to Dr. P.H. Bryce, C/O Beechwood Cemetery, 280 Beechwood Avenue, Ottawa, Ontario K1L 8A6



# fncaringsociety.com

🐦 @CaringSociety

📘 CaringSociety

📺 fncaringsociety

📷 Spiritbearandfriends

🐦 @SpiritBear



First Nations Child & Family  
Caring Society of Canada

Société de soutien à l'enfance  
et à la famille des Premières Nations  
du Canada