

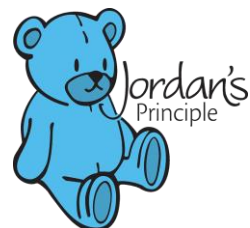


Indigenous Concerns & Issues

--Al MacLeod

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Jordan's Principle



<http://www.oacas.org/2021/05/4-myths-about-jordans-principle/Ontario Association of Children's Aid Societies> —First Nations Child & Family Caring Society of Canada, August 2014 (Source)
<https://www.afn.ca/policy-sectors/social-secretariat/jordans-principle/>

Jordan's Story

"Jordan River Anderson was a First Nations child from Norway Cree House Nation in Manitoba. Born in 1999 with complex medical needs that could not be treated on-reserve, he spent more than two years in a hospital in Winnipeg before doctors agreed that he could leave the hospital to be cared for in a family home. However, because of jurisdictional disputes within and between the federal and provincial governments over who would pay costs for in-home care, Jordan spent over two more years in hospital unnecessarily before he tragically died in 2005. He was 5 years old and had never spent a day in a family home."

In response to this tragedy, in 2007, the House of Commons enacted Jordan's Principle which aims to ensure First Nations children can access all public services in a way that is reflective of their distinct cultural needs. Its focus is on substantive equality and takes full account of the historical disadvantage linked to colonization that First Nations children face. It seeks to ensure that First Nations children do not experience any service denials, delays or disruptions because they are First Nations.

Jordan's Principle is a legal requirement resulting from the Orders of the Canadian Human Rights Tribunal (CHRT) and is not a policy or program. It is a child-first principle that aims to eliminate service inequities and delays for First Nations children both on and off reserve by requiring that any public service ordinarily available to all other children must be made available to First Nations children without delay or denial. It is also not limited to only First Nations children with disabilities, or short-term issues. Any First Nation child who requires health or social service or support is eligible. Jordan's Principle is focused achieving substantive equality, which is not the same as equal treatment. Substantive equality is a human rights concept that weighs factors like discrimination, marginalization, and unequal distribution of resources when considering policies and evaluating outcomes.

It was not, however, without its opposition. After it passed, there were questions regarding the role of the Federal Government in its application. In 2016, the Canadian Human Rights Tribunal (CHRT) concluded "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."

In June 2017, a CHRT summary of orders regarding Jordan's principle stated: additional services that are required to achieve substantive equality for a First Nations child must be funded under Jordan's Principle. The Government of Canada describes it as "...giving extra help when it is needed so First Nation children have an equal chance to thrive."

From July 2016 to March 2020, "more than 572,000 products, services and supports were approved for First Nations children under Jordan's Principle." Every year on May 10th, Bear Witness Day honours the memory of Jordan River Anderson. The name "Bear Witness" was inspired by the teddy bear known as Spirit Bear, who has become a symbol for the children affected by 2016 Canadian Human Rights Tribunal case.