



Welcome

There will be QR codes on some slides in this presentation. Hover over the screen with your phone camera to access the questions.

Agenda

1. Introduction to the NCCC – 10:15 am (PST)
2. Background: The CHRT case & how we got here
3. Overview of NCCC work to date
4. BREAK – 11:15 am (PST)
5. Where we are now
6. Next Steps
7. BREAK – 11: 45 am (PST)
8. Commissioner reflections
9. Q&A/Discussion - 12:15 PM (PST)
10. Closing Prayer – 1:00 PM (PST)

How we got here

- The First Nations-in-Assembly overwhelmingly rejected a draft **Final Settlement Agreement (FSA)** because it would not genuinely end systemic discrimination and was overly bureaucratic.
- The draft FSA was seen as an extension of a burdensome bureaucratic regime that was inconsistent with the best interests of First Nations children.
- Funding commitments in the draft FSA were subject to annual parliamentary appropriation, and any other budgetary decision – which does not guarantee stable, long-term funding.

The National Children's Chiefs Commission

Resolutions **60/2024** and **61/2024** directed the AFN Executive Committee to establish the National Children's Chiefs Commission:

Governance and Transparency of the LTR Agreements for the FNCFS Program and Jordan's Principle

2. Direct the Assembly of First Nations (AFN) Executive Committee to adopt the following approach to the LTR Agreements negotiations:
 - a. establish a national Children's Chiefs Commission with representation appointed by every region (including regions not represented by the AFN) that will work openly and transparently to provide strategic direction and oversight of the LTR Agreements negotiations, reporting back to the First Nations-in-Assembly;
 - b. the Children's Chiefs Commission will establish a negotiation team, with regional representation and a new legal team, that will be responsible for carrying out the negotiations for the LTR Agreements under the direction of, and reporting to, the Children's Chiefs Commission;

The Commissioners

Chief Pauline Frost
Vuntut Gwitchin First Nation

Stephen Kakfwi
Dene Nation

Chief Brad Benoit
Miawpukek Mi'kama-wey Mawi'omi First Nation

Chief Tabatha Bernard
Lennox Island First nation

Chief Ross Perley
Tobique First Nation

Chief Jenny Brake
Qalipu First Nation

Kateri Code (Interim)
Mi'kmaq Confederacy of PEI

Chief Debbie Robinson
Acadia Mi'kmaq Nation

Chief Michelle Glasgow
Shubenacadie Mi'kmaq Nation

Chief Vicky Chief
Timiskaming First Nation

Chief Crystal Okemow
Lucky Man Cree Nation

Chief Erica Beaudin
Cowessess First Nation

Chief Heidi Cook
Misipawistik Cree Nation

Chief David Monias
Pimicikamak Okimawin Cree Nation

Chief Ivan Sawan
Loon River First Nation

Chief Kelsey Jacko
Cold Lake First Nations

Chief Desmond Bull
Louis Bull Tribe

Chief Angela Levasseur
Nisichawayasihk Cree Nation

Kukpi7 Helen
Henderson
Tsq'escen' First Nation

Deb Foxcroft
Tseshaht First Nation

CHRT Overview:

Caring Society
and AFN
–VS–
Canada

The Canadian Human Rights Tribunal (CHRT) confirmed Canada's discrimination in 2016 – Canada knew what they were doing and kept doing it anyway. It needs to stop.

Nearly 30 non-compliance and procedural orders by the CHRT and Federal Court have followed.

Until there is evidence otherwise, the CHRT retains jurisdiction to ensure Canada is not discriminating.

The CHRT orders are binding on Canada.

What is Long Term Reform in the CHRT?

Ending

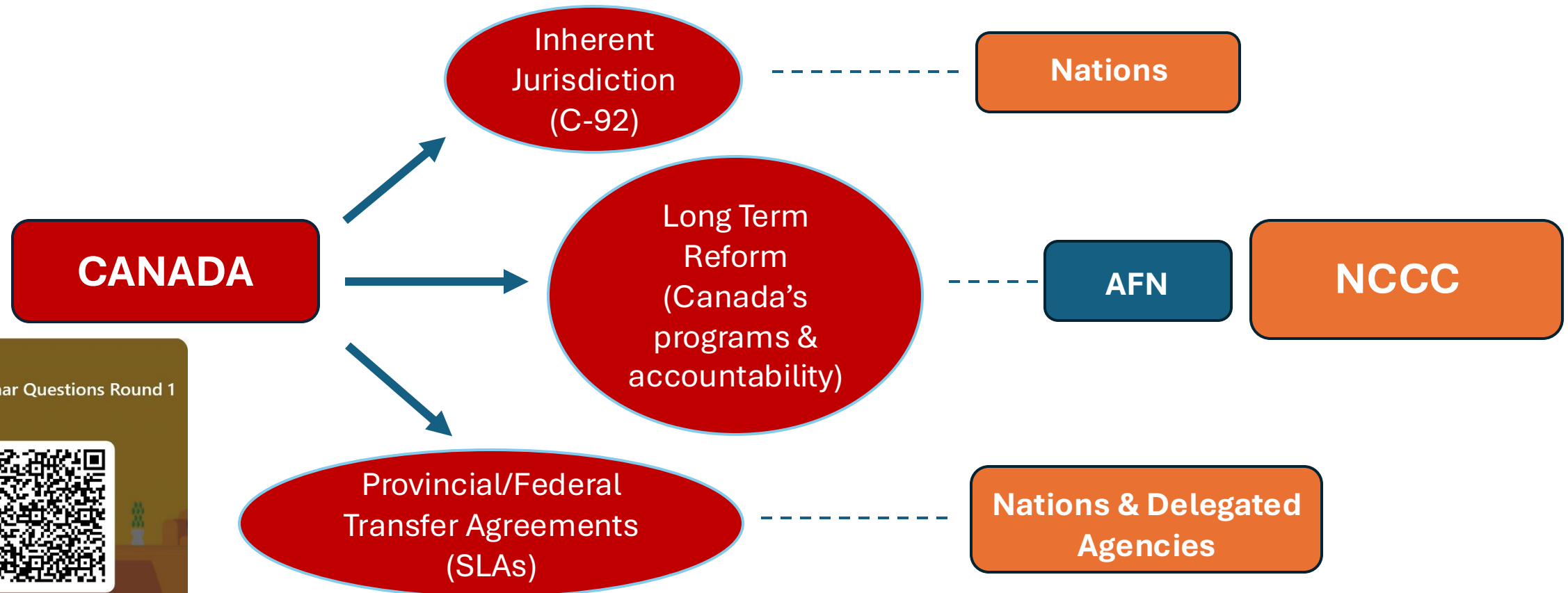
Ending Canada's discrimination
in child and family services and
Jordan's Principle

Stopping

Stopping it from happening
again

Implications of the CHRT Discrimination Confirmation

Rights Holders are now directing and executing all aspects of reform



NCCC Webinar Questions Round 1



What has the NCCC done?

1. Established the National Children's Chiefs Commission
2. Bringing Canada back to Negotiations
3. Developed Negotiation positions aligned with direction from First Nations

Establishing the Commission: Composition

- Chair (Chief Pauline Frost) & Co-Chair (Deb Foxcroft)
- Negotiating team (5 negotiators with broad & deep expertise representing First Nations across Canada)
- Legal counsel (Scott Smith, Liam Smith - *no relation)
- Secretariat support (Our Children Our Way)
- Technical support
- Representation from 11 regions, including non-AFN Nations

Establishing the Commission: Funding

- April 2025 Workplan and \$8.8 million budget submitted to Canada via AFN covering:
 - Regional costs, including technical supports;
 - Secretarial support costs;
 - Remuneration / costs for negotiating team.
 - Legal Fees
- NCCC budget should be covered under the Consultation Protocol in 2018 CHRT 4. Canada is unilaterally trying to change this protocol.
- **Funding to cover budget not yet secured – AFN & Canada have discussed this without the NCCC.** While they have committed to providing detailed notes of those discussions, this has not yet been received after 8 months.

Communications with Canada

- **NCCC Letters to Canada:**

- **January 22:** Legal counsel request to meet
- **January 24:** Proposal to draft a letter of commitment (ensure negotiations after election)
- **February 21:** Additional details re: letter of commitment (negotiation starting points)
- **March 19:** Congrats to PM Carney: here are immediate steps toward long-term reform
- **June 3:** Congrats to Minister Gull-Masty: reiterate call to resume negotiations with NCCC
- **July 26:** Joint letter with AFN, Caring Society, NCCC - Calling Canada back to negotiate
- **July 28:** CHRT suggested that Canada meet with NCCC – request for meeting
- **July 30:** “Canada will work towards Nations asserting their jurisdiction”

- Canada’s reply: **“There is confusion regarding the role of the National Children’s Chiefs Commission.”**
- Caring Society’s Consultation Motion (litigation to compel Canada to return to negotiations)

NCCC Webinar Questions Round 2



Developing Negotiation Positions

10 Outstanding Issues:

- | | |
|----------------------------|----------------------------------|
| 1. Funding Commitment | 6. Regional variations |
| 2. CHRT Jurisdiction | 7. C-92, Treaty, Self-Government |
| 3. Governance | 8. Confidentiality |
| 4. Departmental reform | 9. Definitions & Principles |
| 5. Accountability measures | 10. Term |

Canada has ignored the Commission's proposal to negotiate a Letter of Commitment and the NCCC's submission of these outstanding issues.

How were the NCCC Positions Developed?

- The resolutions passed by AFN member Nations
- Evidence from research and experts
- Comments from rights holders at SCA last year
- Support sought from non-AFN First Nations
- Regional feedback via Commissioners

Your voices are critical and valued...

- NCCC positions are only a starting point!
- Share your thoughts by:
 - Submitting feedback on our website
 - Reaching out to:
NCCC@OurChildrenOurWay.ca
 - Connecting with a Commissioner in your region.

Rights Holders Feedback

When you submit this form, it will not automatically collect your details like name and email address unless you provide it yourself.

* Required

1. Which Nation are you associated with? *

Enter your answer

2. Which best describes you *

☐ Child in Care

☐ Child out of Care

☐ Service Provider

☐ Caregiver

☐ Technician

☐ Leadership

3. Which topic would you like to give feedback on? You may select as many as you like. *

☐ Funding Commitments

☐ CHRT Jurisdiction

 Let's Chat!

The Chiefs in Assembly were very clear that their rejection wasn't all about the money - although solid funding certainly helps!

Each area of concern has a dedicated team that is focused on bringing together the best possible solutions for that issue to the negotiation table. They are hard at work researching, gathering input, and developing strategies to address the concerns raised by the Rights Holders and the Chiefs in Assembly. The "opening positions" below came from the resolutions approved by the Nations in Assemble. As research is completed, information will be added.

Choose an issue below to learn more. If you have ideas or are aware of resources on any of these issues, please fill out the form through the link at the bottom of the page. The questions asked will change depending on which issue you want to discuss, but you will always be given space to speak freely as well as answer the questions. Please leave your name if you want - your Nation is required to ensure Rights Holders have their say.

Topics of Research for Negotiation

Governance of
Long Term
Reform

Click here to Share your Thoughts

Accountability
to Community

Break – 10 min

Where we are now

Action in Response to Resolutions

Successes

Challenges

Actions required by resolutions

	Nations in Assembly to:
☒	Reject the draft Final Settlement Agreement on Long-Term Reform
☒	Call for a new negotiation process for FNCFS and Jordan's Principle
☒	Establish a National Children's Chiefs Commission (include non-AFN member Nations)
☐	Negotiation Team TOR given to Nations in Assembly by Dec 2024

	NCCC to:
☒	Report to Nations in Assembly on expected timelines for:
	1. Completion of negotiations on FNCFS
	2. Terms of Reference for Jordan's Principle
☒	Establish a Negotiation Team
☒	Establish a new Legal Team (takes direction from NCCC)
	Report to First Nations-in-Assembly at every Assembly until their work is complete.

Actions required by resolutions

AFN Exec and NCCC to:	AFN Executive to:
1. Ensure governance structure be:	1. Unconditionally include the Caring Society in negotiations for FNCFS and Jordan's Principle
a) Transparent	
b) Accountable	2. Conduct negotiations pursuant to a negotiation protocol developed with the Caring Society
c) Include guidance of youth / formerly in care	
d) Include FNCFS experts	3. Ensure negotiations are open, transparent, and accountable
2. Develop an amendment process that is:	4. Ensure Nations have 90 days to review any *complete* agreement before a vote
a) Open and Transparent	
b) has clear change proposal processes	
c) has clear change consideration processes	
d) ensures changes can be made before voting on agreement package	
e) ensures the Nations have an opportunity to approve the above processes	
3. Review & approve TOR for NAC by December 2024	

Successes

Support received by (most) AFN Regional Chiefs

Support resolutions received from Nations & Treaty Organizations

Letters and direct advocacy with Canada to honour First Nations directions re: national reform

AFN appointment of portfolio holder: Regional Chief Joanna Bernard

Built connections across CHRT related tables (EAC, NAC, JPOC)

CHRT suggested (twice) that Canada meet with NCCC

NCCC website for transparency & feedback created

NCCC and Caring Society finally sent a letter to Canada calling on it to come back to the table in good faith in July

Line by line technical reviews of the DFSA

Line by line technical review of the Ontario agreement

NCCC appointees, administrative and strong legal team despite lack of funding

Challenges

Canada's failure to come back to the table. No mandate to negotiate a National Agreement.

Commission Funding: No commitment from Canada received.

Lack of proactive action by the AFN to implement resolutions and support the Commission.

The Commission not having standing at CHRT. the Commission needs a mechanism in place to ensure all future submissions to the CHRT are supportive of the Commission's mandate.

Expert Advisory Committee and National Advisory Committees not being formally convened or supported to fulfill their mandate.

Divisive Approaches

- Fasken Opinion – NCCC Resolutions not Constitutional (Requested by AFN, not released to Nations)
- AFN taking no legal positions at the CHRT
- Canada using AFN disinterest and inactivity as an excuse to not meet with NCCC
- AFN actively frustrating the NCCC's efforts
- Canada has not renewed negotiation mandate

NCCC Webinar Questions Round 3



Next Steps

AFN AGA Resolutions

Technical Work & Collaboration

Resolutions being brought forward by NCCC:

NCCC Resolutions:

- Affirming First Nations Direction on Long-Term Reform
- Approving Terms of Reference for FNCFS and Jordan's Principle Table
- Jordan's Principle Operations

How you can help:

- Review the resolutions – send any suggested changes to NCCC ahead of the AFN AGA so we can try to organize before the gathering
- Let us know if you are aware of any NCCC-adjacent resolutions being brought forward

Next steps: Technical Work & Collaboration

- Three technical sub-committees
 - Framework Drafting
 - Communications
 - Government Relations
- Working with National Advisory Committee (NAC), Expert Advisory Committee (EAC), and Caring Society, and Jordan's Principle Operations Committee (JPOC)

Break and Feedback reveal - Forms

Commissioners Reflections

- Why is this work important to the Commissioners?
- What have they learned, as Rights Holders?
- What is a frustration?

Rights Holders Reflections

- What questions do you have?
- What advice can you give the Commission?
- How do you want to be supported in the future?

Discussion, Questions, Answers

Discussion, Questions & Answers



Questions will appear here

Thank you for joining us!

Thank you also to our legal team and to Our Children Our Way for pro-bono services!

Upcoming Events in the CFS world:

- This webinar will be posted on the [Our Children Our Way YouTube channel](#)
- **Sep 08-11:** [Loving Justice: "Wīciwikamātowin ~ Supporting Each Other" National Conference](#) - *Prairieland Park, sâskwatôn (Saskatoon), Saskatchewan*
- **Nov 02-05:** [Our Children Our Way: A National Forum for Indigenous Child & Family Well-being](#) - *Vancouver Convention Centre, K'emk'emelay' (Vancouver), BC*

NCCC Website: www.nationalchildrenschiefscommission.org