

July 28, 2025

Sent by e-mail

The Right Honourable Mark Carney
Prime Minister of Canada
80 Wellington Street
Ottawa, ON K1A 0A2

The Honourable Mandy Gull-Masty
Minister of Indigenous Services
10 rue Wellington
Gatineau, QC K1A 0H4

**Re: First Nations Child and Family Caring Society et al v. Attorney General of Canada
T1340/7008**

Dear Prime Minister and Minister:

We write with congratulations on your recent election and to urge Canada to engage in good faith negotiations with the National Children's Chiefs Commission (NCCC) and the First Nations Child and Family Caring Society. Our goal is to establish a national arrangement that ensures Canada's systemic discrimination toward First Nations children, as substantiated in the case of *First Nations Child and Family Caring Society et al v. Attorney General of Canada*, stops and does not recur.

This case has been ongoing for 18 years and holds the promise of finally ending the dark chapter of Canada's systemic discrimination toward First Nations children, youth and families using evidence-informed approaches that are aligned with sound fiscal policy. Eliminating Canada's systemic discrimination lays the groundwork for healthy communities and reduces the downstream costs, including the overall higher public service costs associated with the discriminatory conduct substantiated by the Tribunal. The needs of First Nations children suffering this discrimination only grow over time and they often require more costly supports in adulthood.

Adults who were not provided adequate supports in childhood face a lifetime of increased health, education and social service needs, as well as other economic challenges, such as underemployment, low educational attainment rates, homelessness and higher rates of incarceration. Research has clearly demonstrated that these effects impact First Nations to a much greater degree as health, social, economic, and environmental discrimination accumulates. For these reasons and to avoid the real potential of more class actions resulting from Canada's ongoing discrimination against First Nations children, we urge you to return to the negotiation table and resolve the matter of long-term reform of First Nations Child & Family Services (FNCFS) and Jordan's Principle.

In October of last year, First Nations-in-Assembly called on Canada to return to the negotiation table with a new mandate aligned with AFN resolutions 60/2024 and 61/2024. While we respect the Tribunal's encouragement of a reconciliation-based dialogic approach, we cannot achieve this alone, and our children cannot wait. We have been diligently working on evidence-informed remedies to Canada's discriminatory conduct in FNCFS and Jordan's Principle. These remedies will either be discussed with Canada in honourable good faith negotiations that resolve the discrimination and prevents recurrence or pursued through further litigation.

We were encouraged by Prime Minister Carney's commitment to return to the negotiation table at the April 25 Virtual Leaders Forum with AFN Chiefs and appreciate that Minister Gull-Masty is just beginning her mandate. However, Canada has not acted on this commitment, and related legal proceedings are ongoing. Indeed, Canada's submissions to the Tribunal on the motion brought against Canada for failing to consult with the CHRT Parties and its recent unilateral implementation of policies that deepen the discrimination in Jordan's Principle and child and family services were very discouraging.

We will report to First Nations-in-Assembly on this matter at the next AFN Annual General Assembly scheduled for September 4-6, 2025, in Winnipeg, Manitoba. To inform the report, we request that you confirm Canada's commitment to return to the negotiation table, in good faith, with the aim of stopping the discrimination and preventing recurrence, so that we can advise the Chiefs accordingly.

We thank you for your consideration of this important matter and look forward to your prompt and favourable reply.

Respectfully,



Chief Pauline Frost,
Chair, National Children's Chiefs
Commission



Regional Chief Joanna Bernard,
New Brunswick Regional Chief,
AFN Child and Families, Portfolio Holder



Cindy Blackstock, PhD
First Nations Child and Family Caring
Society

CC: National Chief and Executive, Assembly of First Nations
National Children's Chiefs Commission
David Lametti, Principal Secretary, Office of the Prime Minister