

WEBVTT

1

00:00:00.000 --> 00:00:00.780

Vincent - Tech support: Starting.

2

00:00:01.980 --> 00:00:05.150

Vincent - Tech support: Recording is started, I'll launch the webinar.

3

00:00:07.510 --> 00:00:10.270

Vincent - Tech support: Can start in, like, 30 seconds, Karen.

4

00:00:44.370 --> 00:00:52.200

Karen Pelletier: Good day. Tansei, Anin. I welcome you all, the panelists, and all my relations from across Turtle Island.

5

00:00:52.430 --> 00:00:59.070

Karen Pelletier: I just want to extend a thank you and a mgo which to our children, our Way Society, for hosting this webinar.

6

00:00:59.650 --> 00:01:02.290

Karen Pelletier: kapipin masqua.

7

00:01:02.730 --> 00:01:23.260

Karen Pelletier: I am Karen Pelche, also known as I stated my name. I am from Kisakoose First Nation and Treaty 4 Territory. I am the Director of Child Welfare and Social Development for the Federation of Sovereign Indigenous Nations, which is located on Treaty 6 Territory in a place known as Saskatoon, Saskatchewan.

8

00:01:24.650 --> 00:01:41.500

Karen Pelletier: Our matriarch today, Judy Redd Humminbird, is traveling, and she is unable to join us, but she did prepare a prayer for all of us, and we recorded her beautiful words. So, I will turn to Judy now to open us in a good way.

9

00:01:46.230 --> 00:01:52.080

Audio shared by Vincent - Tech support: Quietep request, Judy Wilson, Red Hummingbird, with our children our way,

10

00:01:52.360 --> 00:02:10.500

Audio shared by Vincent – Tech support: knowledge holder and advisor. Welcome to our circle this morning, for governance, enforcement, and accountability, Loving Justice in Canada's Plan. Thank you for joining us from all your respective territories and your home fires. I'll open with a short prayer.

11

00:02:11.690 --> 00:02:29.160

Audio shared by Vincent – Tech support: Cook Jamco, Cook Be Creator, we thank you for today. We thank you for the gift of listening, to be gentle with our voices to others, and listen with our whole being, as it is energy, and it transforms a life force that resonates deeply with each one of us.

12

00:02:29.390 --> 00:02:38.760

Audio shared by Vincent – Tech support: We pray as our ancestors have done, and as our elders have taught us to, we listen with our hearts, and with our mind, being still.

13

00:02:39.080 --> 00:02:41.560

Audio shared by Vincent – Tech support: And... being present.

14

00:02:41.970 --> 00:02:51.810

Audio shared by Vincent – Tech support: We can imagine, Creator, the sound of the water flowing, the wind blowing, and our hearts beating, and listening to our breath as we breathe in and out.

15

00:02:52.860 --> 00:02:59.209

Audio shared by Vincent – Tech support: This connects us, Creator, and we thank you so much with you, and with your guidance, and your knowledge.

16

00:02:59.550 --> 00:03:05.930

Audio shared by Vincent – Tech support: And because when we're just hearing just words, we are contemplating already our responses.

17

00:03:06.040 --> 00:03:10.270

Audio shared by Vincent – Tech support: And if we're reading words, we're already comparing and doubting.

18

00:03:10.980 --> 00:03:16.479

Audio shared by Vincent – Tech support: We want to be able to be humble. We want to be able to listen with our whole heart.

19

00:03:16.700 --> 00:03:22.819

Audio shared by Vincent – Tech support: And we don't want to just speak to be louder, or to be smarter.

20

00:03:23.790 --> 00:03:25.360

Audio shared by Vincent – Tech support: That's not listening.

21

00:03:25.540 --> 00:03:43.039

Audio shared by Vincent – Tech support: So we want to listen with our whole being to connect with you and others, and feel valued and understood. So we pray for that... for those teachings, for our circle this morning across our Turtle Island, so that we may be able to, come to a good knowing and understanding

22

00:03:43.040 --> 00:03:51.660

Audio shared by Vincent – Tech support: and connect with the information being shared, especially about our children and our families, because it's so important at this time, Creator.

23

00:03:51.900 --> 00:03:55.310

Audio shared by Vincent – Tech support: That we be able to end the discrimination and the racism.

24

00:03:55.400 --> 00:04:03.020

Audio shared by Vincent – Tech support: And that we're able to, look at what path forward is going to be good for our children.

25

00:04:03.020 --> 00:04:21.920

Audio shared by Vincent – Tech support: and the many respective families and communities and nations and territories they come across across this big country of ours. So we pray for us, for the ancestors to be with us, we pray for our guardians to be with us, and also the helpers and the seen, unseen, and unheard.

26

00:04:22.360 --> 00:04:41.840

Audio shared by Vincent – Tech support: And prayers to the loved ones that might have passed this past year, for the grief loss, that we pray there's comfort for the families and the loved ones for them, and also, prayers for love, support, and resources to those struggling the most at this time of the year, and throughout the year that

27

00:04:41.840 --> 00:04:47.000

Audio shared by Vincent - Tech support: Especially mental health and addictions, and the elderly and infirmed and ill.

28

00:04:47.000 --> 00:05:04.169

Audio shared by Vincent - Tech support: please, bless them and bring comfort and love to them as we all, connect with them and support them in good ways. So we thank you, Creator, for being with us in this circle today, and we pray for Mother Earth and the water and all of creation.

29

00:05:04.240 --> 00:05:07.790

Audio shared by Vincent - Tech support: Cook's Jam? Cook's Jam, Cook's Jam, Cook's Jam.

30

00:05:10.480 --> 00:05:13.060

Karen Pelletier: McGuitch to Judy for that prayer.

31

00:05:13.560 --> 00:05:17.439

Karen Pelletier: Today, I'll introduce our panelists in the order that they are presenting.

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00:05:18.050 --> 00:05:19.639

Karen Pelletier: First, we will have...

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00:05:20.070 --> 00:05:28.080

Karen Pelletier: Cook B. Helen Henderson, the Chief of Chukiskin First Nation, and the BC rep to the National Children's Chief Commission.

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00:05:28.360 --> 00:05:36.670

Karen Pelletier: Cookie Helen will provide an overview of governcy, accountability, and enforcement in both the Love and Justice and Canada plans.

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00:05:37.190 --> 00:05:45.149

Karen Pelletier: After her, we will have Dr. Amber Johnson from the Expert Advisory Committee on Indigenous Services Departmental Reform.

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00:05:45.350 --> 00:05:47.889

Karen Pelletier: Dr. Aber will discuss the...

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00:05:48.040 --> 00:05:54.320

Karen Pelletier: Expert Advisory Committee's recommendations, and how these are reflected in the Love and Justice in Canada Plan.

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00:05:54.800 --> 00:06:00.970

Karen Pelletier: Following Dr. Amber will be Dr. Cindy Blackstock, the Executive Director of the Cairn Society.

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00:06:01.140 --> 00:06:08.620

Karen Pelletier: Cindy was unable to join us today, so we will hear a recording of her presentation. Dr. Cindy.

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00:06:08.940 --> 00:06:18.039

Karen Pelletier: Will give us a more detailed look at why governcy, accountability, and enforcement are so important, and how these are addressed in the two plans.

41

00:06:18.750 --> 00:06:24.979

Karen Pelletier: And Stephanie Wellman from the Karen Society will help to answer your questions after today's presentation.

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00:06:25.510 --> 00:06:29.169

Karen Pelletier: Before I turn to our panelists, just a few housekeeping points.

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00:06:29.390 --> 00:06:34.850

Karen Pelletier: This session is being recorded and will be available on the Our Children Are Way website.

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00:06:34.980 --> 00:06:44.480

Karen Pelletier: We have French interpreters available on a separate channel for our Francophone participants. A gentle reminder to our panelists and myself.

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00:06:44.730 --> 00:06:50.110

Karen Pelletier: The interpreters are working hard to keep up, so let's try not to speak too quickly.

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00:06:50.650 --> 00:06:57.640

Karen Pelletier: We will save time for questions at the end. Please type your questions in the chat, and I will read them out to our panelists.

47

00:06:58.180 --> 00:07:03.029

Karen Pelletier: Finally, we will be hosting 3 more webinars over the next few weeks.

48

00:07:03.340 --> 00:07:15.130

Karen Pelletier: to dig into the details of the Love and Justice in Canada plan. The next webinar will be in two weeks, and will focus on provisions for regional differences in the Love and Justice in Canada plan.

49

00:07:15.250 --> 00:07:22.250

Karen Pelletier: So let's now turn to Koki Helen to introduce herself and speak about governancy, accountability, and enforcement.

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00:07:29.170 --> 00:07:33.200

Kukpi7 Helen Henderson: Cook's Jedgeham... For the introduction.

51

00:07:35.410 --> 00:07:39.479

Kukpi7 Helen Henderson: Wadeup, Cook beat Helen Henderson once quest.

52

00:07:40.670 --> 00:07:45.940

Kukpi7 Helen Henderson: Hello everyone, my name is Chief Helen Henderson, and I'm happy to be connecting with all of you today.

53

00:07:46.440 --> 00:07:49.579

Kukpi7 Helen Henderson: Rengikra Laila Archie.

54

00:07:50.400 --> 00:07:52.560

Kukpi7 Helen Henderson: Slim... Catch up.

55

00:07:53.040 --> 00:07:55.209

Kukpi7 Helen Henderson: ran James Henderson.

56

00:07:56.510 --> 00:08:02.169

Kukpi7 Helen Henderson: So I'm... kia... and Catherine Mae Archie?

57

00:08:02.700 --> 00:08:06.720

Kukpi7 Helen Henderson: It's when... Ba'a. Ren.

58

00:08:06.950 --> 00:08:08.679

Kukpi7 Helen Henderson: Thomas Sandy Urchie.

59

00:08:09.310 --> 00:08:10.340

Kukpi7 Helen Henderson: my...

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00:08:10.800 --> 00:08:19.850

Kukpi7 Helen Henderson: parents are the late Lila Archie from Chikuscan First Nation, and my late father is from Asala Nakudan nations.

61

00:08:20.230 --> 00:08:30.020

Kukpi7 Helen Henderson: And my maternal grandparents, and the ones that I grew up with, are my grandmother Catherine Mae Archie, and...

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00:08:30.250 --> 00:08:33.770

Kukpi7 Helen Henderson: My late grandfather, Thomas Sandy Urchie.

63

00:08:35.070 --> 00:08:39.910

Kukpi7 Helen Henderson: I'd like to thank, Muskrium, Tsleil-Waututh, and...

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00:08:40.250 --> 00:08:47.830

Kukpi7 Helen Henderson: the Squamish nations for allowing me to be here, and allowing me to connect with all of you from their territory.

65

00:08:48.150 --> 00:08:50.860

Kukpi7 Helen Henderson: To talk about these special,

66

00:08:51.130 --> 00:09:01.549

Kukpi7 Helen Henderson: issues, that are all near and dear to our hearts are bussman's cooks jump to, former cook, Judy for the prayer.

67

00:09:01.600 --> 00:09:11.169

Kukpi7 Helen Henderson: Every day, her prayers are needed for our Tutuw al-Qa Sultan, our children, youth, and families as they face,

68

00:09:11.310 --> 00:09:12.610

Kukpi7 Helen Henderson: their lives.

69

00:09:12.770 --> 00:09:13.829

Kukpi7 Helen Henderson: Every day.

70

00:09:15.880 --> 00:09:23.159

Kukpi7 Helen Henderson: Kuchamch to all of you for attending today, our matriarchs, our elders, our knowledge holders.

71

00:09:23.480 --> 00:09:30.029

Kukpi7 Helen Henderson: For, being present today as we share critical updates with you.

72

00:09:31.460 --> 00:09:40.520

Kukpi7 Helen Henderson: And finally, Cook's jump to the Our children and youth for... Being who they are.

73

00:09:40.650 --> 00:09:47.839

Kukpi7 Helen Henderson: And motivating, and being that inspiration to all of us in all of the work that we're doing together.

74

00:09:48.240 --> 00:09:51.819

Kukpi7 Helen Henderson: I am a former child in care. I...

75

00:09:52.200 --> 00:10:09.489

Kukpi7 Helen Henderson: spent my formative years in ministry care, both in the city of Delta, and later on in Kamloops. I spent the rest of my childhood on reserve, in care, so there's certainly a lot of touchpoints for

76

00:10:09.550 --> 00:10:21.509

Kukpi7 Helen Henderson: For me, in terms of knowing and seeing the inner workings of these institutions and the impact that it's had in their communities, for sure.

77

00:10:23.340 --> 00:10:29.459

Kukpi7 Helen Henderson: Today, I'll be, talking to you about governance, accountability, and enforcement.

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00:10:29.860 --> 00:10:35.820

Kukpi7 Helen Henderson: If you apply it to, you know, who we are as First Nations people, as Indigenous people.

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00:10:36.350 --> 00:10:51.930

Kukpi7 Helen Henderson: Good governance starts in the home, and if you look at it from that lens, and look at the work that we've been doing to ensure that you're able to still govern from your own home and make decisions for your children fully supported.

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00:10:51.930 --> 00:11:02.010

Kukpi7 Helen Henderson: These are the sections that we're working really, really hard on to ensure that that is guaranteed for all of our children.

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00:11:03.960 --> 00:11:08.449

Kukpi7 Helen Henderson: To give you some history, a bit of history, in 2016,

82

00:11:08.640 --> 00:11:13.549

Kukpi7 Helen Henderson: The Canadian Human Rights Tribunal determined that Canada was discriminating

83

00:11:13.850 --> 00:11:20.659

Kukpi7 Helen Henderson: Against our children and First Nations Child and Family Service Program, and Jordan's Principal.

84

00:11:22.340 --> 00:11:26.110

Kukpi7 Helen Henderson: We all know that the funding was just discriminatory.

85

00:11:26.480 --> 00:11:28.870

Kukpi7 Helen Henderson: But it is important to keep in mind

86

00:11:29.260 --> 00:11:41.000

Kukpi7 Helen Henderson: the tribunal's finding that Canada discriminated in the design, management, and control of the First Nations Child and Family Services program.

87

00:11:42.370 --> 00:11:50.729

Kukpi7 Helen Henderson: The tribunal ordered Canada To stop discriminating, and to make sure that discrimination never happens again.

88

00:11:52.230 --> 00:11:58.109

Kukpi7 Helen Henderson: How do you prevent discrimination in the design, management, and control of the program?

89

00:11:59.260 --> 00:12:07.010

Kukpi7 Helen Henderson: You need robust governance, accountability, And enforcement measures that work together.

90

00:12:09.140 --> 00:12:15.109

Kukpi7 Helen Henderson: You need First Nations-led accountability measures to detect any discrimination.

91

00:12:15.640 --> 00:12:25.150

Kukpi7 Helen Henderson: First Nations-led governance structures, to end Canada's unilateral decision-making and address discrimination.

92

00:12:25.910 --> 00:12:31.860

Kukpi7 Helen Henderson: and First Nations-led enforcement measures to ensure Canada's compliance.

93

00:12:32.320 --> 00:12:39.230

Kukpi7 Helen Henderson: as inherent... Rights holders, these are our decisions to make, starting from our home.

94

00:12:43.150 --> 00:12:45.880

Kukpi7 Helen Henderson: Governance, like I said, is about

95

00:12:46.110 --> 00:12:58.519

Kukpi7 Helen Henderson: those decisions and how we're able to make those decisions starting from our home. The Loving Justice Plan removes Canada's unilateral decision-making and shares it with First Nations.

96

00:12:59.590 --> 00:13:09.240

Kukpi7 Helen Henderson: In contrast, Canada's plan retains full control for Canada and leaves First Nations in an advisory role.

97

00:13:10.880 --> 00:13:15.440

Kukpi7 Helen Henderson: The Loving Justice Plan would establish a national oversight council.

98

00:13:15.600 --> 00:13:20.950

Kukpi7 Helen Henderson: A First Nations-led body, mandated by rights holders.

99

00:13:21.290 --> 00:13:24.530

Kukpi7 Helen Henderson: To oversee all aspects of the design.

100

00:13:25.190 --> 00:13:31.189

Kukpi7 Helen Henderson: Management and control of the Reformed First Nations Child and Family Services Program.

101

00:13:32.650 --> 00:13:39.940

Kukpi7 Helen Henderson: Canada would be required to implement the recommendations of the National Oversight Council.

102

00:13:41.180 --> 00:13:48.420

Kukpi7 Helen Henderson: In Canada's plan, There's no national First Nations-led governance body.

103

00:13:48.920 --> 00:13:51.630

Kukpi7 Helen Henderson: And I'll remind you, it's 2026.

104

00:13:52.200 --> 00:13:55.639

Kukpi7 Helen Henderson: There are provisions for regional governance bodies.

105

00:13:56.180 --> 00:14:01.819

Kukpi7 Helen Henderson: They want to keep us separate and break up the power of our collective voice.

106

00:14:03.100 --> 00:14:07.110

Kukpi7 Helen Henderson: And when you try to do this work in piecemeal, we all see the outcomes.

107

00:14:07.380 --> 00:14:10.159

Kukpi7 Helen Henderson: Of what that kind of planning looks like.

108

00:14:10.730 --> 00:14:15.659

Kukpi7 Helen Henderson: Those regional governance bodies would not have any decision-making authority.

109

00:14:15.780 --> 00:14:20.319

Kukpi7 Helen Henderson: They would advise and inform and make recommendations.

110

00:14:20.550 --> 00:14:24.119

Kukpi7 Helen Henderson: But Canada would make all of the decisions.

111

00:14:29.580 --> 00:14:34.269

Kukpi7 Helen Henderson: Accountability is about the measures we put in place to detect

112

00:14:34.950 --> 00:14:39.310

Kukpi7 Helen Henderson: And address any ongoing or recurring discrimination.

113

00:14:39.770 --> 00:14:43.560

Kukpi7 Helen Henderson: Accountability works hand-in-hand with governance.

114

00:14:46.600 --> 00:14:52.209

Kukpi7 Helen Henderson: You can't address discrimination without the decision-making authority to do so.

115

00:14:53.030 --> 00:14:58.360

Kukpi7 Helen Henderson: The Loving Justice Plan puts in place multiple layers of accountability.

116

00:14:59.240 --> 00:15:03.689

Kukpi7 Helen Henderson: And analysis to monitor the outcomes of long-term reform.

117

00:15:04.500 --> 00:15:18.230

Kukpi7 Helen Henderson: Regional and national technical tables to

review all existing and proposed legislation, regulations, policies, and budgets related to child and family services.

118

00:15:18.640 --> 00:15:20.520

Kukpi7 Helen Henderson: And to make expert.

119

00:15:21.080 --> 00:15:24.820

Kukpi7 Helen Henderson: recommendations to the National Advisory Council.

120

00:15:26.290 --> 00:15:29.389

Kukpi7 Helen Henderson: Child and Youth Rights Impact Assessments.

121

00:15:29.920 --> 00:15:32.809

Kukpi7 Helen Henderson: Periodic public funding reviews.

122

00:15:33.330 --> 00:15:36.840

Kukpi7 Helen Henderson: Reporting... reporting requirements for Canada?

123

00:15:37.940 --> 00:15:46.060

Kukpi7 Helen Henderson: and a strong role for the Expert Advisory Committee to guide the reform of Indigenous Services Canada.

124

00:15:47.770 --> 00:15:54.469

Kukpi7 Helen Henderson: Canada's plan... Attempts to deflect responsibility away from Canada.

125

00:15:55.000 --> 00:15:59.489

Kukpi7 Helen Henderson: Instead of describing how Canada will be accountable for ending.

126

00:16:00.170 --> 00:16:09.059

Kukpi7 Helen Henderson: discrimination, Canada's plan notes that accountability of First Nations child and family services agencies

127

00:16:09.260 --> 00:16:17.680

Kukpi7 Helen Henderson: to the First Nations they serve is a central tenet of a reformed First Nations Child and Family Services program.

128

00:16:20.030 --> 00:16:27.220

Kukpi7 Helen Henderson: If we think about that for a minute, Canada knowingly discriminated against our children for decades.

129

00:16:27.560 --> 00:16:33.100

Kukpi7 Helen Henderson: And now they want to make our own agencies accountable for that discrimination.

130

00:16:39.520 --> 00:16:46.280

Kukpi7 Helen Henderson: We know that long-term reform We'll rest on strong enforcement measures.

131

00:16:46.420 --> 00:16:54.590

Kukpi7 Helen Henderson: For the last 10 years, The Canadian Human Rights Tribunal has enforced the order to end discrimination.

132

00:16:55.470 --> 00:17:05.019

Kukpi7 Helen Henderson: The Loving Justice Plan proposes to keep the tribunal for at least another 5 years, until Canada shows lasting compliance.

133

00:17:05.900 --> 00:17:09.139

Kukpi7 Helen Henderson: Once the tribunal is no longer in play.

134

00:17:09.380 --> 00:17:17.779

Kukpi7 Helen Henderson: Loving Justice proposes either an alternative dispute resolution, which would require Canada's cooperation.

135

00:17:18.319 --> 00:17:22.719

Kukpi7 Helen Henderson: Or a litigation fund to support legal action.

136

00:17:22.910 --> 00:17:27.829

Kukpi7 Helen Henderson: When Canada stops complying with the governance and accountability measures.

137

00:17:29.200 --> 00:17:38.539

Kukpi7 Helen Henderson: Under Canada's plan, The national framework would not replace all CHRT orders and end the CHRT's jurisdiction.

138

00:17:39.380 --> 00:17:46.319

Kukpi7 Helen Henderson: Canada does... Canada does propose an alternative dispute resolution tribunal.

139

00:17:46.890 --> 00:17:51.180

Kukpi7 Helen Henderson: But retains extensive discretion in setting it up.

140

00:17:51.840 --> 00:17:52.950

Kukpi7 Helen Henderson: Again.

141

00:17:53.430 --> 00:17:58.579

Kukpi7 Helen Henderson: Canada's decision-making is the problem we are trying to solve.

142

00:18:00.670 --> 00:18:05.379

Kukpi7 Helen Henderson: Cook's Gem, for the space, for, allowing me to,

143

00:18:05.680 --> 00:18:07.610

Kukpi7 Helen Henderson: What they do on these critical

144

00:18:07.790 --> 00:18:13.899

Kukpi7 Helen Henderson: issues, and I'll stop here for now and... and hand the... the floor back over to...

145

00:18:14.020 --> 00:18:15.629

Kukpi7 Helen Henderson: Karen, thank you.

146

00:18:16.960 --> 00:18:19.479

Karen Pelletier: Mugwitch. Mugwitch could be Helen.

147

00:18:19.610 --> 00:18:28.050

Karen Pelletier: We will address any questions at the end, at the very end. So just, just to let you know, you can type those questions into the chat.

148

00:18:28.300 --> 00:18:34.799

Karen Pelletier: So right now, what we're going to do is we're now going to turn over to Dr. Amber, who's from the Expert Advisory Committee.

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00:18:35.150 --> 00:18:41.350

Karen Pelletier: We thank Dr. Amber for joining us today, and as, again, we're always quite happy and...

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00:18:41.590 --> 00:18:46.960

Karen Pelletier: actually very engaging to hear from the Expert Advisory Committee.

151

00:18:47.260 --> 00:18:48.420

Karen Pelletier: Thank you, Amber.

152

00:18:50.660 --> 00:18:54.379

Amber Johnson: Well, thank you for having me today. It, I often represent

153

00:18:54.900 --> 00:18:57.649

Amber Johnson: for the, Expert Advisory Committee.

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00:18:57.920 --> 00:19:14.389

Amber Johnson: So just starting, I thought we would start with a really good quote from, the Loving Justice Plan. All First Nations children, youth, and families have the right individually, collectively, to be free of all forms of discrimination, and have access, to effective remedies.

155

00:19:14.860 --> 00:19:16.599

Amber Johnson: We can move the slide.

156

00:19:18.660 --> 00:19:34.310

Amber Johnson: As well, the statement from the National Children's Chiefs Commission. The plan... and the Loving Justice Plan begins with children, because the work of ending Canada's discrimination in First Nations child and family services must be guided by the sacred place children hold.

157

00:19:34.310 --> 00:19:38.929

Amber Johnson: and First Nations law, knowledge systems, languages, cultures, and in our hearts.

158

00:19:41.740 --> 00:19:44.500

Amber Johnson: At the heart of Loving Justice,

159

00:19:44.860 --> 00:19:56.570

Amber Johnson: as mentioned previously, and I think it is running through most of these webinars, or all of them, is, where we begin at the very center with children.

160

00:19:56.570 --> 00:20:08.389

Amber Johnson: The plan makes clear that this reform concerns children, and that children and families are entitled to remedies that are very real and lasting. Our EAC recommendations were developed alongside that commitment.

161

00:20:08.550 --> 00:20:11.840

Amber Johnson: And of course, in full alignment with it.

162

00:20:12.570 --> 00:20:27.480

Amber Johnson: The EAC is a part of that collective effort to ensure that this plan's commitments and framework, especially around governance, accountability, and enforcement, are implemented in ways that remain durable, transparent, and strong over time.

163

00:20:31.350 --> 00:20:38.280

Amber Johnson: So, to give a little excerpt from our recommendations that were sent out on December 15th, 2025,

164

00:20:38.280 --> 00:21:00.639

Amber Johnson: The goal of the EAC, and we have been working on... on this since 2022, is to ensure that long-term reform... the long-term reform framework, eliminates discriminatory structures, prevents reoccurrence, and establishes a sustainable system, grounded in substantive equality, First Nations authority, and child rights-based decision-making.

165

00:21:00.640 --> 00:21:05.189

Amber Johnson: Our EAC team is made up of... was... was chosen,

166

00:21:05.680 --> 00:21:19.049

Amber Johnson: of experts from all over Canada, who range from, being experts in evaluation and law, child welfare rights, psychology,

167

00:21:19.050 --> 00:21:26.279

Amber Johnson: economics. We are a great team, and we do work well together. So we are standing at the ready.

168

00:21:26.520 --> 00:21:32.839

Amber Johnson: So what this means in practice, reform must address structural causes and not only symptoms.

169

00:21:32.840 --> 00:21:47.839

Amber Johnson: I used to equate this to, if you, slice open your arm with a knife and you hit a vein, you don't put a band-aid on it, and you don't keep putting band-aids on it, because it will continue to bleed. You need a surgeon. So this is what we're suggesting. We need a surgeon to go in and create this

170

00:21:47.840 --> 00:21:49.350

Amber Johnson: The structure that will

171

00:21:49.350 --> 00:21:59.130

Amber Johnson: be lasting for generations. Systems, must be designed to prevent discrimination from re-emerging. That's also extremely important.

172

00:21:59.160 --> 00:22:10.659

Amber Johnson: That there are safeguards in place, so when discrimination does happen within the system, within Indigenous services, that there are, kind of an alert system that tells us

173

00:22:10.740 --> 00:22:19.380

Amber Johnson: What's happening, and you can move very quickly in to stop that from happening, whether it be through education or whatever.

174

00:22:19.680 --> 00:22:29.490

Amber Johnson: Governance must reflect First Nations authority in decision making. That's a key foundation. Funding and accountability must be durable and predictable.

175

00:22:29.610 --> 00:22:33.249

Amber Johnson: And children's rights must guide every operational choice.

176

00:22:37.590 --> 00:22:44.540

Amber Johnson: So, why... why it matters? Short-term adjustments cannot meet the standards set by a permanent injunction.

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00:22:44.760 --> 00:22:52.890

Amber Johnson: It just... it's just gonna... if... if short-term adjustments continue on, we're gonna be in the same place in 5 years.

178

00:22:53.020 --> 00:22:54.429

Amber Johnson: In 10 years.

179

00:22:54.640 --> 00:23:12.990

Amber Johnson: Durability must be intentionally built into governance structures, funding arrangements, and accountability mechanisms. A rights-affirming system cannot rely on administrative discretion or temporary policy measures. It must be anchored in predictable authority, transparent decision-making, and stable funding commitments.

180

00:23:13.700 --> 00:23:27.940

Amber Johnson: Sustainable equality must be operationalized in how decisions are made, how resources are allocated, and how disputes are resolved, and not simply articulated. That's been one of the major, you know, you can say one thing and then do another. It has to be

181

00:23:28.130 --> 00:23:31.310

Amber Johnson: A standard that is set and followed.

182

00:23:31.370 --> 00:23:51.370

Amber Johnson: Reform will only succeed when discriminatory structures are dismantled at their source and replaced with systems capable of preventing reoccurrence over time. That is a huge measure, especially when you're going into a government department, but is... has been the intention of the Expert Advisory Committee,

183

00:23:51.580 --> 00:23:55.559

Amber Johnson: in our, in our, work with Indigenous Services Canada.

184

00:23:58.330 --> 00:24:11.950

Amber Johnson: So, a permanent injunction in intergenerational equity. The Loving Justice Plan, and I... what I'd like to do is just kind of

make a comparison between our... the Loving Justice Plan, and our recommendations.

185

00:24:12.080 --> 00:24:24.239

Amber Johnson: The Loving Justice Plan grounds reform of the tribunal's permanent injunction. That foundation is central. A permanent injunction calls for systems that function consistently and reliably over time, no matter what government is in place.

186

00:24:24.240 --> 00:24:38.760

Amber Johnson: no matter, what... I mean, the EAC members or, the NCCC members, it's going to shift and flex, but that, permanent foundation will enable, those systems to stay in place.

187

00:24:39.090 --> 00:24:40.900

Amber Johnson: And to function consistently.

188

00:24:41.210 --> 00:24:50.529

Amber Johnson: Eac, recommendations sit within the same framework, supporting governance and accountability mechanisms that reflect the plan's intergenerational commitments.

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00:24:50.740 --> 00:24:58.120

Amber Johnson: This... this work would strengthen implementation so that permanence is not only stated, but embedded in how the system operates.

190

00:25:02.410 --> 00:25:17.869

Amber Johnson: Our shared foundations were found... we are grounded in the same foundational commitments of substantive equality, cultural continuity, and the best interest of the child, rooted in Indigenous culture, identity, and authority.

191

00:25:17.870 --> 00:25:27.799

Amber Johnson: This reflects a shared understanding of what reform must protect and uphold. The EAC recommendations sit within that same framework, helping to shape governance and accountability structures.

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00:25:27.800 --> 00:25:40.639

Amber Johnson: as I said earlier, to allow these principles to remain steady over time. It's a single direction, it's reinforced in a system that is grounded in rights culture and the well-being of First Nations

children.

193

00:25:45.030 --> 00:26:02.220

Amber Johnson: Governance is a shared authority. The Loving Justice Plan establishes governance mechanisms to guide and oversee reform. Our recommendations align with that direction, emphasizing shared decision-making in areas such as capital prioritization and funding revisions. This reflects a shared commitment

194

00:26:02.220 --> 00:26:22.120

Amber Johnson: to partnership and substantive equality in how reform is carried forward. Binding shared authority brings clarity, predictability, and stability to implementation. And this has been a long been an issue with, programs such as, or situations such as Jordan's Principle, which change, can change monthly.

195

00:26:22.150 --> 00:26:38.590

Amber Johnson: or yearly, monthly, daily, on who's going to get support and when they're going to receive that support. We would like to stop that, and stop that, precariousness for children who are in great need of that support.

196

00:26:39.020 --> 00:26:45.550

Amber Johnson: So yes, in this way, the recommendations support the governance approach set out by the Loving Justice Plan.

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00:26:47.230 --> 00:26:58.999

Amber Johnson: So I've made a couple, tables to just show the differences between, Loving Justice and Canada's national plan, and how the EAC is positioned within the two plans.

198

00:26:59.000 --> 00:27:11.489

Amber Johnson: When it looks at governance orientation, the Loving Justice Plan, is linked to proving discrimination is stopped and will not reoccur. Canada's national plan is structured through national framework implemented via regional agreements.

199

00:27:11.490 --> 00:27:12.440

Amber Johnson: So it's...

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00:27:12.440 --> 00:27:28.560

Amber Johnson: it's much more in... that... that plays much more in flux.

Oversight logic, govern... the loving justice has governance tied to permanence in tribunal jurisdiction, and of course, Canada's plan is governance tied to implementation architecture, which changes.

201

00:27:28.820 --> 00:27:35.160

Amber Johnson: And can change. The treatment of the EAC, within the Loving Justice Plan,

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00:27:35.300 --> 00:27:47.980

Amber Johnson: the EAC is positioned within an accountability ecosystem, informing stopped and non-reoccurrences, being, you know, we're supposed to be going in to, work with Indigenous services to create this architecture.

203

00:27:47.980 --> 00:28:06.939

Amber Johnson: Under Canada's national plan, it is discussed under ISC reform, mandated structure, and... but it has been described as subject to adjustment. And that is one of the major issues, is that there is, there was talk in the national plan of replacing EAC members, with other individuals.

204

00:28:09.910 --> 00:28:17.600

Amber Johnson: Transparency, of course, is not optional. Transparency strengthens trust and accountability. The EAC,

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00:28:18.140 --> 00:28:22.349

Amber Johnson: Very strongly believes in being transparent in everything that we do.

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00:28:23.010 --> 00:28:37.050

Amber Johnson: And we believe that other bodies such as ISC and other federal agencies should do the same. The EAC recommendations emphasize the importance of clear disclosure of funding methodologies and written reasons for decisions.

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00:28:37.050 --> 00:28:43.410

Amber Johnson: The Loving Justice Plan also includes reporting mechanisms and accountability measures that reflect the same principles.

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00:28:43.450 --> 00:28:51.370

Amber Johnson: Together, they reinforce the importance of clarity,

consistency, open decision-making in the implementation of reform.

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00:28:51.440 --> 00:29:00.109

Amber Johnson: This alignment helps operationalize accountability in practical and concrete ways. It's about creating a system that is reliable.

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00:29:03.850 --> 00:29:19.839

Amber Johnson: For dispute resolution and enforcement, the Loving Justice Plan includes, dispute resolution mechanisms that are grounded in accountability. The EAC recommendations emphasize that such mechanisms should reflect, substantive equality and human rights standards.

211

00:29:19.840 --> 00:29:28.030

Amber Johnson: including UNDRIP. These shared commitments ensure that dispute processes remain rights-based and capable of addressing systemic issues.

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00:29:28.080 --> 00:29:32.800

Amber Johnson: As well, they strengthen the enforcement dimension of the reform framework.

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00:29:35.780 --> 00:29:52.689

Amber Johnson: When we look at, the table and the comparison and where the EAC is positioned, in the enforcement model, Loving Justice puts us, linked to proving discrimination is stopped and will not reoccur. Now Canada's national plan turns to National Dispute Resolution, Tribunal.

214

00:29:52.700 --> 00:29:57.439

Amber Johnson: identified as a reform element, and as mentioned previously, that is decided by Canada.

215

00:29:57.500 --> 00:30:11.189

Amber Johnson: The accountability standard, loving justice, rights-based, substantive Equality, systemic discrimination prevention. Canada's plan is, is, almost the opposite. It's audits and reporting, funding reviews, and agreement compliance.

216

00:30:11.240 --> 00:30:25.429

Amber Johnson: The EAC is positioned, within the Loving Justice Plan

as a part of the oversight logic that would be tied to permanence. Within ISC reform, we're not directly embedded in the Enforcement Tribunal.

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00:30:26.510 --> 00:30:32.430

Amber Johnson: With our... with the proposal that our... our time not last past 2027.

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00:30:35.650 --> 00:30:45.059

Amber Johnson: For Indigenous data sovereignty, we also included this in our recommendations, adjusting outcomes reporting and measurement. This has long been,

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00:30:45.290 --> 00:30:48.390

Amber Johnson: An issue, for all

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00:30:49.010 --> 00:30:58.750

Amber Johnson: you know, when you look at anything that has to do with, Indigenous data sovereignty, there's many issues with, not sharing properly, taking

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00:30:59.170 --> 00:31:17.829

Amber Johnson: information and not bringing it back to the communities and things like that. The EAC recommendations similarly affirm that accountability and data governance should align with OCAP principles and Indigenous data sovereignty, reinforcing Indigenous authority and cultural continuity within the reform structure.

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00:31:17.930 --> 00:31:27.270

Amber Johnson: Together, the EAC believes we support, accountability systems that are grounded, in community-defined measures of success.

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00:31:31.080 --> 00:31:34.359

Amber Johnson: Durability and interpretive integrity,

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00:31:34.390 --> 00:31:52.479

Amber Johnson: The Loving Justice Pro, of course, includes an interpretive safeguard requiring alignment with substantive equality. We also, rep... our recommendations emphasize structural stability and shared authority in governance arrangements, helping to ensure that, safeguards remain meaningful and durable over time.

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00:31:55.970 --> 00:32:14.180

Amber Johnson: And in my last table, looking at, the same issue, when we look at the Loving Justice Plan, institutional reform, includes structural accountability linked to preventing reoccurrence within national... Canada's national plan, departmental reform framed within ISC restructuring.

226

00:32:14.480 --> 00:32:29.540

Amber Johnson: For funding durability, the Loving Justice Plan states stability framed as preventing reoccurrence. Within Canada's national plan, funding is framed within negotiated regional agreements. The role of the EAC in this

227

00:32:29.700 --> 00:32:49.180

Amber Johnson: in reform, for the Loving Justice Plan, contributing to the systemic accountability architecture, Canada's National Plan is referenced in context. We were... we have been referenced as stalled progress and potential restructuring, so that was mentioned in Canada's national plan, that the EAC

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00:32:50.590 --> 00:33:02.050

Amber Johnson: is stalled in our work with ISC, and that is, true to a certain extent, although the EAC has attempted on, on, numerous occasions to, restart,

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00:33:02.640 --> 00:33:04.640

Amber Johnson: this relationship with ISC.

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00:33:08.000 --> 00:33:21.139

Amber Johnson: So, to conclude, the Loving Justice Plan sets out a reformed framework grounded in permanent injunction and intergenerational commitments. As previously mentioned,

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00:33:21.750 --> 00:33:41.379

Amber Johnson: The Expert Advisory Committee was established by order of the Canadian Human Rights Tribunal. We operate within its mandate to provide expert advice grounded in substantive equality and prevention of reoccurrence. While the Committee's structural independence remains a matter under discussion and broader reform process, its advisory role is clear.

232

00:33:44.760 --> 00:34:03.640

Amber Johnson: The EAC stands ready to contribute that expertise in support of an agreement that is grounded in accountability, shared governance, and child rights protections. We offer analysis, recommendations to help translate the reforms envisioned in loving justice into durable, rights-based systems.

233

00:34:03.640 --> 00:34:13.249

Amber Johnson: Our shared objective is to build a structure that is rooted in First Nations authority, capable of protecting children and families, not only today, but for generations to come.

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00:34:16.820 --> 00:34:25.510

Amber Johnson: Thank you, again for having me, and, allowing me to come and give a little bit of, an idea of how the EAC,

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00:34:25.770 --> 00:34:31.360

Amber Johnson: works and how we... how our recommendations, support, the Loving Justice Plan.

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00:34:32.719 --> 00:34:37.489

Karen Pelletier: I'm a go ahead, Dr. Amber. Thank you very much. That was very informative.

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00:34:37.799 --> 00:34:51.759

Karen Pelletier: And what we'll do right now is we're going to move over to Dr. Cindy Blackstock. And as I mentioned earlier, Dr. Cindy isn't able to join us today because she has prior commitments. But she has recorded her presentation for us, and we'll go to that now.

238

00:34:57.420 --> 00:35:13.159

Audio shared by Vincent - Tech support: So, hello everyone, I'm Cindy Blackstock from the First Nations Child and Family Caring Society, and we bring, begin today by really honoring all of the children and young people and families in Tumbl Ridge who were affected by that tragedy.

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00:35:13.160 --> 00:35:20.819

Audio shared by Vincent - Tech support: As well as the families and the community of Kitakon Zibi, who lost two children over the weekend.

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00:35:20.890 --> 00:35:27.219

Audio shared by Vincent - Tech support: All of these tragedies bring into sharp focus why what we're doing is so vital and important.

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00:35:28.340 --> 00:35:42.690

Audio shared by Vincent – Tech support: I'm going to turn now to talk about the accountability and oversight mechanisms that you'll see in Loving Justice, which is the First Nations–led plan, as compared to Canada's plan. So let's get right to it.

242

00:35:44.160 --> 00:35:58.810

Audio shared by Vincent – Tech support: So, I'd like to begin always by disclosing to everyone that the Caring Society is one of the co-complainants, along with the Assembly of First Nations, in the Canadian Human Rights Tribunal case, and that's the formal citation for it.

243

00:35:58.810 --> 00:36:17.259

Audio shared by Vincent – Tech support: I'm also going to be summarizing the positions in Loving Justice and Canada's Plan. You can read all of these documents at fnwitness.ca, so we encourage you to do that and to check and see what you think of those documents yourselves.

244

00:36:18.880 --> 00:36:34.400

Audio shared by Vincent – Tech support: So, just a reminder that both of these plans were submitted to the tribunal on December 22nd, 2025, and they are supposed to be about how to permanently end

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00:36:34.400 --> 00:36:39.489

Audio shared by Vincent – Tech support: Canada's Discrimination in First Nations Child and Family Services.

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00:36:40.030 --> 00:36:51.100

Audio shared by Vincent – Tech support: Jordan's principle will be addressed separately, but in Loving Justice, there are perceived guards, because there are times when Jordan's principle and child and family intersect.

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00:36:52.710 --> 00:37:09.710

Audio shared by Vincent – Tech support: So, why do we need to talk about accountability and enforcement? Well, first of all is because the Canadian government is the discriminator, and it was ordered to stop its discrimination back in 2016, but it didn't do it.

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00:37:09.710 --> 00:37:20.110

Audio shared by Vincent – Tech support: Even after the Truth and Reconciliation Commission came out, and it accepted all the findings that included making sure you're treating First Nations children properly.

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00:37:20.490 --> 00:37:35.659

Audio shared by Vincent – Tech support: There's been over 30 non-compliance and procedural orders, as we and the courts have struggled to bring Canada into compliance with the basic minimum human rights standards to stop discriminating against kids.

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00:37:35.660 --> 00:37:43.310

Audio shared by Vincent – Tech support: And Canada's also made public commitments and agreements where it said it'll stop discriminating, and then it just...

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00:37:43.340 --> 00:37:45.430

Audio shared by Vincent – Tech support: didn't follow through.

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00:37:45.570 --> 00:37:55.009

Audio shared by Vincent – Tech support: So, external monitoring and legal enforcement are really key to protect children from Canada's discrimination over time.

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00:37:55.990 --> 00:38:11.680

Audio shared by Vincent – Tech support: And along with that is this whole thing about access to justice. Well, it's good that you can hold someone accountable, but how do you do it, especially when you're a small First Nation or an agency that is out there working on the ground?

254

00:38:11.710 --> 00:38:25.239

Audio shared by Vincent – Tech support: Well, Loving Justice includes some provisions for that. It includes, for example, a litigation fund, where First Nations and agencies can access those monies to be able to hold Canada accountable.

255

00:38:25.390 --> 00:38:36.330

Audio shared by Vincent – Tech support: It has multiple layers of mechanisms to detect and prevent and address discrimination, including enforceable measures.

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00:38:36.440 --> 00:38:44.690

Audio shared by Vincent – Tech support: When I say enforceable, I mean that's something that they're legally required to do. It's not just left up to Canada's goodwill.

257

00:38:45.280 --> 00:38:49.489

Audio shared by Vincent – Tech support: And then, there's also protections against retaliation.

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00:38:49.630 --> 00:39:04.050

Audio shared by Vincent – Tech support: Some people are afraid to come forward and challenge Canada, because they think that might mean, you know, loss of funding for their communities, for example. So there are explicit protections against retaliation in Loving Justice.

259

00:39:04.650 --> 00:39:10.899

Audio shared by Vincent – Tech support: So let's talk about what the oversight bodies are. First of all, it's First Nations-led.

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00:39:10.900 --> 00:39:25.909

Audio shared by Vincent – Tech support: And you're going to see this rather blase term. I say blase because I love the term National Children's Cheese Commission. But it's called the National Oversight Council. And the reason it's called that is because the National Children's Cheese Commission

261

00:39:25.910 --> 00:39:38.249

Audio shared by Vincent – Tech support: who was mandated by the Chiefs and Assembly to oversee child and family in Jordan's Principle. Their mandate continued until they... this plan was, you know, dealt with.

262

00:39:38.430 --> 00:39:50.070

Audio shared by Vincent – Tech support: And so, it may be that chiefs continue their role, we hope they do, but this National Children's Oversight Council is in place to oversee everything.

263

00:39:50.460 --> 00:39:59.900

Audio shared by Vincent – Tech support: Then we have the Canadian Human Rights Tribunal that can make those legal orders. That's how we've gotten as far as we have for children. And there, there is a legal backstop.

264

00:40:00.110 --> 00:40:11.230

Audio shared by Vincent - Tech support: And then on top of that, we have the other layer of regional leadership and experts who are there monitoring in a regional level to make sure that the discrimination is stopped there.

265

00:40:12.440 --> 00:40:24.209

Audio shared by Vincent - Tech support: Then we have a child impact assessment. What's that, you might ask? Well, the Department of Indian Affairs, or Indigenous Services Canada, I guess it's now called.

266

00:40:24.210 --> 00:40:40.999

Audio shared by Vincent - Tech support: Has long had a pattern where they develop policies and procedures and then just release them on First Nations children and families, and they don't consult with First Nations or experts, and it ends up creating a whole mess and lots of harms for kids.

267

00:40:41.060 --> 00:41:03.509

Audio shared by Vincent - Tech support: So, before they can release any policies, it has to go through this group of experts, which will include youth with lived experience in child welfare, elders, experts on the ground who are delivering child and family, and they will look at that policy and be able to say, well, this is probably what's going to happen for kids because of this policy, and publicly release that.

268

00:41:03.930 --> 00:41:19.069

Audio shared by Vincent - Tech support: Then there's another group called the Expert Advisory Committee, and their job is to try and deal with the culture within the Department of Indigenous Services Canada that has addressed... that has led to the discrimination.

269

00:41:19.100 --> 00:41:28.949

Audio shared by Vincent - Tech support: And, make sure that that culture and those practices, stop through recommendations. And then we have an independent complaints mechanism.

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00:41:29.720 --> 00:41:34.190

Audio shared by Vincent - Tech support: So, what is this independent complaints mechanism? Well, first of all, it's enforceable.

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00:41:34.320 --> 00:41:46.429

Audio shared by Vincent – Tech support: It can deal with systemic cases as well as individual cases where there is, say, a underfunding of a First Nation or an agency that is discriminated against.

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00:41:46.530 --> 00:41:49.569

Audio shared by Vincent – Tech support: And it also can provide interim relief.

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00:41:49.770 --> 00:42:07.349

Audio shared by Vincent – Tech support: Like, sometimes it takes a long time for these decisions to come out, and then in the meantime, kids are experiencing a lot of harm. So, there's an ability here for this complaints mechanism to have interim orders to be able to relieve that burden from children.

274

00:42:07.920 --> 00:42:24.709

Audio shared by Vincent – Tech support: And, until it's established, we still have the Canadian Human Rights Tribunal. Now, ideally, this would be done through legislation, so it would require Canada's cooperation, but if not, then we have the tribunal.

275

00:42:26.220 --> 00:42:45.009

Audio shared by Vincent – Tech support: The other thing we have are these public funding reviews. Now, you might be thinking to yourself, that's a long distance from what is happening for kids, but we know from the past that Canada's decision-making on how... what level of funding and how that funding rolls out to children

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00:42:45.070 --> 00:42:48.270

Audio shared by Vincent – Tech support: Really has shaped practice on the ground.

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00:42:48.510 --> 00:43:03.929

Audio shared by Vincent – Tech support: So there's going to be independent public funding reviews every 5 years, and these are overseen by First Nations leadership and their experts, and they're going to say, well, is it actually meeting the needs of the kids? As those needs change over time.

278

00:43:04.390 --> 00:43:06.920

Audio shared by Vincent – Tech support: Is it preventing discrimination?

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00:43:06.930 --> 00:43:21.049

Audio shared by Vincent – Tech support: And does it align with substantive equality? Now, what is substantive equality? Well, I think one of the best ways I've had to think about it is a definition from the U.S. Supreme Court in 1955, where it said.

280

00:43:21.050 --> 00:43:38.630

Audio shared by Vincent – Tech support: The greatest inequality is the equal treatment of unequals. Our kids have experienced lots of harms because of colonialism, so they're going to need a little extra support to be able to enjoy the same kinds of outcomes that other kids have, but in culturally appropriate ways.

281

00:43:39.490 --> 00:43:49.650

Audio shared by Vincent – Tech support: These reviews are all overseen by First Nations, and are tabled in Parliament, so that the department's accountable to Parliament as well.

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00:43:51.620 --> 00:44:00.549

Audio shared by Vincent – Tech support: Then we have, you know, kind of the summary slide. So we have First Nations–led governance overseeing the whole thing.

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00:44:00.550 --> 00:44:19.509

Audio shared by Vincent – Tech support: We have the Child and Youth Impact Assessment, which prevents the discrimination, stops the harmful policies before they're implemented. The Expert Advisory Committee detects any discriminatory culture, and then recommends to the department systemic fixes.

284

00:44:19.960 --> 00:44:34.779

Audio shared by Vincent – Tech support: And then we have, what they're called secretariates. When you hear that term, that's a group of experts on the ground who are doing this work in the regions and nationally. And they're going to be looking at, where is the evidence? Where is the outcomes? How do we get public reporting?

285

00:44:35.020 --> 00:44:42.250

Audio shared by Vincent – Tech support: And then we have, of course, the Canadian Human Rights Tribunal and the complaints mechanism that offer enforceable remedies.

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00:44:43.530 --> 00:44:53.350

Audio shared by Vincent – Tech support: So, when we talk about data, the reason we want to collect that nationally and data, and regionally is because we want to know what the needs of our First Nations kids are.

287

00:44:53.490 --> 00:45:01.720

Audio shared by Vincent – Tech support: Did you know that Canada's one of the few countries in the world that doesn't have a national data system on child welfare?

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00:45:01.940 --> 00:45:09.629

Audio shared by Vincent – Tech support: It's... it's crazy, and that was a top recommendation from the TRC call to action, so we need to put that in place.

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00:45:09.910 --> 00:45:21.900

Audio shared by Vincent – Tech support: And then that'll help us better determine whether the things that we're trying are actually working for kids, and also, importantly, it helps detect discrimination if it pops up again with Canada.

290

00:45:21.900 --> 00:45:27.729

Audio shared by Vincent – Tech support: We're going to be using a bunch of outcomes called Measuring to Thrive that were developed by First Nations.

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00:45:27.730 --> 00:45:48.649

Audio shared by Vincent – Tech support: And you can go to the Institute of Fiscal Studies and Democracy. Yeah, that's a mouthful, but we call it IFSD for short. Go on their website, and you'll be able to learn all about these outcomes. And they're not just based on kids, it's based on their families, and their communities, and things like poverty, and all those other things that drive children into child welfare.

292

00:45:48.680 --> 00:45:56.179

Audio shared by Vincent – Tech support: And importantly, is guided by OCAP principles to make sure data governance is really driven by First Nations.

293

00:45:57.390 --> 00:46:00.820

Audio shared by Vincent – Tech support: So, in summary, if you're a

child.

294

00:46:00.880 --> 00:46:08.839

Audio shared by Vincent – Tech support: Under the Furt Loving Justice Summary, thing, you're gonna get screened, monitored, verified, and enforceable.

295

00:46:08.840 --> 00:46:21.969

Audio shared by Vincent – Tech support: remedies against Canada, that are First Nations-led, that are... have the backing of the law, that have independent expert oversight, including by young people at all levels of governance.

296

00:46:22.070 --> 00:46:29.270

Audio shared by Vincent – Tech support: Public transparency, because everyone wants to be accountable for money, but more importantly, what's happening for children.

297

00:46:29.450 --> 00:46:31.679

Audio shared by Vincent – Tech support: And the key one, enforcement.

298

00:46:31.830 --> 00:46:36.239

Audio shared by Vincent – Tech support: So that's loving justice. Let's turn the page over to Canada's plan.

299

00:46:37.180 --> 00:46:47.579

Audio shared by Vincent – Tech support: So, Canada has this big phrase in its, thing. It wants a tribunal only to approve its plan.

300

00:46:48.130 --> 00:46:55.459

Audio shared by Vincent – Tech support: And then, it wants the tribunal to say, Canada's plan satisfies, that means

301

00:46:55.640 --> 00:46:58.219

Audio shared by Vincent – Tech support: All the discrimination is over with.

302

00:46:58.340 --> 00:47:10.330

Audio shared by Vincent – Tech support: It supersedes, which means it goes on top of any orders a tribunal has, and then it, in fact, replaces the tribunal's orders. So the tribunal's orders go away.

303

00:47:10.480 --> 00:47:11.700

Audio shared by Vincent - Tech support: Basically.

304

00:47:11.970 --> 00:47:14.629

Audio shared by Vincent - Tech support: And all we have left are this plan.

305

00:47:15.210 --> 00:47:20.519

Audio shared by Vincent - Tech support: Now, Canada actually doesn't have much of a national governance plan at all.

306

00:47:20.640 --> 00:47:25.570

Audio shared by Vincent - Tech support: So, it really kind of fractures it out to these regional groups.

307

00:47:25.840 --> 00:47:39.640

Audio shared by Vincent - Tech support: And the problem with that, of course, is that regional groups, unless they're given capacity to talk to one another, they might be experiencing the same type of discrimination in Region A as they are in Region B.

308

00:47:40.550 --> 00:47:49.460

Audio shared by Vincent - Tech support: And really what these regional governance bodies can do is they can do funding assessments and make recommendations to the department

309

00:47:49.620 --> 00:47:53.010

Audio shared by Vincent - Tech support: But, it's really... that's about it.

310

00:47:53.350 --> 00:48:02.059

Audio shared by Vincent - Tech support: And I have here that it's unclear what happens if regions don't reach an agreement, but I'm actually going to correct that in the next slide you're going to see in a minute.

311

00:48:02.940 --> 00:48:17.789

Audio shared by Vincent - Tech support: And then, what... who is accountable? Well, First Nations and agencies are accountable to the department. You have to do these multi-year plans, there's unexpended

fund plans, and what Canada says is that

312

00:48:17.790 --> 00:48:24.679

Audio shared by Vincent – Tech support: Agency accountability is a key central tenet. That means that's the focus of the plan.

313

00:48:24.970 --> 00:48:30.190

Audio shared by Vincent – Tech support: But remember, it wasn't agencies who were discriminating against kids, it was Canada.

314

00:48:30.770 --> 00:48:37.549

Audio shared by Vincent – Tech support: So, it's concerning to see Canada try to put the blame on agencies when it was really then.

315

00:48:38.720 --> 00:48:43.900

Audio shared by Vincent – Tech support: So, there's also these things called program assessments. We have them too, right?

316

00:48:44.210 --> 00:48:59.639

Audio shared by Vincent – Tech support: But the regional assessments are, will be over... the group that does them will be determined where the regional body exists. But if there is no regional body, it's the department who selects this independent person.

317

00:49:00.010 --> 00:49:06.590

Audio shared by Vincent – Tech support: And whatever recommendations this group makes, that's up to the department whether or not they implement them.

318

00:49:07.060 --> 00:49:16.369

Audio shared by Vincent – Tech support: And then we have, in some cases, provinces and the Yukon delivering child and family services, because there is no agency.

319

00:49:16.840 --> 00:49:34.319

Audio shared by Vincent – Tech support: And what Canada says about that is, well, yes, we're funding these groups, we can put in audits, annual reporting, funding reviews, performance requirements, but this is all based on our best efforts, and it depends on their cooperation.

320

00:49:34.380 --> 00:49:45.089

Audio shared by Vincent – Tech support: And it doesn't really hold Canada accountable to make sure what it's doing in those agreements makes sure there's no discrimination against children.

321

00:49:45.920 --> 00:49:54.249

Audio shared by Vincent – Tech support: So, the tribunal only hangs around until Canada's plan is approved, and then it goes away.

322

00:49:54.400 --> 00:49:56.339

Audio shared by Vincent – Tech support: And so does its orders.

323

00:49:56.860 --> 00:50:00.730

Audio shared by Vincent – Tech support: They have a National Dispute Resolution Tribunal?

324

00:50:01.460 --> 00:50:04.599

Audio shared by Vincent – Tech support: But there's real limits around what it can do.

325

00:50:04.930 --> 00:50:09.379

Audio shared by Vincent – Tech support: And Canada does program and funding administration.

326

00:50:09.570 --> 00:50:24.199

Audio shared by Vincent – Tech support: First Nations can implement the funding, but they don't have any binding power over Canada's funding and program administration. And those are two big pieces that the tribunal found that Canada discriminated on before.

327

00:50:25.150 --> 00:50:33.919

Audio shared by Vincent – Tech support: So, we have the tribunal around, but, and, Canada is accountable to them. Until...

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00:50:34.050 --> 00:50:44.749

Audio shared by Vincent – Tech support: Canada's plan is approved. After that, Canada is accountable on paper, but really, when you read it in detail, Canada is largely accountable only to itself.

329

00:50:45.260 --> 00:51:03.729

Audio shared by Vincent – Tech support: First Nations have strong accountability back to Canada for the use of the funds, and as we

talked about before, Canada seeks to push accountability down to First Nations agencies, and insert itself as the enforcer for that. We see that as a serious overstep.

330

00:51:04.030 --> 00:51:18.470

Audio shared by Vincent – Tech support: And Canada really doesn't have any business in First Nations governance. These agencies are already accountable for the funding that they spend. They have to do audits for Canada and everything else. This feels like,

331

00:51:18.470 --> 00:51:24.409

Audio shared by Vincent – Tech support: you know, just, try to... a smokescreen for Canada's discrimination, quite frankly.

332

00:51:25.790 --> 00:51:40.359

Audio shared by Vincent – Tech support: So what about this tribunal? Well, it covers disputes between parties of the regional agreements and claimant disputes, but not about systemic issues, like findings of discrimination or increasing money.

333

00:51:40.360 --> 00:51:52.549

Audio shared by Vincent – Tech support: And the parties, to the main complaint, we don't have any role. It's, and as I say, there's no national oversight council that would have any role.

334

00:51:52.840 --> 00:52:05.129

Audio shared by Vincent – Tech support: And there's two phases to this. First is that there's a president that will be selected by an order and council, that means by the Canadian government, and they put out a roster of adjudicators.

335

00:52:05.240 --> 00:52:17.019

Audio shared by Vincent – Tech support: And then Canada's gonna make best efforts, that means it's gonna try, to legislate the tribunal and add cultural officers, they call them, to support complainants.

336

00:52:19.100 --> 00:52:29.560

Audio shared by Vincent – Tech support: So, here we are. So, you can see here, just a summary chart, on legal authority, before approval, tribunals ordered after it's Canada's plan.

337

00:52:29.720 --> 00:52:47.029

Audio shared by Vincent – Tech support: Tribunal oversight is ongoing before, and then it ends, except for Jordan's principle after. Canada's discrimination is limited before the tribunal approves it, and then Canada has a lot of discrimination or discretion after that.

338

00:52:47.250 --> 00:53:01.580

Audio shared by Vincent – Tech support: Protection model, before is preventative and supervisory, and then after, it's reactive and complaint-based and limited. There's not a lot you can do to enforce it after.

339

00:53:01.990 --> 00:53:16.999

Audio shared by Vincent – Tech support: And child protection really depends on the plan... Canada's plan functioning well, and the challenges being successful to make sure that children's rights are defended, and largely dependent on Canada's goodwill.

340

00:53:19.950 --> 00:53:33.630

Audio shared by Vincent – Tech support: So, you know, here's the sum-up, is if you're a child in Canada's plan, there's not really a lot of meaningful, independent, or enforceable remedies after.

341

00:53:34.090 --> 00:53:39.439

Audio shared by Vincent – Tech support: Even that Expert Advisory Committee, Canada does say that they see a role for them.

342

00:53:39.630 --> 00:53:54.039

Audio shared by Vincent – Tech support: But it's only to oversee an evaluation, and Canada's not bound to implement their recommendations. On data, yes, they're interested in collecting some data, but there's not really a mechanism to...

343

00:53:54.040 --> 00:54:04.089

Audio shared by Vincent – Tech support: If the data detects harm on Canada, to hold Canada accountable for that discrimination that we find in the data. Because in every data, we're talking about children's real lives.

344

00:54:04.670 --> 00:54:17.089

Audio shared by Vincent – Tech support: And in Loving Justice, we have multiple layers, and with those multiple layers, we have multiple areas of expertise with different people that we've talked about. Young people, leadership.

345

00:54:17.090 --> 00:54:27.230

Audio shared by Vincent – Tech support: Experts on the ground, policy people, data people, all kinds of... a circle of folks who coming together, along with elders and knowledge keepers.

346

00:54:27.230 --> 00:54:40.750

Audio shared by Vincent – Tech support: To keep an eye on what's happening for children, and make sure that they're addressed. And importantly, there's multiple layers of not only enforceable remedies, but access to justice for those enforceable remedies.

347

00:54:41.640 --> 00:54:51.929

Audio shared by Vincent – Tech support: So, that concludes my part of the presentation, and I'm just really honored to join you today. And I know Stephanie Wellman will be able to be around to answer any of your questions.

348

00:54:55.410 --> 00:55:03.169

Karen Pelletier: McGuitch, thank you, extended to Dr. Cindy for her decades of work for our First Nation children, and for today's presentation.

349

00:55:03.600 --> 00:55:24.190

Karen Pelletier: We will take some questions now, and the time is running short, we just have a few minutes, just to remind you, that, everyone, that our next seminar, our next webinar, not university, next webinar will be on regional distinctions, and that will be two weeks from now on... from now, on February 27th.

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00:55:24.350 --> 00:55:31.410

Karen Pelletier: You can use the QR code that's on the screen right now to access the Our Children Our Way YouTube channel.

351

00:55:31.530 --> 00:55:36.879

Karen Pelletier: Where you will find recordings of all our previous webinars, so you're invited to do so.

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00:55:37.240 --> 00:55:48.529

Karen Pelletier: I believe that we'll take some questions now, and I am going to see if we have something here. I do have a question here, and it's from Cheyenne Robertson.

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00:55:48.660 --> 00:56:00.930

Karen Pelletier: Has there been any recent Expert Advisory Committee meetings with ISC regarding the terms of reference? As in the affidavit of Lisa Smiley, there was a... an...

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00:56:01.350 --> 00:56:11.919

Karen Pelletier: EAC meet on... there was a EAC upcoming meeting in January and February. We will turn to Dr. Amber for that answer.

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00:56:12.970 --> 00:56:25.929

Amber Johnson: Yeah, so we did meet with, Indigenous Services on December 8th. We were supposed to meet again at the end of January. That was not, that meeting did not, go forth, so we are...

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00:56:26.060 --> 00:56:29.669

Amber Johnson: Waiting right now to see if they will reschedule.

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00:56:29.810 --> 00:56:34.680

Amber Johnson: Soon. So that is, a bit up in the air right now, actually.

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00:56:35.580 --> 00:56:55.170

Amber Johnson: And we haven't heard anything back about our... the EAC has proposed their own terms of reference, which has been, accepted and by the Caring Society and other parties, but we have not heard anything back from Indigenous Services yet on whether they want to accept it. There is some pushback there.

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00:56:55.460 --> 00:56:56.960

Amber Johnson: I hope that answers your question.

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00:56:57.620 --> 00:57:13.129

Karen Pelletier: Thank you, Amber. We have one other question here, and I'll turn to... to, Cook B. Helen to answer. Has there been any response from the Government of Canada? I take it this is after everything went to the CHRT, the plans went to the CHRT.

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00:57:13.270 --> 00:57:15.529

Karen Pelletier: Dr... I mean, sorry, Cookie Helen?

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00:57:19.620 --> 00:57:28.340

Kukpi7 Helen Henderson: Thank you for the question. As far, as, you know, the work of the NCCC in all of their submissions and

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00:57:28.670 --> 00:57:34.979

Kukpi7 Helen Henderson: You know, working up to our timelines, you know, we've sent several, correspondence to

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00:57:35.180 --> 00:57:47.140

Kukpi7 Helen Henderson: Canada, including in our... in our submissions, without response, seemingly the... Canada's plan,

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00:57:48.550 --> 00:57:54.989

Kukpi7 Helen Henderson: without that response is relying still on the rejected FSA.

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00:57:55.300 --> 00:57:59.400

Kukpi7 Helen Henderson: I certainly hope that Answers the question.

367

00:58:00.550 --> 00:58:09.699

Karen Pelletier: I see no more questions, and we are coming up to our closing time, so I just want to extend a thank you, McGuage.

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00:58:09.920 --> 00:58:33.169

Karen Pelletier: to our panelists for all their work and the support that they have been doing up to date, and as we continue on, because no matter what, we... we are doing all this work, just a reminder to everybody, both the NCC and the AEAC, the Expert Advisory Committee, do not receive funding right now at this time. So just, just, something to remember that we are

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00:58:33.170 --> 00:58:38.789

Karen Pelletier: We're very appreciative to the chiefs and the leadership who are doing this work, and to all the experts.

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00:58:38.790 --> 00:58:40.380

Karen Pelletier: So, negwech to you all.

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00:58:40.860 --> 00:58:52.279

Karen Pelletier: And what I'd like to do now is I'll... I will close out

with a prayer. Again, once again, our matriarch Judy was unable to join us, so please join me in our prayer as we close off to today.

372

00:58:53.120 --> 00:59:01.400

Karen Pelletier: So, Megweich to Manitou for this day. We pray for the families and communities who have lost their children in the last couple of days.

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00:59:01.580 --> 00:59:14.920

Karen Pelletier: We pray for the children who are and have experienced trauma in their little lives. We pray for each child who is a gift from our Creator, that they get to experience and receive love and joy into their lives.

374

00:59:15.630 --> 00:59:29.899

Karen Pelletier: We pray for our relations here and across Turtle Island, who are doing the hard work to make the much-needed changes to ensure that all First Nation children get to be connected to their lands, language, peoples, and families.

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00:59:30.290 --> 00:59:38.390

Karen Pelletier: We want to remember that to love our families and take the time to hug your children, and let everybody know of the love that you want to share with them.

376

00:59:38.750 --> 00:59:43.359

Karen Pelletier: Hi, hi. Be safe out there, everybody. Megweich, Tanaki, mercy Ciao.