



Orange Shirt Day: Responsibility Means Ending Ongoing Discrimination Against First Nations Children



The National Children's Chiefs Commission acknowledges the Prime Minister's recognition in his Orange Shirt Days message of the devastating legacy of Canada's residential school system and his statement that "Canada bears responsibility for the profound and enduring harm it caused."

But responsibility cannot stop at remembrance.

The Prime Minister rightly acknowledges that residential schools were built on assimilation policies designed to sever First Nations children from their languages, cultures, identities and ways of life. Yet his message fails to acknowledge a critical truth: the intergenerational harms of residential schools are inseparable from the ongoing harms caused by Canada's discriminatory First Nations child and family services system.

For decades, Canada's child welfare system has continued to separate First Nations children from their families, communities, and cultures. In 2016, the Canadian Human Rights Tribunal found that Canada was discriminating against First Nations children in the provision and funding of child and family services and through its failure to properly implement Jordan's Principle.

"We cannot honestly say that we are confronting the legacy of residential schools while ignoring the system that has continued to remove First Nations children from their families, cultures and communities," said Pauline Frost, Chair of the National Children's Chiefs Commission. **"Reconciliation requires more than remembering what happened in the past. It requires Canada to stop causing harm now."**

Nearly 20 years after the human rights complaint was filed in 2007, the litigation continues. Canada currently has four active judicial reviews challenging the Tribunal's decisions in federal court. Canada did NOT review the CHRT's findings of discriminatory practices in 2016.

At the same time, First Nations have done the work of developing a path forward. The First Nations Child & Family Caring Society filed the [Loving Justice Plan](#) with the Canadian Human Rights Tribunal on December 22, 2025. The Plan was developed through extensive First Nations engagement and with the support of the National Children's Chiefs Commission and the Assembly of First Nations. It sets out a First Nations-led approach to permanently ending discrimination in First Nations child and family services, grounded in needs-based funding, First Nations-led governance, accountability, enforceability and respect for regional and community differences.

"If Canada truly means what the Prime Minister said yesterday—that Canada bears responsibility for the profound and enduring harm it caused—then responsibility must include ending the discrimination that continues to harm First Nations children," said Pauline Frost. **"Canada should stop litigating against the very process intended to end this discrimination and start listening to First Nations leadership and implementing the evidence-based solutions set out in Loving Justice. The measure of reconciliation is not whether Canada can speak eloquently about the past. It is whether Canada will change its conduct in the present."**

Media Contact:

Pauline Frost, Vuntut Gwitchin First Nations - Chair, NCCC Pauline.frost@vgfn.ca