



This information below provides a high-level comparison of the CHRT compensation orders and the compensation agreement between Canada and the AFN. It does not capture all the nuances in the orders or agreement. It is intended to highlight key differences to facilitate informed deliberation by Leadership on December 6-8, 2022 regarding compensation.

Note: Both the CHRT compensation order and the Settlement Agreement between Canada and the AFN deal with two broad categories of harm:

- harm related to removal of children through the child welfare system (removal-related harm)
- harm related to non-implementation/improper implementation of Jordan's Principle (JP-related harm)

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**CANADA-AFN AGREEMENT
LESSER THAN CHRT**

- Compensation for some JP-related harm will be less than \$40k
- Compensation to some caregiving parents or grandparents will be capped at an amount less than they might receive under the CHRT order
- Estates of deceased caregiving parents/grandparents not eligible for compensation, unless claim made prior to individual's passing
- Compensation for removal-related harm limited to placements in ISC-funded placements
- No more than two caregivers compensated per child, regardless of number of removals

CHRT ORDER

- All eligible victims/survivors receive \$40k; caregiving parents/grandparents receive more if had more than one victim/survivor child
- Estates of individuals who would be entitled to compensation are eligible for compensation
- Timeframe for removal-related harm is Jan 1, 2006 to March 31, 2022
- Timeframe for JP-related harm is Dec 12, 2007 to Nov 2, 2017
- In instances where a child was removed more than once, there is a potential that more than two caregivers could be compensated

**CANADA-AFN AGREEMENT
GREATER THAN CHRT**

- Compensation may exceed \$40k for removal-related harm, taking into consideration factors such as age when removed, time in care, etc.
- Compensation may exceed \$40k for JP-related harm where assessed as having "significant impact"
- Timeframe for removal-related harm goes back to April 1, 1991
- Timeframe for JP-related harm also goes back to April 1, 1991
- Brother and sisters, as well as non-caregiving parents and grandparents, to be beneficiaries of a fund created to facilitate access to culture-based, community-based, healing-based programs

