

Honouring Jordan's Principle: Priority Concerns, Compliance Gaps and Remedies to Safeguard First Nations Children



Jordan's Principle is a binding human rights remedy that exists to ensure First Nations children receive the services, supports, and products they need without delay, denial, disruption, or discrimination. It is not a discretionary program that Canada can cease implementing or narrow through administrative policies.

Canada's current implementation suggests a shift away from the child-first purpose of Jordan's Principle toward a restrictive administrative approach. Canada has acknowledged serious implementation challenges, including backlogs, inconsistent decision-making, and limited evidence demonstrating that children are receiving timely and substantively equal services.

At the same time, Canada is increasingly relying on concerns about sustainability, efficiency and allegations of misuse to shield its poor implementation of Jordan's Principle and to justify tighter control, heightened documentation requirements and other barriers to children accessing Jordan's Principle, including measures introduced through the 2025 Indigenous Services Canada (ISC) Jordan's Principle Operational Bulletin. Many of these changes have been implemented without sufficient public transparency.

Canada's policies, processes, and decisions under Jordan's Principle must demonstrably improve outcomes for First Nations children. If they do not, or if Canada cannot demonstrate the evidence and child-centred reasoning supporting them, they fall short of the non-discrimination standard required by Jordan's Principle.

The Tribunal's Current 2025 CHRT 6 Process

Following its June 2026 direction, the Canadian Human Rights Tribunal (the Tribunal) is seeking to understand how Canada is implementing the orders in 2025 CHRT 6 in practice, including Canada's approach to substantive equality, urgency, documentation, reimbursements, backlog elimination, complaints mechanisms and coordination with other services. The process is not

about allowing Canada to relitigate Tribunal orders, lower the minimum standards already ordered, or turn Jordan's Principle into a discretionary administrative program.

Immediate Priorities

Canada must:

1. Repeal the unilateral ISC Operational Bulletin and related measures that are inconsistent with the Tribunal's orders and the child-first purpose of Jordan's Principle.
2. Adopt, publish, and implement a Tribunal-compliant definition of substantive equality and decision-making framework.
3. Publish all decision-making criteria, tools, guidance, training materials, escalation processes, reimbursement rules, group request guidance, and regional implementation materials used to determine requests.
4. Eliminate the backlog through independent oversight and public reporting that measures child outcomes and timely access to services, not file closures alone.
5. Restore timely access for urgent requests, including cases involving basic necessities, suicide risk, physical safety, child welfare involvement, domestic violence, and other foreseeable harms.
6. Ensure documentation requirements, reimbursement practices, contribution agreements, call centre processes, and financial accountability measures do not create barriers to accessing services.
7. Establish an independent, accessible complaints mechanism with authority to provide timely interim relief, individual remedies and systemic recommendations.
8. Cease requiring proof of denial, service gaps, or jurisdictional disputes before First Nations children can access supports through Jordan's Principle.

Priority Issues and Practical Fixes

Issue	Impact on Children and Service Coordinators	Practical Fix
Substantive equality	Canada relies on substantive equality to approve, restrict, or deny requests without a publicly available Tribunal-compliant operational definition or transparent decision-making framework. Families and service coordinators are asked to meet a standard Canada has not publicly operationalized, creating a risk of inconsistent and non-transparent decisions.	Adopt, publish and implement a Tribunal-compliant definition and decision-making criteria.
Decision-making	Requests may be approved, denied, escalated, or delayed using undisclosed tools and criteria.	Publish all tools, templates, training materials, criteria, and regional instructions.
Backlog	Children wait months or years while their needs worsen, services are delayed, or they age out of eligibility before supports are provided.	Use independent oversight to eliminate the backlog and report whether children actually received timely supports.
Urgent requests	Children's requests may be recategorized as non-urgent despite serious foreseeable harm.	Interpret urgency broadly and preventively, with professional identification carrying weight.
Group requests	Excessive individual documentation defeats the purpose of group requests and increases workload for First Nations.	Require only necessary and proportionate information and allow shared professional recommendations where appropriate.
Reimbursement and payment	Families, First Nations and service providers face financial hardship while they wait for Canada to issue reimbursements for approved services. Some may not have the financial capacity to wait for reimbursement; consequently, the child does not receive the service.	Set clear payment timelines and publicly report delays, outstanding amounts, and hardship impacts. Ensure that reimbursement requirements do not create barriers to access or result in children being denied approved services.
Jurisdictional disputes	Children experience delays, disruptions or are denied services while families attempt to demonstrate gaps, denials, or lack of coverage elsewhere.	Require services to be provided first and resolve funding or jurisdictional disputes afterward, consistent with the Tribunal's orders on Jordan's Principle.
Allegations of misuse	Families may be discouraged from seeking supports and eligible children may be harmed by broad restrictions.	Address allegations of misuse through transparent evidence, targeted controls, corrective action, and due process without restricting lawful access to Jordan's Principle.
Complaints mechanism	Families have limited recourse when requests are delayed, denied, restricted, or closed.	Establish an independent, accessible complaints mechanism with authority to provide timely interim relief, individual remedies and systemic recommendations.