

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(Representing the Minister of Indigenous Services Canada)**

Respondent

- and -

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL, NISHNAWBE ASKI NATION,
ASSEMBLY OF MANITOBA CHIEFS, SOUTHERN CHIEFS' ORGANIZATION INC.,
OUR CHILDREN OUR WAY SOCIETY, FIRST NATIONS OF QUEBEC AND
LABRADOR HEALTH AND SOCIAL SERVICES COMMISSION AND ASSEMBLY OF
FIRST NATIONS QUEBEC LABRADOR and
NATIONAL CHILDREN'S CHIEFS COMMISSION**

Interested Parties

AFFIDAVIT OF CINDY BLACKSTOCK

I, Cindy Blackstock, of the City of Kamloops, in the Province of British Columbia,
SOLEMNLY AFFIRM THAT:

1. I am Gitxsan, a professor at McGill University's School of Social Work, and the Executive Director of the complainant, the First Nations Child and Family Caring Society of Canada ("**the Caring Society**"). As such, I have personal knowledge of the matters hereinafter deposed to, save

and except for those matters stated to be on information and belief and where so stated, I believe them to be true.

2. The Caring Society is a national non-profit organization that works to ensure the safety and well-being of First Nations children, youth and families through reconciliation-based education initiatives, public policy and providing quality resources to support communities. Through this work, the Caring Society champions culturally based equity for First Nations children and their families so that they can grow up safely at home, be healthy, achieve their dreams, celebrate their language and culture and be proud of who they are. More information about the Caring Society is found on the “About Us” page of our website, at fncaringsociety.ca/about.

2026 Assembly of First Nations Annual General Assembly

3. I attended the 2026 Assembly of First Nations (“AFN”) Annual General Assembly (“AGA”), which was held in Ottawa from July 14-16, 2026.

4. As part of the 2026 AFN AGA, I presented on a panel during a plenary session regarding long-term reform of First Nations Child and Family Services. I presented alongside Regional Chief Francis Verreault-Paul, who is the AFN’s portfolio holder for children and families, and Chief Pauline Frost, who is the chair of the National Children’s Chiefs Commission.

5. A true copy of the slide deck that Chief Frost and I presented during the plenary session is attached to my affidavit as **Exhibit “A”**.

6. During the 2026 AFN AGA, I also attended British Columbia Regional Caucus sessions. The Honourable Mandy Gull-Masty, P.C., M.P., Minister of Indigenous Services, attended one such session on July 15, 2026, at which I was present. During questions and answers from those in attendance, she made a number of remarks regarding long-term reform of First Nations Child and Family Services which I understand to include permanently ending Canada’s discrimination against First Nations children, youth and families as substantiated by the Tribunal in 2016 CHRT 2 and subsequent decisions.

7. On July 15, 2026, I received notes from Aiden McGrath, a policy analyst with the BC Assembly of First Nations (“BCAFN”), detailing the questions asked to Minister Gull-Masty and

her responses. I reviewed the notes on July 15, 2026 and they accorded with my recollection of the Minister's remarks. On July 24, 2026, I received confirmation from Matthew Norris, Associate Director at BCAFN, that BCAFN had approved the inclusion of these notes with my affidavit. I have reviewed these notes again prior to affirming this affidavit and confirm that they continue to accord with my recollection of the Minister's remarks. A true copy of the notes I received on July 15, 2026 is attached to my affidavit as **Exhibit "B"**.

8. Minister Gull-Masty also addressed a plenary session at the 2026 AFN AGA as part of a ministerial question-and-answer panel. This panel has been archived at the following CPAC link: <https://www.cpac.ca/public-record/episode/afn-2026-annual-general-assembly-ministers-panel-2--july-16-2026?id=3b0b827f-f3b0-47fa-a84a-a0f955ed7d7d>.

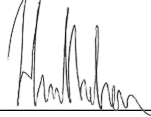
9. Attached to my affidavit as **Exhibit "C"** is a true copy of a transcription of portions of Minister Gull-Masty's remarks during the ministerial panel, which address long-term reform of First Nations Child and Family Services. I have reviewed this transcription against the video archived at the link noted in paragraph 8 and confirm that it is accurate.

10. On July 16, 2026, First Nations in Assembly passed three resolutions related to First Nations Child and Family Services at the 2026 AFN AGA in an omnibus resolution. The session at which these resolutions were passed has been archived at the following CPAC link: <https://www.cpac.ca/public-record/episode/assembly-of-first-nations-2026-annual-general-assembly--day-3?id=db1fec9a-de20-4e26-b65d-8ec46585cce9>.

11. Attached to my affidavit as **Exhibit "D"** is a true copy of a transcription of the remarks of the three chiefs who spoke in favour of the resolutions: Chief Frost, Chief Rhonda Phillips (of Xat'sull First Nation) and Chief Raymond Powder (of Fort McKay First Nation, Treaty 8). I have reviewed this transcription against the video archived at the link noted in paragraph 10 and confirm that it is accurate.

12. On July 24, 2026, Chief Frost and I wrote jointly to the Right Honourable Mark Carney, P.C., M.P., Prime Minister of Canada, with respect to long-term reform of First Nations Child and Family Services. A true copy of Chief Frost's and my July 24, 2026 letter is attached to my affidavit as **Exhibit "E"**.

AFFIRMED BEFORE ME over video)
teleconference on this 27th day of)
July 2026, in accordance with)
O. Reg. 431/20, *Administering Oath or*)
Declaration Remotely. The Commissioner)
was in Ottawa, Ontario and the affiant was)
in Kamloops, British Columbia)



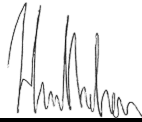
Commissioner for taking affidavits)

Henna Mohan
LSO#: 90494W



CINDY BLACKSTOCK

This is **Exhibit “A”**
to the affidavit of
Cindy Blackstock
sworn before me this
27th day of July, 2026



A Commissioner for Taking Affidavits
HENNA MOHAN
LSO #: 90494W

AFN Plenary Session — July 15, 2026

Permanently ending Canada's discrimination in First Nations Child and Family Services (Outside Ontario)

Minimum Standards to End Canada's Discrimination — Permanently

Why We Are Here

This Assembly is the decision-making body. What Chiefs affirm today will shape the Tribunal process, Canada's obligations, and the future for First Nations children.

- 18 months ago, this Assembly directed each region to select a Commissioner to make sure the Nations voices were heard in any solution to Long Term Reform in CFS. They have been working hard to do so ever since.
- This week, Chiefs-in-Assembly are being asked to confirm the minimum human rights standards that any reform plan must meet before earning support
- The question before this Assembly: not which plan is better — but what must be true before any plan can permanently end Canada's discrimination against First Nations children and families in child and family services?
- Two plans are before the Canadian Human Rights Tribunal: Loving Justice (First Nations-led) and Canada's National Plan. No plan has been approved.
- Canada is actively negotiating regional agreements and selling its plan to First Nations before any Tribunal approval and while it is violating Jordan's Principle



What Is The Case About?

- The CHRT case is a binding legal order to **permanently stop Canada's discrimination** — not a program review and not a funding negotiation.
- In **2016 CHRT 2** and subsequent orders, the Tribunal found Canada guilty of **willful and reckless systemic discrimination** against First Nations children and families in the Child and Family Services, contrary to the Canadian Human Rights Act. [\[2\]](#)
- The Tribunal ordered Canada to **immediately cease discriminatory conduct**.

Three Root Causes Identified by the Tribunal [\[1\]](#)



Cause 01

Chronic Under-Funding



Cause 02

**ISC Management,
Decision-Making & Control**



Cause 03

**Choosing Not to Act When
Harms Were Known**

Legal Objective

Permanently stop discrimination against First Nations children, youth, and families in First Nations Child and Family Services and Jordan's Principle.

Compliance Only Under Court Order

PROVEN IN COURT — 2016 TO 2026

A Record of Harm and Non-Compliance

- **Residential Schools, 60's Scoop**
- **2016 CHRT 2:** Canada was ordered to immediately cease its discrimination — a permanent order, not a one-time finding.
- **2019 CHRT 39:** The conduct was found “**wilful and reckless**” — the maximum penalty under the Act (\$40,000 per victim).
- **20+ orders since:** The Tribunal has issued more than twenty further orders, “dragging” Canada into compliance step by step.

HAPPENING NOW — 2024 TO 2026

The Same Pattern Today

- **Breaching Jordan's Principle:** No definition of substantive equality, no decision-making framework and unilateral policy development
- **Unilateral cuts and restrictions on CFS**
- **Sept 2025 Judicial Review:** Canada moved to challenge 2025 CHRT 80 — condemned as “another delay tactic that harms our children.”
- **Regional deals, pre-approval:** Canada is negotiating regional agreements before any Tribunal approval of national long-term reform.

The Caution

A plan is only as strong as Canada's willingness to honour it. For a decade, progress has come only under court order — so the minimum standards must be **legally binding and enforceable**, not left to Canada's goodwill.

DR #11: Minimum Standards

Resolution 11 establishes the non-derogable floor: the minimum standards any reform plan must meet to permanently end Canada's discrimination

i. First Nations-led decision making

First Nations must hold real decision-making authority over the design, funding, management and oversight of FNCFS.

ii. Human rights principles

Including substantive equality, intergenerational equity, the best interests of the child, and cultural continuity.

iii. Needs-based funding

Funding must meet the actual, evolving and distinct needs and circumstances of First Nations.

iv. Durability against ongoing or new discrimination

Protect reforms from fiscal restraint, policy changes or political cycles.

v. Independent enforcement and continued oversight

Independent enforcement is essential to ensure compliance and prevent recurrence of discrimination.

vi. Access to justice and protection from retaliation

Guaranteed access to remedies and enforcement with explicit protections from retaliation.

vii. Capacity as a Crown obligation

Timely and sustained funding and technical supports to enable First Nations to meet these minimum standards.

First Nations -led Decision Making

Governance structures will determine whether all other standards can be upheld

Loving Justice National Oversight Council

- ✓ **Mandated by Rights Holders** — authority flows from First Nations, not Canada
- ✓ **Oversees design, management, and control** of FNCFS nationally and regionally
- ✓ **Canada required to implement** Council recommendations
- ✓ Supported by national & regional technical experts and secretariats
- ✓ **Elder and youth participation** required

Canada's National Plan Regional Governance Bodies

- ! First Nations participate through regional agreements **to implement Canada's framework**
- ! **Canada retains control** over key decisions and policies
- ! Regional bodies provide **recommendations to Canada**; Canada retains decision and discretion-making authority over critical elements



Minimum Standard Question:

Does this governance structure give Rights Holders real decision-making authority, or consultation rights?

Human Rights Principles

What comes first: Rights or Program/Policy?

Loving Justice

First Nations-Led · Rights-First

Foundation: Rights-first — national minimum human rights standards: non-negotiable floor

Governance: First Nations-led governance, oversight and decision-making authority

Funding: Financially responsible- flexible, needs-based funding with actuals as backstop — responsive to real needs, not fixed costs.

Grounding: 105 engagement sessions with First Nations rights holders, Elders, youth, and FNCFS experts across Canada

Canada's Plan

Government-Led · Program-First

Foundation: A federal control program approach that defines and constrains rights

Governance: Advisory role for First Nations — Canada retains decision-making control over program parameters and eligibility

Funding: ISC controlled funding levels, terms and conditions and fixed funding adjusted for population and inflation (some elements)

Grounding: No known First Nations or youth input into Canada's plan

Needs-Based Funding

All FNCFS funding must meet the actual, evolving and distinct needs and circumstances of First Nations across Canada

Loving Justice: Needs-Based with Rights-Holder Authority

- ✓ **Needs-based funding** -actuals as a backstop (IFSD methodology as a base)
- ✓ **Separate, dedicated capacity-building funding stream** — not drawn from children's prevention service dollars
- ✓ Capital, post-majority, band representative, and capacity all **funded at actual cost**
- ✓ First Nations exercise **decision-making authority** based on actual needs; independent funding reviews
- ✓ **Durable funding** — not term-limited

Canada's Plan: Formula-Based with Federal Control

- ⚠ **Formula-driven funding**; Canada retains authority over levels, timelines, and standards
- ⚠ Regional allocation per Canada's calculations; **adjustment requests at Canada's discretion**
- ⚠ Capacity-building funds **drawn from children's prevention service dollars** — not a separate stream
- ⚠ **\$27B (2027–2034)** then **\$4.4B/yr after 2034** — fixed federal envelope
- ⚠ **No actuals backstop** — funding cannot be corrected to match real costs unless Canada agrees

 **Minimum Standard:** Can funding levels be challenged and corrected when they fall below actual need?

Durability Against Discrimination

Protect reforms from fiscal restraint, policy changes or political cycles

Loving Justice: Permanent injunction against discrimination

- ✓ Final orders are permanent—**not term limited**
- ✓ **Permanent injunction** against discrimination built into principles
- ✓ Public funding reviews to be conducted every 5 years—**ongoing**
- ✓ Canada **cannot rely on any other federal act** avoid full implementation of long-term reform

Canada's Plan: Canada controls reform

- ⚠ Full funding **commitment ends in 2034** with no certainty of the adequacy of ongoing funding.
- ⚠ No ongoing commitment to program assessments



Minimum Standard: What does reform look like in 10 years?

Independent Enforcement and Continued Oversight

History shows Canada will revert to discriminatory patterns: does reform make recurrence structurally impossible?

Loving Justice: Enforcement if Discrimination Returns

Independent monitoring /outcome measurement

Alternative Dispute Resolution mechanism with escalation to Tribunal

Tribunal oversight continues for a minimum of 5 years & until discrimination demonstrably ends

Litigation Fund: Access to justice provisions so complainants can enforce rights

Statutory protections against retaliation by Canada

Canada's National Plan: ⚠️ Enforcement if Discrimination Returns

Existing CHRT orders replaced by Canada's plan

CHRT jurisdiction ends — no further Tribunal orders available for CFS outside Ontario

Future disputes routed to a new national dispute resolution tribunal, President selected by Canada

Enforcement largely dependent on future legislation and policy choices

No litigation fund **No** statutory retaliation protections

Access to Justice, Protection from Retaliation

Accountability for Canada must be independent, binding, and enforceable — not dependent on Canada's willingness to implement recommendations from bodies it controls.

Loving Justice — Enforcement Mechanisms

- ✓ **Principled, public and accessible dispute resolution** available for both systemic and individual complaints
- ✓ **Explicit** protection from retaliation for anyone accessing dispute resolution
- ✓ **Litigation fund** to ensure access to justice

Canada's National Plan: Weak Enforcement

- ✗ **CHRT Jurisdiction Ends** — existing orders replaced; CHRT oversight over CFS outside Ontario ends
- ✗ **New Dispute Tribunal** (not the CHRT) National Dispute Resolution Tribunal, led by Canada's selected President, handles future disputes
- ✗ **Enforcement Dependent on Future Legislation** & policy choices: no embedded legal protections
- ✗ **Regional Advisory Bodies** — report concerns but Canada retains implementation authority
- ✗ **No Litigation Fund** — no equivalent to litigation fund or retaliation protections

Capacity Building

Without a dedicated capacity-building fund, First Nations & agencies cannot develop the expertise and infrastructure needed to govern their own systems — replicating a core cause of discrimination.



Auditor General of Canada Findings (2026)^[1]



Despite increased spending, the Department does not know if outcomes have improved, including socio-economic gaps. Outcome measurement is limited. Capacity building is essential.

Loving Justice: Needs-based with dedicated capacity-building

- ✓ Capacity-building funded as an **operational requirement**
- ✓ **Dedicated**, separate capacity-building funding stream
- ✓ Needs-based methodology with **actuals as a backstop**

Canada's Plan: No capacity-building



Fixed envelope: no dedicated capacity-building funds



Communities face trade-offs: capacity investment at the cost of direct services to children

The word "capacity" appears:

2×

Canada's National Plan

57×

Loving Justice Plan

[1]

Canada's Regional Model

*Canada's model regionalizes **implementation** of a Canada-defined national framework — regions negotiate how to apply it, not whether the framework itself meets human rights standards.*



What Is Negotiable

How Canada's National Framework Is Applied

Regional implementation arrangements within Canada's defined funding envelope and rules

Regional Secretariats

Development of a regional secretariat

Regional Governance Structures

To inform **recommendations** to Canada

Regional Program Assessments

To inform **recommendations** to Canada



What Is NOT Negotiable

Core Funding Amounts & Formulas

Set by Canada — regions cannot negotiate funding levels or formula methodology

Framework Architecture

Canada controls design — regions implement within Canada's defined national framework

Canada's Authority to Impose

If no agreement by Sept. 30, 2026,
Canada imposes National Framework on
April 1, 2027

Loving Justice's Regional Model

Loving Justice sets a non-negotiable rights floor.

What Is Negotiable?

- Regional variations to address geography, culture, capacity, and service models
- Strengthening funding — variations may **increase or adapt** funding above minimum national standards
- First Nations regional governance structures, technical secretariats, and oversight arrangements

What Is Non-Negotiable?

- **The rights floor:** human rights, substantive equality, and minimum standards cannot be reduced
- **Funding minimum:** the reformed approach cannot be reduced below national minimums
- **Accountability:** continued CHRT jurisdiction; multi-layered First Nations mechanisms to hold Canada accountable
- **Governance:** First Nations-led oversight nationally and regionally

Clarity, Accuracy, and Respect for First Nations in Long-Term Reform Communications

Canada must not misrepresent the status of negotiations or this Assembly's positions — this Resolution protects the integrity of collective decision-making.

Context

Canada is negotiating regional agreements and communicating its plan's status to First Nations — in some cases before Tribunal approval. [\[1\]](#)

Current Status of Both Plans Before the Tribunal

- Loving Justice is before the Tribunal — **no plan has been approved**
- Canada's National Plan is before the Tribunal — **no plan has been approved**
- Tribunal jurisdiction remains **fully in force**

Resolution 12 Calls on Canada To:



Ensure free, prior, and informed consent in all communications about long-term reform



Not represent regional agreements or plan negotiations as Tribunal-approved when no approval has been granted



Respect the authority of Chiefs-in-Assembly to set standards and positions collectively



Accurately represent both plans — Loving Justice and Canada's National Plan — as pending Tribunal decision

Two Plans, Side by Side

Key issue	Loving Justice First Nations-led	Canada’s National Plan Government-led
Decision-making authority	First Nations lead the decisions about children’s care and services.	Canada retains the final say over the key decisions.
Funding approach	Funding follows real, changing needs — with actuals as a backstop.	Canada sets funding levels and terms; more funding must be requested from Canada, which can refuse.
Community capacity	A dedicated fund builds community capacity to deliver care.	No capacity fund — capacity-building competes with direct services.
Durability of the commitment	Permanent protection against discrimination, reviewed every 5 years.	The funding commitment ends in 2034; Canada controls the reform.
Oversight & enforcement	The Tribunal remains, with a litigation fund and protection from retaliation.	Tribunal oversight ends; a Canada-selected body replaces it, with no litigation fund.

For a Child

For a child, what matters is who holds the power to protect me — and whether it lasts. Loving Justice keeps decisions, funding, and enforcement in **First Nations hands, for good**; Canada’s plan keeps them in Ottawa’s hands

The children are counting on us to stand for their rights and make sure that protection lasts for generations to come.

- Two plans are before the Tribunal — **and neither has been approved.** This is the moment the floor gets set — or lowered. The Tribunal is listening to the Rights Holders; the Assembly's vote will shape the future.
- The choice before this Assembly: **affirm the minimum standards** that permanently end Canada's discrimination against First Nations children.
- 🔗 For more information: NationalChildrensChiefsCommission.org fncaringociety.com

Miigwech · Mahsi Cho · Thank you · Merci · Huy chexw a

This is **Exhibit “B”**
to the affidavit of
Cindy Blackstock
sworn before me this
27th day of July, 2026



A Commissioner for Taking Affidavits
HENNA MOHAN
LSO #: 90494W

AFN AGA 2026

Notes from BC Caucus Session, July 15, 2026

Presentation from Minister Mandy Gull-Masty:

Meeting Notes:

Minister Mandy Gull-Masty, Indigenous Services Canada

Q&A

- **Mary Teegee, Proxy for Takla Nation:** There's a lot of questions we have to ask because we need clarity from your department. The thing we heard around BC is the strain from the lack of the response around Jordan's Principle on our people. Just to be clear for the Chiefs in our room, Canada has taken our kids back to court again. There's still a 140,000 backlog that was supposed to be dealt with by December 24th. There is still no definition of substantive equality, nor is there a decision making process. One of the things we need to look at is what has Canada done about the impacts? Will Canada suspend the deadline?
 - **Minister Mandy Gull-Masty:** There is a backlog. There are 108,000 cases - but it doesn't mean 108,000 requests. But some of these are duplication requests – they are not all singular requests. When we have longer-term requests people are applying for, we also have urgent care requests. It was eye opening to see the process when people apply for Jordan's Principle. Oftentimes, it is very burdensome. We are trying to remove the barriers. This has been my objective – to make changes to the process. I think there needs to be more consideration. One of the components I'm trying to implement to ISC is there is no one-size-fits-all-approach. One thing is that we are working with 13 different healthcare systems across the country. We're trying to find a recalibration of the process. This is a very complex process to make change. There is a 6-point plan for addressing the backlog. There is the further challenge that when you speak of Canada, you speak of all federal departments. We're also trying to work with provincial governments.
 - **Mary Teegee:** When will Canada implement substantive equality? And what is Canada's decision matrix?
 - **Minister Mandy Gull-Masty:** Creating a matrix, testing that matrix, getting that feedback – it takes time to do that appropriately. We're doing the process of addressing the long-term backlog. This is very intensive heavy work. This is paper-heavy work, not digital. We're going to say on average, people working on the backlog is 5,000 to 6,000 cases a week. The state of discussions and how things are looking in Canada. I think I've been very transparent. There are 2 things important to me: whatever decision the community takes focuses on culture, language and connection. And protecting their identity. The second part is giving the community the opportunity to take the path they want to take. If they wish to take the pathway of the Loving Justice Plan, I totally support them that way. If the community wants to take another way such as regional agreement, I also support them that way. There are so many paths to healing. We have to be respectful of that space and it is the community's right to choose. It can be a space where there are multiple opportunities for First Nations children to get

supported. I have to acknowledge historically, there has been a lack of investment. I think one of the things I brought is that working with First Nations, they have decision-making authority. In terms of the deadlines that are in place, I think it's important to give communities the time. I think demonstrating to the CHRT to finish a plan within 3-4 months is an ambitious timeline and we have to give community time.

- **Tyrone McNeil, St:olo Tribal Council (president FNEESC):** Here to remind you of the information we shared with you and your colleagues, finance staff, and PMO. With BC being the only region with a tripartite education agreement, We've come to a point of agreement. We're waiting for an official sign off on the official agreement. I think the critical piece for us right now is we're asking for a 10-year agreement. You can't run an agreement on annual contracts. When will we receive certainty on a renewed agreement, especially for a 10-year term? What can we do together to advance the 10 year agreement?
 - **Minister Mandy Gull-Masty:** I want to acknowledge your work on the agreement, not only in the education space but also the health space. I'm going to speak to reality. Last year, when we received the mandate from Canadians to receive a new PM, there was a decision to restructure the budget process and recalibrate the public process. My role initially was protecting the baseline. That 12 month period was the gap that FNs felt. 3 major criteria to address: The education file, housing component, and infrastructure. I have had the opportunity to discuss budgets with the Minister of Finance and also have conversations with the government to move away from the one-time model for funding. The challenge when you're in the one-year funding, you are further impeding the community from being able to plan to get quality staff and quality programs. I am very supportive, I want you to know and understand I am doing my best as Minister to support this. To me it is a clear message that this is a priority for First Nations. As we complete this pre-budget cycle, every First Nation that wants to send a message to the Ministry, it's about supporting that message.
- **Allan Louis, proxy Westbank, :** I just received a report from my technical regarding membership. My community membership has increased by 200 . We know that S-2 will start to make a big difference. How are the Ministers and finance address the additions to community?
 - **Minister Mandy Gull-Masty:** I want to address the S-2 conversation that's happening. Submission of S-2 bill was focused on enfranchisement. One of the statements I made early on was that the second generation cutoff had to be addressed and it needs to have its own legislation. Later on this week, I will be speaking about second generation cutoff. One of the things not reflected in enough detail, when you're implementing systemic change, there needs to be 2 components: the reality of incorporating that many people back into the system, and the pathways you're able to offer them. It needs its own legislation. I think we need to invest the time to discuss what implementation looks like, what does it look like to have these new members, how will service be provided? We need to remove this from the Indian Act but the conversation is fundamentally greater. Status is one thing but the Indian Act being able to determine who you are, that's a big thing. We are building a report, and we are thinking about how communities will welcome people back into their community, what support is available to nations to accommodate that.
- **Wilf Adam, Chief of Lake Babine:** One of the things we heard is one of the biggest employers in PG is the pulp mill. (Missed in between) Personally, my son, when he was a teenager, got hit with a baseball bat which caused brain injury. He was getting treated

by a doctor in PG but he passed away. So he got treated in Vancouver. But then in his uber, they got hit. Mental health is so important to deal with properly. A long time ago I grew up in a community called Palantine Bay. There was a man who drowned and the whole community got together. The way our elder explained it to us is that when a major event happens, some of your soul leaves your body. The reason the community got together is to bring the spirit back to the body. Long story short, mental health issues need to be looked at professionally and properly. In our area, we are proposing some healing centres. The whole North is bigger than the country of France. So if we can get help from your Minister to get these healing centres built in a proper way so that we can get the proper people involved in these services. Sometimes we get the proper people to help us but then they move down South. Or when we get people, the Health Authority sometimes takes some of our workers. If we can get a way to get these people to stay home with us and help us heal, it would be greatly appreciated. I did invite you to territory, but I guess I have to send a formal letter for that.

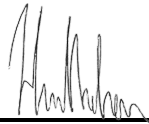
- **Minister Mandy Gull-Masty:** Ministry did engagement and it was clear, every Province spoke about the impact of mental health. One of the approaches I think is important is ensuring that mental health is holistic, it's not about giving someone a pill.
- **Shana Thomas - Lyackson First Nation & Tl'uqtinus:** Infrastructure funding and ensuring its at the pace of community. Doing a lot of Nation building. My community's been displaced for 4 generations and we're working on a village but it requires major investment. Other pieces around economic development and the inescapable economic component of title. The answer is if our communities were given fair economic share of the activities happening on their territory. We don't need the Crown to do anything for us. The second generation cut off is real, this is a genocidal, administrative policy. If we're able to remove all of that Indian Act depression, then none of this would be an issue.
- **Leah George-Wilson, Proxy Tsleil-Waututh Nation:** I am wondering if there is anything you can do to finalize the framework for .. to address the issues of privacy, any help you can lend there?
- **Judy Wilson, Proxy for Shuswap Band:** I heard your responses to children and families Minister. Thank you for coming. You say you support nations doing the Loving Justice Plan. Does that mean Canada-ISC will not impose its national plan on April 1st 2027 next year? Clarity is really important to have on what ISC is doing. Another part is you said you support the choice. First Nations have moved support for the Loving Justice Plan, will you support that?
- **Minister Mandy Gull-Masty:** In terms of the CHRT, the success I saw in Ontario, was one that I felt could be recreated across Canada. We have to work together and offer to the Nation what they need. This is the path. It is not my intention to be paternalistic. When making decisions for the future, you have to have a partner that acknowledges that is the right thing to do. Not trying to say this option is better than other, we want to offer

RC: bring up the pipeline issue. We want to see a more active role. Pipelines are in the schedule. Dates sets for the pipeline. The review of the TMX, having a more active role advocating on behalf of FNs. this is an imposition, FNs don't support. I don't have an understanding of if your office is involved with the major projects

Minister: I have a role with the MPO, but the official mandate is with CIRNAC... I'm involved with some of the committees. My role is building the capacity within communities. There will be a lot of learning opportunities. Timelines are ambitious but the government is able to respond when input and strategy on how you want to

participate is provided. I want to fund the sustainable pathway. I will bring it back to my colleagues.

This is **Exhibit “C”**
to the affidavit of
Cindy Blackstock
sworn before me this
27th day of July, 2026



A Commissioner for Taking Affidavits
HENNA MOHAN
LSO #: 90494W

AFN 2026 Annual General Assembly: Ministers Panel 2 – July 16, 2026

[AFN 2026 Annual General Assembly: Ministers Panel 2 – July 16, 2026 - Public Record - CPAC.ca](#)

5:55 – 6:11

Minister Gull-Masty: [...] I've had the conversations in many of the rooms and with caucuses over the past few days and one message has been extremely clear, not just in Jordan's Principle but with all of the files at ISC: ensuring that there is predictability in funding for long-term planning.

Our goal is to ensure that the system that is in place works better, has less barriers, and that we are reforming to lift and ensure that we are not adding to the hardships of families that are trying to provide support to their children.

57:17 – 1:02:10

Minister Gull-Masty: [...] I want to touch a little bit on the majority of questions that were directed to me with regards to long-term child reform.

I have had the opportunity to be in this Assembly as a former leader, and I have seen the evolution of the discussions of long-term child reform over a number of years, and I also...I was not present but I did online see, you know, the direction that the Assembly took when the last...the last deal that was offered did not succeed.

You know, to me, when I saw the evolution of that process and I saw, you know, a large number of First Nations decide to take their own path in Ontario and ask for their own process, that to me indicated, that, you know, there was something that needed to be looked at that's outside of that box of what, you know, what we see in the work that was being done here in the Assembly.

And I want to say this with the most respect, I want to say this with the most love and compassion and encouragement for the work that has been done. I want to acknowledge that I have always been clear in my position that I believe that the methodology and the work that was put into the Loving Justice Plan is one that reflects what First Nations want to see. But I also have to be very frank and transparent in saying that when one part of the Assembly decides to take their own path, when almost half of First Nations in Canada decide to pursue their own agreement, this to me is an indication that more needs to be done in that space and that's where I'm coming from.

Regional agreements are based on a framework. They're based on a discussion. We engage communities with exploratory conversations. We ask them to draw information from the framework that we provide. We also ask them to do the work in identifying other information or additions they want to seek and even draw from the Loving Justice Plan itself.

The work that we're doing in this place is to ensure that, first and foremost, we're creating stability and predictability and responding with urgency. This has been a long ongoing discussion and I think for me, when communities indicated that they wanted to take their own decision for, for the future of their members, when rightsholders come to me, I am going to respond in that space.

And I also think that while we know that there are many voices at this table, while we know that work has come out of Assembly, we also see that communities and First Nations have come forward and wanted to make decisions for their own children. And that is my objective. To ensure that I respect the rights of those communities to choose for themselves.

And I also think as I said yesterday in my comments to the caucuses, there's more than one way to offer healing. There is not one sole path to walk. We have to respect that in the work that we do. If those individuals wish to choose for themselves what they want to do, I will support in that space.

And I think that this is a message that also needs to be heard by the Tribunal, that they must recognize the rights of First Nations to choose for themselves. The courts are making decisions in this space. I'm trying to support a process that implements the right to decide and reform.

You know, I see that the Loving Justice Plan shaped a lot of the work, a lot of the information, a lot of the data, I see that there is a strong philosophy behind it, but I am proposing is a methodology that is a vehicle for regional agreements to be shaped by nations to decide and define that unique space that reflects them. So, I think that while we are all trying to work together and serve children and protect children, the urgency that we need to undertake in this process means that we have to be committed to the long-term stability that's required.

This is a termed agreement. I believe that part of that work also has to be shaped by the collection of data that's based on the success that communities want to set as markers as part of their reform, without outcomes that they have chosen for the future of their nations, and that our job as government is to understand those things and shape them for that next step.

I'm not here to fight or dispute the work that's been done previously. I'm here to respond as a Minister to those who have come to me and made this request. Because like I said, I think part of the work that we do in this space is the acknowledgement that there is more than one path to healing.

So, I really appreciate those of you who have shared with me your comments, you know, for all avenues in moving this work forward, and I appreciate those of you who have come to me across the country and wanted to do this kind of engagement. I look forward to our continued work together.

Miigwech.

This is **Exhibit “D”**
to the affidavit of
Cindy Blackstock
sworn before me this
27th day of July, 2026



A Commissioner for Taking Affidavits
HENNA MOHAN
LSO #: 90494W

Assembly of First Nations' 2026 Annual General Assembly – Day 3

<https://www.cpac.ca/public-record/episode/assembly-of-first-nations-2026-annual-general-assembly--day-3?id=db1fec9a-de20-4e26-b65d-8ec46585cce9>

6:34:44 – 6:38:52

Chief Pauline Frost, Vuntut Gwitchin First Nation, Chair of the NCCC:

Cho. Mussi

When we started the assembly last year in Winnipeg, you as chiefs gave the National Children's Chiefs Commission a clear mandate to engage with the human rights holders and experts on the long-term reform. We did that work along with the Caring Society engaging with every one of the Nations across the country. Hundreds of people came forward, hundreds of leaders, hundreds of experts. You also gave a clear mandate to use those engagements to inform a plan that will permanently end Canada's discrimination against Indigenous children. We did that work alongside the Caring Society and with you at our side. We are now coming back to you seeking your endorsement of the minimum standards established in the Loving Justice plan.

These are the minimum standards to end Canada's discrimination in First Nations child and family services for generations to come. First Nations have real decision-making authority. We cannot have Canada making unilateral decisions that will affect our children now and into the future.

We certainly need to stop the discrimination now. It's gone on far too long—decades. You heard the last resolution. It speaks about equality of services and supports. Long-term reform must be based on human rights principles in a real way, not just window dressing. Funding has to be needs-based funding. We cannot accept a funding formula that is not grounded in real needs and we have to understand what the formula, what formula is being presented and what model Canada is using because it is certainly not being transparent with us across the country.

Durability against discrimination. Canada continues to discriminate against our children. We speak about the backlog on Jordan's Principles, the applications, we speak about our children that are still in care. We speak about the children that are still compromised and affected by, be Canada's actions. We need to protect and look at reform. We need to look at fiscal responsibilities. We need to look at reforming policies. We need to look at reforming the programs that Canada is delivering on. We need changes now.

We also need independent enforcement. We certainly cannot rely on Canada to enforce the long-term reform. Canada's plan still gives them that control. We need to take that control back and put it back into the Loving Justice Plan—into your plan.

We also need to look at, you know, the Nations and the agencies. The capacity and the resources in our regions. We need to get the finances in place. We need to get capacity within our regions. We've up to this point 18 months of hard work on \$130,000. That's not acceptable. Canada needs to provide the resources to the Indigenous communities.

These standards are foundational in the Loving Justice Plan. Draft resolution Number 11 calls for your endorsement of these minimum standards for ending Canada's discrimination in First Nations Child and Family Services. And you heard the Minister this morning. The plan that she put forward, the plan that Canada put forward is not consistent with the Loving Justice Plan. And the plan that you had your hand, your knowledge and your traditional practices and your culture and the integrity that was put into that plan, did not resonate with the Minister did not resonate with Canada. Because they are going out and expecting you to sign a plan by September. Have a plan fully implemented and cooked up without your input. It's still their plan. It's still discriminatory. And I call on you to take action now and accept the resolution as it's presented to you.

Mussi.

6:46:26 – 6:49:07

Chief Rhonda Phillips, Xat'sull First Nations

My name is Rhonda Phillips and I'm from Xat'sull First Nation in British Columbia. I acknowledge that we're on the, gathered on the territory of the Algonquin and and Anishinaabe peoples. Kukwstsétsemc for welcoming us today. Xat'sull First Nation rises in support of these resolutions because every First Nations child deserves the same rights, the same protection, and the same opportunity to thrive just as Katisha was sharing, regardless of where they live.

Yesterday during the BC caucus and again this morning, Minister Gull-Masty emphasized regional agreements while stating she would respect whichever path Nations choose.

Respectfully, and I say this with the utmost respect, I believe we need more than respect. We need leadership.

As Minister of Indigenous Services, I asked Minister Gull-Masty to stand alongside First Nations and champion the First Nations-led Loving Justice Plan before the Tribunal, at the Cabinet table, and in every forum where decisions affecting our children are made. The Loving Justice Plan was created by First Nations. It reflects the voices of our leaders, elders, knowledge keepers, youth, families, and those with lived experience. It was developed to permanently end Canada's discrimination against First Nations children. Regional implementation may have a role, because every Nation is unique, but implementation must never come at the expense of rights. There cannot be different standards for First Nations children based on geography or postal code, including for our children living-off reserve.

We have spent decades sharing our expertise, our lived experience, and our solutions. I heard this morning: “we're partners,” supposed to be true partners. First Nations should not have to keep proving that we know what is best for our children.

Over the past few days, I've heard many people say that children are at the center. Then let us ensure those are more than words. If children are truly at the center, let us stop centering process and politics and instead center their rights.

I encourage all Chiefs to support these resolutions and to send one clear message to Canada.

Our children, our children: their rights are inherent, not negotiable and not determined by where they live. They deserve equality. They deserve justice. And they deserve it now.

Kukwstsétsemc.

Amendment

6:49:14 – 6:49:49

Chief Raymond Powder, Fort McKay, Treaty 8

Draft Resolution Number 11. Chief Raymond Powder, Fort McKay First Nation, Treaty 8. We do support the resolution with respect to Resolution Number 11, provided—I spoke to the mover—with amendments proposed here on number one, number two and number three. And number one to add Treaty 8 of Alberta. And number two, same thing to add Treaty 8 of Alberta. And number three to add Treaty 8 of Alberta, and so forth to advocate and the next one to urge and to support. That's my requested proposed amendments.

Thank you.

This is **Exhibit “E”**
to the affidavit of
Cindy Blackstock
sworn before me this
27th day of July, 2026



A Commissioner for Taking Affidavits
HENNA MOHAN
LSO #: 90494W

July 24, 2026

The Right Honourable Mark Carney, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Dear Prime Minister Carney,

Re: Immediate steps required to implement Tribunal- and First Nations-defined minimum standards for First Nations Child and Family Services reform

We write further to our May 19, 2026 and July 6, 2026 correspondence regarding Canada's continuing obligations to permanently end discrimination against First Nations children, youth and families. Canada has not provided a substantive response. Since then, new developments require immediate federal direction: AFN Draft Resolution 11, passed by consensus; and Minister Gull-Masty's statements at the July 2026 Assembly of First Nations.

These developments concern Canada's compliance with binding Canadian Human Rights Tribunal orders, the safety and well-being of First Nations children, and national reform intended to permanently end discrimination in First Nations Child and Family Services (FNCFS).

AFN Draft Resolution 11, passed by consensus, confirms that long-term reform outside Ontario must meet the non-derogable minimum standards established in the Loving Justice plan: First Nations-led decision-making; human rights principles, including substantive equality, intergenerational equity, the best interests of the child, and cultural continuity; needs-based and actual-cost funding; durable protection against discrimination; independent enforcement and continued oversight; access to justice and protection from retaliation; and capacity-building as Canada's obligation.

In her comments to regional caucuses and to the full AFN assembly, Minister Gull-Masty affirmed her support for First Nations choosing the Loving Justice plan. These comments are difficult to reconcile with Canada's submissions to the CHRT—which do not adhere to the minimum standards in Loving Justice—and with Canada's judicial review of 2025 CHRT 80.

In 2025 CHRT 80, the Tribunal directed national long-term reform to proceed without further delay and separately from the Ontario Final Agreement. It reaffirmed that the 2016 CHRT 2 cease-discrimination order is permanent, final, and injunctive, and that reform must refocus the FNCFS Program on human rights principles, the best interests of First Nations children, and the *Canadian Human Rights Act*.

Canada's litigation conduct must also comply with the Attorney General of Canada's *Directive on Civil Litigation Involving Indigenous Peoples*. Canada's judicial review of 2025 CHRT 80 and Canada's January 2026 CMCC position that it would not change its plan in light of Loving Justice are difficult to reconcile with the Directive's requirement for constructive, expeditious, rights-affirming litigation consistent with reconciliation and recognition of rights.

The minimum human rights floor has already been defined by the Tribunal's orders and affirmed by First Nations through Loving Justice. Canada does not get to redefine or reduce it. Regional implementation may strengthen or tailor that floor to distinct cultures, laws, territories, needs, and readiness, but it cannot go below it or delay national reform.

Canada must not advance, rely on, encourage, or benefit from any individual, regional, interested-party, judicial review, Tribunal-process, or proxy position that would reduce, delay, waive, narrow, fragment, condition, or bargain away national human rights protections owed to First Nations children under the *Canadian Human Rights Act*, the Tribunal's orders, and the honour of the Crown.

We therefore request a written response confirming that Canada will immediately:

1. acknowledge that Loving Justice, grounded in the Tribunal's orders and Draft Resolution 11, sets the non-derogable minimum national human rights standards for long-term reform;
2. confirm that those standards cannot be reduced, delayed, waived, narrowed, fragmented, conditioned, or reframed as optional through regional agreements, interested-party positions, litigation strategies, judicial review positions, Tribunal positions, or Canada-supported/proxy positions;
3. discontinue Canada's judicial review of 2025 CHRT 80 and align Justice Canada's Tribunal and judicial review positions with the Attorney General's Directive;
4. reverse ISC's unilateral decisions that deepen discrimination by immediately restoring top-ups, reimbursing actual costs without added administrative burdens, reforming Claims-on-Actuals, funding each agency's actual operational needs rather than averages or formula-based methods, and reimbursing any losses caused by those discriminatory decisions;
5. take effective, positive measures to support First Nations choosing Loving Justice, including funding for national and regional governance, funding structures and levels, decision-making, transition, oversight, accountability, and protection against service disruption; and
6. proceed with national long-term reform without further delay, separately from any Ontario-specific agreement or regional arrangement, and without relying on any regional or proxy position to go below the already-defined floor.

Canada's current plan is not a cost-saving measure; it is a flawed design that risks reproducing the very discrimination the Tribunal ordered Canada to end, thereby increasing Canada's legal exposure and shifting higher downstream costs onto child welfare, health, education, justice, and emergency services. That approach is irreconcilable with the Truth and Reconciliation Commission's Calls to Action on child welfare, including the obligation to reduce the number of Indigenous children in care, provide adequate resources to keep families together, fully implement Jordan's Principle, and establish national standards which account for the residential school legacy. It is also irreconcilable with any national project agenda that asks Canadians and First Nations to accept accelerated federal action on infrastructure while Canada continues to delay, contest, and underfund the minimum human rights protections owed to First Nations children.

This letter places Canada on express notice that proceeding with any plan, agreement, litigation position, or implementation measure that falls below the Tribunal- and First Nations-defined minimum standards may be relied on as evidence of ongoing non-compliance, continued discrimination, and foreseeable harm to First Nations children. Canada is now on notice that these

harms are foreseeable, avoidable, and directly linked to federal choices about funding, implementation, litigation, and reform design.

To ensure transparency and to avoid further harm to children while Canada's position remains unclear, we ask that Canada's written response identify any Nations, regions, organizations, representatives, agreements, draft terms, mandate documents, implementation plans, fiscal authorities, child-impact analyses, downstream cost analyses, liability assessments, or legal authorities on which Canada relies to suggest that it may proceed below the minimum standards defined by the Tribunal and First Nations through Loving Justice.

Canada has been repeatedly placed on notice of the harms caused by delay, partial implementation, discriminatory funding, adversarial litigation, and attempts to dilute the human rights floor directly or through others. It has a First Nations-led, evidence-based path forward through Loving Justice. Canada should discontinue adversarial litigation and implement the already-defined standards.

We request a substantive written response by August 7, 2026.

Respectfully,



Chief Pauline Frost
National Children's Chiefs Commission



Cindy Blackstock, PhD
First Nations Child and Family Caring Society of Canada

cc:

The Honourable Mandy Gull-Masty, P.C., M.P., Minister of Indigenous Services Canada
The Honourable Sean Fraser, P.C., M.P., Minister of Justice and Attorney General of Canada