



What is happening at the Tribunal regarding Jordan's Principle? Ongoing Tribunal proceedings pursuant to 2025 CHRT 6

The Canadian Human Rights Tribunal (Tribunal) is currently examining how Canada is implementing the Tribunal's binding orders in [2025 CHRT 6](#) to determine whether Jordan's Principle is being delivered in a manner that achieves substantive equality and eliminates discrimination against First Nations children.

The process is focused on compliance and implementation. It does not allow Canada to relitigate Tribunal orders, lower the minimum standards already ordered, or turn Jordan's Principle into a discretionary administrative program.

The Tribunal directed Canada to file its operational definition of substantive equality and the decision-making matrix used to process Jordan's Principle requests. Canada later confirmed that it does not have a definition of substantive equality nor a decision-making matrix for determining Jordan's Principle requests.

The Tribunal also set out a streamlined process for the Parties to file submissions on outstanding implementation issues. However, on July 13, 2026, the Tribunal temporarily paused the proceedings and will convene a case management conference call (CMCC) in late July to provide clarity to the Parties on the process before moving forward with submissions or any other steps the Tribunal determines necessary.

For all the materials relating to this process and background information, please visit jordansprinciple.ca.

What happens next?

The current round of written submissions will assist the Tribunal in determining the next steps on the remaining matters and related implementation concerns. The Tribunal will then decide on next steps.

The Tribunal has emphasized that First Nations children must remain at the center of this process and that lengthy delays should be avoided wherever possible.

Key issues before the Tribunal

A key issue is whether Canada's interpretation and application of **substantive equality** under Jordan's Principle is child-centred, transparent and consistent with

Tribunal orders, so that First Nations children receive the services, supports and products they need without jurisdictional barriers, delays or discrimination.

Concerns have been raised that ISC is relying on internal operational guidance, including the 2025 Operational Bulletin, to make decisions about Jordan's Principle requests without a transparent framework explaining how substantive equality is applied in practice. As a result, it may be difficult to assess whether decisions are consistent with Tribunal orders and the rights of First Nations children. A central question in these proceedings is whether Canada's current decision-making practices comply with existing Tribunal orders and achieve substantively equal outcomes for First Nations children.

The issues that remain unresolved from the Tribunal's orders in 2025 CHRT 6 include:

1. **Backlogs:** Ensure that Canada's backlog reduction efforts result in timely and substantively equal services for First Nations children, rather than simply reducing the number of outstanding files.
2. **Reimbursements and payments:** Ensure that Canada's reimbursement and payment processes are not creating hardship or disrupting access to services for children, families, First Nations and service providers.
3. **Urgent requests:** Ensure that Canada identifies and processes urgent requests in a manner that meets the urgent needs of the child.
4. **Complaints mechanism:** Establish an independent and accessible complaints mechanism that provides timely remedies and accountability.
5. **Coordination of federal programs:** Ensure that Canada coordinates its federal programs in a way that prevents delays, service gaps and jurisdictional disputes.

Timeline of proceedings

March 6, 2026 – Caring Society seeks further Tribunal direction

- The Caring Society sought next steps in the Tribunal's orders in 2025 CHRT 6 following the unsuccessful mediation to reach consent-based resolution.

March 23, 2026 – The Parties provide their positions on next steps

- Canada, the Chiefs of Ontario (COO) and Nishnawbe Aski Nation (NAN) filed letters in response to the Caring Society's correspondence. The Assembly of First Nations (AFN) did not file submissions.
- Canada provides an update that it is continuing to work on 2025 CHRT 6 indicating that it views issuing the Jordan's Principle Operational Bulletin as part of this. Canada indicates that nearly 120,000 requests remain in the backlog.

June 5, 2026 – Case Management Conference Call

- The Tribunal hosts a Case Management Case Conference with the Parties to discuss unresolved issues from 2025 CHRT 6.
- The Caring Society proposed that Canada's definition of substantive equality and decision-making framework be brought to the Tribunal's attention.

June 12, 2026 – Tribunal provides direction

- The Tribunal directs Canada to provide its operational definition of substantive equality and decision-making framework.
- The Tribunal issued a schedule for the Parties to submit questions and submissions on outstanding issues from 2025 CHRT 6.

June 18, 2026 – Canada files response

- Canada indicates it does not maintain a publicly available operational definition of substantive equality and that it does not have a decision-making framework for determining Jordan's Principle requests.
- Canada also raised procedural concerns relating to the direction the Tribunal issued.

June 24, 2026 – Tribunal responds to Canada

- The Tribunal responds that the process is intended to address outstanding issues from 2025 CHRT 6.

July 3, 2026 – Caring Society files its questions and submissions

- The Caring Society files its [questions and submissions](#) seeking clarification on backlogs, reimbursements and payments, urgent requests, group requests, complaints mechanisms and disclosure of operational materials.
- The Caring Society maintained that transparency is necessary to determine whether Canada's current practices comply with Tribunal orders and achieve substantive equality for First Nations children.

July 13, 2026 – Tribunal pauses the proceedings pending further direction

- The Tribunal temporarily paused the proceedings and indicated that a CMCC will be convened to provide direction on the process before moving forward.

July 14, 2026 – The other Parties file responses (ON PAUSE)

- The AFN, COO, NAN and Amnesty International will file any responding questions and submissions.

July 28, 2026 – Canada files their response (ON PAUSE)

- Canada will reply to the list of questions and submissions from all the Parties.

The timeline is paused pending further direction from the Tribunal.

Background

In December 2023, the First Nations Child and Family Caring Society (Caring Society) filed a [non-compliance motion](#) with the Canadian Human Rights Tribunal's (Tribunal) alleging that Canada was failing to comply with the Tribunal's [orders on Jordan's Principle](#) resulting in increasing harms to First Nations children. Canada opposed the motion and [filed a cross-motion](#) in March 2024.

In January 2025, the Tribunal issued its decision in [2025 CHRT 6](#), granting portions of both motions and directing further work on several unresolved issues. The Tribunal encouraged the Parties to pursue mediation and consent-based solutions where possible.

The Parties participated in Tribunal-assisted mediation and additional discussions. While significant time and resources were devoted to mediation, the process was unsuccessful. Following this, the Caring Society wrote to the Tribunal in March 2026 seeking next steps.