

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

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

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

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

Respondent

- and -

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA, 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

SUPPLEMENTAL AFFIDAVIT OF KIRSTEN MATTISON

AFFIRMED OCTOBER 5, 2026

I. Introduction

I, KIRSTEN MATTISON, of the City of Ottawa, in the Province of Ontario, AFFIRM THAT:

1. I am employed by Indigenous Services Canada (“ISC”), as the Director General of Strategic and Fiscal Coordination for the Children, Families and Learning Sector. I have

been in this role since December 2024. I have been employed by the federal public service since 2005, including positions at the Director and Director General level since 2013.

2. I previously affirmed an affidavit filed in these proceedings, dated December 22, 2025, respecting the general executive and legislative processes that would be required to establish the proposed national dispute resolution tribunal as per the two-phased approach set out in ISC's National Framework for long-term reform of the First Nations Child and Family Services ("FNCFS") Program, should it be approved by the Canadian Human Rights Tribunal ("**Tribunal**").
3. In my capacity as Director General, I have personal knowledge of ISC's efforts to work with the Expert Advisory Committee ("**EAC**") to develop and oversee the implementation of an evidence-informed workplan to prevent the recurrence of discrimination pursuant to the Tribunal's order in 2022 CHRT 8.
4. The December 22, 2025 affidavits of Lisa Smylie and Duncan Farthing-Nichol, previously filed with the Tribunal, set out an overview of the events which led to the creation of the EAC and describe the progress made since its establishment. Since then, Ms. Smylie left ISC and assumed a new role at the Canada School of Public Service. Consequently, my team assumed responsibility for the EAC Secretariat and coordinating ISC's work with the EAC to advance towards an independent third-party evaluation of ISC (the "**Evaluation**").
5. This affidavit updates the steps ISC has taken since December 2025 to advance work with the EAC, particularly supporting the design and implementation of the Evaluation.

6. The December 22, 2025 affidavit of Kyle McKenzie details ISC's efforts to improve cultural competency. Since his departure from public service, additional progress has been made to advance cultural competency training at ISC. I adopt and rely on Mr. McKenzie's evidence, which I have reviewed and find accurate, including progress on implementing ISC's *Indigenous Cultural Competency Learning Policy*, mandatory for all ISC employees since September 2020, and co-development of cultural humility training. I also provide an updated overview of other reforms since the Tribunal's 2016 CHRT 2 ruling.
7. Where I do not have direct knowledge about the matters I attest to in this affidavit, I identify their source, and I verily believe them to be true and accurate.

II. The EAC

The Mandate of the EAC

8. As explained in Exhibit A of Mr. Farthing-Nichol's December 22, 2025 affidavit, ISC, the First Nations Child and Family Caring Society of Canada ("**Caring Society**"), the Assembly of First Nations ("**AFN**"), Chiefs of Ontario ("**COO**") and Nishnawbe Aski Nation ("**NAN**") agreed to jointly establish the EAC to support the design and implementation of an independent third-party Evaluation of ISC, and the subsequent development of a workplan for departmental reforms to prevent the recurrence of discrimination. The Caring Society, the AFN, and ISC act as the EAC co-chairs. COO and NAN are ex-officio EAC members.
9. Ms. Smylie's affidavit outlines the EAC's history, its progress until December 2025, and the recent impasse relating to the EAC's mandate. ISC's position has always been that the

EAC was created to support the Evaluation, pursuant to the Tribunal's order in 2022 CHRT 8.

10. ISC remains committed to advancing the Evaluation, with the goal of preventing the recurrence of discrimination against First Nations children and families. The Evaluation, which would include a review of departmental decision-making structures and internal processes that contributed to the "old mindset" identified by the Tribunal, has the potential to provide evidence-informed insights to transform ISC's internal systems.

EAC Updates since December 2025

11. Ms. Smylie's affidavit noted that the EAC met on December 8, 2025 and there were outstanding issues relating to the EAC's Terms of Reference. Since then, the co-chairs have been unable to resolve their differences of opinion on the EAC's scope, impacting the EAC's progress.
12. Based on discussions at the December 8, 2025 meeting, ISC extended EAC members' contracts until March 31, 2027. This decision was communicated to EAC members in February 2026, when they were asked to sign extensions. On February 18, 2026, Ms. Smylie, through the ISC Secretariat, emailed the EAC co-chairs and members regarding the Terms of Reference, the Request for Proposal for the Evaluation, and EAC member contract requirements. She shared ISC's comments on the EAC's proposed Terms of Reference. To advance towards the Evaluation, ISC requested comments on the draft Request for Proposal material and advised that, if an agreement could not be reached on the EAC's mandate, ISC would move ahead independently with the Evaluation. Finally, ISC reminded the EAC members of the clause in their contracts requiring pre-approval for

caucus meetings. This was done to ensure that sufficient funding remained in members' contracts to enable ISC to pay the members for their work, and in accordance with the federal government's financial management standards. A copy of the February 18, 2026 email and related email chain between ISC and EAC members is attached as **Exhibit A**.

13. On March 3, 2026, the Caring Society responded that it did not need to pre-approve meetings and supporting the EAC's proposed Terms of Reference. The March 3, 2026 correspondence from the Caring Society, together with the associated email chain, is also contained in **Exhibit A**.
14. On March 5, 2026, Dr. Amber Johnson, on behalf of the EAC members, asked ISC and AFN the co-chairs for clarification on the EAC's future, in particular:
 - a. Whether further revisions were requested to the Terms of Reference drafted by the EAC;
 - b. Whether the requirement for pre-approval of caucus meetings was open for discussion;
 - c. How the third-party Evaluation process relates to the EAC's advisory role;
 - d. Clarification on ISC's statement that it may need to consider moving forward with the Evaluation without the EAC and how this relates to the EAC's governance by the three co-chairs.

A copy of Dr. Johnson's March 5, 2026 email on behalf of the EAC members, together with the related email chain, is attached as **Exhibit B**.

15. On March 18, 2026, Candice St. Aubin, interim ISC co-chair, responded through the EAC Secretariat, addressing these questions and reaffirming ISC's commitment to collaborative Evaluation progress. She advised that:
- a. ISC had previously provided proposed revisions to the EAC's draft Terms of Reference, as indicated in its tracked changes document from February 18, 2026;
 - b. Pre-approval of EAC meetings has been included in members' contracts since their establishment;
 - c. The EAC was established to support the Evaluation, cultural competency, and performance commitments and not to act as an independent body. This mandate was communicated in members' invitations to join the EAC and ISC has not changed its intention;
 - d. ISC's position on the governance structure is that the EAC is accountable to the three co-chairs. She reiterated ISC's commitment to moving forward collaboratively on the Evaluation.

A copy of Ms. St. Aubin's March 18, 2026 email response to EAC members is also included in **Exhibit B**.

16. On the same date, Ms. St. Aubin also responded to the Caring Society's email of March 3, 2026, reiterating ISC's position on the EAC's mandate, Terms of Reference, and caucus requirements. A copy of Ms. St. Aubin's March 18, 2026 email to the Caring Society is also included in **Exhibit A**.

17. On April 7, 2026, the Caring Society wrote to the Minister of Indigenous Services, expressing concerns with EAC’s functioning, and calling for removal of the pre-approval requirement for EAC meetings, for ISC to “affirm the independence, continuity, and Tribunal-mandated role” of the EAC, and to “cease conduct that frustrates or interferes with the EAC’s ability to discharge its mandate”. A copy of the April 7, 2026 letter from the Caring Society to the Minister is attached as **Exhibit C**.
18. On May 5, 2026, Dr. Amber Johnson, on behalf of the EAC members, requested a meeting with the Deputy Minister of Indigenous Services, citing communication issues and a lack of clarity around the EAC’s role, challenging the EAC’s ability to fulfill its mandate. A copy of Dr. Johnson’s May 5, 2026 correspondence is attached as **Exhibit D**.
19. To address the issues raised in the Caring Society’s and Dr. Johnson’s correspondence, an EAC meeting with the Deputy Minister and Julien Castonguay, ISC’s new Assistant Deputy Minister of Children Families and Learning, was scheduled for July 21, 2026, but later cancelled due to unexpected wildfire-related conflicts. The Deputy Minister’s office proposed alternative dates. Copies of the scheduling and cancellation emails relating to the July 21, 2026 meeting are also included in **Exhibit D**.
20. On August 18, 2026, Mr. Castonguay wrote to the EAC members to introduce himself as the new ISC co-chair. He sought to schedule the next EAC meeting, outlining agenda items on the EAC’s mandate, Terms of Reference, confidentiality, and next steps in the Evaluation. A copy of Mr. Castonguay’s introductory email, with proposed agenda items, is attached as **Exhibit E**.

Progress Towards a Third-Party Evaluation

21. The EAC met with the co-chairs on September 3, 2026. Six of the nine EAC members were present. Mr. Castonguay has informed me of the events of that meeting, and I verily believe his account to be true. He communicated at the meeting that ISC wished to move forward with the independent third-party Evaluation as a matter of priority, and proposed that the EAC return later to discuss outstanding issues relating to the committee's scope, mandate, and Terms of Reference.
22. At that meeting, EAC members stated that the relationship with ISC was damaged, and the committee was at an impasse, doubting ISC's commitment. Despite this, EAC members supported proceeding towards the Evaluation and continuing to support ISC's reform.
23. On September 18, 2026, Mr. Castonguay wrote to the EAC members and co-chairs, reaffirming ISC's continued support for the Evaluation. To resolve any issues created by a structure in which adversarial litigants were acting in an advisory capacity, Mr. Castonguay proposed that Canada, the AFN, and the Caring Society all vacate their roles as co-chairs. Mr. Castonguay explained ISC's hope that the EAC may be better able to realize its potential if its advisory function was separated from this litigation. Under his proposal, the EAC would elect a new co-chair from amongst its members and would continue to provide candid, constructive advice to Canada. The new structure could still include mechanisms for the EAC to engage with the Caring Society and the AFN. EAC member contracts would be amended, and extended, to reflect this new approach. A copy of Mr. Castonguay's September 18, 2026 correspondence is attached as **Exhibit F**.

24. Dr. Amber Johnson, on behalf of the EAC members, responded on September 23, 2026, affirming their support for continued work towards the Evaluation while disagreeing with ISC's proposed path forward. They highlighted the need for further discussion on the EAC's mandate, and suggested pursuing greater committee independence through funding a third party to administer EAC contracts. A copy of Dr. Johnson's September 23, 2026 correspondence is attached as **Exhibit G**.
25. As outlined in Ms. Smylie's affidavit, the EAC has already guided the planning for the Evaluation and ISC welcomes its continued support in guiding the third-party evaluators. Previous drafts of the Statement of Work and Assessment Grid have been developed with input and advice from the EAC. The documents were presented to the EAC for advice at multiple meetings, most recently on April 2, 2024, and the EAC had previously convened a sub-working group on the subject. ISC has also worked internally with its procurement team on other required documents (including the Security Requirements and Checklist) and other administrative aspects in preparation to post the Request for Proposals. ISC is approaching the point at which it will need to release a Request for Proposals to seek an evaluator and values the EAC's assistance.

III. Cultural Competency

Ongoing Cultural Learning Endeavours Since December 2025

26. Since the affidavit of Kyle McKenzie was filed in December 2025, ISC has made progress on promoting cultural learning and on developing and implementing mandatory cultural humility training requirements under regional agreements, including the *Final Agreement on Long-Term Reform of the FNCFS Program in Ontario* ("**Ontario Final Agreement**")

and the *Final Agreement on Long-Term Reform of the FNCFS Program for Saskatoon Tribunal Council Health & Family Services Inc. and Participating Saskatoon Tribunal Council First Nations* (“**STC Final Agreement**”), if approved by the Tribunal as part of the updated National Framework.

27. The Iskotew Lodge offers weekly teaching sessions with Elders; the Kumik Elders’ Lodge offers regular lunchtime and morning teachings with Elders; and the KAIROS blanket exercise is offered in-person at least monthly. Since May 2026, the Cultural Learning and Development Unit (CLDU) at ISC has promoted over 100 hours of Indigenous learning opportunities to all ISC employees through weekly communications. These are delivered by other federal departments, the Canada School of Public Service, and academic institutions.
28. These courses are some examples of the many ways that employees can complete their cultural competency training. Other examples include attendance at in-person community events, discussions at employee-led reading groups, and completion of courses offered by academic, Indigenous, or other non-governmental organizations. Since the completion of fifteen hours of cultural competency learning is embedded within employees’ performance agreements, supervisors are responsible for working with their employees to ensure completion. ISC also continues to enhance its tracking and reporting mechanisms to support more consistent monitoring of participation and completion.

Co-development of Mandatory Cultural Humility Training for the Ontario Final Agreement

29. The Ontario Final Agreement places additional cultural humility learning requirements on ISC employees in the Ontario region, and others whose work supports that Agreement. I

have been informed of this progress by ISC's Cultural Learning and Development Unit ("CLDU") and I verily believe this information to be true.

30. Since September 2025, the ISC CLDU has continued co-development of the Ontario Final Agreement's Cultural Humility Training Program with COO, NAN, and the Knowledge Keeper John-Henri Commanda. The Knowledge Keeper provides ongoing cultural guidance on the content, approach, and delivery of learning initiatives, helping ensure Indigenous perspectives, teachings, protocols, and lived realities are reflected accurately, respectfully, and in a culturally grounded manner.
31. The Cultural Humility Training Program's development was carried out through the Ontario Final Agreement Cultural Humility Sub-Working Group, which met seventeen times between September 2025 and July 2026 with COO, NAN, and ISC represented throughout. The Sub-Working Group produced an eight-module, two-day in-person course grounded in Indigenous ways of learning, including opening and closing circles, ceremony, storytelling, witnessing, policy simulations, and experiential activities.
32. Subject matter for the new training includes those topics noted in the Ontario Final Agreement:
 - a. truth-telling component on how Canada's past and contemporary actions impact First Nations children, youth, and families;
 - b. the *United Nations Declaration on the Rights of Indigenous Peoples*;
 - c. the reports of the Truth and Reconciliation Commission of Canada;

- d. the *United Nations Convention on the Rights of the Child*;
 - e. First Nations' cultures, worldviews, and histories;
 - f. factors causing over-representation of First Nations children in the child welfare system, including the intergenerational impacts of the Indian Residential School system, the Indian Day Schools, and the Sixties Scoop;
 - g. the findings of the Missing and Murdered Indigenous Women, Girls, and Two Spirit Inquiry, including impacts on First Nation families;
 - h. social movements such as Idle No More and Families of Sisters in Spirit;
 - i. the history of the FNFCS Program, including the reviews and evaluations conducted from 2000 to 2011 and the Tribunal findings in these proceedings; and
 - j. the historical and contemporary social and economic conditions of remote First Nations.
33. The Cultural Humility Training Program responds to ISC's obligation under Part XVII, paragraph 176 of the Ontario Final Agreement to jointly develop and implement trauma-informed cultural humility training for employees who support implementation of the Agreement. It was piloted in February 2026 at Mikinàk Lodge with COO and NAN representatives, facilitators, ISC participants, and Knowledge Keeper John-Henri Commanda, and partner feedback was incorporated into the current version. A validation pilot of the refined material is planned for late fall 2026 with the Ontario Reform Implementation Committee.

34. ISC has committed to tracking mandatory training for all employees that support implementation of the Ontario Final Agreement and to including training commitments in the performance management agreements of all such employees. ISC has also committed to reporting the results of its internal tracking to the Ontario Reform Implementation Committee. ISC anticipates beginning to share completion information with the Ontario Reform Implementation Committee once the pilot is complete, the training is finalized with co-development partners, and regular delivery begins in January 2027.

Other Regional Training Initiatives

35. New training requirements may emerge as Canada enters into regional agreements for the implementation of the reformed FNCFS Program across the country. The recently concluded STC Final Agreement outlines additional training requirements for ISC employees involved in the implementation of that agreement, if approved as part of the updated National Framework. Specifically, it sets out that ISC and the STC Reform Implementation Committee shall jointly develop and implement a trauma-informed and appropriate cultural humility training program for ISC employees that support implementation of the STC Final Agreement, which will include, but not be limited to, the following topics:

- a. Truth-telling component on how Canada's past and contemporary actions impact First Nations children, youth, and families;
- b. The United Nations Declaration on the Rights of Indigenous Peoples;
- c. The reports of the Truth and Reconciliation Commission of Canada;
- d. The United Nations Convention on the Rights of the Child;

- e. First Nations' culture, worldview, and history;
- f. Factors causing over-representation of First Nations children in the child welfare system, including the intergenerational impacts of the Indian Residential School system, the Indian Day Schools, and the Sixties Scoop;
- g. The findings of the Missing and Murdered Indigenous Women, Girls, and Two Spirit Inquiry, including impacts on First Nation families;
- h. Social movements such as Idle No More and Families of Sisters in Spirit;
- i. The history of the FNFCS Program, including the reviews and evaluations conducted from 2000 to 2011 and the Tribunal findings in the First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada) proceedings;
- j. The historical and contemporary social and economic conditions of remote First Nations;
- k. The histories, cultures, languages, and Treaty relationships of the Treaty 4 and Treaty 6 First Nations represented by the Saskatoon Tribal Council;
- l. The role of the Saskatoon Tribal Council and Saskatchewan First Nations organizations in the development and delivery of child and family services and supports for First Nations children, youth, and families, including Saskatoon Tribal Council's Progressive Model; and

- m. Saskatchewan-specific approaches, priorities, and promising practices relating to prevention, family preservation, and community-based service delivery for First Nations children, youth, and families.
- 36. As topics (a) through (j) are part of previously developed training, the STC Reform Agreement Implementation Committee will review those materials and may recommend modifications. For topics (k) through (m), ISC and the STC Reform Implementation Committee will jointly develop the training materials.
- 37. Cultural humility training made available to ISC employees pursuant to the SCT Final Agreement may include experiential learning, such as:
 - a. Direct participation in cultural teachings, ceremonies, gatherings, and other meaningful cultural learning opportunities led by Saskatoon Tribal Council First Nation Elders, Knowledge Keepers, communities, and other relevant organizations (i.e., the Office of the Treaty Commissioner in Saskatchewan);
 - b. Visits to Saskatoon Tribal Council First Nations communities to learn about their histories, cultures, languages, Treaty relationships, and the lived experiences of First Nations children, youth, and families;
 - c. Engagement with Saskatoon Tribal Council and member First Nation leadership, service providers, and community representatives respecting the development and delivery of child and family services, including First Nations-led prevention, family preservation, and community wellness programs;

- d. Participation in land-based learning and other culturally grounded activities led by Saskatoon Tribal Council and member First Nations; and
 - e. Other experiential learning opportunities identified by the STC Reform Implementation Committee to support implementation of this Final Agreement.
38. More generally, and in collaboration with regional governance tables established through regional agreements with regional First Nations entities on the reform of the FNCFS Program, ISC will continue to develop and refine available cultural humility training, along with measures to track the implementation of associated learning and performance commitments. Should any other regional agreements include training requirements specific to their communities or regional realities, ISC will ensure that employees working on the implementation of those agreements have opportunities to complete their required training to better understand the communities they serve.
39. I make this affidavit in support of Canada's plan for long-term reform of the FNCFS Program outside Ontario, and for no other or improper purpose.

Affirmed by Kirsten Mattison stated as)
 being located in Ottawa, Ontario,)
 before me at the City of Ottawa, Ontario)
 on this 5th day of October, 2026, in)
 accordance with O. Reg 431/20,)
 Administering Oath or Declaration Remotely)

Adatia, Shireen

Shireen Sultan Adatia, Commissioner
 for Taking Affidavits
 LSO No.: P14203

Digitally signed by Adatia, Shireen
 DN: C=CA, O=GC, OU=Jus-Jus, CN="Adatia, Shireen"
 Reason: I attest to the accuracy and integrity of this document
 Location: Ottawa, Ontario
 Date: 2026.10.05 14:07:50-04'00'
 Foxit PDF Editor Version: 13.1.6

Digitally signed by
 Mattison, Kirsten
 Date: 2026.10.05
 14:03:04 -04'00'

KIRSTEN MATTISON

This is **Exhibit “A”** to the Affidavit
of Kirsten Mattison, affirmed remotely
before me on this 5th day of October, 2026.

**Adatia,
Shireen**



Digitally signed by Adatia, Shireen
DN: C=CA, O=GC, OU=Jus-Jus, CN="Adatia, Shireen"
Reason: I attest to the accuracy and integrity of this
document
Location: Ottawa, Ontario
Date: 2026.10.05 14:08:08-04'00'
Foxit PDF Editor Version: 13.1.6

A Commissioner, etc.

Shireen Sultan Adatia

Licensed Paralegal

LSO No.: P14203

From: [Secretariat EAC SAC - EAC SAC Secretariat](#)
To: [Cindy Blackstock](#); [Secretariat EAC SAC - EAC SAC Secretariat](#); [Amber Johnson](#); [Roderick McGinnis](#); [Olivier Martin](#); [Carol O'Grady](#); [Carol Harkin](#); [Keith Pace](#); [Lara Myers-Hartley](#); [Karen Sinclair](#); [Stephanie Whiting](#); [Helena Mathews](#); [Caring Society Info](#); [Allison@eac.ca](#); [Vern@eac.ca](#); [doris@eac.ca](#); [Shirley@eac.ca](#)
Cc: ["Information@eac.ca"](#); [allison@eac.ca](#); [Vern@eac.ca](#); [doris@eac.ca](#); [Fiona.Standish@eac.ca](#); [Sue@eac.ca](#); [Lisa@eac.ca](#); [Shirley](#); [Joanette.Lahe@eac.ca](#); [Harrison, Kate](#); [St-Aubin, Candice.Lahe@eac.ca](#)
Subject: RE: EAC – Terms of Reference package
Date: Wednesday, March 18, 2026 2:59:22 PM
Attachments: [EAC Invitation.pdf](#)

PROTÉGÉ B / PROTECTED B

Hello Dr. Blackstock,

I wanted to take a moment to share with you that Assistant Deputy Minister of Strategic Policy and Partnerships and ISC co-chair Lisa Smylie, has left Indigenous Services Canada to pursue a new opportunity. Effective immediately, I have assumed the Assistant Deputy Minister role of Strategic Policy and Partnerships and the ISC EAC Co-Chair, on an interim basis. I look forward to working with you on this important file.

Thank you for sharing your views on the Terms of Reference. The Terms of Reference will be an agenda item at the next EAC meeting. Regarding approval for additional meetings, this is a task that assigned to co-chairs by means of members' contracts and is a requirement for reimbursement.

It is important to note that ISC's position with respect to the EAC adheres to the intention for the EAC's work expressed in early 2022. When the EAC's members were invited to join the EAC (see the invitation attached), the co-chairs stated clearly and definitively the EAC's mandate, its objectives, and its focus areas (evaluation, cultural competency, and performance commitments). The EAC's members were appointed to fulfill a particular set of tasks set by the co-chairs in advance of those appointments. There was no suggestion that the EAC would be an independent body. ISC continues to act in accordance with that original intention.

As you know, ISC has an obligation to prudently and properly manage federal funding. Federal contractors must fulfill their contractual obligations if they are to receive payment. ISC will continue to ensure that contractual obligations are met.

I hope this note clarifies ISC's position.

Sincerely,
ISC Secretariat

on behalf of Candice St-Aubin, ISC Co-Chair

From: Cindy Blackstock <cblackst@fncaringsociety.com>
 Sent: Tuesday, March 3, 2026 7:22 PM
 To: Secrétariat CCE-SAC - ISC-EAC Secretariat <SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>; Amber Johnson <colliehistoricalresearch@gmail.com>; Roderick McCormick <rmccormick@tru.ca>; Obomsawin, Alanis <a.obomsawin@nfb.ca>; Cedariahtail <cedariahtail@gmail.com>; Carol Hopkins <chopkins@nnapf.com>; Kevin Page <kevin.page@ifsd.ca>; Larry <larry@proactive.mb.ca>; Naomi Metallic <naomi.metallic@dal.ca>; Raven Sinclair <ravsini@sasktel.net>; Stephanie Wellman <wellmans@fncaringsociety.com>; Brittany Mathews <bmathews@fncaringsociety.com>; Caring Society Info <info@fncaringsociety.com>; 'ABisson@afn.ca' <abisson@afn.ca>; blerat@afn.ca; vbird@afn.ca; 'KDesjarlais@afn.ca' <kdesjarlais@afn.ca>
 Cc: 'nkinzel@nan.ca' <nkinzel@nan.ca>; awilson@nan.ca; Nicole.Bakes@coo.org; Ifsia Zaman@coo.org; Finn Simard@coo.org; Smylie, Lisa (she-elle) <Lisa.Smylie@sac-isc.gc.ca>; Steffler, Jeanette (she-elle) <jeanette.steffler@sac-isc.gc.ca>; Harrison, Kate <kate.harrison@sac-isc.gc.ca>
 Subject: Re: EAC – Terms of Reference package

COURRIEL EXTERNE - FAITES PREUVE DE PRUDENCE / EXTERNAL EMAIL - USE CAUTION

Dear Colleagues

I am writing to confirm that the Caring Society does not need to pre-approve EAC meetings. As an independent body of highly esteemed experts, we have every confidence that they are able to determine the best process to discharge their mandate. The Caring Society also approved the EAC drafted terms of reference and do not agree with Canada that further revisions are needed.

The EAC presents Canada with an incredible opportunity to provide independent advice on reforming the department in the spirit of reconciliation and in alignment with the requirements of the Canadian Human Rights Tribunal orders.

Regards
 Cindy

From: Secrétariat CCE-SAC - ISC-EAC Secretariat <SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>
 Sent: February 18, 2026 12:19 PM

To: Amber Johnson <colliehistoricalresearch@gmail.com>, Roderick McCormick <rmccormick@tru.ca>; Obomsawin, Alanis <a.obomsawin@nfb.ca>; Cedariahtail <cedariahtail@gmail.com>; Carol Hopkins <chopkins@nnapf.com>; Kevin Page <kevin.page@ifsd.ca>; Larry <larry@proactive.mb.ca>; Naomi Metallic <naomi.metallic@dal.ca>; Raven Sinclair <ravs@nasktel.net>; Cindy Blackstock <cblackst@fncaringsociety.com>; Stephanie Wellman <swellmans@fncaringsociety.com>; Brittany Mathews <bmathews@fncaringsociety.com>; Caring Society Info <info@fncaringsociety.com>; 'ABisson@afn.ca' <abisson@afn.ca> blerat@afn.ca <blerat@afn.ca>; ybird@afn.ca <ybird@afn.ca>; 'KDesjarlais@afn.ca' <kdesjarlais@afn.ca>
Cc: 'nkinzel@nan.ca' <nkinzel@nan.ca>; awilson@nan.ca <awilson@nan.ca>; Nicole Bakes@coo.org <nicole.bakes@coo.org>; ifsia.Zaman@coo.org <ifsia.zaman@coo.org>; Finn Simard@coo.org <finn.simard@coo.org>; Smylie, Lisa (she-elle) <Lisa.Smylie@sac-isc.gc.ca>; Steffler, Jeanette (she-elle) <jeanette.steffler@sac-isc.gc.ca>; Harrison, Kate <kate.harrison@sac-isc.gc.ca>; Secretariat CCE-SAC - ISC-EAC Secretariat <SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>
Subject: EAC – Terms of Reference package

Hello EAC Members and Co-Chairs,

As promised at the meeting on December 8, I am following up on the Terms of Reference and other items. Please find attached comments on the EAC's proposed Terms of Reference. The perspectives of ISC contained in the document reflect those that have been shared previously and are in accordance with ISC's December 22nd plan namely that the work of the EAC at this time should be centrally focused on providing advice on the Third-Party Evaluation for ISC reform and the department's cultural competency and humility training, and employee performance metrics. The Third-Party Evaluation will compile the information required to develop the EAC's workplan for ISC reform.

In order to advance the important work of the Third-Party Evaluation I have also attached the draft Request for Proposal material, which EAC members previously provided feedback on. I would be grateful for final comments on these documents from EAC members by March 6, 2026, so that they can be finalized and posted for tender.

It is our hope that we can come to agreement on the EAC's mandate. If, however, we are unable to do so, ISC will move forward independently with the Third-Party Evaluation, appreciative of the EAC's insights on these documents to date.

We also want to remind you as per your contracts to obtain approval from all three co-chairs in advance of any caucus or other meetings. We ask this to ensure that the requirements of your contracts are met which will help avoid any issues processing payment for your work. As we cannot augment the funds for your contracts, we ask you to also ensure you continue to keep track of your contracts' funds remaining.

Finally, with regards to the next EAC-14 meeting, we will send a new Doodle Poll for dates in March.

ISC Secretariat on behalf of Lisa Smylie

ISC Secretariat

Direction générale de l'Évaluation et réorientation des politiques | Evaluation & Policy Re-Design Branch

Politiques stratégiques et partenariats | Strategic Policy and Partnerships

Services aux Autochtones Canada | Indigenous Services Canada

SecretariatCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca

Le Secrétariat de SAC reconnaît respectueusement qu'il exerce ses activités sur les territoires Autochtones.

The ISC Secretariat respectfully acknowledges that it operates on the traditional territories of the Indigenous Peoples.

This is **Exhibit “B”** to the Affidavit
of Kirsten Mattison, affirmed remotely
before me on this 5th day of October, 2026.

**Adatia,
Shireen**

Digitally signed by Adatia, Shireen
DN: C=CA, O=GC, OU=Jus-Jus, CN="Adatia, Shireen"
Reason: I attest to the accuracy and integrity of this
document
Location: Ottawa, Ontario
Date: 2026.10.05 14:08:24-04'00'
Foxit PDF Editor Version: 13.1.6

A Commissioner, etc.

Shireen Sultan Adatia

Licensed Paralegal

LSO No.: P14203

From: Secrétariat CCE-SAC - ISC-EAC Secretariat <SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>
 Sent: Wednesday, March 18, 2026 2:59 PM
 To: Amber Johnson <colleehistoricalresearch@gmail.com>; Cindy Blackstock <cblackst@fncaringsociety.com>; Smylie, Lisa (she-elle) <Lisa.Smylie@sac-isc.gc.ca>; ABisson@afn.ca; Secrétariat CCE-SAC - ISC-EAC Secretariat <SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>; blerat@afn.ca; KDesjarlais@afn.ca; vbird@afn.ca; Stephanie Wellman <wellmans@fncaringsociety.com>; Brittany Mathews <bmathews@fncaringsociety.com>
 Cc: Roderick McCormick <rmccormick@tru.ca>; Obomsawin, Alanis <a.obomsawin@nfb.ca>; Cedariahtail <cedariahtail@gmail.com>; Carol Hopkins <chopkins@nnapf.com>; Kevin Page <kevin.page@ifsd.ca>; Larry <larry@proactive.mb.ca>; Naomi Metallic <naomi.metallic@dal.ca>; Raven Sinclair <ravsln@sasktel.net>; Caring Society Info <info@fncaringsociety.com>; nkinzel@nan.ca; awilson@nan.ca; Nicole.Bakes@coo.org; Ifsia.Zaman@coo.org; Finn.Simard@coo.org; Steffler, Jeanette (she-elle) <jeanette.steffler@sac-isc.gc.ca>; Harrison, Kate <kate.harrison@sac-isc.gc.ca>; St-Aubin, Candice (she-elle-kwe) <candice.st-aubin@sac-isc.gc.ca>
 Subject: RE: EAC – Terms of Reference package

PROTÉGÉ B / PROTECTED B

Hello Dr. Johnson,

I wanted to take a moment to thank you for your email and share with you that Assistant Deputy Minister of Strategic Policy and Partnerships and ISC co-chair Lisa Smylie, has left Indigenous Services Canada to pursue a new opportunity. Effective immediately, I have assumed the Assistant Deputy Minister role of Strategic Policy and Partnerships and the ISC EAC Co-Chair, on an Interim basis. I look forward to working with you on this important file.

We want to respond to your specific areas under question.

ISC reviewed the EAC's draft TOR and our email on February 18th included our proposed edits to the EAC's version of the TOR. We included a tracked changed version to reflect specifically where there is a divergence. It is anticipated that the TOR will be on the agenda at the next EAC meeting.

Regarding approval for additional meetings, this is a task that was assigned to co-chairs by means of members' contracts and is a requirement for reimbursement. This wasn't imposed by ISC after the fact but was an obligation laid out in the original contracts signed by each member. As you know, ISC has an obligation to prudently and properly manage federal funding. Federal contractors must fulfill their contractual obligations if they are to receive payment. ISC will continue to ensure that contractual obligations are met.

ISC's position with respect to the EAC's mandate and focus of work adheres to the intention for the EAC's work expressed in early 2022. When the EAC's members were invited to join the EAC (see the invitation attached), the co-chairs stated clearly and definitively the EAC's mandate, its objectives, and its focus areas (evaluation, cultural competency, and performance commitments). The subsequent contracts developed and signed by the members reflected this original view of the mandate. The EAC's members were appointed to fulfill a particular set of tasks set by the co-chairs in advance of those appointments. There was no suggestion that the EAC would be an independent body. ISC continues to act in accordance with that original intention.

ISC's position on the governance structure is that the EAC is to provide advice and is accountable to the three co-chairs. ISC has repeatedly demonstrated its commitment to working with the co-chairs and members to finalize the EAC's TORS within the context of the mandate originally established in 2022: this is reflected in ISC's proposed TOR. It is our hope that that we will be able to move forward collaboratively with a clear purpose and vision on the third-party evaluation that was evident in our prior work together and that was re-committed to by Canada in our December 22nd plan to the CHRT.

I hope this helps to clarify ISC's position.

Sincerely,
ISC Secretariat
on behalf of Candice St-Aubin, ISC Co-Chair

From: Amber Johnson <colliehistoricalresearch@gmail.com>
Sent: Thursday, March 5, 2026 10:34 AM
To: Cindy Blackstock <cblackst@fncaringsociety.com>; Smylie, Lisa (she-elle) <Lisa.Smylie@sac-isc.gc.ca>; ABisson@afn.ca; Secrétariat CCE-SAC - ISC-EAC Secretariat <SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>; blerat@afn.ca; KDesjarlais@afn.ca; ybird@afn.ca; Stephanie Wellman <wellmans@fncaringsociety.com>; Brittany Mathews <bmathews@fncaringsociety.com>
Cc: Roderick McCormick <rmccormick@tru.ca>; Obomsawin, Alanis <a.obomsawin@nfb.ca>; Cedariahtail <cedariahtail@gmail.com>; Carol Hopkins <chopkins@nnapf.com>; Kevin Page <kevin.page@ifsd.ca>; Larry <larry@proactive.mb.ca>; Naomi Metallic <naomi.metallic@dal.ca>; Raven Sinclair <ravs@nasktel.net>; Caring Society Info <info@fncaringsociety.com>; nkinzel@nan.ca; awilson@nan.ca; Nicole.Bakes@coo.org; ifsia.Zaman@coo.org; Finn.Simard@coo.org; Steffler, Jeanette (she-elle) <jeanette.steffler@sac-isc.gc.ca>; Harrison, Kate <kate.harrison@sac-isc.gc.ca>
Subject: Re: EAC – Terms of Reference package

COURRIEL EXTERNE - FAITES PREUVE DE PRUDENCE / EXTERNAL EMAIL - USE CAUTION

March 5, 2026

Dear Colleagues,

On behalf of the Expert Advisory Committee (EAC), I am writing to share the attached correspondence from the Committee to the Parties.

Please feel free to reach out if you have any questions or require any clarification.

Expert Advisory Committee (EAC)—March 5, 2026

March 5, 2026

To:
First Nations Child & Family Caring Society (The Caring Society)
Assembly of First Nations (AFN)
Indigenous Services Canada (ISC)

To the Parties,

I am writing on behalf of the Expert Advisory Committee (EAC) to seek clarification regarding several matters raised in the recent email circulated by ISC to the EAC, as well as discussions reflected in the notes from EAC-13 concerning the acceptance of the EAC Terms of Reference and the issue of caucus meetings.

In ISC's recent message, the Secretariat indicated that the work of the EAC should now be centrally focused on providing advice related to the Third-Party Evaluation for departmental reform, including cultural competency and humility training and employee performance metrics. The message also noted that if agreement cannot be reached on the EAC's mandate, ISC may proceed independently with the Third-Party Evaluation while incorporating insights previously provided by the EAC. Given the significance of this potential shift, it would be helpful to understand how this position aligns with the discussions held at EAC-13 regarding the scope of the EAC's mandate and the status of the Terms of Reference developed by the EAC.

In addition, ISC's message reiterated that EAC members must obtain approval from all three co-chairs in advance of any caucus or other meetings in order to comply with contractual requirements. As you know, the Caring Society has already responded on this point. Dr. Cindy Blackstock confirmed that the Caring Society does not require pre-approval of EAC caucus meetings and expressed confidence that the EAC, as an independent advisory body, is capable of determining the processes necessary to discharge its mandate. The Caring Society also indicated that it approved the Terms of Reference drafted by the EAC and does not agree that further revisions are required.

Given these differing statements, it would be helpful for the EAC to receive clarification from ISC and the AFN on the following points:

1. *Status of the EAC Terms of Reference.* Whether the Terms of Reference drafted by the EAC are considered accepted by the Parties, or whether further revisions are being formally requested.
2. *Caucus meetings.* Whether the requirement for advance approval of caucus or other meetings reflects a contractual requirement imposed by ISC, or whether it is a procedural request that remains open for discussion among the Parties.
3. *Relationship between the Third-Party Evaluation and the EAC mandate.* How the proposed Third-Party Evaluation process relates to the EAC's broader advisory role on long-term reform, as discussed in earlier meetings and reflected in the EAC-drafted Terms of Reference.
4. *Governance and reporting structure of the EAC.* ISC's message noted that if agreement cannot be reached on the EAC's mandate, ISC may proceed independently with the

Expert Advisory Committee (EAC)—March 5, 2026

Third-Party Evaluation while incorporating insights previously provided by the EAC. The EAC would appreciate clarification regarding how this statement aligns with the role of the three co-chairs and the Parties in overseeing the EAC's work. In particular, clarification would be helpful regarding to whom the EAC formally reports and provides advice, and whether decisions regarding the scope of the EAC's mandate may be taken unilaterally by one Party. It has not been the EAC's understanding that any one of the three Parties may independently determine the committee's mandate.

Clarification on these matters would assist the EAC in understanding the governance framework within which it is expected to operate and help ensure that the committee's work proceeds in a coordinated and transparent manner. Given that these questions relate to the governance of the EAC and the role of the Parties, we would appreciate receiving responses from all three co-chairs.

Kind regards,
Dr. Amber DVA Johnson
On behalf of the Expert Advisory Committee (EAC)

This is **Exhibit “C”** to the Affidavit
of Kirsten Mattison, affirmed remotely
before me on this 5th day of October, 2026.

Adatia, Shireen

Digitally signed by Adatia, Shireen
DN: C=CA, O=GC, OU=Jus-Jus, CN="Adatia, Shireen"
Reason: I attest to the accuracy and integrity of this
document
Location: Ottawa, Ontario
Date: 2026.10.05 14:08:44-04'00'
Foxit PDF Editor Version: 13.1.6

A Commissioner, etc.

Shireen Sultan Adatia
Licensed Paralegal
LSO No.: P14203



First Nations Child &
Family Caring Society

Société de soutien
à l'enfance et à la famille
des Premières Nations

fncaringsociety.com

April 7, 2026

Minister Mandy Gull-Masty
Indigenous Services Canada
mandy.gull-masty@parl.gc.ca
House of Commons
Ottawa, Ontario
K1A 0A6

Subject: Canada's conduct respecting Expert Advisory Committee (EAC)

April 7, 2026

Minister Mandy Gull-Masty
Indigenous Services Canada
mandy.gull-masty@parl.gc.ca
House of Commons
Ottawa, Ontario
K1A 0A6

Subject: Canada's conduct respecting Expert Advisory Committee (EAC)

Dear Minister Gull-Masty,

This correspondence follows up on the Caring Society's email of March 18, 2026, requesting written responses from Canada within ten days on key issues concerning the Expert Advisory Committee ("EAC"). As of the date of this letter, no response has been received from Canada.

The purpose of this letter is to place on the record the Caring Society's ongoing concerns regarding the legal status, independence, continuity, and effective functioning of the Expert Advisory Committee, which was ordered by the Canadian Human Rights Tribunal in 2022 CHRT 8 as part of its remedial response to Canada's discriminatory conduct toward First Nations children and families.

1. Tribunal-Ordered Nature of the EAC

The EAC is not a discretionary advisory body of Canada. It is a Tribunal-ordered remedial mechanism, established pursuant to 2022 CHRT 8 to assist in preventing the recurrence of discrimination. As such, the EAC's mandate, independence, and continuity are integral to

the remedial purpose of the Tribunal's order and cannot be unilaterally constrained, redefined, or extinguished by the respondent.

2. Absence of Contractual Authority over the Caring Society

The Caring Society is not a party to any contractual arrangements entered into by Canada with individual EAC members and did not consent to any administrative or contractual terms purporting to limit the EAC's independence, internal deliberations (including caucus meetings), or the exercise of its Tribunal-mandated role. Any attempt to impose such constraints risks undermining the remedial purpose for which the EAC was created.

3. Consistency with the EAC Invitation and Tribunal Intent

Canada's narrow interpretation of the original EAC Invitation is difficult to reconcile with both its text and the Tribunal's remedial intent. The Invitation expressly states that the EAC was established to provide advice and guidance to Indigenous Services Canada, the Caring Society, and the Assembly of First Nations, with the objective of preventing the future recurrence of discrimination against First Nations children.

The Invitation further contemplated that the terms of reference had not yet been developed and would be drafted with input from EAC members, and that the EAC's work would include examination of ISC's organizational structures, decision-making, policy development, and accountability mechanisms. These elements confirm that governance, scope, and independence were intended to be developed through the EAC process, not unilaterally predetermined by Canada.

4. Concern Regarding Unilateral Constraint of a Remedy

Canada's position that it may reject or override Terms of Reference developed by the EAC and approved by the EAC, the Assembly of First Nations, and the Caring Society is of particular concern given the EAC's status as a Tribunal-ordered remedial body. Permitting a respondent found to have discriminated against children to unilaterally constrain the governance or scope of a remedy designed to prevent the recurrence of discrimination is difficult to reconcile with the purpose of 2022 CHRT 8.

5. Inconsistency with Prior ISC Conduct

Canada's current position is also difficult to reconcile with ISC's prior statements and conduct. ISC previously confirmed that it would reimburse caucus meetings in advance "if required," indicated that it did not expect caucus meeting minutes, and committed to covering caucus preparation costs. Subsequent communications asserted that ISC would not cover caucus or related EAC activities unless they included all co-chairs and aligned with terms Canada itself sought to impose.

Both the Assembly of First Nations and the Caring Society advised Canada that they did not wish to pre-approve caucus meetings, as they had full confidence that the EAC would

act responsibly within its mandate. The shift in Canada's position to effectively control EAC discussions raises concerns regarding consistency and the practical impact on the EAC's ability to prepare and deliberate independently.

6. Documented Impacts on the EAC's Work

The EAC's publicly released Summary Report documents that delays in finalizing governance arrangements, challenges in obtaining timely information from ISC, and uncertainty regarding supported preparatory work affected the EAC's ability to advance its work efficiently. The report records unresolved Terms of Reference over an extended period, member frustration with delays, and difficulties obtaining information necessary to carry out the EAC's mandate. These documented issues raise concern that aspects of Canada's conduct may have had the effect of impeding the EAC's Tribunal-mandated work.

7. Participation Safeguards and Risk of Retaliatory Effects

The Caring Society is further concerned that the cumulative effect of Canada's conduct — including prolonged non-response, delayed or withheld remuneration, conditional support for caucus and preparatory work, and the advancement of proposals that would fundamentally alter or replace the EAC — risks creating adverse or chilling effects on participation in a Tribunal-ordered remedial process.

As the Tribunal has consistently emphasized, participation in proceedings and in Tribunal-mandated remedies must be free from interference or pressure that could reasonably discourage independent engagement or undermine confidence in the remedial process. Conduct that has the effect of disadvantaging, discouraging, or penalizing good-faith participation in a Tribunal-ordered remedy is incompatible with the preventive and supervisory purposes of 2022 CHRT 8 and with the protections against adverse treatment embedded in the *Canadian Human Rights Act*.

These concerns are also consistent with Canada's international obligations to protect individuals and bodies engaged in human rights processes from interference or adverse treatment, including principles reflected in the UN Declaration on Human Rights Defenders. In addition, ensuring the independence of an Indigenous-led remedial body accords with the principles reflected in the United Nations Declaration on the Rights of Indigenous Peoples, including respect for Indigenous peoples' role in matters affecting their children.

8. Risk to Continuity and Remedial Integrity

The Caring Society understands that Canada has extended the current EAC member contracts that expired on March 31, 2026, by one year. While we welcome this development, we are concerned that Canada has renewed these contracts on the same terms that Canada previously relied upon to limit the activities of the EAC, including terms that require pre-approval by the Caring Society, the Assembly of First Nations, and Canada as a condition of EAC work or payment.

Requiring pre-approval, particularly where Canada is the respondent found to have discriminated — undermines the independence of the EAC, is inconsistent with a Tribunal-ordered remedial body, and creates a structural chill on candid, expert, and independent deliberation.

In circumstances where Canada has resisted agreement on the EAC's independence and scope, delayed progress on the EAC workplan, impeded payment for EAC members — including youth and Elders — and advanced proposals that would fundamentally alter or replace the EAC, there is a real risk that the EAC could lapse through attrition rather than through any Tribunal-supervised determination.

Such an outcome would undermine the preventive purpose of 2022 CHRT 8 and frustrate the Tribunal's intent that systemic discrimination does not recur. Delay or conditional support cannot be permitted to operate as a means by which a Tribunal-ordered remedy is effectively extinguished, particularly given the grave harms arising from Canada's discrimination against First Nations children.

9. Record of Evolving Governance Work

Canada's own records acknowledge that EAC co-chairs and members developed multiple iterations of the terms of reference over time, including caucus-drafted versions. This confirms that governance and independence were live and evolving issues, consistent with the invitation and the Tribunal's remedial intent, and not matters conclusively settled at the outset or subject to unilateral determination by ISC. It is difficult to reconcile ISC's sustained efforts to control the Terms of Reference for the EAC with any meaningful commitment to reform the discriminatory conduct found by the Tribunal.

10. Request for Response

In light of the foregoing, and consistent with the Tribunal's supervisory role over remedies, the Caring Society formally brings these matters to your personal attention and requests a detailed response from you as Minister of Indigenous Services Canada addressing the concerns set out above. This request is made to ensure transparency, remedial integrity and to support timely course correction consistent with the Tribunal's ongoing supervisory jurisdiction.

In particular, the Caring Society requests confirmation as to whether Canada will:

- Remove from EAC member contracts any requirement for pre-approval by the Caring Society, the Assembly of First Nations, or Canada as a condition of EAC work (including caucus activities) or payment;
- Affirm the independence, continuity, and Tribunal-mandated role of the Expert Advisory Committee;
- Cease conduct that frustrates or interferes with the EAC's ability to discharge its mandate.

In conclusion, the Expert Advisory Committee was ordered to assist Canada in permanently ending the discrimination found by the Tribunal. By limiting or discouraging independent advice from this highly qualified inter-disciplinary expert body, Canada risks working against its own interests — economically, morally, and institutionally.

From an economic perspective, failing to meaningfully engage expert guidance increases the likelihood of ineffective reform, repeated non-compliance, prolonged litigation, and continued expenditures arising from preventable discrimination. These outcomes carry significant, and preventable, fiscal costs for Canada, while diverting resources away from solutions that would produce durable, evidence-informed change.

From a moral and legal standpoint, resisting the independent functioning of a Tribunal-ordered remedial body undermines confidence in Canada's commitment to ending discrimination against First Nations children and to implementing Canadian Human Rights Tribunal decisions in good faith. It weakens the credibility of Canada's stated commitments to reconciliation, child well-being, and adherence to domestic and international human rights norms.

Canada's meaningful engagement with independent expert advice is a core safeguard against recurrence of discrimination and remains an important part of a suite of effective tools available to Canada to achieve durable compliance with the Tribunal's orders. Meaningful engagement requires that the Expert Advisory Committee can operate effectively, independently, and with continuity — free from interference and adverse participation effects — is therefore necessary to preserve remedial integrity and promote Canada's interests by supporting lawful, ethical, and sustainable reform. The best interests of First Nations children, as affirmed in the Tribunal's jurisprudence and the United Nations Convention on the Rights of the Child, require no less.

Respectfully,



Cindy Blackstock, PhD
Executive Director
First Nations Child and Family Caring Society

CC:
Chief Pauline Frost, National Children's Chiefs Commission
Tracy Lavin, National Children's Chiefs Commission
Amber Johnson, Expert Advisory Committee

This is **Exhibit “D”** to the Affidavit
of Kirsten Mattison, affirmed remotely
before me on this 5th day of October, 2026.

Adatia, Shireen

Digitally signed by Adatia, Shireen
DN: C=CA, O=GC, OU=Jus-Jus, CN="Adatia, Shireen"
Reason: I attest to the accuracy and integrity of this
document
Location: Ottawa, Ontario
Date: 2026.10.05 14:08:58-04'00'
Foxit PDF Editor Version: 13.1.6

A Commissioner, etc.

Shireen Sultan Adatia
Licensed Paralegal
LSO No.: P14203

From: Dawson, Shannon <Shannon.Dawson@sac-isc.gc.ca>
Sent: Tuesday, July 21, 2026 9:24 AM
To: Amber DVA Johnson <colliehistoricalresearch@gmail.com>; Raven Sinclair <raven@hqmfoundation.com>
Cc: Cindy Blackstock <cblackst@fncaringsociety.com>; Secrétariat CCE-SAC - ISC-EAC Secretariat <SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>; RMcCormick@tru.ca; A Obomsawin <a.obomsawin@nfb.ca>; Kevin Page <kevin.page@ifsd.ca>; Larry <larry@proactive.mb.ca>; Naomi Metallic <naomi.metallic@dal.ca>; Ravsin <ravsin@sasktel.net>; Stephanie Wellman <wellmans@fncaringsociety.com>; Brittany Mathews <bmathews@fncaringsociety.com>; Cedariahtail <cedariahtail@gmail.com>; Andrew Bisson <abisson@afn.ca>; Vbird <vbird@afn.ca>; Blerat <blerat@afn.ca>; Khamarie Desjarlais <kdesjarlais@afn.ca>; O'sullivan, Erin <Erin.OSullivan@sac-isc.gc.ca>; Carol Hopkins <chopkins@nnapf.com>; Carleton, Daniel (he-il) <Daniel.Carleton@sac-isc.gc.ca>
Subject: RE: Request for Meeting with the Expert Advisory Committee (EAC)

NON CLASSIFIÉ / UNCLASSIFIED

Hello,

I'm writing regarding the 3:00pm meeting this afternoon with Deputy Minister Kovacevic. The DM has just been asked to attend an emergency Ontario wildfire meeting this afternoon and is unfortunately no longer available to meet today. Can you please let me know if we can reschedule for one of the following times (in EDT):

- July 30th – 4pm
- August 24 – 3pm
- August 25 – 2pm
- August 26 – 3pm, 4pm

Apologies for the short notice,

Shannon Dawson

Shannon.Dawson@sac-isc.gc.ca / Tel: 343-572-9710

From: Amber DVA Johnson <colliehistoricalresearch@gmail.com>
Sent: Thursday, July 2, 2026 12:17 PM
To: Raven Sinclair <raven@hqmfoundation.com>
Cc: Dawson, Shannon <Shannon.Dawson@sac-isc.gc.ca>; Cindy Blackstock <cblackst@fncaringsociety.com>; Secrétariat CCE-SAC - ISC-EAC Secretariat <SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>; RMcCormick@tru.ca; A Obomsawin <a.obomsawin@nfb.ca>; Kevin Page <kevin.page@ifsd.ca>; Larry <larry@proactive.mb.ca>; Naomi Metallic <naomi.metallic@dal.ca>; Ravsin <ravsin@sasktel.net>; Stephanie Wellman <wellmans@fncaringsociety.com>; Brittany Mathews <bmathews@fncaringsociety.com>; Cedariahtail <cedariahtail@gmail.com>; Andrew Bisson <abisson@afn.ca>; Vbird <vbird@afn.ca>; Blerat <blerat@afn.ca>; Khamarie Desjarlais

<kdesjarlais@afn.ca>; O'sullivan, Erin <Erin.OSullivan@sac-isc.gc.ca>; Carol Hopkins
<chopkins@nnapf.com>

Subject: Re: Request for Meeting with the Expert Advisory Committee (EAC)

COURRIEL EXTERNE - FAITES PREUVE DE PRUDENCE / EXTERNAL EMAIL - USE CAUTION

Good afternoon Shannon,
I believe that the any of the provided dates will work for the EAC.
Kindest regards,
Amber

On Jun 29, 2026 at 8:13 PM, <[Raven Sinclair](#)> wrote:

Hello,
I can make all of these work.

Raven Sinclair, PhD, MSW, RSW
Chair and Director of Programs, Services, and Research
Hitgwin! Qaumata Miyopimatisiwin Foundation
(Indian Boarding Homes Program IBHP, Inc.)
109-2553 Grasswood Road East
Saskatoon, Sk. S7T 1C4
(306) 651-0052
raven@hqmfoundation.com

[Listen, are you breathing just a little and calling it a life?](#)
[Mary Oliver](#)

From: Dawson, Shannon <Shannon.Dawson@sac-isc.gc.ca>
Sent: Monday, 29 June 2026 08:09:54
To: Amber Johnson <colliehistoricalresearch@gmail.com>
Cc: Cindy Blackstock <cblackst@fncaringsociety.com>; Secrétariat CCE-SAC - ISC-EAC Secretariat
<SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>; RMcCormick@tru.ca <RMcCormick@tru.ca>;
a.obomsawin@nfb.ca <a.obomsawin@nfb.ca>; Kevin Page <kevin.page@ifsd.ca>;
larry@proactive.mb.ca <larry@proactive.mb.ca>; naomi.metallic@dal.ca <naomi.metallic@dal.ca>;
ravsin@sasktel.net <ravsin@sasktel.net>; Raven Sinclair <Raven@HQMFoundation.com>; Stephanie
Wellman <wellmans@fncaringsociety.com>; Brittany Mathews <bmathews@fncaringsociety.com>;
cedariahtail@gmail.com <cedariahtail@gmail.com>; Andrew Bisson <abisson@afn.ca>; vbird@afn.ca
<vbird@afn.ca>; blerat@afn.ca <blerat@afn.ca>; Khamarie Desjarlais <kdesjarlais@afn.ca>; O'sullivan,
Erin <Erin.OSullivan@sac-isc.gc.ca>; Carol Hopkins <chopkins@nnapf.com>
Subject: RE: Request for Meeting with the Expert Advisory Committee (EAC)

NON CLASSIFIÉ / UNCLASSIFIED

Good morning,

Unfortunately, DM Kovacevic will now be travelling on July 3rd and is no longer available for this meeting. Please let me know if any of the below dates are feasible:

- July 8 – 4:00pm
- July 10 – 2pm, 3pm
- July 21 – 3pm, 4pm
- July 23 – 1pm, 2pm, 3pm

Apologies for this unexpected reschedule,

Shannon Dawson

Shannon.Dawson@sac-isc.gc.ca / Tel: 343-572-9710

From: Carol Hopkins <chopkins@nnapf.com>

Sent: Thursday, June 4, 2026 11:56 AM

To: Dawson, Shannon <Shannon.Dawson@sac-isc.gc.ca>

Cc: Amber Johnson <colliehistoricalresearch@gmail.com>; Cindy Blackstock <cblackst@fncaringsociety.com>; Secrétariat CCE-SAC - ISC-EAC Secretariat <SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>; RMcCormick@tru.ca; a.obomsawin@nfb.ca; Kevin Page <kevin.page@ifsd.ca>; larry@proactive.mb.ca; naomi.metallic@dal.ca; ravsin@sasktel.net; raven@hqmfoundation.com; Stephanie Wellman <wellmans@fncaringsociety.com>; Brittany Mathews <bmathews@fncaringsociety.com>; cedariahtail@gmail.com; Andrew Bisson <abisson@afn.ca>; vbird@afn.ca; blerat@afn.ca; Khamarie Desjarlais <kdesjarlais@afn.ca>; St-Aubin, Candice (she-elle-kwe) <candice.st-aubin@sac-isc.gc.ca>; O'sullivan, Erin <Erin.OSullivan@sac-isc.gc.ca>

Subject: Re: Request for Meeting with the Expert Advisory Committee (EAC)

COURRIEL EXTERNE - FAITES PREUVE DE PRUDENCE / EXTERNAL EMAIL - USE CAUTION

Good Morning

I am available only on July 2nd and July 3rd from the dates offered.

Thanks,
Carol

On Thu, Jun 4, 2026 at 9:22 AM Dawson, Shannon <Shannon.Dawson@sac-isc.gc.ca> wrote:

NON CLASSIFIÉ / UNCLASSIFIED

Good morning,

Unfortunately, the DM is no longer available on June 15th as she has been asked to appear at cabinet. I have provided some new availability below (in EDT) for this meeting:

- June 29 – 3:30 or 4pm
- June 30 – 1pm
- July 2 – 3pm, 3:30pm
- July 3 – 2pm, 2:30pm

Best regards,

Shannon Dawson

Executive Assistant to the Deputy Minister
Services aux Autochtones Canada / Gouvernement du Canada
Shannon.Dawson@sac-isc.gc.ca / Tel: 343-572-9710

Adjointe exécutive à la sous-ministre
Indigenous Services Canada / Government of Canada
Shannon.Dawson@sac-isc.gc.ca / Tél. : 343-572-9710

From: Amber Johnson <colliehistoricalresearch@gmail.com>

Sent: Wednesday, May 20, 2026 10:22 AM

To: Dawson, Shannon <Shannon.Dawson@sac-isc.gc.ca>

Cc: Cindy Blackstock <cblackst@fncaringsociety.com>; Secrétariat CCE-SAC - ISC-EAC Secretariat <SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>; RMcCormick@tru.ca; a.obomsawin@nfb.ca; Kevin Page <kevin.page@ifsd.ca>; larry@proactive.mb.ca; naomi.metallic@dal.ca; ravin@sasktel.net; raven@hgmfoundation.com; Stephanie Wellman <wellmans@fncaringsociety.com>; Brittany Mathews <bmathews@fncaringsociety.com>; chopkins@nnapf.com; cedariahtail@gmail.com; Andrew Bisson <abisson@afn.ca>; ybird@afn.ca; blerat@afn.ca; Khamarie Desjarlais <kdesjarlais@afn.ca>; St-Aubin, Candice (she-elle-kwe) <candice.st-aubin@sac-isc.gc.ca>; O'sullivan, Erin <Erin.OSullivan@sac-isc.gc.ca>

Subject: Re: Request for Meeting with the Expert Advisory Committee (EAC)

COURRIEL EXTERNE - FAITES PREUVE DE PRUDENCE / EXTERNAL EMAIL - USE CAUTION

Good morning Shannon,

Thank you very much for coordinating this.

June 15th at 4:00pm works for the group.

For reference, the meeting time across time zones would be:

Toronto (EDT) – 4:00pm
Halifax (ADT) – 5:00pm
Winnipeg (CDT) – 3:00pm
Regina (CST) – 2:00pm
Vancouver (PDT) – 1:00pm

We appreciate the Deputy Minister making time to meet with us and look forward to the discussion.

Kindest regards,
Amber

On Tue, May 19, 2026 at 2:23 PM Dawson, Shannon <Shannon.Dawson@sac-isc.gc.ca> wrote:

NON CLASSIFIÉ / UNCLASSIFIED

Good afternoon Dr. Johnson,

DM Kovacevic has the following availability for this virtual meeting:

- May 26 – 1pm
- June 15 – 4pm
- June 16 – 11:30am

Kindly let me know if any of these dates/times are feasible.

Best regards,

Shannon Dawson

Executive Assistant to the Deputy Minister
Services aux Autochtones Canada / Gouvernement du Canada
Shannon.Dawson@sac-isc.gc.ca / Tel: 343-572-9710

Adjointe exécutive à la sous-ministre
Indigenous Services Canada / Government of Canada
Shannon.Dawson@sac-isc.gc.ca / Tél. : 343-572-9710

From: Amber Johnson <colliehistoricalresearch@gmail.com>

Sent: Tuesday, May 5, 2026 10:43:01 AM

To: Kovacevic, Michelle <Michelle.Kovacevic@sac-isc.gc.ca>; Cindy Blackstock

<cblackst@fncaringsociety.com>; Secrétariat CCE-SAC - ISC-EAC Secretariat <SecretariatCCE-SAC-ISC-EACSecretariat@sac-isc.gc.ca>; Roderick McCormick <RMcCormick@tru.ca>; Alanis Obomsawin <a.obomsawin@nfb.ca>; Kevin Page <kevin.page@ifsd.ca>; Larry Bremner <larry@proactive.mb.ca>; Naomi Metallic <naomi.metallic@dal.ca>; Raven Sinclair <ravin@sasktel.net>; Raven Sinclair <raven@hgmfoundation.com>; Stephanie Wellman <wellmans@fncaringsociety.com>; Brittany Mathews <bmathews@fncaringsociety.com>; Carol Hopkins <chopkins@nnapf.com>; Cedar Lahtail <cedariahtail@gmail.com>; Andrew Bisson <abisson@afn.ca>; Victoria Bird <vbird@afn.ca>; Bram Lerat <blerat@afn.ca>; KDesjarlais@afn.ca <kdesjarlais@afn.ca>; St-Aubin, Candice (she-elle-kwe) <candice.st-aubin@sac-isc.gc.ca>; O'sullivan, Erin <Erin.OSullivan@sac-isc.gc.ca>

Subject: Request for Meeting with the Expert Advisory Committee (EAC)

COURRIEL EXTERNE - FAITES PREUVE DE PRUDENCE / EXTERNAL EMAIL - USE CAUTION

May 5, 2026

Dear Ms. Kovacevic,

I am writing on behalf of the Expert Advisory Committee (EAC) to request a meeting with you at your earliest convenience.

As you know, the EAC was established pursuant to orders of the Canadian Human Rights Tribunal (CHRT) to provide independent, evidence-based advice in support of the reform of Indigenous Services Canada (ISC) and to help prevent the recurrence of systemic discrimination affecting First Nations children and families.

The EAC has continued its work in good faith, contributing advice and supporting key areas of reform. However, over the past year, the EAC has encountered ongoing challenges related to engagement, communication, and alignment on process that are now affecting its ability to fulfill its mandate as intended.

Given the importance and time-sensitive nature of this work, we believe it is necessary to connect directly at this stage. A meeting would provide an opportunity to:

- Re-establish clear and consistent lines of communication
- Clarify expectations regarding the EAC's role and mandate
- Identify practical steps to support more effective collaboration and implementation

The Committee remains committed to working constructively with ISC. At the same time, it is important that conditions are in place to enable the EAC to carry out its Tribunal-mandated role fully and effectively.

We would appreciate the opportunity to meet with you via Zoom at your earliest availability and are happy to accommodate your schedule.

Thank you for your consideration. We look forward to connecting soon.

Respectfully,

Dr. Amber D.V.A. Johnson

On behalf of the Expert Advisory Committee (EAC)

--

Dr. Amber DVA Johnson



birchwoodhistoricalresearch@gmail.com

www.birchwoodhistoricalresearch.com

(705) 340-7722

--

Dr. Amber DVA Johnson



birchwoodhistoricalresearch@gmail.com

www.birchwoodhistoricalresearch.com

(705) 340-7722



THUNDERBIRD
PARTNERSHIP FOUNDATION

Phone: (519) 692-9922

Toll Free: 1-866-763-4714

Fax: (519) 692-9977

ThunderbirdPF.org



 [The latest from Thunderbird. Les nouvelles de Thunderbird.](#)

Visit our Life Promotion websites:

cultureforlife.ca for Youth • wisepractices.ca for Communities

The Thunderbird Partnership Foundation is Canada's leading culturally centred voice on First Nations mental wellness, substance use and addictions. *La Thunderbird Partnership Foundation est la voix principale à fondement culturel au Canada en matière de santé mentale, d'usage de substances et de dépendances chez les Premières Nations.*

NOTICE: This email (and any attachments) may be confidential and proprietary. It is for the sole use of the intended recipient(s) and any use or disclosure by others is prohibited. If you are not the intended recipient(s), please notify the sender by returning the email and deleting all copies of this email (and any attachments). *AVIS: Ce courriel (et toute pièce jointe) peut être confidentiel et exclusif. Il est à l'usage unique du (des) destinataire(s) déterminé(s). Tout usage ou divulgation par des tiers est interdit. Si vous n'êtes pas le(s) destinataire(s) désigné(s), veuillez aviser l'expéditeur par retour de courriel et supprimer toutes les copies de ce courriel (et les pièces jointes s'il y a lieu).*

This is **Exhibit “E”** to the Affidavit
of Kirsten Mattison, affirmed remotely
before me on this 5th day of October, 2026.

Adatia, Shireen

Digitally signed by Adatia, Shireen
DN: C=CA, O=GC, OU=Jus-Jus, CN="Adatia, Shireen"
Reason: I attest to the accuracy and integrity of this
document.
Location: Ottawa, Ontario
Date: 2026.10.05 14:09:12-04'00'
Foxit PDF Editor Version: 13.1.6

A Commissioner, etc.

Shireen Sultan Adatia
Licensed Paralegal
LSO No.: P14203

Burnett, Hannah (SAC/ISC)

Subject: FW: Introductory meeting

From: Cookson-Hills, Molly (SAC/ISC) (she-elle) **On Behalf Of** Castonguay, Julien

Sent: Tuesday, August 18, 2026 2:39 PM

To: colliehistoricalresearch@gmail.com; raven@hqmfoundation.com; cblackst@fncaringsociety.com; RMcCormick@tru.ca; A Obomsawin <a.obomsawin@nfb.ca>; Kevin Page <kevin.page@ifsd.ca>; Larry <larry@proactive.mb.ca>; Naomi Metallic <naomi.metallic@dal.ca>; Ravsin <ravsin@sasktel.net>; Stephanie Wellman <wellmans@fncaringsociety.com>; Brittany Mathews <bmathews@fncaringsociety.com>; Cedariahtail <cedariahtail@gmail.com>; Andrew Bisson <abisson@afn.ca>; Vbird <vbird@afn.ca>; Blerat <blerat@afn.ca>; Khamarie Desjarlais <kdesjarlais@afn.ca>; Carol Hopkins <chopkins@nnapf.com>

Cc: Carleton, Daniel (SAC/ISC) (he-il) <Daniel.Carleton@sac-isc.gc.ca>; Mattison, Kirsten (SAC/ISC) (she-elle) <kirsten.mattison@sac-isc.gc.ca>

Subject: Introductory meeting

Dear Committee Members,

I appreciate the opportunity to join the Expert Advisory Committee as federal co-chair and look forward to working with you.

Thank you, Amber, for following up. I agree that we should organize an introductory meeting to hear members' perspectives, take stock of the Committee's work and agree on next steps.

As set out in the initial invitation letter, the EAC was convened to provide advice and guidance on the design and implementation of a systems evaluation of ISC, cultural competency training and departmental performance commitments. ISC remains committed to this work and to departmental reforms that support the implementation of Jordan's Principle and First Nations Child and Family Services reforms and help prevent the recurrence of discrimination.

From my review of the materials, I recognize that we have some important matters to work through together. These include completing the terms of reference and establishing an approach to confidential information that supports meaningful participation while meeting applicable legal and procurement requirements. My objective is to understand members' perspectives and identify practical solutions that allow the Committee's work to proceed.

I also recognize that members have asked ISC to respond to the nine recommendations in the EAC's 2024 interim report. I am reviewing the status of that request. At our introductory meeting, I propose that we discuss how best to engage on the recommendations, including any questions about how they relate to the Committee's mandate.

As an immediate priority, I suggest that we discuss the steps required to advance the Independent Third-Party Evaluation of ISC. This work can provide important evidence to inform the EAC’s subsequent advice on cultural competency training and performance commitments.

For our first meeting, I propose that we:

- confirm our shared understanding of the EAC’s mandate and immediate priorities;
- identify a path to complete the terms of reference;
- discuss a workable approach to confidential information;
- establish next steps and timelines for advancing the Independent Third-Party Evaluation; and
- agree on how to engage on the recommendations in the 2024 interim report, including any questions of scope.

The purpose of the meeting would be to work through these matters together, without asking members to agree to any position in advance.

We will send out a Doodle meeting poll with options shortly.

Please do not hesitate to contact me at any time.

Best wishes,

Julien

Julien Castonguay (Il | He)

Sous-ministre adjoint | Assistant Deputy Minister

Enfance, familles et apprentissage | Children, Families and Learning

Services aux Autochtones Canada | Indigenous Services Canada

.....

Chers membres du Comité,

Je suis content d'avoir l'opportunité de me joindre au Comité consultatif d'experts (CCE) comme représentant fédéral. J'ai bien hâte de travailler avec vous.

Merci, Amber, d'avoir effectué ce suivi. Je suis d'accord que nous devrions organiser une première rencontre afin que je puisse entendre les perspectives des membres, de faire le point sur les travaux du Comité et de convenir des prochaines étapes.

Comme l'indiquait la lettre d'invitation initiale, le CCE a été mis sur pied afin de fournir des conseils et une orientation sur la conception et la mise en œuvre d'une évaluation systémique de Services aux Autochtones Canada (SAC), d'une formation sur les compétences culturelles et d'engagements en matière de rendement. SAC demeure déterminé à faire progresser ces travaux ainsi que les réformes qui appuient la mise en œuvre du principe de Jordan et la réforme des Services à l'enfance et à la famille des Premières Nations, et qui contribuent à prévenir la récurrence de la discrimination.

À la lumière de mon examen des documents, je reconnais que nous devons travailler ensemble à résoudre certaines questions importantes. Notamment, achever le mandat du Comité et établir une approche en matière de renseignements confidentiels qui favorise une participation significative tout en respectant les exigences juridiques et d'approvisionnement applicables. Mon objectif est de comprendre les points de vue des membres et de trouver des solutions pratiques qui permettront aux travaux du Comité de progresser.

Je reconnais également que les membres ont demandé à SAC de répondre aux neuf recommandations formulées dans le rapport provisoire de 2024 du CCE. Je révisé actuellement l'état de cette demande. Lors de notre première rencontre, je propose que nous discussions de la meilleure façon d'aborder ces recommandations, y compris la question concernant leur lien avec le mandat du Comité.

Dans l'immédiat, je suggère que nous discussions des étapes pour faire progresser l'évaluation indépendante de SAC par une tierce partie. Ces travaux pourront fournir des éléments probants importants qui éclaireront les conseils que formulera par la suite le CCE sur la formation en matière de compétences culturelles et les engagements en matière de rendement.

Pour notre première rencontre, je propose que nous:

- confirmions notre compréhension commune du mandat et des priorités immédiates du CCE;
- déterminions la voie à suivre pour achever le mandat du Comité;
- discussions d'une approche viable en matière de renseignements confidentiels;
- établissions les prochaines étapes et les échéanciers pour faire progresser l'évaluation indépendante par une tierce partie;

- conventions de la façon d’aborder les recommandations du rapport provisoire de 2024, y compris toute question relative à leur portée.

Nous vous enverrons sous peu un sondage Doodle proposant plusieurs options pour la réunion.

La rencontre aurait pour objectif de nous permettre d’examiner ensemble ces questions, sans demander aux membres d’adhérer à une position quelconque au préalable.

N’hésitez pas à communiquer avec moi en tout temps.

Cordialement,

Julien

Julien Castonguay (Il | He)

Sous-ministre adjoint | Assistant Deputy Minister

Enfance, familles et apprentissage | Children, Families and Learning

Services aux Autochtones Canada | Indigenous Services Canada

This is **Exhibit “F”** to the Affidavit
of Kirsten Mattison, affirmed remotely
before me on this 5th day of October, 2026.

**Adatia,
Shireen**



Digitally signed by Adatia, Shireen
DN: C=CA, O=GC, OU=Jus-Jus, CN="Adatia, Shireen"
Reason: I attest to the accuracy and integrity of this
document
Location: Ottawa, Ontario
Date: 2026.10.05 14:09:25-04'00'
Foxit PDF Editor Version: 13.1.6

A Commissioner, etc.

Shireen Sultan Adatia
Licensed Paralegal
LSO No.: P14203



September 18, 2026

Dear EAC members,

Thank you again for our discussion earlier this month. I wanted to follow up on several commitments I made and, more importantly, put forward a proposed way forward for the EAC that I hope we can discuss candidly together.

First, I want to confirm that Canada remains committed to undertaking the third-party evaluation focused on preventing the recurrence of discrimination. We recognize that this is a significant and complex undertaking, and that there will be challenges to work through as we move from commitment to implementation.

As follow-up to our discussion, we will also be coming back to you with:

- an update on the proposed confidentiality agreement;
- an opportunity for EAC members to provide input on updated documentation that will reflect the changes that have been made within ISC since 2023 while still serving to support the procurement process and RFP to identify the independent third party that will conduct the evaluation; and
- a summary of the current status of EAC members' contracts, along with responses to other specific questions raised during our discussion.

I also want to raise a broader issue directly with all of you. In my assessment, there is a structural barrier to the expert advisors ability to shape progress in the current design of the EAC. Its membership and terms of reference were established in a particular context in 2022, reflecting where the CHRT proceedings and the relationship among the parties stood at that time.

There are ongoing proceedings before the Tribunal concerning the nature of Canada's consultation obligations. Canada has put its position on the record that the dialectic approach is no longer working, and the Tribunal currently has a motion under reserve on this issue. The EAC's current structure was established at a time when that dialectic approach remained central to the relationship among the parties.

On the one hand, the EAC is intended to provide a space for candid, constructive advice to Canada, while on the other hand, the co-chairs are simultaneously litigants in active proceedings concerning the same or closely related matters.

.../2

This is not a reflection on the contribution, expertise or commitment of any of the participants in these discussions, including the Caring Society or the AFN. Nor is the objective to prevent dialogue between the Caring Society, the AFN, Canada and EAC members. Rather, my diagnosis is that the advisory function and the litigation function need clearer separation if we want the EAC to realize its potential as an advisory body.

An effective advisory relationship needs to create space for introspection: for Canada to bring forward emerging thinking, acknowledge weaknesses, test ideas, hear difficult advice and consider that advice as part of its internal deliberations. I believe it is difficult to create that kind of space when the advisory relationship is enmeshed with active litigation.

With that objective in mind, I would respectfully ask the Caring Society and the AFN to consider vacating their seats on the EAC. Separately, Canada would step out of its co-chair role, with the EAC members themselves selecting, through a vote, who should assume the chair or co-chair functions going forward. This would create greater separation between the advisory body and the parties engaged in litigation, while giving the remaining expert members greater ownership over the committee's governance and the space to establish a clearer and more effective advisory function. As appropriate, the EAC could also consider whether additional members should be identified to complement the expertise already around the table.

I recognize that this is a significant request, and I make it respectfully and with full appreciation for the role that both organizations have played in this work. The intent would not be to sever the relationship between the EAC and the litigant parties. We could, for example, build into a renewed model opportunities for EAC members to engage directly with the Caring Society and the AFN, potentially including a funded annual discussion, while maintaining a clearer distinction between those engagements and the EAC's ongoing advisory relationship with Canada.

If there is openness to this direction, I would propose that we return together to the EAC's terms of reference and consider a model more comparable to other government advisory bodies: one with a clear mandate, membership and reporting cycle; defined opportunities for advice to inform departmental deliberations; and mechanisms through which the EAC's reports and recommendations become a recognized part of Canada's ongoing work to improve decision-making, accountability and performance and to prevent the recurrence of discrimination.

I welcome your views, including disagreement with either my diagnosis or the proposed way forward. I also want to be transparent that I see this discussion as important to determining whether there is a viable path forward for the EAC.

After close to four years under the current model, I think we need to acknowledge that it has not consistently created the conditions for the constructive advisory relationship that was intended. In the absence of a meaningful change to the committee's structure, it is difficult to identify what would alter the patterns we have experienced to date.

I am putting this proposal forward because I heard from members there remains an opportunity to make the EAC work and to maximize the considerable expertise around the table.

I look forward to discussing this with you.

Best,

A handwritten signature in blue ink, appearing to be 'Julien Castonguay', with a stylized, flowing script.

Julien Castonguay (Il | He)
Sous-ministre adjoint | Assistant Deputy Minister
Enfants, familles et apprentissage | Children, Families and Learning
Services aux Autochtones Canada | Indigenous Services Canada

This is **Exhibit “G”** to the Affidavit
of Kirsten Mattison, affirmed remotely
before me on this 5th day of October, 2026.

**Adatia,
Shireen**



Digitally signed by Adatia, Shireen
DN: C=CA, O=GC, OU=Jus-Jus, CN="Adatia, Shireen"
Reason: I attest to the accuracy and integrity of this
document
Location: Ottawa, Ontario
Date: 2026.10.05 14:09:42-04'00'
Foxit PDF Editor Version: 13.1.6

A Commissioner, etc.

Shireen Sultan Adatia
Licensed Paralegal
LSO No.: P14203

September 23, 2026

Dear Julien,

Thank you for your letter and for putting forward a proposed way forward for the Expert Advisory Committee (EAC). We appreciate Canada's confirmation of its continuing commitment to the third-party evaluation focused on preventing the recurrence of discrimination, as well as the commitments regarding the confidentiality agreement, updated procurement documentation, and the status of EAC members' contracts.

Your letter raises legitimate questions about the relationship between the EAC, and parties engaged in active litigation. We understand the concern that an advisory body must be able to provide candid advice and that Canada must be able to receive and consider that advice. However, we have significant concerns about whether the proposed restructuring is the appropriate response.

First, we do not support removing the First Nations Child and Family Caring Society and Assembly of First Nations (AFN) from their co-chair roles.

The Caring Society and AFN have been instrumental in advancing long-term reform for First Nations children and families, including changes to policies, programs, and resources. Their participation in the Tribunal process helped shape the current reform agenda, including the commitment to independent evaluation and preventing the recurrence of discrimination. While their ongoing litigation with Canada creates tensions that must be managed, we do not believe those tensions justify removing them from the EAC. An effective advisory body should be able to accommodate differing, and at times competing, perspectives. Indeed, much of the progress for First Nations children has resulted from the willingness of parties to challenge existing approaches and press for change.

We are also concerned that the proposed model does not fully address the question of independence. Although Canada would step away from its co-chair role, Indigenous Services (ISC) would continue to hold the EAC's contracts, control much of the information required for its work, and remain the principal recipient of its advice. Removing the Caring Society and AFN from the EAC would therefore change the balance of the Committee without addressing these underlying relationships. Nor do we believe their role can be adequately replaced by consultation outside the EAC. Your letter proposes opportunities for direct engagement, potentially including a funded annual discussion, but consultation is not the same as participation in governance. We believe the Caring Society and AFN should remain as co-chairs, with clear protocols to address specific circumstances in which active litigation creates a conflict.

Second, we believe governance and administrative independence need to be considered together.

If greater independence is the objective, we would like to explore whether Canada could fund a neutral third party to administer EAC contracts and provide administrative support. This could create greater separation between the EAC and the parties while preserving the relationships necessary for the Committee's work. Any such arrangement would need to guarantee the EAC timely access to departmental information, senior officials and decision-making processes, as well as a clear mechanism through which its recommendations are formally considered and responded to.

Finally, we believe there is a larger question that should precede decisions about structure: what is the vision for the EAC's work and its role in the independent evaluation?

Your letter confirms Canada's commitment to the evaluation but provides relatively little detail about how the proposed EAC model would contribute to it, how EAC advice would inform departmental examination and reform, or how this work would contribute to preventing the recurrence of discrimination. The opportunity before us is larger than restructuring an advisory committee. It concerns whether the experience arising from the Tribunal process, the expertise around the EAC table, and the perspectives of those who have challenged Canada can contribute to lasting reform for First Nations children and families. We believe that requires a broad approach—one capable of bringing different and sometimes opposing perspectives together rather than separating them. The Caring Society and AFN have been central to the reform process, and we believe they need to remain central to this work.

Before fundamentally reconstituting the EAC, we would therefore welcome further discussion about:

- retaining the Caring Society and AFN as co-chairs while establishing protocols for specific litigation-related conflicts;
- the possibility of an independent third party administering EAC contracts and funding;
- Canada's vision for the EAC's role in the independent evaluation and broader departmental reform;
- guarantees regarding access to information, officials and decision-making processes; and
- mechanisms to ensure EAC recommendations are formally received, responded to and incorporated into Canada's ongoing work.

We believe structure should follow purpose. Before changing who sits at the table, there needs to be a clear understanding of what the EAC is being asked to accomplish, what relationships and information it requires to do that work, and how its advice will contribute to meaningful and lasting change. We appreciate your invitation to engage candidly with your assessment and proposed way forward. We offer these views in that spirit and look forward to continuing the discussion.

In the spirit of truth and reconciliation,

Dr. Amber DVA Johnson

A handwritten signature in black ink, appearing to read 'Amber DVA Johnson', followed by a long horizontal line.

On behalf of the Expert Advisory Committee