



## **The Canadian Human Rights Tribunal Confirms Canada's Permanent Obligations to End Discrimination Against All First Nations Children and Exempts Taykwa Tagamou Nation and Chippewas of Georgina Island from the Ontario Final Agreement**

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March 30, 2026

Canada, with support from the Chiefs of Ontario (COO) and Nishnawbe Aski Nation (NAN), brought a motion before the Canadian Human Rights Tribunal (CHRT) to approve the Ontario Final Agreement (OFA), to vacate the Tribunal's orders in Ontario, and to end the Tribunal's oversight.

In light of this motion, Chippewas of Georgina Island First Nation (GIFN) and Taykwa Tagamou Nation (TTN) sought and were granted interested party status. Our two communities shared deep concerns about the terms of the OFA and the process by which it was passed in-assembly. The First Nations Caring Society opposed the motion. A full explanation of our concerns and interests can be found in our submissions at <https://fncaresociety.com/i-am-witness>.

The Canadian Human Rights Tribunal released its letter decision on Canada's motion today, with full written reasons to follow.

### **Summary of Tribunal's Letter Decision**

While the Tribunal has approved the OFA, the Tribunal's brief letter decision makes clear that GIFN's and TTN's involvement in the case was instrumental in strengthening the OFA and ultimately improving the situation of First Nations children in Ontario, especially the children of GIFN and TTN. This includes exempting GIFN and TTN from the operation of the OFA and ordering Canada to find a solution that accounts for our specific needs.

- Throughout the Tribunal process, in response to the Caring Society, GIFN, and TTN pointing out serious flaws with the OFA, as originally drafted, Canada, COO, and NAN made important concessions to strengthen the agreement. The Tribunal has now incorporated these concessions into its order approving the OFA. This would not have been possible without the hearing to approve the OFA.
- Most importantly, Canada conceded throughout the hearing that the Tribunal's injunctive order that Canada cease discriminating against First Nations children on reserve in the delivery of child and family services will remain in force even after the OFA takes effect. This will help First Nations and agencies continue to hold Canada accountable and enforce this cease and desist order if Canada fails to live up to its obligations to end discrimination.
- The Tribunal also reemphasized the importance of ensuring *substantive equality* for First Nations children. As the Tribunal explained, substantive equality "ensures that the real and specific needs of First Nations children and families are accounted for and take into account their historical

disadvantages, intergenerational traumas, barriers, unique circumstances, etc”. This is an important principle that must continue to guide the implementation of the OFA and elimination of discrimination.

- While GIFN and TTN are still concerned with the amount of discretion that Canada is afforded under the OFA – including regarding what comes after the OFA when it expires in 2034 – they are hopeful that these important aspects of the Tribunal’s decision (as well as its full reasons to come) will provide a basis for First Nations and agencies to hold Canada accountable for any failings and shortcomings to protect First Nations children.
- Crucially, in its decision, the Tribunal exempted GIFN and TTN from the OFA and ordered that it will not apply to us. This is an important recognition of our right to self-determination, our special circumstances, and our evidence that the OFA will not eliminate discrimination for our children.
- The Tribunal ordered Canada to meet with GIFN and TTN within 90 days of the OFA’s effective date to establish and implement a solution that recognizes our distinct needs, applies substantive equality, and ensure the elimination of barriers. This solution must be at least as generous as the status quo under the existing Tribunal interim orders.

**For GIFN**, the Tribunal explicitly noted that the barriers to accessing Georgina Island – particularly in the winter months and “shoulder season” – are unacceptable.

*Canada is not a third-world country, and we are in 2026. Safe, reliable, year-round ferry services, supported by icebreaking tugboat capacity, already exist elsewhere in Ontario and could be implemented and properly funded. Without ordering a specific remedy, the Tribunal finds that a First Nation-led, community-driven solution is required, one that is adequately funded to prevent avoidable dangers and deaths. Moreover, among other things, a safe, reliable, and effective year-round ferry service could help reduce accessibility barriers, mitigate risks during emergency situations, and lower the costs of FNCFS services for First Nations children and families.*

In consultation with GIFN, Canada must address these access barriers and the significantly higher costs to deliver child and family services to GIFN’s children.

**For TTN**, the Tribunal noted the amount of time it has taken for them to obtain a coordination agreement with Canada and Ontario regarding its own child welfare law. TTN’s children should not be made to suffer while this process proceeds slowly. The Tribunal required Canada to implement adequate and timely solutions, in partnership with TTN.

We are eager to meet with Canada to work together to establish an agreement that takes into account our unique circumstances and ensures that our children are protected.