

**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

- and -

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

Respondent

- and -

**CHIEFS OF ONTARIO,  
AMNESTY INTERNATIONAL CANADA and  
NISHNAWBE ASKI NATION**

Interested Parties

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**AFFIDAVIT OF VALERIE GIDEON  
AFFIRMED ON JULY 6, 2022**

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I, **VALERIE GIDEON**, Associate Deputy Minister of Indigenous Services Canada, residing in the City of Gatineau, in the Province of Québec, **AFFIRM THAT:**

1. I am currently employed as the Associate Deputy Minister of Indigenous Services Canada ("ISC"). I have been in this position since 2020. Prior to this post, I was the

Senior Assistant Deputy Minister of the First Nations and Inuit Health Branch ("FNIHB") at ISC. I am Mi'kmaq from the Gesgapegiag First Nation and have spent my entire career dedicated to First Nations and Inuit health and wellness.

2. As Associate Deputy Minister of ISC, I exercise an important supportive role in the implementation of reforms to the FNCFS Program and the improved delivery of Jordan's Principle. I am the senior client representative for Canada, and have been deeply involved in the negotiations seeking a resolution to the outstanding compensation issues for children and families, as ordered in relation to the discrimination found by the Tribunal, as well as the claims raised in related class actions filed in the Federal Court of Canada. Specifically, these actions are: Court File Number T-402-19 (the "Moushoom" action), which was consolidated with Court File Number T-141-20 (the "Assembly of First Nations (AFN) action"); and, Court File Number T-1120-21 (the "Trout action") [collectively the "Class Actions"].
3. In my position as Associate Deputy Minister, and in my previous position as Senior Assistant Deputy Minister, I have also gained extensive knowledge of the findings and orders of the Tribunal in this matter as part of my responsibilities overseeing FNIHB. From the time of the Tribunal's compensation decision in 2019, I was involved in working with the AFN and the Caring Society on the development of the Compensation Framework until it was approved by the Tribunal. In this context, I carried over this knowledge and experience in the negotiations of the proposed Final Settlement Agreement.
4. As one of Canada's chief negotiators, and as a result of my position and experience, I have personal knowledge of the negotiations and of the matters addressed herein. If I reference information from third parties, I believe that information to be true.
5. Throughout the negotiations Canada worked closely with all counsel for the plaintiffs in the Class Actions ("Plaintiff's Counsel"), our joint objective being to reach a comprehensive settlement of all the claims raised in the Class Actions and to resolve outstanding issues related to compensation in this matter.

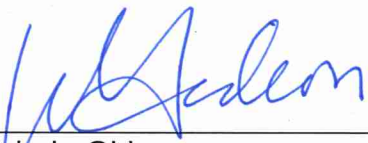
6. An Agreement in Principle was signed by Canada and Plaintiffs' counsel on December 31, 2021 (the "Agreement in Principle"). Before reaching this agreement, Canada and the Plaintiffs undertook mediation with the Honourable Leonard Mandamin, formerly of the Federal Court, from November 1, 2020 to November 10, 2021. Beginning on or about November 1, 2021, Canada and the Plaintiffs commenced negotiations outside of the Federal Court, and engaged the Honourable Murray Sinclair as chair. I participated in almost all of the meetings during both the mediation and later negotiation process.
7. After the Agreement in Principle was signed, I also participated actively in almost all of the meetings between Plaintiffs' counsel and Canada during the negotiation of the proposed Final Settlement Agreement, between January 2022 and June 2022.
8. The Agreement-in-Principle and subsequent Final Settlement Agreement commits \$20 billion for the payment of claims, representing what I understand to be the largest settlement in Canada's history. The level of funding demonstrates the Government's recognition of the extent of past harms suffered by First Nations children and their families, and the commitment to redressing discriminatory practices.
9. From my perspective, the negotiations required to reach a Final Settlement Agreement were complex, extensive and challenging. Each party was able to fully develop and voice their positions, including Canada, and there was vigorous debate. Many issues were raised and canvassed, at times with input provided by outside experts. Ultimately, these issues were resolved to the satisfaction of both the Plaintiffs and Canada.
10. I have reviewed the proposed Final Settlement Agreement, signed June 30, 2022. I am familiar with its terms.

11. The Government of Canada is committed to advancing reconciliation and renewing, on a nation-to-nation basis, the relationship with Indigenous people. Canada recognizes the leadership role assumed by the AFN in ensuring that the interests and concerns of First Nations and the individual claimants are served by the proposed settlement agreement.
12. Acknowledging this, a key component of the Agreement in Principle, and Canada's approach to the final settlement agreement, was that the settlement would be designed by the Plaintiffs, rather than by Canada. To that end, Canada agreed that the administrative scheme, the distribution of the funds paid by Canada to settle the Class actions, and in particular the breakdown of payments between classes, would be in the sole discretion of the Plaintiffs. Canada has as well agreed to pay significant additional amounts to fund supports for claimants as part of the proposed settlement agreement, as well as administrative costs.
13. In addition, extensive work is underway to make ISC data, used for funding the First Nations Child and Family Services Program, available in order to simplify the identification and validation of claims for the Removed Child Class. ISC also funded experts from the Universities of Toronto and McGill, which resulted in a comprehensive final taxonomy report intended to help the parties develop the compensation process. These measures can assist in mitigating the re-traumatization as well as minimize the administrative burden on class members.
14. Canada recognizes the importance to First Nations, and to Canada's objective of reconciliation, of a comprehensive and lasting settlement that provides compensation to those most affected by the discrimination found by this Tribunal. I believe that this settlement succeeds in achieving this purpose.

15. Canada fully supports the proposed Final Settlement Agreement resolving the Class Actions, and asks that this Tribunal accept it as satisfying its compensation order or, alternatively, that the Tribunal amend its compensation order to conform to the proposed agreement.

AFFIRMED BEFORE ME in the City )  
of Vancouver, in the Province of )  
British Columbia, )  
this 6<sup>th</sup> day of July, 2022. )

  
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Commissioner for Taking Affidavits

  
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Valerie Gideon

**AINSLIE HARVEY**  
Barrister & Solicitor  
Department of Justice  
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