



SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.83/2023

TITLE: Continuation of Funding at Actuals for Capital for Child and Family Services and Jordan's Principle

SUBJECT: Child and Family Services, Jordan's Principle

MOVED BY: Chief Brian Perrault, Couchiching First Nation, ON

SECONDED BY: Chief Mark McCoy, Ojibways of Batchewana First Nation, ON

DECISION Carried by Consensus

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- iii. Article 22 (1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
- iv. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

B. In 2021 CHRT 41 (para. 545) the Canadian Human Rights Tribunal ordered Canada to fund the actual cost of capital projects for child and family services and Jordan's Principle, as determined by First Nations and First Nations Agencies until:

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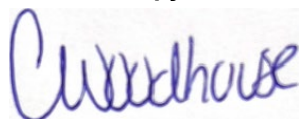
CINDY WOODHOUSE, NATIONAL CHIEF

- i. A “Nation (Indigenous)-to Nation (Canada) agreement respecting self-governance to provide its own child welfare services.
 - ii. Canada reaches an agreement that is Nation-specific even if that Nation is not yet providing its own child welfare services and the provisions for major capital in the agreement for child and family services or Jordan’s Principle are more advantageous for the Nation than the orders in the ruling.
 - iii. Long-term reform is completed in accordance with best practices recommended by the experts and the parties and interested parties, and funding for the purchase or construction of major capital assets is no longer based on discriminatory funding formulas or programs, including as set out in a Final Order by the Tribunal approving a Final Settlement Agreement signed by Canada.”
- C. The lack of capital funding for First Nations child and family services was found by the Canadian Human Rights Tribunal to be a major source of discrimination in 2016 CHRT 2.
- D. Pursuant to the *Agreement-in-Principle on Long-Term Reform of the First Nations Child and Family Services Program and Jordan’s Principle*, executed December 31, 2021, Canada agreed to fund capital costs for child and family services and Jordan’s Principle at their actual cost as determined by First Nations and First Nations Agencies.
- E. Indigenous Services Canada has imposed a deadline of March 31, 2024, for the end of funding at actuals for capital and a move toward implementing capital funding based on a formula of “recapitalization.”
- F. Most First Nations have not had the opportunity to access funding at actuals for capital for child and family services and Jordan’s Principle due to short timelines, lack of awareness, and capacity challenges, despite the significant demonstrated need for capital.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Call upon Indigenous Services Canada to comply with the provisions of the Canadian Human Rights Tribunal order 2021 CHRT 41, withdraw its deadline to access funding at actuals for capital for First Nations and First Nations agencies for child and family services and Jordan’s Principle, and continue access to funding for capital at its actual cost until such time as a funding model can be developed that meets distinct community needs (including remoteness), is consistent with substantive equality, and is endorsed by First Nations-in-Assembly.

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