
Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
July 23, 24 & 25, 2019, FREDERICTON, NB

Resolution no. 15/2019

TITLE: Jordan's Principle Operations

SUBJECT: Jordan's Principle, Social Development, Health, Education

MOVED BY: Chief Ronald Ignace, Skeetchestn Indian Band, BC

SECONDED BY: Chief Wayne Christian, Shuswap First Nation, BC

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 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - iii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security. This section provides the background information for the resolution.
- B. On January 26, 2016, the Canadian Human Rights Tribunal (the Tribunal) issued a landmark ruling that First Nations children living on-reserve and in the Yukon are treated in a discriminatory manner by the federal government in its provision of child and family services. The Tribunal ordered the federal government to completely overhaul its on-reserve child welfare program, cease applying a narrow definition of Jordan's Principle and adopt measures to immediately implement the full meaning and scope of Jordan's Principle.

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- C. On May 26, 2017, the Tribunal found that the Government of Canada has continued "its pattern of conduct and narrow focus with respect to Jordan's Principle," resulting in unnecessary and unlawful bureaucratic delays, gaps and denial of essential public services to First Nations children.
- D. Chiefs-in-Assembly have passed Assembly of First Nations (AFN) Resolutions 40/2017, *Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders, 83/2016, National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy* and 62/2016, *Full and Proper Implementation of the Historic Canadian Human Rights Tribunal Decisions in the Provision of Child Welfare Service and Jordan's Principle*, calling on Canada to fully and immediately comply with Tribunal rulings to end discriminatory funding of child and family services and to properly implement Jordan's Principle.
- E. To encourage increased dialogue and timely advice on Jordan's Principle implementation and planning activities, the Jordan's Principle Operations Committee (JPOC) was struck. The Committee is currently composed of federal government and First Nation representatives from the CHRT Complaint (AFN, First Nations Child and Family Caring Society of Canada, Chiefs of Ontario, and Nishnawbe Aski Nation).
- F. Reporting to the Consultation Committee on Child Welfare, and in order to improve access for First Nations children residing in Canada to health, social, educational, and other services and supports, the mandate of the JPOC is to:
- i. Provide operational guidance on the implementation of the Jordan's Principle;
 - ii. Provide input into the development of a longer-term approach;
 - iii. Champion Jordan's Principle within the Department of Indigenous Services Canada (ISC), other federal departments, among First Nations partners and the broader community;
 - iv. Discuss and provide input on key policy and operational issues;
 - v. Periodically review updates on progress, performance, and the achievement of key milestones; and
 - vi. Keep participating organizations and the wider community informed about the work accomplished by the Jordan's Principle Operations Committee.
- G. Given the national implications of discussions at the JPOC, national representative membership beyond the Tribunal parties would ensure regional First Nations voices are heard.

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THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to complete a review of the Jordan's Principles Operations Committee and the Jordan's Principle Action Table to ensure the coordination of these two tables supports the long-term implementation goals of all regions.
2. Direct the AFN to ensure regional First Nation representatives are appointed to the Jordan's Principle Operations Committee in order to reflect and respect regional differences and concerns regarding Jordan's Principle implementation across the country.

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