

Assembly of First Nations

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Assemblée des Premières Nations

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SPECIAL CHIEFS ASSEMBLY
December 2-3-4, 2025, Ottawa, ON

Resolution no. 68/2025

TITLE: Advancing Indigenous Justice Transformation and Ending the Use of Isolation in Federal Institutions

SUBJECT: Justice, Corrections Reform

Moved BY: Jennifer Duncan, Proxy, Acho Dene Koe First Nation, NT

SECONDED BY: Chief Joseph Tsannie, Hatchet Lake First Nation, SK

DECISION: Carried by consensus

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), affirms the rights of Indigenous Peoples to life, security, health, and culturally appropriate services, including.
- i. 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.
 - ii. Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
 - iii. 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.
 - iv. Article 24(2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

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- V.** Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- B.** The United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) prohibit the use of solitary confinement beyond 15 consecutive days, recognizing such practices as cruel, inhuman, and degrading treatment.
- C.** The Government of Canada replaced “administrative segregation” with Structured Intervention Units (SIUs) in 2019; however, independent oversight bodies, national media investigations, and the experiences of incarcerated Indigenous citizens continue to demonstrate that SIUs function as isolation-by-another-name, perpetuating the same harms under a different framework.
- D.** Indigenous Peoples remain vastly overrepresented in federal custody, representing approximately 33 per cent of all federally incarcerated persons while comprising less than 5 per cent of Canada’s population, with Indigenous women representing nearly half of federally sentenced women.
- E.** Evidence from the SIU Implementation Advisory Panel and the Office of the Correctional Investigator confirms that Indigenous inmates are placed in SIUs at disproportionately high rates, remain there for longer periods, and continue to experience limited human contact, inadequate access to culturally-based programming, and systemic denial of Elders and healing services.
- F.** Black Lake Denesuline First Nation member Joey Tousaint has spent over 3,000 days (8 years) in either segregation or SIU and has all the symptoms of prolonged solitary confinement, including self-harm.
- G.** These practices stand in direct contradiction to the Truth and Reconciliation Calls to Action 30–36, which call for the elimination of Indigenous over-incarceration, increased use of healing-based justice systems, and meaningful Indigenous participation in corrections oversight.
- H.** First Nations have Inherent and Treaty-based authority to exercise jurisdiction over justice, healing, rehabilitation, and the well-being of their citizens, including those who are incarcerated or subject to dangerous offender proceedings or long-term confinement decisions.
- I.** First Nations communities, families, and leadership continue to raise concerns regarding the lack of transparency, lack of access to culturally appropriate reintegration supports, and the failure of correctional institutions to uphold minimum human rights standards for Indigenous inmates.
- J.** Chiefs, Elders, and Knowledge Keepers across the country have consistently called for the recognition of First Nations law, ceremony, and healing frameworks as the foundation of justice transformation and corrections reform in Canada.

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

1. Call on the Government of Canada to immediately end the ongoing use of isolation and segregation practices in federal correctional institutions, including the current implementation of Structured Intervention Units (SIU) where they operate contrary to the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), the United Nations Standard Minimum Rules for the Treatment of Prisoners ('Mandela Rules'), and the Truth and Reconciliation Commission Calls to Action.
2. Call on the federal government to undertake legislative reform to the *Corrections and Conditional Release Act* and the SIU framework to ensure full alignment with the UN Declaration, the Mandela Rules, and Indigenous human rights standards.
3. Call on Canada to fulfill the commitments it made in 2024 during Canada's 4th Universal Periodic Review by the United Nations Human Rights Council, and the 2025 Indigenous Justice Strategy which is to equitably invest in community-based, Indigenous-led alternatives to incarceration, and transfer one-third of Correctional Service Canada's annual \$3 billion budget, approximately \$1 billion dollars, directly to Indigenous governments and organizations to support autonomous, Indigenous-operated alternatives to incarceration and independent Indigenous services for Indigenous Peoples in custody and on conditional release.
4. Call on Canada to end the delegation of powers from the Minister of Public Safety to the Correctional Service Canada to negotiate and decide admission criteria and other requirements for the *Corrections and Conditional Release Act* s. 81 agreements.
5. Call on Canada to fund and resource activities to establish a First Nations-led body with members selected by First Nations governments and organizations to administer equitable funding and agreements under ss. 81 and 84 of the *Corrections and Conditional Release Act*, and to administer equitable funding and agreements for Indigenous independent in-reach services for incarcerated Indigenous Peoples based on Indigenous laws and the right to self-determination.
6. Direct the Assembly of First Nations (AFN) to advocate for mandatory notification and formal standing for Chiefs and First Nations governments in all cases involving:
 - a. Dangerous Offender designations under section 753 of the Criminal Code;
 - b. Long-term supervision orders; and
 - c. Parole processes involving their Nation's members.
7. Direct the AFN to support the development of national standards requiring Elders, Knowledge Keepers, Indigenous spiritual services, and culturally based healing to be made fully accessible to all First Nations inmates, including those in high-security and long-term confinement settings.

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8. Direct the AFN to advocate for the establishment of First Nations-led corrections oversight mechanisms, with authority to monitor conditions of confinement, access federal data, and audit treatment standards for Indigenous inmates.
9. Direct the AFN to work with First Nations, federal partners, and First Nations justice experts to advance a national framework, that builds from the National First Nations Justice Strategy, enabling First Nations jurisdiction in justice and corrections, including community-governed healing lodges, reintegration programs, and Section 81/84 expansion based on equitable funding and authority based on the right to self-determination.
10. Direct the AFN to transmit this resolution to the federal Minister of Public Safety, Minister of Justice, Minister of Indigenous Services, the Correctional Service of Canada, and all regional First Nations organizations to coordinate national action toward ending isolation and advancing First Nations-governed justice transformation.

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