

Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
September 3-4-5, 2025, Winnipeg, MB

Resolution no. 01/2025

TITLE:	Supporting Jordan's Principle and Upholding the Canadian Human Rights Tribunal 2016 CHRT 2
SUBJECT:	Jordan's Principle New Operational Guidelines
MOVED BY:	Chief Rebecca Knockwood, Fort Folly First Nation, NB
SECONDED BY:	Chief Joanne Miles, Flat Bay Mi'kmaq Band, NL
DECISION	Carried; 1 Opposition

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 own rights, in particular that based on their indigenous origin or identity.
- ii. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government, in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- iii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- iv. 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.
- v. 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 person with disabilities.

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- vi. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous people have the right to be actively involved in developing and determining the health, housing and other economic and social programmes affecting them as far as possible, to administer such programmes through their own institutions.
- B. The Truth and Reconciliation Commission's Third Call to Action states: We can upon all levels of government to fully implement Jordan's Principle.
- C. The Truth and Reconciliation Commission's Calls to Action – particularly Calls to Action 18 through 23 on Health – urge all levels of government to recognize and address the distinct health needs and rights of First Nations peoples. These Calls to Action emphasize closing the gaps in health outcomes between First Nations and non-First Nations peoples, recognizing the value of First Nations healing practices, and upholding First Nations peoples' healthcare rights as identified in international law and under Treaties, in order to advance reconciliation and eliminate persistent health inequities.
- D. Jordan's Principle is a legal requirement that provides access to supports for First Nations children in need and ensures that the government of first contact pays for the supports without delay and protect the rights of Indigenous children.
- E. In 2016, the Canadian Human Rights Tribunal (CHRT) ordered Canada to stop its discriminatory policies and practices in its implementation of Jordan's Principle, as per 2016 CHRT 2.
- F. In February 2025, the Minister of Indigenous Services (ISC) issued an Operational Bulletin regarding the implementation of Jordan's Principle, making substantial changes to eligible requests under Jordan's Principle and the process by which Jordan's Principle requests are adjudicated. There was no prior consultation with First Nations on the shift in process causing extreme harm to our First Nations children and families.
- G. On February 13, 2025, the First Nations Child and Family Caring Society further called on the federal government to remove the new operational guidelines issued with no prior consultation and to immediately address the backlog in adjudication and payments, which has been ongoing for nearly one year.
- H. On or about March 27, 2025, the Atlantic Regional Office of Indigenous Services Canada informed Jordan's Principle service delivery organizations of a decision to remove administrative costs funding. This was subsequently confirmed by the Jordan's Principle Oversight Committee (JPOC).
- I. There is an ongoing and significant backlog in the adjudication and payment of Jordan's Principle requests. Furthermore, the February 2025 ISC Operational Bulletin has resulted in additional delays in access to essential services for First Nations children and families.
- J. Canada's current approach is in direct non-compliance with the 2016 CHRT ruling, particularly regarding access to supports in education, health, early childhood services, social, recreation, culture and language programs. The implementation of the new guidelines has coincided with an increase of denials under Jordan's Principle, exacerbating the needs and undermining the well-being of First Nations children and families. The federal government's shift in their fiduciary responsibility toward provincial and territorial governments, without consultation and without a clearly articulated mitigation plan, has increased

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uncertainty and contributes to emotional and financial challenges for affected First Nations children and families.

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

1. Direct the Assembly of First Nations (AFN) to call upon the federal government to take immediate action to revoke the Jordan's Principle Operational Bulletin that was imposed on the federal government's implementation of Jordan's Principle on February 10, 2025,
2. Direct the AFN to call upon the federal government to reinstate any administrative costs funding that has been removed causing an undue burden on organizations who currently hold contribution agreements for service delivery, and to ensure that reinstatement of administrative costs funding is fair, equitable, and in line with provincial and territorial counterparts who mirror the same services.
3. Direct the AFN to advocate for the federal government to work collaboratively with Indigenous governments in a true nation-to-nation manner, particularly as fiscal year 2025-2026 has been identified as a transitional period to support the newly appointed Minister of Indigenous Services Canada, Mandy Gull-Masty, in the planning, implementation, and oversight of new operational guidelines.
4. Direct the AFN to call upon the federal government to address, review, and make determinations on the prior and current backlogs and payments of requests in Jordan's Principle, and to lift any measures that would further delay access to essential services for First Nations children and families.

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