
Assembly of First Nations

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 27/2018

TITLE: Support for the long-term implementation of Jordan's Principle

SUBJECT: Social Development, Health

MOVED BY: Chief Valerie Richer, Atikameksheng Anishnawbek First Nation, ON

SECONDED BY: Richard Aisaican, Proxy, Cowessess First Nation, SK

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.
- 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." As such, the Tribunal issued a third set of non-compliance orders (2017 CHRT 14).
- 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*, requiring 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. As per Resolution 83/2016, the National Advisory Committee on First Nations Child and Family Services Program (NAC) was re-established and provides key recommendations for medium- and long-term relief related to the Tribunal decisions and general advice on program reform, including the application of Jordan's Principle. In an effort to organize their work, the NAC has created Action Tables each with its own area of focus, including a Jordan's Principle Action Table.
- F. The Jordan's Principle Action Table is developing policy options for the long-term implementation of Jordan's Principle, which builds on the work started under the interim initiative. This work is being done with representatives of the Government of Canada and representatives of First Nations across Canada, including the AFN.
- G. The Jordan's Principle Action Table has proposed a phased approach to the implementation of the full definition of the Principle beyond April 1, 2019, when the authorities for the interim approach expire, recognizing that First Nations have not had sufficient time to determine how they want to implement the Principle. The Jordan's Principle Action Table has created the following proposed policy options for the long-term implementation of Jordan's Principle:
 - i. Enhanced and ongoing funding for child-centered, needs-based and First Nations-based programs and services. The objective is to develop a funding allocation, in flexible agreements, tied to a set of eligible services that reflect a broad range of needs for children and families, from prevention to early intervention activities, as well as funding for services, products, or supports.

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- ii. Create a fund for First Nations that are ready to develop and test new ideas and innovations in service delivery. The objective of the innovation fund would be to normalize successful innovations with an ongoing stream of funding.
- iii. Seek a mandate to create an integrated holistic Jordan's Principle Children's policy authority. This single authority would ensure that First Nations are not limited by current program authorities and eligibility. It would be a means to facilitate a single transfer of funding to First Nations to plan for and realize their vision for children and families.
- iv. Funding to continue implementation of the current federal response to Jordan's Principle where exceptions or persistent gaps exist.
- v. Seek a mandate and funding to support First Nations-led dialogue. The results of these dialogues will inform a second return to Cabinet (targeting Budget 2021). This funding will support dialogue, visioning, needs assessment and planning for what is still unknown in terms of service needs, how First Nations want to organize to deliver services, or how they want to define Jordan's Principle for themselves.
- vi. Outline a strategy for provincial/territorial engagement, as well as the development of Regional Trilateral Tables.

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

1. Call on Canada to continue to invest in, and implement, Jordan's Principle beyond March 31, 2019.
2. Call on Canada to immediately invest in capital costs required for the local delivery of health, social, and education programs and services for First Nations children and families.
3. Support the work of the Jordan's Principle Action Table and the proposed policy options for supporting greater First Nations control over Jordan's Principle, as part of the long-term approach to implementing Jordan's Principle.

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