

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. 63/2025

TITLE: Baeleigh's Law

SUBJECT: Justice

MOVED BY: Chief Kelsey Jacko, Cold Lake First Nation, AB

SECONDED BY: Eric Tootoosis, Proxy, Poundmaker 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 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - 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 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the Indigenous peoples concerned and international human rights.
- B. First Nations have an inherent right to justice, safety, and well-being, particularly for their children, and these rights must be respected and upheld through Canadian legal and judicial systems.
- C. On March 29, 2018, the Government of Canada introduced Bill C-75, *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*. Bill C-75 (the Act) received Royal Assent on June 21, 2019. The Act streamlines the classification of offences,

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expands judicial case management power, and provides additional measure to reduce criminal justice system delays to make the criminal law and the criminal justice system clearer and more efficient.

- D. In September 2021, Baeleigh Maurice, a nine-year-old First Nations child, was tragically struck and killed by a non-Indigenous impaired driver. Despite the seriousness of the incident and evidence presented, the resulting legal process was marked by repeated delays not caused by the Crown or the family.
- E. On December 13, 2024, the Provincial Court stayed the charge against the accused, citing the *R. v. Jordan* Supreme Court decision, which sets an 18-month limit on delays in provincial court proceedings. This decision resulted in the case being dismissed without trial, causing renewed harm to the family and community and denying justice to a First Nations child.
- F. This outcome contradicts First Nations' Inherent rights and fails to uphold obligations under the UN Declaration, the Truth and Reconciliation Commission's 94 Calls to Action, and the 231 Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), all of which call for justice reform and meaningful protections for Indigenous children and families.
- G. The Federation of Sovereign Indigenous Nations (FSIN) Indian Justice Commission has identified this case as an example of systemic failure and has recommended six amendments to Bill C-75, aimed at preventing future injustices against First Nations children in the justice system.

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

1. Direct the Assembly of First Nations (AFN) to conduct a thorough review and ensure full understanding of "Baeleigh's Law," which consists of amendments to Bill C-75 aimed at prioritizing impaired driving cases involving harm to First Nations children and preventing their dismissal due to procedural delays.
2. Upon completion of this review, and with clear support from the First Nations in Assembly, urge the federal government to adopt "Baeleigh's Law" to better protect First Nations children from impaired driving harms.
3. Request that the AFN advocate for federal investment in legal reform efforts that protect First Nations children, reduce procedural inequities, and align the Criminal Code of Canada with the principles of the *United Nations Declaration on the Rights of Indigenous Peoples*, the Truth and Reconciliation Commission's Calls to Action, and the Missing and Murdered Indigenous Women and Girls Calls for Justice.
4. Call on the federal government to recognize and fund culturally appropriate legal supports and justice services to ensure First Nations families are not further traumatized by delays or systemic barriers within the justice system.

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