

Assembly of First Nations

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

Resolution no. 02/2025

TITLE:	Jordan's Principle Operations
SUBJECT:	Jordan's Principle
MOVED BY:	Chief Pauline Frost, Vuntut Gwitchin First Nation, YT
SECONDED BY:	Chief Erica Beaudin, Cowessess First Nation, SK
DECISION	Carried; 6 Opposition; 4 Abstention

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - 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.
 - Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements.
- B. Recognizing the sacredness of First Nations children, youth and families and Jordan's Principle, a child first legal requirement ensuring substantively equal and culturally appropriate access to health, education and social products, services and supports for First Nations children.
- C. The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a Canadian Human Rights Act complaint in 2007 alleging Canada's inequitable provision of

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First Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory resulting in serious and irremediable harms to First Nations children.

- D. In 2016, the Canadian Human Rights Tribunal (the Tribunal) found that Canada is racially discriminating against First Nations children and ordered the full and proper implementation of Jordan's Principle. Since the 2016 order, the Tribunal has issued multiple non-compliance rulings ordering Canada to implement Jordan's Principle in keeping with the minimum human rights standards.
- E. Despite the Tribunal ordering Indigenous Services Canada (ISC) to fund First Nations and First Nations-authorized service providers to fund the purchase and cost of constructing capital projects, the process continues to be a barrier for many as ISC shifts goalposts, forcing First Nations to deliver services without a capital space and issuing denials for unclear reasons.
- F. On December 12, 2023, the Caring Society filed a noncompliance motion with the Tribunal regarding the Government of Canada's chronic and wilful failure to adhere to the Tribunal's orders on Jordan's Principle.
- G. In November 2024, the Tribunal ordered Canada to immediately address the growing backlog of delayed requests.
- H. On March 7, 2025, ISC reported a backlog of 135,000 undetermined Jordan's Principle requests. The backlog is resulting in delayed provision of needed products, service and supports for First Nations children, leading to harm.
- I. The backlog has since grown, with ISC disclosing a 140,000-request backlog in June 2025 with the average request estimated to be \$388. ISC has made no progress to remedy the backlog to comply with the Tribunal's orders and bring relief to children and families who are waiting.
- J. ISC has been unable to report on its reimbursement backlog that is causing financial hardship to First Nations families and organizations that have paid the bills for approved Jordan's Principle requests.
- K. Canada has repeatedly tried to deflect its legal responsibility by recycling failed arguments, prioritizing government interests over the interests of children, and offloading responsibility to First Nations. Instead of complying with the legal orders, Canadian government officials have suggested, without credible evidence, that there is widespread misuse of Jordan's Principle.
- L. On February 10, 2025, ISC unilaterally released the Jordan's Principle Operational Bulletin without notice to First Nations nor the CHRT Parties engaged in mediation. The Operational Bulletin includes changes to Jordan's Principle implementation, introducing new restrictions on Jordan's Principle that are not in keeping with the Tribunal's orders while at the same time suggesting Canada will consider, without any details, substantive equality. Such changes include requiring requestors to provide, for all requests, detailed cost breakdowns, proof of gaps in services or substantive equality considerations, as well as personally intrusive information such as assessments, official diagnoses, and treatment plans.
- M. ISC's Jordan's Principle Operational Bulletin places the burden of proving Canada's discrimination back on the shoulders of its victims and is inconsistent with 2025 CHRT 6 where the presumption of substantive equality is again affirmed by the Tribunal.

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- N. ISC is also applying the Operational Bulletin retroactively to the backlog of requests. Many of these children have been waiting months or years for their requests to be determined.
- O. ISC has removed Elders and traditional healing as examples of eligible supports and services available to First Nations children and has limited education supports, land-based activities and specialized programs based on cultural beliefs and practices to requests on-reserve only.
- P. ISC is regularly denying requests, saying that substantive equality does not apply, without providing the requestor with any reasons as to how that decision was made.
- Q. On February 10, 2025, Minister Hajdu wrote to the provincial and territorial governments, without notice to First Nations and the CHRT Parties in mediation, calling for these governments to provide the same supports and services they provide any other child residing off reserve, effectively stating that substantive equality does not apply to First Nations children residing off reserve and requiring children to once again navigate government jurisdictions to access services.
- R. Proper implementation of Jordan's Principle ensures that the best interests of children, substantive equality and culturally relevant service provision are the primary consideration in equitable service provision, rather than which government or department is funding the service.

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

1. Call on Canada to immediately and fully comply with the Canadian Human Rights Tribunal's orders on Jordan's Principle.
2. Call on Canada to immediately and effectively address its non-compliance and the Jordan's Principle backlog in particular, including the following measures:
 - a. Affirm that "urgent requests" include First Nations children experiencing irremediable or life-altering harm, including the death of a caregiver, biological parent, or sibling and requests from children impacted by a state of emergency.
 - b. Call on Canada to modernize its Jordan's Principle application, contact mechanisms and case management systems, and revise the National Call Centre calling tree (and all other contact mechanisms) to ensure that requestors can easily indicate that their request is or has become urgent and that all contact mechanisms are sufficiently staffed with employees who have authority to review and determine urgent requests during and after business hours.
 - c. Call on Canada to allocate sufficient trained staff in each Indigenous Services Canada (ISC) region and nationally who are responsible for managing urgent requests to ensure that the determinations are made in a manner consistent with the Tribunal's orders.
 - d. Call on Canada to contact all requestors in the backlog and urge all requestors with urgent or time-sensitive requests, including those requests that have become urgent over time, to contact specific personnel who will determine the requests without further delay.
 - e. Call on Canada to triage all backlogged requests for urgency.

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- f. Call on Canada to automatically approve all requests in the backlog, beginning with the most urgent, and report back with timelines for when the backlogged requests and reimbursements will be resolved.
 - g. Call on Canada to apply an amnesty approach to all requests in the backlog and report back with timelines for when the backlogged requests and reimbursements will be resolved.
 - h. Call on Canada to adopt and adhere to a 15-calendar day payment standard for service providers and a 5-calendar day payment standard for reimbursements to children and families.
 - i. Call on Canada to provide practical solutions to address payment delays, including methods for emergency payments, an automated process that presumptively approves all requests under \$500 with a recommendation from a professional or supporting letter from an Elder/Knowledge Keeper, expansion of the use of acquisition cards, and payment of any interest on delayed reimbursements to families and service providers.
 - j. Call on Canada to ensure that all First Nations and First Nations organizations that have taken on the delivery of Jordan's Principle are funded at the actual cost for activities relating to Jordan's Principle delivery.
 - k. Establish a credible, effective, and independent Jordan's Principle national complaints mechanism with authority to approve urgent cases and publicly report on Canada's compliance.
 - l. Call on Canada to consult with First Nations to improve ISC data collection on Jordan's Principle to determine why children need to access Jordan's Principle, whether those needs are for the short, medium or longer term, and the outcomes of Jordan's Principle.
3. Call on Canada to establish a committee comprised of the Parties, experts and regional technicians to provide oversight and to conduct a review of the current CHRT 41 process and make recommendations for improvement.
 4. Call on Canada to repeal the Jordan's Principle Operational Bulletin and cease any implementation activities from it, including its retroactive application on those requests currently in the backlog.
 5. Reject Minister Hajdu's February 10, 2025, letter to provincial and territorial governments and affirm that substantive equality is a right owed to all First Nations children, regardless of where they live.
 6. Call on Canada to retract statements of misuse of Jordan's Principle.
 7. Call on Canada to establish an interdepartmental team of senior public servants with demonstrated expertise and authority in addressing systemic failures to immediately remedy the backlog, in consultation with experts that include but are not limited to the National Children's Chiefs Commission technical experts, the National Advisory Committee, and its Jordan's Principle Action Table, First Nations representatives on the Jordan's Principle Operations Committee, First Nations health, education, and social development professionals, and Elders/Knowledge Keepers, to deal with the immediate and crisis level of non-compliance and Jordan's Principle backlog.

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