

Assembly of First Nations

50 O'Connor Street, Suite 200
Ottawa, Ontario K1P 6L2
Telephone: (613) 241-6789 Fax: (613) 241-5808
www.afn.ca



Assemblée des Premières Nations

50, rue O'Connor, Suite 200
Ottawa, Ontario K1P 6L2
Téléphone: (613) 241-6789 Télécopieur: (613) 241-5808
www.afn.ca

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

Resolution no. 43/2025

TITLE: Support for First Nations-led Engagement on Medical Assistance in Dying

SUBJECT: Health, Justice, Accessibility/Disability, Medically Assisted Dying

MOVED BY: Chief Sheldon Kent, Black River First Nation, MB

SECONDED BY: Chief Mark McCoy, Batchewana First Nation, ON

DECISION: Carried by consensus

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. 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.
- ii. Article 24(1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
- iii. 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.

B. The Truth and Reconciliation Commission's Calls to Action, particularly Calls to Action #18 through #24 on Health, urge all levels of government to recognize and address the distinct health needs and rights of Indigenous Peoples. These Calls to Action emphasize closing the gaps in health outcomes between Indigenous Peoples and non-Indigenous people, recognizing the value of Indigenous healing practices, and upholding Indigenous Peoples' healthcare rights as identified in international law and under Treaties, in order to advance reconciliation and eliminate persistent health inequities.

Certified copy of a resolution adopted on the 2nd day of December 2025, in Ottawa, Ontario

Cindy Woodhouse

CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

43 – 2025

Page 1 of 3

- C. In 2016, the Parliament of Canada amended the *Criminal Code* to legalize medical assistance in dying (MAID) under defined circumstances for adults suffering from grievous and irremediable medical conditions through Bill C-14, *An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)*. In 2021, it enacted further amendments through Bill C-7, *An Act to amend the Criminal Code (medical assistance in dying)* to expand eligibility beyond end-of-life contexts. These legislative changes removed the requirement that a person's natural death be reasonably foreseeable and created a two-track system of MAID safeguards, broadening access to MAID while introducing new safeguards for those not near end of life. Both of these legislative changes were enacted in response to court decisions that found the law unconstitutional.
- D. Parliament initially excluded persons suffering solely from a mental illness from eligibility for MAID, pending further study. Whereas that exclusion, originally set to be lifted in March 2023 was extended to March 2024, has been further extended and is now scheduled to be lifted on March 17, 2027. The Government appointed an Expert Panel on MAID and Mental Illness to review and make recommendations regarding MAID requests where mental illness is the sole underlying medical condition. Their 2022 Final Report of the Expert Panel on MAID and Mental Illness indicated that existing MAID eligibility criteria and safeguards, taken in conjunction with existing laws, standards and practices in related areas of health care provide an adequate structure for MAID and mental disorder so long as they are interpreted appropriately, while also identifying the need for the development of clinical guidance, education and training materials, and prospective review and oversight, would be critical to support the safe assessment of MAID in complex cases.
- E. As required by former Bill C-7, a Special Joint Committee on MAID (AMAD) conducted a Parliamentary review of the *Criminal Code* MAID provisions and their application, and issues relating to mature minors, advance requests, mental illness, the state of palliative care in Canada and the protection of Canadians with disabilities. AMAD released two reports in June 2022 and February 2023. In its two reports, AMAD recognized the importance of standards of practice, clear guidelines, adequate training, comprehensive assessments, and meaningful oversight for the safe implementation of MAID where mental illness is the sole underlying medical condition. In its 2023 report, AMAD stated that individuals whose sole medical condition is a mental disorder should have access to MAID provided they meet the eligibility criteria and practice standards are in place. AMAD also noted that people with disabilities need financial supports, better access to social supports, disability supports, and healthcare so that MAID is not seen as a way to relieve suffering due to poverty and lack of services.
- F. The Assembly of First Nations (AFN), in its 2025 Shadow Report to the UN Committee on the Rights of Persons with Disabilities (UN-CRPD), observed a severe lack of protection and culturally safe engagement for First Nations persons with disabilities in the context of MAID. The AFN noted that the absence of any First Nations-specific consultation on MAID represents a failure to uphold the principle of free, prior, and informed consent as affirmed in the UN Declaration. The Shadow Report further warned that insufficient health and social supports can effectively push some First Nations persons with disabilities toward MAID as an alternative to living with inadequate care, exposing a grave gap in Canada's implementation of its obligations under the CRPD.
- G. The UN CRPD expressed significant concerns about possible discrimination and bias in Canada's MAID regime in its Concluding Observations published in March 2025. The UN CRPD has urged the

Certified copy of a resolution adopted on the 2nd day of December 2025, in Ottawa, Ontario

Cherelhouse.

Government of Canada to halt the expansion of MAID and condemned the regime, raising concerns that the existing framework may be influenced by ableist assumptions that devalue the lives of persons with disabilities. The Committee emphasized that systemic failures, including inadequate access to health care, housing, and social support services, may lead individuals with disabilities to consider MAID not out of genuine choice, but due to lack of viable alternatives.

- H. Since 2023, Health Canada has disbursed over \$3.2 million to various First Nations, Inuit, and Métis organizations to support Indigenous-led community engagement on palliative care and MAID, and allocated a further \$1.2 million to convene a series of national dialogues, a national Indigenous knowledge exchange and an online survey. The objective of this engagement was to hear the perspectives of Indigenous Peoples in order to inform MAID policy and legislation. Involvement in discussions on MAID policy development by First Nations leadership and a coordinated national First Nations-led engagement process has yet to occur. This means that First Nations voices, perspectives and rights have not been adequately heard or addressed in the shaping of federal MAID policies and legislative amendments that impact First Nations individuals, families, and communities.
- I. There is no comprehensive, whole-of-government engagement approach with respect to MAID that reflects free, prior and informed consent and true nation-to-nation accountability to First Nations. The failure to undertake a First Nations-specific, coordinated engagement across federal departments on MAID is inconsistent with Canada's stated commitments to a nation-to-nation relationship and shared development of health policies. This gap undermines the ability of First Nations to exercise their jurisdiction over health and end-of-life matters and does not uphold the standards of consultation and consent required by the UN Declaration and the Government of Canada's own obligations to First Nations.

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

- 1. Direct the Assembly of First Nations (AFN) to seek and secure funding from Health Canada, Indigenous Services Canada (ISC), and all other relevant federal departments to support a national First Nations-led engagement process of Medical Assistance in Dying (MAID).
- 2. Direct the AFN, contingent upon the availability of such funding, to initiate, coordinate, and co-develop with First Nations-in-Assembly this process in a manner that upholds First Nations rights to self-determination in health, be rooted in the First Nations values, including life promotion, cultural safety, ancestral knowledge, and equitable access to care across the lifespan, and include distinctions-based engagement sessions, to enable the full participation of First Nations (including persons with disabilities, caregivers, parents, grandparents, Indigenous women, matriarchs, seniors, and Elders) in these dialogues and to create space and resources for First Nations to participate in regional processes to inform the national dialogue.
- 3. Direct the AFN to publish a comprehensive report summarizing the outcomes of the First Nations-led engagement on MAID.
- 4. Direct the AFN to collaborate and work across federal departments, including but not limited to Health Canada, ISC, Justice Canada, Employment and Social Development Canada, and Housing, Infrastructure and Communities Canada to ensure that all MAID-related federal policies, programs, and legislative initiatives incorporate and reflect cultural protocols, perspectives, needs, and recommendations articulated through this First Nations-led engagement.

Certified copy of a resolution adopted on the 2nd day of December 2025, in Ottawa, Ontario

Cindy Woodhouse