

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. 34/2025

TITLE: **Calling on Canada to Criminalize Indian Residential School Denialism**

SUBJECT: Indian Residential School Denialism

MOVED BY: Chief David Monias, Pimicikamak Cree Nation, MB

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

DECISION: Carried by consensus

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

- i. Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration Human Rights and international Human Rights law.
- ii. Article 15(2): States shall take effective measures, in consultation and cooperation with the Indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among Indigenous peoples and all other segments of society.
- iii. 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.
- iv. Article 21: 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. The Truth and Reconciliation Commission of Canada (TRC) documented the genocide committed against Indigenous Peoples through the Indian Residential School (IRS) system, where thousands of children were forcibly taken from their families, subjected to abuse, and many never returned home.

C. Unmarked graves of children continue to be confirmed at former IRS sites across the country, validating the truths survivors have shared for generations.

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- D. Denial, minimization, or justification of the harms of the IRS system retraumatizes survivors, dishonours the memory of the children who never made it home, fuels racism, and undermines truth and reconciliation.
- E. In 2022, Canada amended the Criminal Code (Bill C-250) to make Holocaust denial unlawful, recognizing the profound harm caused by public denial of genocide.
- F. The Office of the Independent Special Interlocutor for Missing and Unmarked Graves and Burial Sites Associated with Indian Residential Schools Final Report (2024) calls on the federal government to fight efforts of IRS denialism and rewriting Canada's history. Obligation 36 and 37 of the Report require the federal government to include provisions in Bill C-63: *An Act to Enact the Online Harms Act*, to address the harms of denialism, and to amend the *Criminal Code*, making it an offence to promote hatred against Indigenous Peoples by "condoning, denying, downplaying, or justifying the IRS system or misrepresenting facts related to it."
- G. Assembly of First Nations (AFN) Resolution 84/2024, *Support Special Interlocutor's Indigenous-Led Reparations Framework* mandates the AFN to advocate for the full implementation of Reparations Framework, including Obligations 36 and 37.
- H. In 2024, New Democrat Party (NDP) Member of Parliament (MP) Leah Gazan introduced Bill C-413, which sought to criminalize the public condoning, denial, or justification of the IRS system, but the bill died on the Order Paper. In 2025, MP Gazan re-introduced Bill C-246, *An Act to amend the Criminal Code (promotion of hatred against Indigenous peoples)*, which similarly proposes to criminalize condoning, denying, downplaying or justifying the IRS system in Canada.
- I. AFN Resolution 85/2024, *Support Bill C-413 to Provide Protection Against Anti-Indigenous Hate Speech and Residential School Denialism*, mandates the AFN to support Bill C-413 and to call upon Canada to prioritize Bill C-413 in the parliamentary process.
- J. Survivors, the First Nations Leadership Council, and other First Nations organizations have consistently called on Canada to take legislative action against IRS denialism.

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

- 1. Call upon the Government of Canada to amend Bill C-9, *An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places)*, or failing that, to introduce and adopt stand-alone legislation to criminalize the public condoning, denial, justification, or minimization of the Indian Residential School (IRS) system and the unmarked graves of Indigenous children, recognizing such denialism as equated to a hate crime against Indigenous Peoples.
- 2. Direct the National Chief to immediately advocate with the Prime Minister, Minister of Justice, and Minister of Crown-Indigenous Relations for the introduction or amendment of a government-sponsored bill, ensuring it is not left to private member's legislation.
- 3. Direct the Assembly of First Nations (AFN) to work with survivors, Elders, and First Nations leadership across the country through the AFN's Advisory Councils to ensure the drafting or amending of such legislation reflects lived experiences, provides clear legal definitions, and withstands constitutional challenges.

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4. Call on the Government of Canada to affirm that denialism is an attack on truth, healing, and reconciliation and must be met with the same legal protections provided to Holocaust survivors and their families.

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