

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N :

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants / Respondents

– and –

CANADIAN HUMAN RIGHTS COMMISSION

Commission / Respondent

– and –

ATTORNEY GENERAL OF CANADA

Respondent / Respondent

– and –

**CHIEFS OF ONTARIO, NISHNAWBE ASKI NATION, AMNESTY INTERNATIONAL
CANADA, SOUTHERN CHIEFS’ ORGANIZATION INC., ASSEMBLY OF MANITOBA
CHIEFS, OUR CHILDREN OUR WAY SOCIETY, FIRST NATIONS OF QUEBEC AND
LABRADOR HEALTH AND SOCIAL SERVICES COMMISSION, ASSEMBLY OF
FIRST NATIONS QUEBEC-LABRADOR, and NATIONAL CHILDREN’S CHIEFS
COMMISSION**

Interested Parties

AFFIDAVIT OF ANDREW BISSON

(Sworn July 24, 2026)

I, ANDREW BISSON, of the City of Ottawa, in the Province of Ontario, MAKE OATH AND
SAY:

1. I am the Chief Executive Officer (“CEO”) of the Assembly of First Nations (“AFN”). As such, I have knowledge of the facts stated below. Where I do not have personal knowledge, I have identified the source of my knowledge, which I believe to be true.
2. I swear this affidavit for the sole purpose of providing the Canadian Human Rights

Tribunal (“**CHRT**”) with an update from the AFN’s Annual General Assembly, held from July 14 to 16, 2026, at the Rogers Convention Centre in Ottawa, Ontario.

3. The Annual General Assembly is a forum where First Nations can articulate, debate, and advance collective priorities by adopting resolutions. This forum is referred to as the First Nations-in-Assembly.
4. On July 16, 2026, I was present in Canada Hall, the room in the Rogers Convention Centre where the First Nations-in-Assembly had gathered, during the introduction and debate of resolutions.
5. On that date, the Assembly passed three resolutions relating to national long-term reform of First Nations Child and Family Services. All three resolutions were debated and subsequently adopted unanimously, by consensus, by the First Nations-in-Assembly.
6. Draft Resolution #11/2026, entitled “Minimum standards for ending Canada’s discrimination in First Nations Child & Family Services outside Ontario” was moved by Chief Pauline Frost from Vuntut Gwitchin First Nation and seconded by Chief Justice Gruben from Biliik First Nation. Attached hereto as **Exhibit “A”** to this affidavit is a true copy of the Draft Resolution.
7. Draft Resolution #12/2026, entitled “Clarity, Accuracy, and Respect for First Nations in Communications on Long-Term Reform” was moved by Chief David Monias from Pimicikamak Okimawin Cree Nation and seconded by Chief Ira McArthur from Pheasant Rump Nakota First Nation. Attached hereto as **Exhibit “B”** to this affidavit is a true copy of the Draft Resolution.

8. Both Draft Resolution #11/2026 and Draft Resolution #12/2026 were ultimately introduced to the First Nations-in-Assembly as part of a package of resolutions. That package was moved by Wayne Christian, a proxy for the Chief of Whispering Pines/Clinton First Nation and seconded by Chief Eddy Jules from Skeetchestn Indian Band.
9. Draft Resolution #53/2026, entitled “Long-Term Reform of the First Nations Child and Family Services Program: Inclusion of First Nations Members Living Off-Reserve” was moved by Chief Jenny Brake from Qalipu Mi’kmaq First Nation and seconded by Chief Betsy Kennedy from War Lake First Nation. Attached hereto as **Exhibit “C”** to this affidavit is a true copy of the Draft Resolution.
10. I note that the Draft Resolutions appended to this affidavit remain in draft form because a Draft Resolution does not become a Resolution until it is formally signed by the National Chief. This is an internal AFN process that often takes several weeks to complete. The formal signing process does not affect the substance of the Draft Resolutions, which will remain unchanged.
11. I swear this affidavit for no improper purpose.

SWORN BEFORE ME by Andrew)
Bisson at the City of Ottawa, in the)
Province of Ontario on July 24, 2026 in)
accordance with O. Reg. 431/20,)
Administering Oath or Declaration)
Remotely.)

Signed by:

Clive Ngan

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Commissioner for taking affidavits)
Clive Ngan (LSO: 92442N))

Signed by:

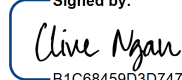
Andrew Bisson

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ANDREW BISSON

This is Exhibit “A” referred to in the Affidavit of Andrew Bisson, sworn remotely by Andrew Bisson in the City of Ottawa, in the Province of Ontario, before me this 24th day of July 2026 in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.

Signed by:

Clive Ngan

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Clive Ngan, LSO #92442N

DRAFT RESOLUTION # 11 / 2026

AFN Annual General Assembly, July 14-16, 2026, Ottawa, ON

TITLE:	Minimum standards for ending Canada's discrimination in First Nations Child & Family Services outside Ontario
SUBJECT:	Child & Family Services
MOVED BY:	Chief Pauline Frost, Vuntut Gwitchin First Nation, YK
SECONDED BY:	Chief Justice Gruben, Bilikj First Nation, NB

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. 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.
 - 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.
- B. In 2016 CHRT 2, the Canadian Human Rights Tribunal (CHRT), and subsequent orders, found that Canada engaged in systemic and ongoing discrimination against First Nations children, youth, and families and ordered Canada to permanently cease the discrimination and prevent its recurrence through durable and enforceable remedies.
- C. In 2025 CHRT 80, the CHRT noted that children cannot wait for long-term reform and directed the First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) to consult with the National Children's Chiefs Commission (NCCC), First Nations Chiefs, and other experts, including First Nations and First Nations organizations outside Ontario, as well as those that have filed interested party motions, to develop an evidence-based, comprehensive National First Nations Child and Family Services (FNCFS) long-term reform plan and requested remedies outside Ontario.
- D. In fulfillment of AFN Resolution 03/2025, *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*, the NCCC conducted regional engagements outside Ontario—in collaboration with the Caring Society—to solicit input on long-term reform of FNCFS from title and rights holders and their experts, who directed that long-term reform must meet the following standards:
- i. First Nations must hold decision-making authority in the implementation of long-term reform.
 - ii. The reformed FNCFS must uphold human rights principles.
 - iii. FNCFS funding must be needs based.
 - iv. Long-term reforms must provide durable protection against discrimination.

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- v. Long-term reforms must be enforced through independent mechanisms and provide guaranteed access to remedies for First Nations and their service providers.
- vi. First Nations require capacity-building to support their full participation in the reformed FNCFS.
- E. In fulfillment of AFN Resolution 03/2025, the NCCC worked with the Caring Society to draft a national (outside Ontario) FNCFS long-term reform plan that meets the standards described above, the Loving Justice plan.
- F. On December 22, 2025, the Caring Society, with the support of the AFN, submitted the Loving Justice plan for long-term reform of FNCFS to the CHRT.
- G. On December 22, 2025, Canada also submitted its unilaterally developed plan for national (outside Ontario) FNCFS long-term reform, which maintains Canada's unilateral decision-making authority and leaves First Nations in an advisory role, imposes the formula-based funding approach described in the Draft Final Agreement that First Nations rejected in 2024, eliminates any infrastructure for First Nations-led national oversight of FNCFS, and replaces Canada's accountability for ending discrimination with FNCFS agency accountability.

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

1. Direct the Assembly of First Nations (AFN) to call on the National Children's Chiefs Commission (NCCC) and the First Nations Child and Family Caring Society (Caring Society) and Treaty 8 of Alberta to advocate that Canada implements long-term reform of First Nations Child and Family Services (FNCFS) outside Ontario to fully end its discrimination and prevent any recurrence of discrimination.
2. Direct the AFN to call on the NCCC, the Caring Society, and Treaty 8 of Alberta to urge Canada to act with diligence, transparency, and a commitment to reconciliation in developing and implementing long-term reform, consistent with the principle of Honour of the Crown.
3. Direct the AFN to call on the NCCC, the Caring Society, and Treaty 8 of Alberta to support the affirmation that long-term reform outside Ontario must meet the non-derogable Minimum Standards established in the Loving Justice plan:
 - i. First Nations-led decision-making: First Nations must hold decision-making authority over the design, funding, management and oversight of FNCFS, with meaningful roles for Rights Holders, Elders/Knowledge Keepers, and youth, including those with lived experience in care.
 - ii. Human Rights principles: the reformed FNCFS must be implemented in a manner that consistently upholds human rights, including substantive equality, intergenerational equity, the best interests of the child, and cultural continuity.
 - iii. Needs-based funding: All FNCFS funding must meet the actual, evolving and distinct needs and circumstances of First Nations across Canada.
 - iv. Durability against ongoing or new discrimination: Legal safeguards must protect long-term reforms from erosion due to fiscal restraint, policy change, or political cycles.

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- v. Independent enforcement and continued oversight: Effective, independent enforcement is essential, including continued CHRT oversight until an equally effective oversight mechanism is established.
- vi. Access to justice and protection from retaliation: First Nations and their service providers must have guaranteed access to remedies and enforcement, with explicit protections from retaliation for asserting these minimum standards.
- vii. Capacity as a Crown obligation: Any capacity-building required to meet these minimum standards is the responsibility of Canada, which shall provide adequate, timely, and sustained funding and technical supports to First Nations and First Nations Child and Family Services Agencies.

This is Exhibit “**B**” referred to in the Affidavit of Andrew Bisson, sworn remotely by Andrew Bisson in the City of Ottawa, in the Province of Ontario, before me this 24th day of July 2026 in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.

Signed by:

Clive Ngan

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Clive Ngan, LSO #92442N

DRAFT RESOLUTION # 12 / 2026

AFN Annual General Assembly, July 14-16, 2026, Ottawa, ON

TITLE:	Clarity, Accuracy, and Respect for First Nations in Communications on Long-Term Reform
SUBJECT:	Child & Family Services
MOVED BY:	Chief David Monias, Pimicikamak Okimawin Cree Nation, MB
SECONDED BY:	Chief Ira McArthur, Pheasant Rump Nakota First Nation, SK

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and the *United Nations Declaration Act* (UNDA) recognize the right of Indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child. The UN Declaration states:
 - i. 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.
 - 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.
- B. Pursuant to 2025 CHRT 80, the First Nations-led Loving Justice Plan and Canada's National Plan were both submitted to the Tribunal as distinct proposals for adjudication, reflecting different approaches to ending Canada's discrimination in FNCFS outside Ontario.
- C. The Canadian Human Rights Tribunal (CHRT) has retained jurisdiction over long-term reform of First Nations Child & Family Services (FNCFS) outside Ontario and has not yet approved any final national reform framework.
- D. Following the submission of Canada's National Plan, Canada's public statements and materials on the ISC website have been inconsistent, misleading and incomplete regarding information about the CHRT process, the roles of the other Parties and that all proposed National Plans remain subject to CHRT approval.
- E. First Nations leaders, communities and their experts need timely, clear, comprehensive and accurate information to make decisions about long-term reform of FNCFS (outside Ontario).
- F. Communications regarding long-term reform that are incomplete, unclear, or that overstate decision-making authority risk undermining free, prior, and informed consent for First Nations and public understanding of the Tribunal process.

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- G.** Whereas, The Supreme Court has previously held that the Crown cannot adopt an intransigent attitude, cannot change its position to end or delay the performance of its obligations, and cannot attempt to coerce or unilaterally impose an outcome.

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

- 1.** Direct the Assembly of First Nations (AFN) to seek the collaboration of the National Children's Chiefs Commission (NCCC) and the First Nations Child and Family Caring Society (Caring Society) to urge Canada to take steps to fully ensure that all communications regarding First Nations Child and Family Services (FNCFS) long-term reform are comprehensive, accurate and uphold Canada's obligations under free, prior and informed consent and Honour of the Crown responsibilities, by;
 - i. Clarifying that any proposed reform plan (including Canada's National Plan) remains subject to CHRT review and approval.
 - ii. Accurately reflecting the respective roles of First Nations, Canada, and other parties involved with the CHRT proceedings.
 - iii. Avoiding statements that imply that any plan is final, fully approved, or implemented prior to Tribunal determination.
- 2.** Direct the AFN and call on NCCC and Caring Society to remind Canada of its duty under the honour of the Crown and call upon Canada to reinstate the top-ups to First Nations, and as per 2018 CHRT 4, reimburse actuals without additional administrative burdens on the First Nation Child & Family Services, by;
 - i. Ensuring compliance with the binding orders of the CHRT by administering FNCFS funding in accordance with the principles of actual need, actual cost, and substantive equality.
 - ii. Reviewing and improving the Claims-on-Actuals process by reducing unnecessary administrative requirements, eliminating duplication, providing clear guidance to agencies, and ensuring claims are processed in a timely and transparent manner.
 - iii. Determining operational funding based on each agency's actual operational needs, rather than averaging or formula-based methodologies, recognizing the unique realities of small, remote, and First Nations-led child and family services agencies.

Strengthening collaboration with FNCFS agencies through meaningful engagement, timely communication, and administrative practices that support—not hinder—the delivery of services to First Nations children, youth, and families.

This is Exhibit “C” referred to in the Affidavit of Andrew Bisson, sworn remotely by Andrew Bisson in the City of Ottawa, in the Province of Ontario, before me this 24th day of July 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.

Signed by:


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Clive Ngan, LSO #92442N

DRAFT RESOLUTION # 53 / 2026

AFN Annual General Assembly, July 14-16, 2026, Ottawa, ON

TITLE: Long-Term Reform of the First Nations Child and Family Services Program: Inclusion of First Nations Members Living Off-Reserve

SUBJECT: Child and Family Services Long-Term Reform; Inherent Rights and Jurisdiction

MOVED BY: Chief Jenny Brake, Qalipu Mi'kmaq First Nation, NL

SECONDED BY: Chief Betsy Kennedy, War Lake First Nation, MB

WHEREAS:

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

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development;
- ii. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions;
- iii. 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;
- iv. 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; and
- v. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

B. First Nations possess an inherent right of self-government and inherent jurisdiction over child and family services as an aspect of self-determination, exercised in relation to their children, youth, families and citizens regardless of residence on or off reserve, as affirmed by section 35 of the *Constitution Act, 1982*, and as recognized and affirmed by *An Act respecting First Nations, Inuit and Métis children, youth and families*, SC 2019, c 24 (the "Act").

C. Recognizing the sacredness of First Nations children, youth and families and Jordan's Principle, a child-first legal principle ensuring substantively equal and culturally appropriate access to products, services and supports for First Nations children, and that the government entity of first contact pays for the support without delay.

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- D. 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 that Canada's inequitable provision of First Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory, resulting in serious and irremediable harms.
- E. The Canadian Human Rights Tribunal (CHRT) substantiated the discrimination claim in 2016 CHRT 2 and ordered Canada to cease its discriminatory conduct; that finding addressed the federal FNCFS Program as it applies to First Nations children and families ordinarily resident on reserve and in the Yukon.
- F. In 2017 CHRT 14, the Tribunal confirmed that Jordan's Principle is a child-first principle that applies equally to all First Nations children, whether resident on or off reserve, and is not limited to children with disabilities.
- G. On July 11, 2024, the AFN, the Chiefs of Ontario (COO), Nishnawbe Aski Nation (NAN) and Canada reached a tentative \$47.8 billion draft Final Settlement Agreement on the long-term reform of the FNCFS Program, which the First Nations-in-Assembly rejected on October 18, 2024 in Resolutions 60/2024 and 61/2024, directing a new, First Nations-led negotiation process and establishing the Children's Chiefs Commission (also referred to as the National Children's Chiefs Commission) (the "Commission") to provide strategic direction and oversight of the negotiations.
- H. Following the rejection, Canada advised the AFN in January 2025 that it did not have a mandate for further national-level negotiations and would proceed with an Ontario-specific agreement; on February 26, 2025, the COO, NAN and Canada signed an \$8.5 billion Ontario Final Agreement (OFA), described by Canada as an Ontario-specific version of the rejected national agreement.
- I. In 2025 CHRT 80, the Tribunal directed Canada, the Caring Society and the AFN to move forward on national long-term reform of the FNCFS Program concurrently with, and separately from, the OFA, and to submit reform plans to the CHRT; the CHRT approved the OFA on an urgent basis in March 2026, and implementation of the OFA, including prevention funding flowing to First Nations in Ontario, began in or about May 2026.
- J. As a result, First Nations in Ontario are now advancing reform and prevention funding under a regional agreement, while First Nations in Manitoba and other regions outside Ontario have not obtained regional remedies, leaving comparably situated children and families without the benefit of long-term reform.
- K. The federal FNCFS Program and the remedies obtained to date are structured primarily around children and families ordinarily resident on reserve and in the Yukon, with services for First Nations members living off-reserve generally delivered through provincial systems, creating practical service gaps for off-reserve First Nations children and families and risking outcomes inconsistent with substantive equality, Jordan's Principle, principles of First Nations self-determination, and the honour of the Crown.
- L. The exercise of First Nations' inherent jurisdiction over child and family services under the Act is not limited by a member's place of residence; First Nations have jurisdiction concerning all of their citizens, including those living off-reserve, and any long-term reform that excludes off-reserve members is inconsistent with First Nations self-determination, with Jordan's Principle, and with the substantive equality the CHRT proceedings were intended to secure.

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AFN Annual General Assembly, July 14-16, 2026, Ottawa, ON

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

1. Affirm that First Nations hold an inherent right of self-determination and inherent jurisdiction over child and family services in relation to all of their children, youth, families and citizens, regardless of whether they reside on or off reserve, as recognized and affirmed by section 35 of the *Constitution Act, 1982*, the Act, and the UN Declaration, and that the long-term reform of the FNCFS Program must give effect to that jurisdiction without distinction based on residence.
2. Call on Canada to ensure that the national long-term reform of the FNCFS Program and Jordan's Principle (the "LTR Agreements"), including all plans submitted or to be submitted to the CHRT, expressly include First Nations members living off-reserve and provide for substantively equal, culturally appropriate FNCFS services for First Nations children and families regardless of residence.
3. Call upon Canada to obtain and confirm a negotiation mandate sufficient to negotiate long-term reform that includes First Nations members living off-reserve, and direct the AFN to urge Canada to extend the scope of reform beyond children and families ordinarily resident on reserve and in the Yukon.
4. Direct the AFN, through its Executive Committee, and call on the National Children's Chiefs Commission to pursue substantive equality in Child and Family Services for all First Nations children and families – regardless of residency – through all available legal and political channels.
5. Direct the AFN to urge Canada to recognize, in the design and funding of long-term reform, that the on-reserve and Yukon basis of the federal FNCFS Program and of the interim prevention funding baseline in 2022 CHRT 8 reflect the historic scope of the federal program, and do not limit First Nations' inherent jurisdiction or Canada's obligations to First Nations children living off-reserve.
6. Affirm, consistent with 2017 CHRT 14, that Jordan's Principle applies to all First Nations children whether resident on or off reserve, and call upon Canada to ensure that long-term reform identifies and resolves the service gaps experienced by off-reserve First Nations children.
7. Direct the AFN Executive Committee and the National Children's Chiefs Commission to report to the First Nations-in-Assembly, at the next and subsequent Assemblies, on progress toward substantive equality for First Nations members living off-reserve.