

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

ANNUAL GENERAL ASSEMBLY
July 14-15-16, 2026, Ottawa, ON

Resolution no. 23/2026

TITLE: Minimum standards for ending Canada's discrimination in First Nations Child & Family Services outside Ontario

SUBJECT: Child & Family Services

MOVED BY: Wayne Christian, Proxy, Whispering Pines/Clinton First Nation, BC

SECONDED BY: Chief Eddy Jules, Skeetchestn Indian Band, BC

DECISION Carried by consensus.

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.

Certified copy of a resolution adopted on the 16th day of July, 2026 in Ottawa, Ontario

Cindy Woodhouse

CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

23 – 2026

Page 1 of 3

- 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.
 - 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), 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:

Certified copy of a resolution adopted on the 16th day of July, 2026 in Ottawa, Ontario

CWoodhouse.

- 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.
- 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.

Certified copy of a resolution adopted on the 16th day of July, 2026 in Ottawa, Ontario

Cindy Woodhouse.