BC ASSEMBLY OF FIRST NATIONS

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Prince George, BC V2K 5S3
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BCAFN ANNUAL GENERAL MEETING
October 14, 15 & 16, 2026
In person & online via Zoom

Resolution 23(b)/2026

SUBJECT: **SUPPORT FOR THE LOVING JUSTICE PLAN TO END CANADA'S DISCRIMINATION IN FIRST NATIONS CHILD & FAMILY SERVICES**

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

A. In First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada), 2016 CHRT 2 (the "Merit Decision"), the Canadian Human Rights Tribunal (the "Tribunal") found Canada was discriminating against First Nations children and their families by failing to implement the full scope of Jordan's Principle and denying First Nations children the equal provision of child and family services, and ordered Canada to stop its discriminatory policies and practices;

B. since the 2016 Merit Decision, the Tribunal has issued numerous procedural and non-compliance orders against Canada. The case (numbered T1340/7008) is ongoing, and the Tribunal retains jurisdiction over these orders;

C. the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

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Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of (indigenous peoples') economic and social conditions.
Article 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
(2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
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;

D. on October 18, 2024, through AFN resolutions nos. 60/2024 and 61/2024, First Nations-in-Assembly rejected the draft Framework Agreement ("FA") along with the proposed amendments released on or about October 7, 2024, and called for the establishment of a National Children's Chiefs Commission ("NCCC") with representation appointed by every region, and a mandate to provide strategic direction and oversight of the long-term reform agreement negotiations;

E. the NCCC was established with representation from 11 regions across Canada, including regions not represented by the AFN and has been holding regular meetings since December 2024;

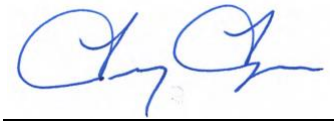
F. By Resolution 20/2025 the BCAFN Chiefs-in-Assembly supported the NCCC's mandate to negotiate national agreements for the long-term reform of the FNCFS program;

G. By Resolution 06/2025 the BCAFN Chiefs-in-Assembly advocated for a BC-specific pathway for the long-term reform of the FNCFS program that recognizes the unique needs and inherent rights of First Nations in BC;

H. on August 20, 2025, the Tribunal issued 2025 CHRT 80, which affirmed that the order against Canada to cease its discriminatory practices was designed to safeguard multiple generations of First Nations children and families, that Canada cannot contract out of or amend this order through agreements, and that long-term reform remedies must respect the spirit of Tribunal findings and orders, children's rights, First Nations rights, and be based on the best available evidence;

I. in 2025 CHRT 80, the Tribunal ruled that within four months of the date of its ruling (December 20, 2025), the Caring Society and the AFN must consult with the 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 FNCFS long-term reform plan and requested remedies outside Ontario (National Plan) for the Tribunal's consideration;

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J. in 2025 CHRT 80, the Tribunal ruled that if a National Plan cannot be reached on consent, or if Canada declines to participate in the consultations, Canada must file with the Tribunal its own evidence-based National Plan within the same timeframe;

K. on September 4, 2025, the AFN Chiefs-in-Assembly, through AFN Resolution 52/2025, approved the terms of reference of the NCCC and the NCCC negotiation team and supported the NCCC to continue its work in developing a National Plan with regional variations;

L. by Resolution 27/2025 the BCAFN Chiefs-in-Assembly supported the NCCC's development of a National Plan informed by meaningful consultation with First Nations in BC.

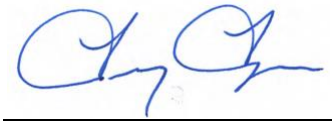
M. to inform the National Plan and ensure regional perspectives and interests are included, the NCCC, through its dedicated secretariat the Our Children Our Way Society, hosted regional engagements in BC in collaboration with the First Nations Leadership Council and the Caring Society, including the following:
    - Three in-person meetings attended by approximately 120 Chiefs, proxies, and frontline staff;
    - Ten virtual and in-person meetings for Indigenous Child & Family Service Agencies attended by a total of 15 agencies;
    - One virtual session for youth; and
    - One virtual session for Elders and Knowledge Keepers;

N. throughout the fall of 2025, the NCCC collaborated with the Caring Society to draft a National Plan informed by input from First Nations and their experts and by the research and legal orders accumulated over decades;

O. on December 22, 2025, the Caring Society filed its National Plan titled "Loving Justice" with the Tribunal, with support from the NCCC and the AFN;

P. the Loving Justice Plan:
    - is grounded in principles to ensure effective and durable remedies to end Canada's discrimination; positive outcomes for First Nations children and families; the advancement of reconciliation and human rights; and accountability and transparency in long-term reform;
    - establishes governance, accountability, and enforcement measures to replace Canada's unilateral decision-making authority with First Nations-led governance structures; make Canada accountable for ending its discriminatory conduct; and provide infrastructure to monitor outcomes and identify issues as they arise;
    - sets out an evidence-based funding approach that: incorporates the Institute of Fiscal Studies for Democracy's block funding approach; includes funding at actuals as a

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backstop to safeguard substantive equality; includes funding at actuals for items (e.g., post-majority services and capital) where a reliable baseline is not yet available; and includes capacity-building resources; and

- calls for Canada to negotiate regional variations that meet or exceed the minimum standards established by the Loving Justice plan and to address the distinct needs and circumstances of First Nations within each region;

Q. Canada filed a separate National Plan with the Tribunal on December 22, 2025, which:
   - maintains Canada's unilateral decision-making authority over FNCFS and leaves First Nations in an advisory role;
   - imposes the formula-based funding approach described in the FA 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;

R. both the Loving Justice Plan and Canada's Plan are before the Tribunal for consideration in determining which approach best responds to the orders to end discrimination in FNCFS;

S. voting in favour of either the Loving Justice Plan or Canada's Plan does not mean that the selected plan will automatically be implemented; however, it is expected that the Tribunal will take the positions expressed by Chiefs into account when rendering its final decision;

T. in July of 2026, the Assembly of First Nations passed Resolution 11/2026, *Minimum Standards for Ending Canada's Discrimination in First Nation Child and Family Services Outside Ontario*, and Resolution 12/2026, *Clarity, Accuracy, and Respect for First Nations in Communications on Long-Term Reform*, which provides support for the Loving Justice plan as the preferred pathway, and calls on Canada to ensure transparent communication to First Nations regarding the ongoing reform;

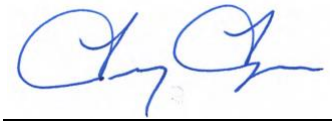
U. FNS Resolution #0626.07 and UBCIC Resolution 2026-31 both offer support for the Loving Justice plan as the preferred pathway to long-term reform; and

V. on July 15, 2026, the BCAFN Board of Directors supported the Loving Justice Plan as the preferred pathway for the long-term reform of FNCFS through BCAFN Board Motion 2026.07.13.04.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly:
   a) support the Loving Justice Plan as the pathway to long-term reform of the First Nations Child & Family Services program;

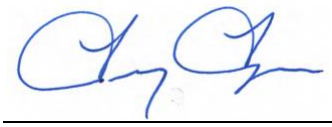
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b) call on Canada to clarify how much funding is remaining from the original $47.8 billion that was offered in the 2024 draft final settlement agreement; and
c) call on Canada to provide resources to the BCAFN, working with the First Nations Summit and the Union of BC Indian Chiefs, together as the First Nations Leadership Council, and the Our Children Our Way Society, as the designated secretariat for the National Children's Chiefs Commission, to consult with BC First Nations on BC-specific regional variations under the Loving Justice Plan.

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