SPECIAL CHIEFS ASSEMBLY
DECEMBER 4, 5 & 6, 2012, GATINEAU, QC

Resolution no. 40/2012

TITLE:	Education Funding Human Rights Challenge
SUBJECT:	Education
MOVED BY:	Chief Lynn Acoose, Sakimay First Nation, SK
SECONDED BY:	Chief Gilbert Whiteduck, Kitigan Zibi Anishinabeg, QC
DECISION:	Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states in 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 2011 Auditor General Report acknowledges that First Nation program services and funding to provide these services on reserve are not comparable to that which is provided off reserve;

C. First Nations can, without giving up jurisdiction, use the Human Rights Complaint process and rules to force Canada to fund First Nations schools at parity plus to the funding rates in comparison to provincial schools.

D. Since 1996, the increase in Indian and Northern Affairs Canada's (INAC)* national education funding formula for First Nation schools has been capped at 2% annually despite the steady growth of inflation and the in the increase of the youth population living on reserve.

E. The funding of school systems off reserve has increased by a Canadian average of 4.1% per year since 1996 despite a general decline in student enrolment.

F. The *Canadian Human Rights Act* is a federal statute that prohibits discrimination on the basis of race, which includes First Nations.

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G. Individuals or organizations may register complaints with the Canadian Human Rights Commission (Commission) which then could proceed to adjudication before the Canadian Human Rights Tribunal where a hearing could be conducted.

H. INAC is obligated to comply with the *Canadian Human Rights Act*.

I. The investigations carried out in accordance with the *Canadian Human Rights Act* would require INAC to answer to the Commission, present submissions, and take part in the investigation process.

J. The Canadian Human Rights Tribunal could order INAC to fund schools on reserve at a level that is comparable, at parity plus to what is provided off reserve; to conduct mandatory consultations with First Nation communities and advocacy groups; and to report regularly to the Tribunal on the progress made.

K. The First Nations Education Council of Quebec, in conjunction with the Assembly of First Nations and other organizations, will launch a Human Rights Complaint on Education regarding inequitable funding to First Nations schools and has requested support from other First Nations across Canada.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Provide political support to the Human Rights Complaint on Education led by the First Nation Education Council of Quebec.

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