TITLE:	Chiefs Task Force on Child and Family Services
SUBJECT:	Child Welfare
MOVED BY:	Chief Maureen Chapman, Skawahlook First Nation, BC
SECONDED BY:	Kukpi7 Wayne Christian, Splatsin First Nation, BC
DECISION:	Carried by consensus

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* states:

   Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

   Article 18: Indigenous peoples have the right to participate in decision-making 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.

   Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

B. The Charter of Rights and Freedoms guarantees every person equal protection and benefit under the law without discrimination and the United Nations Convention on the Rights of the Child specifically requires that the Government of Canada ensures that children do not experience discrimination.

C. Section 35 of the Constitution Act 1982 affirms First Nations have an inherent right to self-determination and self-government, and the right to self-government includes jurisdiction over matters involving our citizens, including wellness provisions of children and families.

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D. First Nations constitutionally protected inherent right and responsibility to govern our own families and make provision for their safety and wellness, has been subject to the Crown's removal policy of assimilation and disconnection of the child from their community and family of origin.

E. Presently, there are more First Nations children in care then at the height of residential school operations.

F. The Assembly of First Nations (AFN) Chiefs-in-Assembly passed Resolutions 53/2006 and 56/2007 supporting a complaint to the Canadian Human Rights Commission (CHRC) regarding inequitable funding arrangements made on-reserve, called upon Aboriginal Affairs and Northern Development Canada (AANDC) to take immediate steps to ensure that children are not discriminated against, and continued their opposition to the adoption and placement of First Nations children outside of their communities except in extreme circumstances.

G. In February 2007, the AFN in partnership with the First Nations Caring Society of Canada (FNCFCS), and later supported by interveners the Chiefs of Ontario and Amnesty International, filed a historic complaint with the Canadian Human Rights Commission (CHRC) to redress AANDC's inequitable funding on reserves.

H. The Report of the Office of the Auditor General (OAG) of Canada to the House of Commons in May 2008 on First Nations Child and Family Service (CFS) programs – AANDC – reported many problems including that:

- The funding formula, Directive 20-1, is outdated, and leads to funding inequities
- AANDC, in consultation with First Nations and provinces, must ensure that its new funding formula and approach to funding First Nations agencies:
- Is directly linked with provincial legislation and standards;
- Reflects the current range of child wellness provisions; and
- Takes into account the varying populations and needs of First Nations communities for which it funds on-reserve child wellness provisions.

I. The Wen:De research, as well as the OAG report on CFS found that First Nations on-reserve CFS are funded, on average, at 22% less than provincial child wellness provisions off-reserve.

J. AANDC lacks transparency surrounding the negotiation process within regions, as well as accountability with respect to how CFS funding is being spent, especially within the department

K. Provincial and federal bureaucracies continue to insufficiently recognize, at the policy, institutional and legislative levels, that the Chiefs-in-Assembly are the governance voice for all First Nations children.

L. To counteract the assimilation policies of the provincial and federal governments, the Chiefs-in-Assembly require ongoing cross-region strategic governance planning through the continued development of a non-political specialized task force of Chiefs to champion the needs of First Nations children and families.

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

1. Re-affirm that First Nations leadership does not require any guiding federal or provincial policy to move forward on the basis of our Constitutional and internationally protected inherent rights and responsibilities over all First Nations, regardless of residency or "Indian Act status".
2. Support the re-establishment of the Chiefs Task Force on First Nations Child and Family Services (AFN Resolutions 23/2004 and 17/2009), with the aim of coordinating and implementing a national strategy on issues relating to all First Nations child and family wellness, regardless of status or residency, including but not limited to:
    a. Asserting that any changes to child wellness policies and programming must be done in full consultation with First Nations, to ensure that policies are responsive to the needs of families living on-reserve and accommodate the unique circumstances in each First Nation, and must contain adequate resources to ensure that First Nations have capacity to enable full participation at the policy and implementation levels and to carry out the needed work;
    b. Assessing the actual disparity of funding formulas and services provided across every region in Canada.
    c. Calling upon the Government to immediately commit to additional funding to support CFS in First Nations communities and to disperse prevention enhancement funding equitably to all First Nations communities
    d. Making recommendations, in a fiscal arrangement with the Government of Canada, on the outstanding issues of the First Nations Child, Youth and Family legislation to build healthy Nations and preserve First Nations families;
    e. Calling upon AANDC, in consultation with First Nations, to ensure that its funding formula for First Nations agencies reflects the full range of child wellness provisions, taking into account varying populations, remoteness, cost of living and needs of First Nations communities;
    f. Calling upon AANDC to engage in fair and transparent negotiations to prevent the inclusion of counter-productive elements in funding for First Nations CFS.
    g. Bearing witness and providing political advocacy and communications support to the Assembly of First Nations, First Nations Caring Society of Canada, Chiefs of Ontario, and Amnesty International in the Canadian Human Rights Tribunal.
    h. To include cross-border child welfare matters.
3. Direct the AFN Executive to identify their regional representatives and seek and resources for the Chiefs Task Force to meet.

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