
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



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SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.89/2023

TITLE: Call for Canada to Implement the National Inquiry's 231 Calls for Justice relating to MMIWG2S+ and First Nations Control of Funding

SUBJECT: MMIWG2S+

MOVED BY: De-Anne Sack, proxy, We'koqma'q First Nation, NS

SECONDED BY: Chief Wilfred King, Kiashke Zaaging Anishinaabek First Nation, ON

DECISION Carried by Consensus

WHEREAS:

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

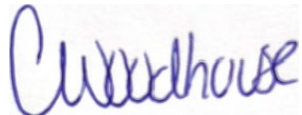
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- iii. Article 22 (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.
- iv. 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.

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- v. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.
- B. The Assembly of First Nations (AFN) has long acknowledged that First Nations' Chiefs and Councils are the recognized governing authorities for every aspect of governance, including social programs, housing programs, and budget processes.
 - C. In 2004, AFN passed Resolution 104/2004, *AFN Opposes Government of Canada's Pan-Aboriginal Approach*, where the Chiefs-in-Assembly called for the immediate cessation of the Government of Canada's pan-Aboriginal approach, which was to be replaced with a co-developed First Nations specific approach to identify and address First Nations issues.
 - D. In August 2016, the Government of Canada launched the independent National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry). The National Inquiry released its Final Report entitled *Reclaiming Power and Place* (Final Report) on June 3, 2019.
 - E. The Final Report explores many intersectional issues contributing to the national tragedy of missing and murdered Indigenous women, girls, and 2SLGBTQQIA+ peoples, and as such, details 231 Calls for Justice, which include:
 - i. Call for Justice 1.5: We call upon all governments to immediately take all necessary measures to prevent, investigate, punish, and compensate for violence against Indigenous women, girls, and 2SLGBTQQIA people.
 - ii. Call for Justice 3.7: We call upon all governments to provide continual and accessible healing programs and support for all children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and their family members. Specifically, we call for the permanent establishment of a fund akin to the Aboriginal Healing Foundation and related funding. These funds and their administration must be independent from government and must be distinctions-based. There must be accessible and equitable allocation of specific monies within the fund for Inuit, Métis, and First Nations Peoples.
 - F. In response to the Final Report, the 2021 MMIWG2S+ National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People (National Action Plan) was released on June 3, 2021.
 - G. In 2021, AFN passed Resolution 08/2021, *Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People*, was approved by the AFN Executive Committee, and directs the AFN to advocate for and seek appropriate resources to engage in or carry out activities in support of the implementation the National Action Plan to end violence against Indigenous women, girls, and 2SLGBTQQIA+ peoples.
 - H. Since the implementation of the National Inquiry's Final Report, minimal progress has been made to support and implement the Calls for Justice for Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ peoples.

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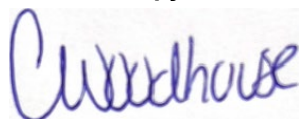
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- I. Despite federal commitments to “distinctions-based approaches” to legislative and policy initiatives, including issues related to MMIWG2S+, the Government continues to engage in pan-Indigenous approaches that fail in recognizing First Nations local leadership and prevents First Nations’ active participation and administration of funding and activities meant for their citizens.
- J. Any federal distinctions-based approach must underscore the significance of First Nations' authority over their citizens and does not recognize Crown-established "Aboriginal organizations" that purportedly represent First Nations citizens as legitimate entities.

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

1. Demand quantifiable action from the Government of Canada to implement the 231 Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ Peoples.
2. Demand that the Government of Canada ensure that all activities implemented under the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ Peoples are completed meaningfully and in collaboration with First Nations and MMIWG2S+ Survivors and family members.
3. Call on the Government of Canada to co-develop mechanisms with First Nations that ensure funding allocated to address the issues and challenges faced by MMIWG2S+ First Nations and their families is being streamed directly to First Nations or First Nations-mandated organizations.
4. Direct that the Assembly of First Nations (AFN) advocate to the Government of Canada that funds dispersed to First Nations relating to MMIWG2S+ are carried out in a way that upholds First Nations jurisdiction.
5. Direct the AFN to advocate for long-term sustainable funding that has First Nation-led processes to ensure funding is allocated in a transparent manner for First Nations and First Nations citizens.

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