
Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
www.afn.ca

**ANNUAL GENERAL ASSEMBLY
DECEMBER 8 & 9, 2020, OTTAWA, ON**

Resolution no. 07/2020

TITLE: Call for Reform to Address Institutional Racism in the Justice System

SUBJECT: Justice, Policing

MOVED BY: Judith Sayers, proxy, Toquaht First Nation, B.C.

SECONDED BY: Chief Lance Haymond, Kebaowek First Nation, QC

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 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.
- iii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- iv. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Certified copy of a resolution adopted on the 9th of December 2020 in Ottawa, Ontario.


PERRY BELLEGARDE, NATIONAL CHIEF

07 – 2020
Page 1 of 3

- B. Countless independent reports outlining the nature of systemic racism in institutions at all scales across Canada have demonstrated the devastating and sometimes fatal use of force exercised disproportionately against Indigenous Peoples in Canada by colonial police authorities, including the Royal Canadian Mounted Police (RCMP).
- C. The RCMP have been a critical colonial tool used to assimilate, displace, and enforce racist, anti-Indigenous genocidal policies and legislation.
- D. In 2020, numerous documented instances of police-involved fatalities of and excessive use of force against racialized people in Canada, including many Indigenous Peoples, have sparked national discourse regarding legislation on policing and demands from Indigenous Peoples for policing reform.
- E. The recent policing shootings of First Nation peoples like Rodney Levi and Chantel Moore, as well as the inaction of the RCMP to maintain the rule of law during the dispute between Mi'kmaq and Nova Scotia fishermen have shown a discrepancy in the way First Nations are treated by law enforcement agencies compared to other Canadians.
- F. Dismantling systemic racism in police services across Canada includes providing First Nations the opportunity to fund their own policing services that are comparable to those provided to other communities in Canada. The current footprint of the First Nations Policing Program (FNPP) must be expanded, as it is grossly underfunded and impedes those nations that wish to exercise their right to self-determination by providing police services for their nation.
- G. First Nations police services are essential services necessary for the safety and security of First Nations. As such, First Nations police services must be recognized as essential. The current "grants and contribution program status" creates systemic barriers to the long term creation and sustainability of quality First Nations services.
- H. Thirty percent of inmates in Canadian prisons are Indigenous, despite comprising 5% of the country's population. Since April 2010, the number of incarcerated Indigenous Peoples in Canada has grown by 44%, while non-Indigenous prison populations have decreased by 13.7%. Indigenous women are even more overrepresented at 42% of female prison populations.
- I. Commitments to develop an Action Plan in response to the Final Report of the Missing and Murdered Indigenous Women and Girls Inquiry (MMIWG2S+) were delayed by the Minister of Crown-Indigenous Relations and Northern Affairs in June 2020, further exemplifying the racist societal acceptance that missing and murdered Indigenous women, girls and 2 Spirit people are not a national priority and that the lives affected by this crisis are less worthy of intervention. By extension, this delay implicates the Crown as complicit in violence against Indigenous women, girls and 2-Spirit peoples.

Certified copy of a resolution adopted on the 9th of December 2020 in Ottawa, Ontario.



PERRY BELLEGARDE, NATIONAL CHIEF

- J. The Minister of Public Safety and Emergency Preparedness, on June 23, 2020, testified to the Public Safety Committee that he has committed "to co-develop a legislative framework that recognizes First Nations policing as an essential service."
- K. Gladue reports are not easily accessible for Indigenous Peoples. The 2019 *Viens Report* recommended that there be an increased number of Gladue writers with more funding, improved training and standardization and measures to evaluate and monitor their work.
- L. Restorative justice principles and practices and culturally attuned programming in the justice system reduce recidivism amongst Indigenous Peoples.

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

1. Direct the Assembly of First Nations (AFN) to work with the relevant ministries to co-develop a legislative framework to designate First Nations Policing as an essential service with adequate funding to support community-based, self-determined holistic approaches that are grounded in First Nations principles, laws, and traditions, including but not limited to the United Nations Declaration on the Rights of Indigenous Peoples.
2. Direct the AFN to engage with the Minister of Public Safety and Emergency Preparedness on funding increases for First Nations police services, which includes infrastructure, First Nations development of police services, adequate equipment supplies and salaries.
3. Direct the AFN to urge the federal and provincial governments to address systemic racism in the Royal Canadian Mounted Police and other police services, which includes the need for adequate and appropriate oversight mechanisms and legislative reforms to eradicate racism from police agencies.
4. Direct the AFN to advocate for broader funding for Gladue reports, enhanced training of Gladue writers and implementation of Gladue principles across the justice system.
5. Direct the AFN to advocate for sustained and increased funding for restorative and culturally informed justice programming in Canada.
6. Direct the AFN to advocate that all legislative and programmatic reforms in every system be made in congruency with the Calls to Justice outlined in the Final Report of the Missing and Murdered Indigenous Women and Girls Inquiry in order to reduce the harm faced by Indigenous women, girls and 2-Spirit peoples.

Certified copy of a resolution adopted on the 9th of December 2020 in Ottawa, Ontario.


PERRY BELLEGARDE, NATIONAL CHIEF