
Assembly of First Nations

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**SPECIAL CHIEFS ASSEMBLY
May 1 & 2, 2018, Gatineau, QC**



Assemblée des Premières Nations

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Resolution no. 10/2018

TITLE: Resources for Engagement on Distinct First Nations Accessibility Legislation

SUBJECT: Accessibility; Disabilities

MOVED BY: Chief Byron Louis, Okanagan Indian Band, BC

SECONDED BY: Chief Randall Phillips, Oneida Nation of the Thames, ON

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) states:
- i. Article 21 (1): 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.
 - ii. Article 21 (2): States shall take the effective measure 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 person with disabilities.
- B. The Convention on the Rights of Persons with Disabilities states:
- i. Article 21 (b): Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions.
 - ii. Article 21 (e): Recognizing and promoting the use of sign languages.
 - iii. Article 27: States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen

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or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia.

- iv. Article 30 (4): Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.
- C. International treaties and human rights standards serve to support First Nations persons with disabilities and provide them with an unprecedented opportunity to develop and implement full and meaningful legislation.
- D. Recent Assembly of First Nations (AFN) resolutions have included: Resolution 98/2017, *Distinct First Nations Accessibility Legislation*; Resolution 105/2016, *Establish an Office of Disabilities Unit at the AFN and develop a Regional Advisory Disability Task Force*; Resolution 55/2016, *First Nations Federal Accessibility Legislation*; Resolution 75/2015, *Support the Economic, Social and Cultural, Spiritual, Civil and Political Rights of Indigenous Persons with Disabilities*; and Resolution 48/2014, *Support for Persons with Disabilities*.
- E. Resolution 55/2016, *First Nations Federal Accessibility Legislation*, instructs AFN to work with Employment and Social Development Canada (ESDC) to develop a First Nations specific engagement process to parallel the Minister's broader consultation process with provinces and territories in creating federal accessibility legislation that is specific and distinct to First Nations' needs.
- F. Disability Rights in Canada are protected by the *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act*. Section 15 of the *Canadian Charter of Rights and Freedoms* clearly articulates that every individual in Canada – regardless of race, religion, nationality or ethnic origin, colour, sex, age or physical or mental disability – is to be considered equal. This means that governments must not discriminate based on any of these grounds in its laws or programs. Further, it allows for certain laws or programs aimed at improving the situation of disadvantaged individuals or groups.
- G. The Honorable Kirsty Duncan, Minister of Science and the Minister of Sport and Persons with Disabilities, is mandated by the Prime Minister to "lead an engagement process with provinces, territories, municipalities, and others that will lead to the passage of a *Canadians with Disabilities Act*" (now referred to as *Federal Accessibility Legislation*), which the federal government plans to table by early summer 2018.
- H. ESDC has confirmed some additional funding for fiscal year 2018-2019 to support further activities, however, more funding is required to establish a Regional Advisory Task Force on Disabilities (Task Force) to help build a national framework, regionalize funding for regional capacity building; develop a policy paper to advocate for culturally safe programs and services and consider initiatives such as a centre of excellence.

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

1. Direct the Assembly of First Nations (AFN) to work with Employment and Social Development Canada (ESDC) towards legislation supporting First Nations persons with disabilities, including meaningful resources for regional capacity building.
2. Direct the AFN to secure appropriate resources from the federal government for the development of a First Nations Regional Advisory Disability Task Force, and to explore initiatives, such as a Disabilities centre of excellence, to support promising practices, evidence-based resources in meeting the unique needs of First Nations persons with disabilities, service users, and their families.
3. Direct the AFN to support American Sign Language (ASL) as part of the communications theme in this legislative work, and call on ESDC to provide resources to support First Nations sign languages and include ASL as part of its future conferences and/or assemblies.

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