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## Assembly of First Nations

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## Assemblée des Premières Nations

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**ANNUAL GENERAL ASSEMBLY**  
**July 24, 25 & 26, 2018, VANCOUVER, BC**

**Resolution no. 24/2018**

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**TITLE:** Increased Focus on Disabilities Centered on Human Rights

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**SUBJECT:** Accessibility; Disabilities

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**MOVED BY:** Chief Harvey McLeod, Upper Nicola Indian Band, BC

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**SECONDED BY:** Chief Michael Lebourdais, Whispering Pines/ Clinton First Nation, BC

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**DECISION:** Carried by Consensus

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (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 area 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 asserts "States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:
- 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.

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**Certified copy of a resolution adopted on the 24<sup>th</sup> day of July, 2018 in Vancouver, British Columbia**

  
**PERRY BELLEGARDE, NATIONAL CHIEF**

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- 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 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. Recent Assembly of First Nations (AFN) resolutions on disability advocacy have included: Resolution 10/2018, *Resources for Engagement on Distinct First Nations Accessibility Legislation*, Resolution 98/2017, *Distinct First Nations Accessibility Legislation*; Resolution 105/2016, *Establish an Office of Disabilities Unit at the AFN*, 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*.
- D. 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, national or ethnic origin, colour, sex, age or physical or mental disability – is to be considered equal. This means that governments must not discriminate on any of these grounds in its laws or programs; and it allows for certain laws or programs aimed at improving the situation of disadvantaged individuals or groups.
- E. International treaties and human rights standards serve to support the rights of First Nations persons with disabilities who stand at the intersection of two historically marginalized social groups.
- F. Historically, First Nations governing systems existed with culturally strong and inclusive views of persons with disabilities as the “gifted ones” within our nations. Colonial attitudes over time have distanced First Nations persons with disabilities to the margins of society where they face exclusion, and multiple layers of discrimination based on concepts of race, gender and class, *et cetera*.
- G. Today, disability rates among First Nations are 20-50% greater than the general population. Little attention is given to their situation; with limited to no access to services/ supports to participate meaningfully in society.

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- H. The Honorable Kirsty Duncan, Minister of Science and the Minister of Sport and Persons with Disabilities, tabled Canada's first national accessibility law, the *Accessible Canada Act* on June 20, 2018.
- I. Employment Social Development Canada has confirmed minimal funding for fiscal year 2018-2019 to support much needed activities to engage First Nations persons with disabilities and First Nations governments meaningfully to develop First Nations distinct accessibility legislation; and to establish a Regional Advisory Task Force on Disabilities (Task Force) to help build a national framework; regionalized funding for regional capacity building; and means to advocate for culturally safe programs and services; as well as to consider initiatives, such as a centre of excellence.

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

- 1. Direct the Assembly of First Nations (AFN) to advocate for disabilities as a central issue in all policy and program sectors, disaggregated indicators and statistics, United Nations human rights machinery, and work of the United Nations, as integral to restoring the human rights of First Nations persons with disabilities.
- 2. Direct the AFN to work with Employment Social Development Canada (ESDC) and other federal government departments to ensure an intersectional lens/ disability analysis is applied to program and policy areas and all new initiatives and budgets to ensure persons with disabilities are not an afterthought, and nobody is left behind.
- 3. Direct the AFN to work with ESDC and other federal government departments to ensure Federal Budget 2019 includes meaningful regionalized funding for regional capacity building, and the establishment of a national Task Force on Disabilities to build a national framework and a centre of excellence to better address the human rights of First Nations persons with disabilities who are the marginalized of the marginalized.
- 4. Call on ESDC to ensure voices of persons with disabilities are not further excluded and increased focus on disabilities in international processes of Indigenous and humanitarian value, including the climate change agenda, and implementation of the Sustainable Development Goals.
- 5. Direct the AFN to work with Indigenous Services Canada to ensure a disability analysis/ lens is applied to the Non-Insured Health Benefits Joint Review Process.
- 6. Direct the AFN Chiefs Committee on Human Resources Development to provide updates on activities and report back to Chiefs-in-Assembly.

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