
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
July 5, 6, 7, 2022, Vancouver, BC**

Resolution no. 08/2022

TITLE: Early Learning and Child Care Legislation

SUBJECT: Social Development, Health, Education

MOVED BY: Chief David Crate, Fisher River First Nation, MB

SECONDED BY: Chief Rebecca Knockwood, Fort Folly First Nation, MB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. 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.
 - ii. Article 14 (1): Indigenous Peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - iii. Article 14 (3): States shall, in conjunction with Indigenous Peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
 - iv. Article 19: States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Certified copy of a resolution adopted on the 1st day of November 2022 in Ottawa, ON

ROSEANNE ARCHIBALD, NATIONAL CHIEF

08 – 2022
Page 1 of 3

- v. 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.
 - vi. 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.
- B.** First Nations have the inherent right of self-government, which includes the right to govern the care and education of their children.
- C.** The Truth and Reconciliation Commission of Canada's Call to Action #12 calls upon "federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families."
- D.** The First Nations Early Learning and Child Care (ELCC) Framework was developed and supported by the First Nations-in-Assembly in 2017 via Assembly of First Nations (AFN) Resolution 83/2017, *Support for the National First Nations Early Learning and Child Care Policy Framework*. The Framework identifies the vision, goals and outcomes of a First Nations ELCC system, with a focus on First Nations governance and control over ELCC.
- E.** In Budget 2021, the Government of Canada committed to tabling federal ELCC legislation "to enshrine the principles of a Canada-wide child care system in law."
- F.** On June 21, 2021, the Government of Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act*, which requires Canada, in consultation and cooperation with Indigenous peoples, to take all measures necessary to ensure that the laws of Canada are consistent with the UN Declaration.
- G.** In February 2022, the Government of Canada sought input from Indigenous stakeholders on an approach to federal ELCC legislation, including seeking input from the AFN; however, the AFN asserted that Canada must properly engage with First Nations leadership on ELCC legislation, including funding to support First Nations-led community- and regional-level engagements.
- H.** First Nations have a sacred obligation to care for their children; federal ELCC legislation must respect First Nations jurisdiction over ELCC and must account for the unique practical considerations of First Nations when developing legislation.

Certified copy of a resolution adopted on the 1st day of November 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

08 – 2022
Page 2 of 3

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

1. Assert that federal Early Learning and Child Care (ELCC) legislation must respect and uphold First Nations rights to self-determination and jurisdiction over ELCC, including respect for regional approaches.
2. Direct the Assembly of First Nations (AFN) to call upon the Minister of Families, Children and Social Development to directly engage with rights holders on the development of federal ELCC legislation, including providing funding for First Nations-led regional engagement to discuss and determine priorities for and the applicability of the proposed legislation for First Nations.
3. Direct the AFN and the National Expert Working Group (NEWG) on First Nations ELCC to develop recommendations for the First Nations-in-Assembly to consider a First Nations position on federal ELCC legislation versus First Nations-specific ELCC legislation, to be presented to the First Nations-in-Assembly by July 2023.

Certified copy of a resolution adopted on the 1st day of November 2022 in Ottawa, ON



ROSEANNE ARCHIBALD, NATIONAL CHIEF

08 – 2022
Page 3 of 3