

Assembly of First Nations

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SPECIAL CHIEFS ASSEMBLY
December 2-3-4, 2025, Ottawa, ON

Resolution no. 38/2025

TITLE: Advancing the Rights and Well-being of First Nations Persons with Disabilities

SUBJECT: Health, Accessibility

MOVED BY: Chief Dan Wilson, Okanagan Indian Band, BC

SECONDED BY: Sue Sterling-Bur, Proxy, Lower Nicola Indian Band, BC

DECISION: Carried by consensus

WHEREAS:

- A. The Inherent title and rights of Indigenous Peoples in Canada are recognized and affirmed by Sections 25 and 35 of the *Constitution Act, 1982*, which guarantee that the rights and freedoms of the Aboriginal peoples of Canada shall not be abrogated or derogated and that “the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed.”
- B. 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 areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
 - ii. Article 21(2): States shall take effective measures 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 persons with disabilities.
 - iii. Article 22(1): Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
 - 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

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programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

- C.** In 2010, Canada ratified the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD), which is an international human rights treaty aimed at protecting the rights and dignity of persons with disabilities without discrimination and on an equal basis with others. Of particular relevance to this resolution are CRPD:
 - i.** Article 4(3): In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations; and
 - ii.** Article 33(3): Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.
- D.** Parties to the CRPD are therefore required to promote and ensure the full enjoyment of human rights of persons with disabilities including full equality under the law; active participation in the development and implementation of legislation and policies to implement the Convention; and active participation in Canada's reporting under the Convention.
- E.** Indigenous persons with disabilities often experience multiple forms of discrimination and face barriers to full enjoyment of their rights, based on their Indigenous identity and disability status which is recognized in the preamble of the CRPD. The CRPD stresses that persons with disabilities "are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, Indigenous or social origin, property, birth, age or other status." The CRPD is the only United Nations (UN) human rights instrument with an explicit sustainable development dimension.
- F.** The Assembly of First Nations (AFN) Shadow Report to the CRPD was submitted in February 2025 and serves as a critical advocacy tool to call on Canada to account for decades of defunding and undermining the fundamental human rights of First Nations persons with disabilities (FNPWD) and the rights of First Nations governments.
- G.** The World Conference on Indigenous Peoples in 2014 called on relevant UN entities and bodies to take action to include Indigenous Peoples/persons with disabilities in their respective areas of work and to support the creation, strengthening and capacity development of organizations of Indigenous Peoples/persons with disabilities.
- H.** An Inter-governmental federal framework established in 1997, *IN UNISON: A Canadian Approach to Disability Issues*, committed to the following vision: "Persons with disabilities participate as full citizens in all aspects of Canadian society. The full participation of persons with disabilities requires the commitment of all segments of society. The realization of the vision will allow persons with disabilities to maximize their independence and enhance their well-being through access to required supports and the elimination of barriers that prevent their full participation."

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- I. Over the past several decades, there has been scarce activity with no major investments in disability and injury prevention to effectively address First Nations unique disability needs and rights in a meaningful or sustainable manner.
- J. Disability rates among Indigenous Peoples are over twice that of the national rate and increasing. Across the lifespan, Indigenous Peoples are more likely to have disabilities as compared to the general Canadian population. The 2022 Indigenous People Survey found that disability prevalence is higher for First Nations people living off reserve and Métis (around 30%) compared to Inuit (19%) and non-Indigenous populations (22%).
- K. The Canadian Mental Health Association recognizes that Post Traumatic Stress Disorder is considered a disability, which creates a greater responsibility to address the complex issues facing FNPWD.
- L. AFN Resolution 55/2016, *First Nation Federal Accessibility Legislation*, calls on the AFN to work with the federal government to support a First Nations specific engagement process to develop distinct First Nations accessibility legislation, and Resolutions 75/2015, *Support the Economic, Social, Cultural, Spiritual, Civil and Political Rights of Indigenous Persons with Disabilities*, and 48/2014, *Support for Persons with Disabilities*, mandates the AFN to raise awareness and create opportunities for FNPWD.

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

1. Call upon the Government of Canada to work with the Assembly of First Nations (AFN) to align with recommendations of the AFN Shadow Report to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) to advance the rights, inclusion, and well-being of First Nations persons with disabilities in all aspects of community and national life.
2. Direct the AFN to leverage the AFN Shadow Report to the CRPD to hold Canada to account for decades of neglect and amplify advocacy efforts to raise awareness and promote understanding of disability rights within First Nations communities, and to challenge ongoing stigma, discrimination, and ableism.
3. Call upon the federal government, provincial, and territorial governments, and relevant agencies to engage in respectful partnership with First Nations governments, organizations, and persons with disabilities to jointly develop policies, programs, and funding that address the unique needs and priorities of First Nations persons with disabilities.
4. Call upon Indigenous Services Canada and other federal departments to support and fund a distinction-based approach to build First Nations capacity to navigate disability benefits and services in First Nations that will address repeated concerns where pan-Indigenous groups continue to be funded to carry out work on behalf of First Nations on disability benefits and services.
5. Call upon the Government of Canada to support funding to develop a national First Nations Disability Strategy, guided by the voices and leadership of First Nations persons with disabilities, women, Elders, and knowledge keepers, and grounded in the principles of the *United Nations Declaration on the Rights of Indigenous Peoples* and the CRPD.
6. Call upon the Government of Canada to fund and support the creation of accessible infrastructure, culturally safe services, and inclusive education and employment opportunities in First Nations communities, and sustained funding to ensure inclusive and equitable access.

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7. Direct the AFN to urgently increase advocacy efforts to secure funding and capacity to carry out ongoing research and data collection, led by First Nations, to better understand the experiences, needs, and barriers faced by First Nations persons with disabilities, and to inform evidence-based policy and program development.
8. Direct the AFN to work with regionally-identified First Nations organizations, disability advocates, and community leaders to monitor progress and report annually to First Nations-in-Assembly on actions taken and outcomes achieved.

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