
Assembly of First Nations

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Assemblée des Premières Nations

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

Resolution no. 11/2020

TITLE: Implementation of the National Indigenous Justice Summit's Immediate Action Points

SUBJECT: Justice

MOVED BY: Chief Rosanne Casimir, Tk'emlúps te Secwépemc (Kamloops Indian Band), BC

SECONDED BY: Kukpi7 Judy Wilson, Neskonlith Indian Band, BC

DECISION: Carried; 7 abstentions

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- ii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- iii. 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 other programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

B. Several Indigenous and human rights organizations organized a virtual National Indigenous Justice Summit from July 7-8, 2020 that brought together a number of participants, moderators, and key panelists from across Canada who shared the overarching perspective that immediate action is needed to eliminate current and intensifying practices of oppression at all levels of Canadian policing and justice systems.

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- C. Those who supported this event included the Indigenous Bar Association, Nuu-chah-nulth Tribal Council, BC First Nations Justice Council, Membertou First Nation, the Union of BC Indian Chiefs, the Indigenous Community Legal Clinic (UBC), Testify: Indigenous Laws + the Arts, and other groups and organizations.
- D. The National Indigenous Justice Summit was guided by ten "Immediate Action Points," a list of key recommendations that provided a starting point for discussion on widespread reform in areas related to policing, human rights protections, and the broader justice system.
- E. The Immediate Action Points outline how Canada can end the unjust criminalization of Indigenous Peoples for substance use, mental illness, impoverishment, and intergenerational trauma by re-directing funds from the police into community safety supports and crisis intervention programs that are low-cost, effective, and allow medics and crisis workers to de-escalate situations and help people access medical, housing, and mental health supports in lieu of armed police.
- F. During 2020, the Black Lives Matter movement has highlighted the disproportionate number of Black and Indigenous lives lost to police brutality and negligence, and mobilized Black, Indigenous, and minority communities at local and international levels to advocate for greater police accountability and to protest the policing and justice systems that enable hate and colonial violence.
- G. Historical and ongoing systemic inequities found in Canada's justice system target and disproportionately impact Indigenous Peoples, including Canada's failure to uphold the principles of the *Gladue* decision, the over criminalization of Indigenous women and girls, and the over incarceration of Indigenous Peoples in federal prisons.

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

- 1. Fully support and endorse the Immediate Action Points from the National Indigenous Justice Summit held virtually on July 7-8, 2020 as a strong framework of reform that complements and strengthens the ongoing work by First Nation communities and organizations to repair the relationship between Indigenous Peoples and the criminal justice system. These Immediate Action Points are as follows:
 - a. Create a national Indigenous-led police oversight body;
 - b. Establish a national protocol for police investigations;
 - c. Redirect "Public Safety" funding to services that increase community safety;
 - d. Implement a multi-pronged Indigenous de-escalation strategy;
 - e. Establish a national protocol for police engagement with Indigenous Peoples;

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- f. Amend Canadian and provincial/territorial human rights codes to include "Indigenous identity" as a protected ground against discrimination;
 - g. Create Indigenous courts;
 - h. Increase Indigenous representation across all levels of the criminal justice system;
 - i. Require judges to give written reasons in all Indigenous sentencing cases;
 - j. Require judges to give written reasons in all Indigenous child apprehension cases where a child is placed outside of their Indigenous community.
2. Direct the Assembly of First Nations (AFN) to call upon the Government of Canada to work collaboratively with provincial governments and First Nations to implement the Indigenous Justice Summit's Immediate Action Points, including the transformative redistribution of justice service funding toward community-based safety practices, programs, and initiatives that are culturally appropriate, reflective of Indigenous Peoples' needs, and non-reliant on the institution of policing.
3. Direct the AFN to work with like-minded organizations to continue advancing the Immediate Action Points and other advocacy related to addressing the vast inequities in Canada's human rights, and policing and justice systems that lead to the over-incarceration and criminalization of Indigenous Peoples.

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