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# Assembly of First Nations

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50 O'Connor Street, Suite 200  
Ottawa, Ontario K1P 6L2  
Telephone: (613) 241-6789 Fax: (613) 241-5808  
www.afn.ca



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# Assemblée des Premières Nations

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## SPECIAL CHIEFS ASSEMBLY

December 5,6,7, 2023, Ottawa, ON

Resolution no.90/2023

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**TITLE:** Demand for Continued, Sustainable, and Adequate Funding to Search for Children Who Died or Became Missing Persons while Attending Indian Residential Schools

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**SUBJECT:** Indian Residential Schools

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**MOVED BY:** De-Anne Sack, proxy, We'koqma'q First Nation, NS

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**SECONDED BY:** Chief Wilfred King, Kiashke Zaaging Anishinaabek First Nation, ON

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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 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- ii. Article 7 (2): Indigenous peoples have the collective right to live in freedom, peace, and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group from another group.
- iii. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- iv. Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior, and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

B. On May 17, 2022, the federal government allocated an additional \$122 million in funding for the Residential School Missing Children's Community Support Funding program until 2025.

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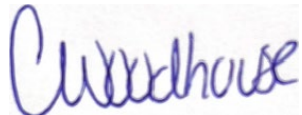
- C. No new financial commitments have been announced to support ongoing efforts to recover, repatriate, document, or commemorate children who lost their lives at Indian Residential Schools past 2025, and the last date for funding applications ends on November 15, 2024.
- D. Searches and related work must continue well beyond 2025 due to the sensitive and comprehensive nature of the efforts to recover, repatriate, and/or commemorate children who lost their lives or went missing because of Residential Schools.
- E. Not all remains of children who lost their lives or went missing while attending Residential Schools have been identified, and searches are still ongoing across Canada.
- F. The Truth and Reconciliation Commission's Final Report estimates that missing children from Indian Residential Schools to be well over 5,000.
- G. There remains a need to complete existing searches of former Indian Residential School sites, respond to new searches, identify remains, investigate the cause of death, and repatriate and commemorate children. This has been hindered by a lack of resources and cooperation from churches and governments to provide access to records, documents, and grounds.
- H. First Nations have called for continued, predictable, sustainable, and adequate funding beyond 2025 for the ongoing work of recovering, identifying, investigating, and providing proper burials and commemoration for the children who perished or became missing persons while attending Indian Residential Schools.
- I. Article 91 (24) of the *Constitution Act* 1867 provides Canada with exclusive legislative authority to make laws for the peace, order, and good government of Canada in relation to subject classes including "Indians, and Lands reserved for Indians." Under Article 91 (24), Canada holds a constitutional legal obligation to the children .
- J. This constitutional legal obligation includes the creation of the 1876 Indian Act and the 1920 amendments that made it compulsory for every First Nations child between seven and sixteen years of age to attend Residential Schools. As a result, Canada holds an ongoing obligation to provide resources to recover, identify, repatriate, and commemorate children who lost their lives or became missing as a result of the Indian Residential School System. Children perished at these sites or became missing persons as a direct result of the issuance of federal Orders in Council by Parliament and amendments to the Indian Act which established and operated the Indian Residential School system.

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

1. Demand that the Government of Canada provide financial commitment beyond 2025 for continued, predictable, sustainable, and adequate funding for all current and future work related to the search and recovery of remains, identification, investigation, repatriation, and commemoration for the children who died or became missing persons while being forced to attend Indian Residential Schools.
2. Direct the Assembly of First Nations (AFN) to advocate to the federal government to immediately announce a commitment to provide continued, predictable, sustainable, and adequate funding to First Nations until the ongoing work related to the children who died or became missing persons is completed.

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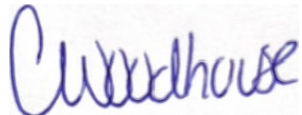
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3. Call on the Government of Canada to begin a co-development process with the AFN on a legal framework that addresses constitutional, legislative, regulatory, and policy changes that acknowledge and confirm Canada's obligations for children who died or went missing as a result of the Indian Residential School System, which also reaffirms the *United Nations Declaration on the Rights of Indigenous Peoples* Articles 7,8 and 10.

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