

DRAFT CHARTER RESOLUTION
03 / 2024

AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE: Amendment to Charter Re: Establishment of an Accessibility and Disability Council as a Recognized “Principal Organ” Under Article 5 of AFN Charter

SUBJECT: AFN Charter; Advisory Council; Accessibility and Disability

MOVED BY: Chief Byron Louis, Okanagan Indian Band, British Columbia

SECONDED BY: Chief James Hobart, Spuzzam First Nation, British Columbia

WHEREAS:

- A. The Assembly of First Nations (AFN) has supported First Nations leaders and First Nations persons with disabilities (FNPWD) for decades to empower their voices and participation in the drafting of text for the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), the Organization of American States Declaration on the Rights of Indigenous Peoples and the Preamble of the United Nations Convention on the Rights of Persons with Disabilities, (UN-CRPD) among others.
- B. The Declaration states in Article 21(2) *Particular attention shall be paid to the rights and special needs of Indigenous Elders, women youth, children, and persons with disabilities.*
- C. The preamble of the UN-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 UN human rights instrument with an explicit sustainable development dimension.
- D. The World Conference on Indigenous Peoples in 2014 called on relevant United Nations 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.
- E. An Inter-governmental federal framework established in 1997, IN UNISON: A Canadian Approach to Disability Issues, demonstrated a commitment 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."
- F. In the 1980's-90's economic recession, funding for First Nations regional disability networks were unfunded and funding has not since been restored.
- G. Given this void, First Nations disability networks are often replaced with pan-Canadian groups and pan-Indigenous funding models that often lack accountability to First Nations rights-holders. This

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colonial policy and ongoing budgetary constraints continue to disregard the distinct political, health, legal, economic, social, and cultural institutions and policies and fundamental human rights of FNPWD.

- H. Moreover, Federal Budget 2024 continues to apply fiscal constraints at the expense of Canada's human rights obligations to FNPWD, and the federal government applauds the Canada Disability Benefit (CDB) as a budget win, when in principle this policy will further impoverish FNPWD and others.
- I. The close relationship between state public budgets and human rights mechanisms has been recognized in international human rights instruments where states budgets must be adhering to their human rights obligations; this is fundamental to upholding the rights of FNPWD, among others.

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

1. In accordance with Article 5.1, (Principal Organs) amend the AFN Charter: to include an AFN Accessibility and Disability Council under Article 5.1, include its Composition under Article 23(E), and its Role and Function under 24(E).
2. Direct the AFN to advocate for sustained resources to support the establishment of an AFN Accessibility and Disability Council, including sufficient funding.
3. Adopt the following description of the AFN Accessibility and Disability Council including the Composition and Role and Function:

The Accessibility and Disability Council

ARTICLE 23 (E)

COMPOSITION

1. The Accessibility Disability Council shall consist of the lived experience of First Nations persons and Knowledge Keepers with disabilities and First Nations care givers and representatives from the First Nations Blind and Deaf community, among others. The Accessibility and Disability Council shall be inclusive of male, female, and 2SLGBTQQIA peoples with lived experience with a disability. Each Region shall appoint and can remove one member to serve on the Council in accordance with the process and procedures governing that Region.
2. The Chairperson will be selected by the representatives of the Accessibility and Disability Council; each representative will serve for a term of three years and shall be eligible for re-appointment.

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ARTICLE 24 (E)

ROLE AND FUNCTION

1. The role of the Accessibility and Disability Council is to provide assistance, guidance, and support to the National Chief, Executive Committee and First Nations-in-Assembly to support the creation, strengthening, and capacity development of the AFN with respect to FNPWD.
2. The Accessibility Disability Council may discuss any question or any matter within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and make recommendations to the Executive Committee, the Confederacy of Nations, the AFN Executive Committee or to any subsidiary organ on any such question or matter.