



Assembly of First Nations

# ANNUAL GENERAL ASSEMBLY

July 11-13, 2023 • Halifax Convention Centre  
Halifax, Nova Scotia

Halifax (Kjipuktuk) is located in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people



## PROGRESS ON REALIZING THE TRUTH AND RECONCILIATION COMMISSION'S CALLS TO ACTION – JUNE 2023

### Overview

The Assembly of First Nations (AFN) provides annual updates assessing the progress toward the full implementation of the [Truth and Reconciliation Commission of Canada 94 Calls to Action](#) released on June 2, 2015. This report card identifies advancements made since June 2022.

Last summer, during Pope Francis' visit to Canada, AFN National Chief RoseAnne Archibald provided a message to Survivors of Residential Institutions. In her message, the National Chief acknowledged that generations of Indigenous children have experienced and continue to experience trauma because of colonialism—colonial systems, colonial beliefs, and colonial mindsets—as perpetrated and justified by the 1493 papal bull supporting the Doctrine of Discovery. Both the First Nations delegation who travelled to Rome and the National Chief called for the Doctrine of Discovery to be revoked in fulfillment of Call to Action 49, which asks for all religious denominations and faith groups to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples. The repudiation of the Doctrine of Discovery by Pope Francis was a significant step taken following the Papal Visit.<sup>1</sup>

Eight years after the release of the final report, Survivors and intergenerational Survivors continue to ask for the 94 Calls to Action to be fully implemented. The pain inflicted on First Nations people by the Residential Institution system continues to affect First Nations communities. Over the past year, there were several steps forward in implementing the Calls to Action, including the completion of Calls to Action 49, 67 and 70; however, further work is needed to accelerate the progress to implement the Calls to Action.

The AFN remains committed to advocating for the implementation of all TRC 94 Calls to Action, following the mandate set out in AFN Resolution 01/2015, Support for Implementation of all Calls to Action. Since 2015, more than 20 AFN resolutions have been passed, directing the AFN to continue to advocate for justice for Survivors and to work with the federal government to achieve substantial progress on implementing the Calls to Action.

***“Our commitment to Truth, Reconciliation, and breaking the cycles of colonialism can only succeed when we lift up the voices of First Nations people and foster safe and vibrant communities.”***

—AFN National Chief RoseAnne Archibald

### METHODOLOGY

The AFN tracks the implementation of the Calls to Action through an assessment of its advocacy and joint work with the Government of Canada on implementing the TRC Calls to Action. The AFN also utilizes the following resources for analysis and monitoring of progress on implementing the Calls to Action.

- [Indigenous Watchdog](#)
- [CBC News Beyond 94](#)
- [Yellowhead Institute 2021 Status Update](#)
- [Government of Canada](#)

<sup>1</sup> AFN Resolution 30/2022, *Call to Formally Repudiate the Doctrine of Discovery*.



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Where action on a Call has been undertaken, the AFN utilizes the following system to track its progress:

🔴 No Progress » 🟡 Little Progress » 🟠 Moderate Progress » 🟢 Significant Progress » 🟩 Complete

### Steps Forward June 2022-2023:

- **Child and Family Services:** Canada, the AFN and other Parties continue to work towards a Final Settlement Agreement to reform the First Nations Child and Family Services Program and fully implement Jordan's Principle. Following orders from the Canadian Human Rights Tribunal in 2022, areas of progress include implementing prevention funding, capital funding, post-majority supports for youth aging out of care, and working to implement a Back-to-Basics approach to Jordan's Principle.
- **Doctrine of Discovery:** On March 30, 2023, the Vatican formally repudiated the Doctrine of Discovery, which is composed of the 15th-century papal bulls or decrees that legitimized the colonial-era seizure of Indigenous lands and form the basis of some property law today.
- **Settlements:** The Federal Court approved the Gottfriedson Band class settlement agreement for \$2.8B that will be transferred into an Indigenous-led trust to allow for communities that have opted-in to the class action to support work around the revitalization of Indigenous languages and culture. The original lawsuit is about the collective harm suffered by Indigenous communities as a group because of Indian Residential Schools. This settlement aims to revitalize Indigenous languages, culture, and heritage to support communities in healing and to renew Canada's relationship with Indigenous Peoples.
- **Missing Children and Burial Information:** A Special Interlocutor was appointed to coordinate the government's response to the unmarked graves identified at several former residential school sites. In November 2022, the Special Interlocutor released a Progress Update Report on the early progress on their mandate, including a description of future plans and common barriers.
- **National Centre for Truth and Reconciliation:** Canada announced \$60M in funding towards the overall cost of the National Centre for Truth and Reconciliation's (NCTR) new facility. With this funding, the NCTR will build an international learning centre where Survivors, their families, and people from across Canada and around the world can come to learn the truth about Residential Schools.
- **Museums and Archives:** In October 2022, the Canadian Museum Association (CMA) released *Moved to Action: Activating UNDRIP in Canadian Museums* as "a response to the Truth and Reconciliation Commission's Call to Action 67 under the guidance of the CMA Reconciliation Council." That report makes ten key recommendations and establishes 30 new standards for implementing the United Nations Declaration on the Rights of Indigenous Peoples and supporting Indigenous self-determination in museums.
- **Museums and Archives:** While there is no specific "Canadian Association of Archivists," the Canadian archival community established a Steering Committee on Canada's Archives. This Steering Committee released the report *Reconciliation Framework: The Response to the Report of the Truth and Reconciliation Commission Taskforce*, providing "a road map of sorts, setting out a vision, foundational principles, and a transformative path forward for the archives profession in Canada."
- **Indigenous Human Rights:** The Minister of Crown-Indigenous Relations announced the appointment of the Ministerial Special Representative who will provide advice and recommendations through engagement with Survivors, families, partners, and organizations, to create an Indigenous and Human Rights Ombudsperson. Federal Budget 2023 allocated \$1.6M over two years to support this initiative.





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### Steps Backward June 2022-2023:

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- **Church Apologies and Reconciliation:** The Pope delivered his apology in Maskwacis, Alberta, in Treaty Six territory on the site of the former Ermineskin Indian Residential School. The Pope did not apologize for the Roman Catholic Church as an institution, nor did he acknowledge the Roman Catholic Church's role in abuses suffered at Church-run institutions.
- **National Council for Reconciliation:** On December 1, 2022, Bill C-29, *An Act to provide for the establishment of a national council for reconciliation*, completed its third reading in the House of Commons. Bill C-29 moved into review in the Senate and completed its second reading on May 4, 2023. The National Council for Reconciliation will provide much needed independent oversight and accountability regarding government action on the implementation of the 94 Calls to Action. It will also act as a mechanism for advancing and promoting reconciliation between the Crown and First Nations. The AFN raised concerns with Bill C-29 while the legislation was in the House of Commons and during review in the Senate. Specifically, the nomination process for the First Board of Directors is concerning because the current version of the legislation gives the Minister the authority to nominate and appoint two-thirds of the NCR's First Board of Directors, which brings into question the true independence of the NCR.
- **Child Welfare:** The Government of Quebec's challenge to Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families*, continues to be considered at the Supreme Court, with Manitoba, Alberta, and Northwest Territories having joined Quebec in arguing that it is unconstitutional for the legislation to supersede provincial authority over the delivery of child and family services by affirming First Nations rights to self-determination.
- **Health:** Despite the commitments made by all levels of government in each of the three national dialogues on Indigenous Health convened after the death of Joyce Echaquan, governments have refused to invite any of the national Indigenous advocacy groups to participate in national health funding meetings that were held in Ottawa in February 2023.
- **Sports & Reconciliation:** In October 2022, the B.C. government announced that it would not support a First Nations-led bid to host the 2030 Winter Olympic and Paralympic Games, where four First Nations were hoping to host them.
- **Education:** While new investments were made in Budget 2021 for First Nations Early Learning and Child Care (ELCC) as part of Canada's commitments towards a national system of ELCC, the introduction of Bill C-35, *An Act respecting early learning and child care in Canada*, in December 2022 marks a significant step back as Canada failed to meaningfully engage with First Nations in the development of this legislation, side-stepping First Nations rights to Free, Prior and Informed Consent.



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### Child Welfare (1-5)

**Moderate progress** was made in this area. In alignment with CTA 1 and CTA 3, Canada has taken steps towards the long-term reform of the First Nations Child and Family Services (FNCFS) Program and full and proper implementation of Jordan's Principle, including implementing prevention funding, capital funding, and post-majority supports for youth aging out of care, and implementing a Back-to-Basics approach to ensure Jordan's Principle is meeting the needs of First Nations children and youth. As part of long-term reform, research is underway towards a First Nations-determined, needs-based funding model for FNCFS. The AFN is guiding reform as a party to negotiations to ensure that long-term, systemic changes are implemented to adequately meet the needs of First Nations children, youth, families, and communities and address the harm that decades of underfunding and discrimination have caused; however, much work remains to ensure that this progress positively impacts First Nations.

With respect to CTA 4, despite progress made in recent years following the passage of *An Act respecting First Nations, Inuit and Métis children, youth and families*, there have been significant missteps in recognition of First Nations rights and jurisdiction over children and families. The Supreme Court of Canada is set to rule on the constitutionality of the federal government's child and family services law, Bill C-92, after hearing arguments in December 2022. The Government of Quebec initially challenged Bill C-92 in the Quebec Court of Appeal, arguing that it was unconstitutional for the legislation to supersede provincial authority over child and family services by affirming First Nations rights and jurisdiction. Since then, Manitoba, Alberta and the Northwest Territories have joined Quebec in challenging Bill C-92. The AFN was also granted intervenor status in the case and stood up for First Nations rights at the Supreme Court of Canada.

### Health (18-24)

**Moderate progress** was made in this area. Canada is carrying out engagement to co-develop distinctions-based Indigenous health legislation with First Nations, Inuit, and the Métis Nation to improve access to high-quality and culturally relevant services. Budget 2023 saw \$2B over 10 years for a distinctions-based Indigenous Health Equity Fund. That fund will address unique challenges Indigenous Peoples face when accessing healthcare services and support immediate and long-term Indigenous health priorities.

### Education (6-12)

**Moderate progress** was made in this area. While Budget 2022 included investments of \$310.6M over five years to support better student outcomes through Regional Education Agreements, no new investments were identified in Budget 2023 despite six additional Regional Education Agreements requesting \$780 million. Billions in investments are still needed to alleviate overcrowding and poor conditions in First Nations education facilities, which require immediate replacement or additions to eliminate education and employment gaps and discrepancies in education funding for First Nations. The most recent First Nations high school attainment rates on a broader scale indicate that 58% of First Nations young adults aged 20 to 24 living on-reserve had a high-school certificate or equivalent compared to 93% of non-Indigenous Canadians. Closing the education gap would result in First Nations employment boosted by over 100,000 additional jobs, a 44.2% increase in total First Nations output, and a 15.5% increase in total First Nations employment.

No progress was made on CTA 9, which calls on the government to publish annual reports comparing education funding for First Nations children on-reserve and off-reserve. The latest report on the official government website, *Delivering on the Truth and Reconciliation Commission Calls to Action*, is for the 2016–2017 fiscal year. That report also does not address federal funding for schools off-reserve vs on-reserve, nor does it report on educational and income attainments for Indigenous vs non-Indigenous peoples. Data reporting is essential to evaluate progress on implementing the Calls to Action.

With respect to CTA 12, while new investments were made in Budget 2021 for First Nations Early Learning and Child Care (ELCC) as part of Canada's commitments towards a national system of ELCC, the introduction of Bill C-35, *An Act respecting early learning and child care in Canada*, in December 2022 marks a significant step back as Canada failed to meaningfully engage with First Nations in the development of this legislation, side-stepping First Nations rights to Free, Prior and Informed Consent.

### Language and Culture (13-17)

**Moderate progress** was made in this area. Since the passing of Bill C-91, the *Indigenous Languages Act*, the implementation of the legislation has been at a standstill. The Office of the Commissioner of Indigenous Languages is not fully operational four years after the enactment of the legislation. Funding to support agreements under Bill C-91 to provide language programs and services in relation to education, health, administration of justice, and in undertaking research studies to support languages will end in 2024–2025 without new investments. As a result of inaction to implement Bill C-91 and failure to commit to long-term funding models, this Section has been downgraded from Significant Progress to Moderate Progress.

### Justice (25-42)

**Little progress** was made in this area. In January 2021, the Minister of Attorney General was mandated to develop an Indigenous Justice Strategy to address systemic discrimination and the overrepresentation of Indigenous Peoples in the justice system. This work is to be undertaken in consultation and cooperation with Indigenous partners, provinces, and territories. Justice Canada completed their first wave of engagement in February 2023, and conduct a second wave of engagement in Fall 2023.

June 3, 2023, marks the fourth anniversary of the release of *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. The federal government, with contributing partners, released the National Action Plan to end violence against MMIWG and 2SLGBTQIA+ in 2021 and has subsequently released Annual Progress reports in 2022 and 2023. While significant investments were committed in Budget 2021, the AFN continues to call upon the federal government to accelerate the implementation of the National Action Plan, 231 Calls for Justice, and to disclose in a transparent manner how funding for implementation is being allocated.





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### United Nations Declaration (43-44)

**Moderate progress** was made in this area following the passing of C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples. On March 20, 2023, the federal government released their draft action plan to achieve the objectives of the United Nations Declaration, as well as to take measures to ensure that federal laws are consistent with the Declaration and to report annually on progress. The draft action plan includes measures that reflect many of the priorities and proposals shared by Indigenous partners during their first phase of engagement. The second phase of engagement will be focused on validating the proposed measures in the draft action plan—modifying them as necessary—and identifying any gaps that require additional measures. The action plan must be finalized by June 2023.

### Royal Proclamation & Covenant of Reconciliation (45-47)

**Little progress** was made in this area. The federal government has not created a Royal Proclamation of Reconciliation, nor formally repudiated the concepts of the Doctrine of Discovery and terra nullius. A subcommittee of the all-parties table to the Indian Residential School Settlement Agreement is working to develop a draft Covenant of Reconciliation. Once the draft is complete, the subcommittee will conduct engagement sessions with residential school Survivors' communities, Indigenous organizations, churches, and related partners.

### National Council for Reconciliation (53-56)

**Little progress** was made in this area. Bill C-29, *An Act to provide for the Establishment of a National Council for Reconciliation*, completed its second reading in the Senate on May 4, 2023. The National Council for Reconciliation (NCR) will provide much needed independent oversight and accountability with respect to government action on the implementation of the 94 Calls to Action. It will also act as a mechanism for advancing and promoting reconciliation between the Crown and First Nations. The AFN raised concerns with Bill C-29 in the House of Commons and the Senate on the independence of the NCR. Another concern raised by AFN is that Bill C-29 fails to legislate multi-year funding for the NCR.

### Settlement Agreement Parties & the United Nations Declaration (48-49)

**Little progress** was made in this area. On March 30, 2023, the Vatican formally repudiated the Doctrine of Discovery. The Vatican also declared that the papal bulls did not adequately reflect the equal dignity and rights of Indigenous Peoples and have never been considered expressions of the Catholic faith. On July 27, 2022, the Canadian Conference of Catholic Bishops asked the Vatican to issue a statement on the Doctrine of Discovery, which they had already repudiated in 2016 when they issued *The Doctrine of Discovery and Terra Nullius: A Catholic Response*.

### Museum & Archives (67-70)

**Significant progress** was made with the completion of CTA 67 and CTA 70. In April 2019, Canadian Heritage announced funding for the Canadian Museums Association (CMA) to undertake a national review of museum policies. In October 2022, CMA released *Moving to Action: Activating UNDRIP in Canadian Museums*, which completes CTA 60 and makes clear that museums have always been at the center of Canada's colonial project and that they are "inextricably linked to the erasure of the histories of Indigenous Nations."

While there is no specific "Canadian Association of Archivists," the Canadian archival community established a Steering Committee on Canada's Archives. In 2022, the Reconciliation Framework: The Response to the Report of the Truth and Reconciliation Commission Taskforce was released, which "provides a road map of sorts, setting out a vision, foundational principles, and a transformative path forward for the archives profession in Canada." The recommendations outlined in the Reconciliation Framework complete CTA 70.

### Education for Reconciliation (62-65)

**Little progress** was made in this area. On November 23, 2022, the Minister of Innovation, Science, and Industry, along with the National Centre for Truth and Reconciliation (NCTR), announced the launch of a funding opportunity to establish a national research program to advance the understanding of reconciliation as part of a response to CTA 65. This initiative invests up to \$6 million over five years to fund projects that contribute to the collective understanding of truth and reconciliation, including addressing residential school history, the ongoing legacy of residential schools, and past Canadian policies of assimilation in one or more areas, including child welfare, education, language, culture, health, and justice.

### Equity in the Legal System (50-52)

**Little progress** was made in this area. Construction of a National Centre for Indigenous Laws at the University of Victoria began in Fall 2022, with completion scheduled for Fall 2024. Funding for the National Centre for Indigenous Laws was announced in budget 2019 with \$9.1 million starting in the fiscal year 2019–2020. This facility will be an iconic, exemplary, and Indigenous-informed space for the learning and practice of Indigenous Laws within the University of Victoria's dual degree program in Canadian Common Law and Indigenous Legal Orders. Regarding the process of adopting legal principles on Aboriginal title claims, the governments and the courts have not yet adopted these legal principles.

### Missing Children and Burial Information (71-76)

**Moderate progress:** was made in this area. In August 2021, the federal government announced additional investments of approximately \$320 million to support Indigenous community-led work surrounding burial sites. This included \$83 million to support community-led efforts to locate, document, commemorate and memorialize burial sites associated with former residential institutions and honour families' wishes to bring children's remains home. As of January 11, 2023, CIRNAC received 127 formal requests totalling over \$273.2 million from Indigenous communities and organizations for activities relating to residential schools. To date, 97 funding requests totaling \$99.3 million have been approved by CIRNAC.

A Special Interlocutor was appointed to coordinate the government's response to the unmarked graves identified at several former residential school sites. The Special Interlocutor hosted gatherings on affirming Indigenous data sovereignty and community control over knowledge and information, supporting the search and recovery of missing children, addressing trauma in the search and recovery of missing children, and upholding Indigenous laws.

### Youth Programs (66)

**Moderate progress** was made. Budget 2022 provided a 2-year extension to the Canadian Roots Exchange to support youth leadership development with an additional \$12.6 million investment. The pilot program is moving into its final year and will initiate targeted engagements with Indigenous youth to inform recommendations to the Government of Canada for more permanent funding and a longer-term approach to fulfill CTA 66.



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### Church Apologies and Reconciliation (58-61)

**Moderate progress** was made in this area. On July 25, 2022, Pope Francis delivered his apology in Maskwacis, Alberta, on Treaty Six territory on the site of the former Ermineskin Indian Residential School. The Pope did not apologize for the Roman Catholic Church as an institution, nor did he renounce the Doctrine of Discovery while in Canada. The Pope did not acknowledge the abuses suffered in the schools and did not commit to any acts of atonement, reparation, return of Indigenous artifacts held in the Vatican Museum or access to residential school records held in Church archives.

### National Centre for Truth and Reconciliation (77-78)

**Little progress** was made in this area. The federal government announced \$60 million in funding towards the overall cost of the National Centre for Truth and Reconciliation's (NCTR) new facility. With this funding, the NCTR will build an international learning centre where Survivors, their families, and people from across Canada and around the world can come to learn the truth about residential schools.

In November 2022, the federal government announced funding of \$28.5 million over five years for the NCTR to collect, review, and make accessible residential school records and support community-led efforts to locate and identify unmarked burials. The funding will support numerous initiatives, including the National Residential School Student Death Register, the online National Cemetery Register, and the National Advisory Committee on Missing Children and Unmarked Burials. The NCTR has still not accessed records and data from some church denominations and government archives. In January 2022, however, the federal government indicated that it would share more than 850,000 documents related to Residential Schools.

### Training for Public Servants (57)

**Significant progress** was made in this area. The federal government introduced a non-mandatory "Indigenous Learning Series" for all public service employees, although not all the course content aligns with the specific "actions" identified in CTA 57. The Canada School of Public Service is developing curriculum for federal public servants around reconciliation and the findings of the Truth and Reconciliation Commission report. Provinces, territories, and municipalities are at different degrees of commitment and implementation.

### Commemoration (79-83)

**Moderate progress** was made in this area. In June 2022, Bill C-23, *An Act respecting places, persons and events of national historic significance or national interest, archeological resources and cultural and natural heritage*, was tabled in the House of Commons. C-23 modifies the composition of the Historic Sites and Monuments Board of Canada to include three new positions for First Nations, Métis, and Inuit representatives. Bill C-23 is dedicated to the designation and protection of federally owned historic places and will result in a stronger voice for Indigenous Peoples in determining the people, places and events considered to be of national historic significance and interest in Canada. On December 2, 2022, the House of Commons began the second reading of Bill C-23.

### Business & Reconciliation (92)

**Little progress** was made in this area. In June 2022, a National Indigenous Economic Strategy was released. The National Indigenous Economic Strategy was developed by over 20 Indigenous organizations and presents a strategy for Indigenous economic development to be used by Indigenous entities and communities, all levels of government, corporate Canada, and non-Indigenous organizations and institutions. The corporate sector has not collectively adopted UNDRIP nor formally committed to management level training of UNDRIP or the legacy of residential schools.

### Media & Reconciliation (84-86)

**Significant progress** was made in this area with CTA 84 and CTA 85 completed. Under CTA 85, APTN produces more than 80 per cent Canadian content, the vast majority of which reflects the cultures, languages, and perspectives of Indigenous Peoples. APTN's content is available in English, French, and from year to year, between 15 and 23 Indigenous languages. While some journalism schools in Canada offer courses on Indigenous history, not all are mandatory, and not all include all the criteria cited in CTA 86.

### Newcomers to Canada (93-94)

**Moderate progress** was made in this area. Bill C-8, *An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94)* achieved Royal Assent on June 21, 2021. The Department of Immigration, Refugees and Citizenship Canada revised a study guide, study materials, and a new citizenship kit for newcomers in partnership with Indigenous Peoples. A date for release of those documents has not been determined.

### Sports & Reconciliation (87-91)

**Significant progress** was made in this area. In October 2022, the B.C. government announced that it would not support a First Nations-led bid to host the 2030 Winter Olympic and Paralympic Games — four First Nations were hoping to host the events. In a statement, the B.C. government worried that billions of dollars in direct costs would jeopardize its "ability to address pressures facing British Columbians right now." No amendments to the *Physical Activity and Sport Act*, were made to support reconciliation with the policies stated in CTA 89.

The 10th North American Indigenous Games will be held from July 15–23, 2023, in Kjipuktuk (Halifax) and Millbrook First Nation, Nova Scotia. The Games will bring together 756 Indigenous Nations to celebrate, share and reconnect through sport and culture. The mission of the Games is to improve the quality of life for Indigenous Peoples by supporting self-determined sports and cultural activities which encourage equal access to participation in the social/cultural/spiritual fabric of the community in which they reside, and which respects Indigenous distinctiveness.





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### Assessing Completion Progress by Category

Below is a diagram that illustrates the AFN's assessment of progress in each category of the Truth and Reconciliation Commission's Calls to Action.

