
TITLE:	Strengthen First Nations Distinctions-Based Approaches on Accessibility/ Disabilities
SUBJECT:	Health
MOVED BY:	Chief Scott McLeod, Nipissing First Nation, ON
SECONDED BY:	Chief Peter Collins, Fort William First Nation, ON
DECISION	Carried; 3 objections; 4 abstentions

WHEREAS:

- A.** The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 5. Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social, and cultural life of the State.
 - ii. Article 8 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. 2. States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
 - iii. Article 21 (2): States shall take the 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.
- B.** The United Nations General Assembly Human Rights Council adopted Resolution #54/15.
- Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls with disabilities*, condemning particularly the high levels of violence faced by indigenous women and girls with disabilities.
- C.** The United Nations Convention on the Rights of Persons with Disabilities and associated United Nations Committee on the Rights of Persons with Disabilities issued Concluding Observations on Canada's initial report, including specific recommendations to:

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- i. Adopt cross-sectorial strategies with a view to combating inequality and discrimination faced by persons with disabilities through, inter alia, affirmative action measures that include clear targets and the collection of data on progress achieved disaggregated by age, sex, and Indigenous background.
- ii. Consider Article 5 of the Convention while implementing targets 10. 2 and 10. 3 of the United Nations Sustainable Development Goals, Agenda 2030, "Leave No One Behind".
- D.** Employment and Social Development Canada's (ESDC) accessibility/disability programs and polices consistently favor pan-Indigenous approaches in place of strengthening First Nations, through First Nations distinctions based-approaches.
- E.** There are ongoing concerns that pan-Indigenous groups are funded to carry out work on behalf of First Nations on disability issues, and accessibility related legislation, COVID-19 and employment data gathering, including the United Nations Convention on the Rights of Persons with Disabilities processes, as some examples.
- F.** Principally, pan-Indigenous disability groups are not set up to be the representative or accountable organizations of First Nations in Canada, or in international fora, including the United Nations Convention on the Rights of Persons with Disabilities processes.
- G.** There are additional concerns that provinces and territories are taking non-distinction-based approaches impeding First Nations rights to strengthen their distinct political, legal, economic, health/social, and cultural institutions and policies.
- H.** The Assembly of First Nations has passed several resolutions calling for distinctions-based approaches specific to enhancing policy and funding capacity for First Nations, by First Nations on accessibility/disabilities: including: *Resolution 98/2017, Distinct First Nations Accessibility Legislation; Resolution 10/2018, Resources for Engagement on Distinct First Nations Accessibility Legislation; Resolution 110/2019, Funding for First Nations-Specific Programs, Services and Supports for Adults with Disabilities in First Nations, Resolution 19/2019, Developing a Seven Generations Continuum of Care for First Nations, by First Nations Health, Economic and Social Services, and Resolution 104/2004, AFN Opposes Government of Canada's Pan-Aboriginal Approach.*
- I.** There is a need to reassert AFN Resolution 07/2016, funding First Nations organizations to enable capacity and long-term sustainability to ensure that First Nations priorities are understood and addressed.
- J.** Reaffirming AFN Resolution 105/2016, to establish a National Office of Disabilities Unit at the AFN, and work with the federal government to secure resources and build capacity to set up a Regional Advisory Task Force, a strategic plan and advance priorities and rights of First Nations, by First Nations.
- K.** Bill C- 81, the Accessible Canada Act (disabilities) received royal assent in 2019, and in 2024, First Nations governments will be subject to the Act, necessitating urgency for meaningful capacity building to meet First Nations distinct needs.

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

- 1.** The Chiefs-in-Assembly and the Charter of the Assembly of First Nations confirm that the AFN review and update mandates where pan-Indigenous organizations may be holding instructions to represent First Nations on disability matters domestically and internationally.
- 2.** The AFN call on the federal government to ensure that all Provinces and Territories work with First Nations to strengthen distinction-based approaches in all policies and processes on matters related to disabilities and accessibilities moving forward.
- 3.** The AFN advocate for First Nations-focused bi-lateral processes with Employment and Social Development Canada and other federal departments on the United Nations Convention on the Rights of Persons with Disabilities where existing pan-Indigenous groups may otherwise be favored to lead developments.
- 4.** The AFN advocate for Employment and Social Development Canada and other federal departments to provide immediate sustained funding to meet the growing capacity needs of First Nations persons with disabilities that have been greatly impacted by the COVID-19 Pandemic and help to build fully accessible First Nations governments.
- 5.** The AFN advocate in support of the AFN Women's Council's work to ensure the 2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan, funds a comprehensive intersectional plan that is inclusive of the lived realities of First Nations women and girls with disabilities.

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