
TITLE: Advancing the Human Rights of Indigenous Persons with Disabilities: From Isolation to Self-Determination

SUBJECT: Disabilities

MOVED BY: Chief Darcy Gray, Listuguj Migmaq First Nation Government, QC

SECONDED BY: Wendall Nicholas, Proxy, Tobique First Nation, NB

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 21 (2): States shall take 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 Wabanaki Council on Disability (WCD) is a recognized institution that advances the economic, social, cultural, spiritual, civil, and political rights of Indigenous Persons with Disabilities in Atlantic Canada.
- C. On May 8, 2017, the United Nations Committee on the Rights of Persons with Disabilities issued its *Concluding Observations* on Canada's initial report under the *Convention on the Rights of Persons with Disabilities* (CPRD). Specifically, the Committee Recommended:
- i. Adopt cross-sectoral 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. Take into account Article 5 of the Convention while implementing targets 10.2 and 10.3 of the Sustainable Development Goal.

Certified copy of a resolution adopted on the 27th of July 2017 in Regina, Saskatchewan

- iii. Set up criteria aimed at addressing multiple and intersecting forms of discrimination through legislation and public policies, including through affirmative action programmes for women and girls with disabilities, indigenous persons with disabilities and migrant persons with disabilities, and provide effective remedies in cases of such discrimination.
 - iv. Develop regulations and further guidelines for proactive implementation of the duty to accommodate, including provisions to increase awareness among public and private actors about the duties of and available tools for reasonable accommodation.
 - v. Ensure that services for indigenous persons with disabilities in First Nation communities are equitable and appropriate, including health services aimed at preventing suicide among indigenous young persons with disabilities.
- D. More than 23 percent of the federally incarcerated population is Indigenous, despite only making up four percent of the Canadian population.
- E. Canada's Truth and Reconciliation Commission Call-to-Action #34 states: We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD).
- F. Despite this Call-to-Action, Canada Correctional Services does not use assessment tools or supports for inmates with FASD.

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

1. Support the Wabanaki Council on Disability (WDC) in their regional efforts to undertake a role in monitoring and contributing to the implementation of:
 - a. The United Nations Committee on the Rights of Persons with Disabilities *Concluding Observations*, including those identified above.
 - b. The advocacy for Indigenous persons with Fetal Alcohol Spectrum Disorder, including those incarcerated.
2. Support the WDC's request for resources from the federal government to undertake this work in the Atlantic Region.

Certified copy of a resolution adopted on the 27th of July 2017 in Regina, Saskatchewan