
Assembly of First Nations

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Assemblée des Premières Nations

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no. 15/2022

TITLE: Major Investment Needed to Build Fully Accessible First Nations

SUBJECT: Health

MOVED BY: Chief Derrick Henderson, Sagkeeng First Nations, MB

SECONDED BY: Chief Byron Louis, Okanagan Indian Band, BC

DECISION Approved by the AFN Executive Committee by consensus.


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.
- iii. Article 8(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.
- iv. 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 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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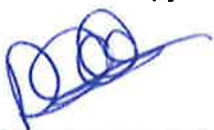


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- i. Adopt cross-sectorial strategies with a view to combating inequality and discrimination faced by persons with disabilities through, inter alia, affirmative action measures that include clear targets and the collection of data on progress achieved 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".
- C. The Accessible Canada Act (Act) received royal assent on June 21, 2019 and came into force on July 11, 2019. The first set of Accessible Canada Regulations came into force in 2021 and established a five-year period of exemption regarding First Nations and the Act. This interim exemption ends in 2026 and is intended to allow engagement and discussion with First Nations regarding the application of the Act and subsequent regulations.
- D. Canada has set up mechanisms to undertake the work on accessibility standards development, regulations, and implementation of accessibility laws.
- E. Federally regulated First Nations band councils, Indigenous self-governments, and service delivery agencies, among others will be subject to the Act in 2026. The Act is problematic and does not reference First Nations, offer resources or considers the liabilities of the Act for First Nations.
- F. The AFN works with Employment and Social Development Canada (ESDC) to advocate for resources to advance distinct First Nations accessibility legislation engagements and related work with First Nations.
- G. In 2017, the AFN began to engage with First Nations persons with disabilities and First Nations leadership and regions to identify priorities and options to advance First Nations accessibility legislation.
- H. A Distinct First Nations Accessibility Law Discussion Guide and a survey on four legal options served to gather input from First Nations leaders and others at national dialogues on February 3 and 10, 2022.
- I. First Nations require opportunities to tailor cultural safety approaches on how First Nations are going to approach the Act, including provincial and territorial partnerships and jurisdictional issues to resolve.
- J. Almost all First Nations are not accessible due to underfunding in the areas of health, infrastructure, and education, inequalities in all First Nations public services, and on-going impacts of colonization.
- K. First Nations are concerned that they will be subject to the Accessible Canada Act in 2026, including enforcement and penalties, and that no funding has been allocated by the federal government to aid First Nations in becoming accessible.

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- L. The AFN has passed several resolutions calling for distinctions-based approaches specific to enhancing policy and funding capacity for First Nations on accessibility/disabilities: including AFN Resolutions:
- i. 98/2017, *Distinct First Nations Accessibility Legislation*;
 - ii. 10/2018, *Resources for Engagement on Distinct First Nations Accessibility Legislation*;
 - iii. 24/2018, *Increased Focus on Disabilities Centred on Human Rights*;
 - iv. 92/2018, *Social Innovation and Social Finance Framework-Leaving No One Behind*;
 - v. 110/2019, *Funding for First Nations-Specific Programs, Services and Supports for Adults with Disabilities in First Nations*; and,
 - vi. 25/2021, *Strengthen First Nations Distinctions-based Approaches on Accessibility/ Disabilities*.

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

1. Calls on the federal government for further engagement, and resources for all First Nations to be made fully accessible and to extend the Accessible Canada Act timeline of 2026 for implementation in First Nations.
2. Calls on the federal government for an agreement that provides multi-year commitments and a major funding envelope for First Nations governments and regions, as well as providing timely research/ data collection to determine the state of First Nations accessibility/disability. This includes consideration of First Nations persons with disabilities and to ensure that inclusion and access to programs, services, and facilities are built and modified for persons of all abilities.
3. Calls for investments and collaboration with a whole of government approach on accessibility to enable innovative systems changes and to address the critical costs of doing nothing.

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