



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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BCAFN SPECIAL CHIEFS ASSEMBLY

Resolution 16/2020

Vancouver Island Conference Centre, 101 Gordon St., Nanaimo, BC
March 4 & 5, 2020

TITLE: SUPPORT FOR THE DEVELOPMENT OF A NATIONAL FIRST NATIONS JUSTICE STRATEGY

MOVED BY: DEBORAH BAKER, PROXY, SQUAMISH FIRST NATION

SECONDED BY: CHIEF WILLIE BLACKWATER, GITSEGUKLA

DECISION: CARRIED

WHEREAS:

- A. Aboriginal people are over represented in the criminal justice system and ensuring equitable access to safety, justice, and preventative and rehabilitative services is a key priority for First Nations communities in BC;
- B. On May 14-16, 2007, the Union of BC Indian Chiefs (UBCIC), BC Assembly of First Nations (BCAFN), and First Nations Summit (FNS), working together as the First Nations Leadership Council (FNLC) held the BC First Nations Justice Forum. Subsequently, BCAFN Resolution endorsed and supported the implementation of the BC First Nations Justice Action Plan, which called for the formation of a BC First Nations Justice Council, and supported the "concept of a representative and inclusive BC First Nations Justice Council to address province-wide matters, with respect to the issues of First Nations justice";
- C. On March 4, 2020, the BCAFN Chiefs-in-Assembly passed Resolution 12/2020, *Endorsement of the First Nations Justice Strategy*, this strategy represents a comprehensive and integrative approach to address the crisis in First Nations overrepresentation in custody. The Strategy pursues two tracks of change at once: (1) Reform of the existing Justice System; (2) Transformation through the rebuilding of First Nations Justice Systems;

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Terry Teegee, BC Regional Chief

- D. the United Nations *Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

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.

Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

(2) Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

(2) Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.


Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities;

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly supports the development of a National First Nations Justice Strategy

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to be led by the Chiefs of the Assembly of First Nations, supported by the AFN Chiefs-in-Assembly;

2. The BCAFN Chiefs-in-Assembly calls on the federal and provincial governments to work with the regional AFN offices, National AFN, First Nations and partners to assist with the development of a First Nations led National First Nations Justice Strategy;
3. The BCAFN Chiefs-in-Assembly further seek to ensure the development of a National First Nation Justice Strategy include key elements from the BC First Nations Justice Strategy, which has been endorsed by the BCAFN Chiefs-in-Assembly; and
4. The BCAFN Chiefs-in-Assembly seek to bring a national AFN resolution on this topic to the AFN Annual General Assembly in July 2020.

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