



BC ASSEMBLY OF FIRST NATIONS

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BCAFN 20th ANNUAL GENERAL MEETING
March 9th - 10th, 2023
Hybrid

Draft Resolution 04/2023

**SUBJECT: SUPPORT FOR THE RECOMMENDATIONS AND PRINCIPLES OF THE FEDERAL
FIRST NATIONS POLICE SERVICES LEGISLATION STRATEGY PAPER**

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. First Nations communities and citizens have not been well-served by the Canadian justice and policing systems. First Nation communities and citizens have been subject to decades of discrimination, violence, racism and bias within Canada's justice system and there continues to be denial and suppression of First Nations jurisdiction in the areas of justice and policing.
- B. Historical and ongoing systemic inequities found in Canada's justice system target and disproportionately impact Indigenous Peoples. As demonstrated in the findings of the National Inquiry, Indigenous women and 2SLGBTQQA+ people are even more adversely affected within these areas.
- C. The *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

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 22: (1) Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration. (2) States shall take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

- D. The Truth and Reconciliation Commission of Canada: Calls to Action calls for governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples (42); and Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements (45).
 - C. The National Inquiry into Missing and Murdered Indigenous Women Calls for Justice included a number of imperatives directed at governments and police services focused on reform and transformation of justice and policing.
 - G. BCAFN Resolution 16/2020, "Support for the Development of a National First Nations Justice Strategy" and BCAFN Resolution 12/2020, "Endorsement of the First Nations Justice Strategy" call for a national strategy to reform Canada's criminal justice system;
 - H. Through BCAFN Resolution 09/2021 "Need for Immediate Policing Reform and Support for First Nations Jurisdiction of Policing" Chiefs-in-Assembly affirmed support for First Nations exercising their rights to self-determination, including the implementation of culturally relevant justice systems; urged the Provincial and Federal governments to recognize First Nations jurisdiction in this area and provide financial and technical assistance; and called on federal and provincial governments to reform policing in order to end police violence against Indigenous Peoples and transform their relationship with Indigenous peoples so that it is in alignment with the UN Declaration;
 - I. In December 2021, the Minister of Public Safety was mandated to "continue to work with First Nations partners to co-develop a legislative framework for First Nations policing..." with the support of the Minister of Indigenous Services and the Minister of Crown-Indigenous Relations.
 - J. AFN Resolution #07/2021, "Creation and Implementation of Legislation for First Nations Policing as an Essential Service" directs the AFN to continue to work with Public Safety Canada on the co-development and implementation of a legislative framework that recognizes First Nations police
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services as an essential service and for AFN regional offices to carry out an engagement process regarding this framework;

- K. On May 25th and 26th, 2022, the BCAFN and BC First Nations Justice Council held the Policing as an Essential Service Forum for First Nations Chiefs, leadership, experts, technicians, and community members to discuss their vision for transformative change in First Nations policing and community safety and to inform federal and provincial legislative commitments for reforming existing policing and justice systems. The results and recommendations of this forum were consolidated in the What We Heard report, which was supported by the BCAFN Chiefs-in-Assembly through Resolution 22/2022;
- L. In response to the findings of the What We Heard Report and in anticipation of the continued co-development of Federal First Nations Police Services Legislation, the “Federal First Nations Police Services Legislation Strategy Paper” was developed alongside BCAFN legal counsel (Miller Titerle + Company) to guide and address ongoing negotiations with the federal government on these matters.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly call for federal legislation that recognizes First Nations policing as an essential service and First Nations jurisdiction over policing;
 2. The BCAFN Chiefs-in-Assembly support the recommendations and draft principles of the Federal First Nations Police Services Legislation Strategy Paper and call for the Regional Chief and BC representatives on the AFN Policing Taskforce to advance its use in the negotiation and co-development of Federal First Nations Police Services Legislation; and
 3. The BCAFN Chiefs-in-Assembly directs the Regional Chief and BCAFN staff to work with the Assembly of First Nations, First Nations Leadership Council, the BC First Nations Justice Council, and likeminded organizations to ensure that the recommendations and principles of the Federal First Nations Police Services Legislation Strategy Paper are integrated into matters of justice and policing transformation and inform federal commitments to establish First Nations policing as an essential service.
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