SPECIAL CHIEFS ASSEMBLY
DECEMBER 6, 7 & 8, 2011, OTTAWA, ON

Resolution no.58/2011

TITLE:	Saving Lives by Training First Nation Defibrillator Operators and by Placing a Defibrillator in Every First Nation
SUBJECT:	Health
MOVED BY:	Chief Michael Yellowback, Manto Sipi Cree Nation, MB
SECONDED BY:	Chief Perry Bellegarde, Little Black Bear First Nation, SK
DECISION:	Carried by Consensus

WHEREAS:

A. Refusals or delays by Health Canada to respond to repeated First Nation demands that Health Canada ensure that defibrillators are placed in the health centres and nursing stations located in every First Nation community and to ensure that there are an adequate number of trained defibrillator operators in every First Nation community will continue to result in the preventable and needless deaths of First Nation citizens.

B. Access to adequate and essential health care services in First Nation communities by First Nation citizens is a Treaty promise by the Crown and a Treaty right recognized and affirmed by s. 35 of the *Constitution Act, 1982*.

C. Article 7 of the *Charter of Rights and Freedoms*, forming part of the *Constitution Act, 1982*, assures that, *"(e)veryone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."*

D. Article 21(2) of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), provides that, *"Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right."*

E. Article 23 of the UNDRIP provides that, *"Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social*

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programmes affecting them and, as far as possible, to administer such programmes through their own institutions."

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

1. Declare that any refusal or delay by the Government of Canada to ensure that defibrillators are immediately placed in the health centres and nursing stations located in every First Nation community and to ensure that there are an adequate number of trained defibrillator operators in every First Nation community is a violation of the Treaty and Charter rights of First Nation citizens and is contrary to the rights to health of Indigenous peoples as set out in the *United Nations Declaration on the Rights of Indigenous Peoples.*
2. Mandate the Assembly of First Nations to assess whether an action, as a class action or otherwise, may potentially be brought on behalf of the survivors of those First Nation citizens who are deceased as a direct consequence of the any refusal or delay by the Government of Canada to ensure that defibrillators were placed in the health centres and nursing stations located in community of the deceased and to ensure that there was an adequate number of trained defibrillator operators available in the community of the deceased.
3. Direct the National Chief to call upon the Minister of Health to immediately take steps to ensure that defibrillators are placed in the health centres and nursing stations located in every First Nation community and to ensure that there are an adequate number of trained defibrillator operators in every First Nation community and to pay compensation to the survivor of persons who are deceased as a result of defibrillators and trained defibrillator operators.

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