



The COVID-19 pandemic has highlighted Canada's continued lack of support to address basic human rights for many First Nations and as result, has increased their vulnerability to the direct and indirect impact of the COVID-19 pandemic. The Assembly of First Nations (AFN) is seeking to set out protections for the rights that constitute the minimum standard for the survival, dignity, and well-being of Indigenous peoples in Canada and continues to call on Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and provide further support for our Treaty and inherent rights.

First Nations experience greater health, social and economic inequities compared to the rest of Canadians. The health and well-being of First Nations in Canada continues to be affected by colonial governing structures, inconsistent policy, under funding compared to non-Indigenous communities. Factors including higher rates of underlying medical conditions, service access and logistical challenges associated with remote and fly-in communities, lack of access to health services and health care resources, inadequate housing, lack of clean drinking water, and lower socio-economic status make First Nations particularly vulnerable to COVID-19. First Nations leaders were forced to respond to the pandemic with limited capacity to protect the well-being of their Nations.

The AFN's 2021 Pre-Budget Submission (PBS) calls on the government to provide sustainable and appropriate funding to support First Nations in their efforts to mitigate the impacts of and recover from COVID-19 and, more broadly, to realize Canada's human rights obligations to Indigenous peoples. Increased funding alone is not the answer; it must be met with changes to the relationships and systems under which First Nations must operate. This paper has been developed by the National AFN COVID-19 Task Force to support the PBS, the implementation of UNDRIP, to highlight current gaps and challenges for First Nations related to and exacerbated by COVID-19 and to identify actions to support a new path forward beyond the pandemic.

Objectives:

1. Provide context and factors for First Nations' response and vulnerability to the COVID-19 pandemic.
2. Recommend a rights-based approach to responding to the pandemic as a way forward.
3. Emphasize the structural shifts required and associated resource needs that will support system changes required to not only to reduce First Nations vulnerability to the current COVID-19 pandemic but to future pandemics and emergencies as well.
4. Continue to support First Nations led pandemic responses and share successes and develop recommendations that support First Nations resilience during public health emergencies.

Next Steps:

1. To finalize input from across the regions through a *Virtual Dialogue Session: COVID-19 Discussion Paper: Regional Concerns and Key Insights* scheduled for **December 15, 2020** from 1 to 3pm EST. Please e-mail the Task Force Lead, Judith Eigenbrod at jeigenbrod@afn.ca for details on how to participate.
2. The Discussion Paper will be shared widely in early 2021 with all levels of government in advance of the AFN's presentation to the Treasury Board on the Pre-Budget Submission.
3. Moving forward, this discussion paper can be used as tool for advocacy work highlighting the learnings from the pandemic and the inequities faced by First Nations, building on the messages from Canada's Chief Public Health Officers report and enforcing the standards espoused by UNDRIP.



SOCIAL		
	Challenges and Gaps	Resource and Action Recommendations
HEALTH	<ul style="list-style-type: none"> • The COVID-19 pandemic response highlighted the many silos in the health care system, and timely communication and public health guidance is often lacking the appropriate contextual and cultural lens. • First Nations have been challenged in timely access and appropriate COVID-19 care – specifically testing, contact tracing, isolation, treatment – due in large part to the existing inadequate health and human resources available in community, compounded by the lack of health system infrastructure and health care professional capacity. • Relationships with Provinces and Territories continue to play a large role in determining the level of First Nations involvement in decision-making and data and information sharing. This raises concerns related to potential vaccine distribution. • COVID-19 has exasperated existing health concerns, such as mental health and substance use/addictions. 	<ul style="list-style-type: none"> • Federal, Provincial and Territorial governments need to work together with First Nations to ensure that First Nations are part of the process and that jurisdictional barriers do not impede access to health information, data, health care services and programs including vaccine distribution. • First Nations led responses and services are most effective in meeting the health needs of their people. Resources and supports must be increased to improve their capacity to share information and deliver culturally relevant services and supports. • Investments in First Nations led infrastructure, programs and capacity building initiatives must consider long-term needs and allow for flexibility to respond to crises. The pandemic has sparked innovative approaches that require long-term investments.
HOUSING	<ul style="list-style-type: none"> • Overcrowded and inadequate housing increased the risk of exposure to COVID-19 and has been a key factor influencing its spread in communities. ⁱ • The lack of available infrastructure for quarantine and isolation spaces are of great challenge to communities. • Shelters and spaces with appropriate supports both on-reserve and in urban centres were challenged to provide isolation and quarantine spaces. 	<ul style="list-style-type: none"> • Sustainable investments in additional safe, durable houses and community infrastructure, as well as for maintenance, are required immediately. • Increased focus is needed to support homeless and housing-insecure individuals so that they have culturally appropriate and supportive spaces.
CHILD AND FAMILY SERVICES	<ul style="list-style-type: none"> • Families are challenged during the pandemic by the challenges organizations face in delivering supportive and preventative services, economic uncertainty and job loss, lack of access to school and child-care and mental health services; exacerbating the stresses many families faced and increasing their vulnerability to losing custody. ⁱⁱ • Delays in court hearings and reduced supports have impacted reunification. • The potential for an increase in the number of children and youth in care because of these factors will be detrimental for the well-being of First 	<ul style="list-style-type: none"> • Implementation of the First Nations Child and Family Jurisdiction through Bill C-92 to provide culturally guided services for First Nations children and families need proper funding for success. • First Nations children, youth and families in the child and family services system need more directed immediate resources to support their well-being during and after the pandemic.



	<p>Nations youth and children due to the loss of culture, language and family connection.</p>	<ul style="list-style-type: none"> • Preventative and supportive services and programs need to be prioritized and properly funded (e.g. the Family Violence Prevention Program). • While ‘aging out of care’ was delayed throughout the pandemic, recovering from the pandemic will bring new challenges for First Nations youth who are no longer eligible for supportive services.
<p>LANGUAGES AND CULTURE</p>	<ul style="list-style-type: none"> • Concerns for the wellbeing of Elders has, in some instances, resulted in reduced levels of their involvement with Youth and cultural activities, and as such, a lack of ability to connect to culture and language. • Large cultural gatherings have been challenging to conduct due to physical distance limitations and recommendations to reduce gathering size. 	<ul style="list-style-type: none"> • COVID-19 funding was utilized to support on the land activities to encourage connection to culture and self-isolation practices. Recognition of the value of these activities for wellbeing must be continued throughout the recovery period through ongoing funding opportunities.
<p>EDUCATION</p>	<ul style="list-style-type: none"> • The reopening of First Nations schools posed a greater risk to students compared to provincial schools. First Nations schools were more vulnerable to COVID-19 outbreaks due to smaller classroom sizes, larger class numbers, and the increase of repairs and maintenance required to satisfy COVID protocols. ⁱⁱⁱ • First Nations students often travel by bus for long periods of time to reach urban schools, increasing risk of potential exposure. • On-line remote learning provides challenges due to limited connectivity, a lack of access to resources and technology, lack of appropriate study spaces in homes or within communities and lack of support, all factors which may contribute to students falling behind in their education. • First Nations students leaving home communities for post secondary education are challenged in finding safe space for self-isolation, mental health support, and learning support. In some cases, students are challenged with the inability to return home due to potential lockdowns. 	<ul style="list-style-type: none"> • Funding to support First Nations and on-reserve schools during the pandemic has been inadequate and insufficient to address the capacity and infrastructure gaps. Long-term, investments are required to improve the infrastructure of First Nations schools. • Adaptive learning, including remote learning, must be supported moving forward, allowing greater access to education options and providing opportunities for students who have fallen behind during the pandemic. • The temporary closing of First Nations schools occurred at a greater frequency and for a longer duration compared to provincial schools across Canada, resulting in potential increased disparities in education outcomes for First Nations students that must be addressed.



ENVIRONMENT, LANDS AND WATER		
	Challenges and Gaps	Resource and Action Recommendations
FOOD SECURITY	<ul style="list-style-type: none"> For First Nations communities that closed their borders to non-members, many communities experienced challenges with food-supply chains causing local band office, health care centers or other community organizations to source food for their members, thus incurring costs not normally part of their budgets. The government response to First Nations' food insecurity overlooked the specific interests and needs of First Nations through delegating food-security grant distribution to non-Indigenous groups, some of whom have never even worked with First Nations. 	<ul style="list-style-type: none"> Distinct First Nations food security funding will work to not only address the immediate food security needs in communities but could also be used by those who wish to create longer-term solutions for food sovereignty and resilient food systems and pathways. A national review of the funding process should be conducted that evaluates the equity and accessibility of food security funds during the pandemic for First Nations.
WATER	<ul style="list-style-type: none"> Infection prevention and control recommendations to reduce the spread of COVID-19 include frequent handwashing paired with frequent cleaning of frequently touched surfaces. Communities under drinking water advisories often lead to chronic water shortages and stricter water use guidelines. The recommendation for use of bottle water for handwashing and hand sanitizer is not a realistic solution. The lack of infrastructure contributes to a community's overall vulnerability.^{iv} Water quality emergencies have led to forced evacuations, placing members at risk to COVID-19 through placements in host communities. 	<ul style="list-style-type: none"> The infrastructure in First Nations communities required to enable First Nations to perform basic infection prevention and control measures underscores the lack of follow-through from the Federal government to eliminate boil water advisories in First Nations communities. Indigenous Services Canada (ISC) must continue to push to deliver on its commitment to end drinking water advisories by March 2021 despite the challenges raised by the pandemic in recognition that access to clean water is a requirement for First Nations to safely live and stay at home.
ENVIRONMENT	<ul style="list-style-type: none"> Regulatory processes of resource development projects have continued to as usual, without regard of the reduced capacity of First Nations to meaningfully participate in the process due to capacity and safety concerns associated with COVID-19.^v Environmental monitoring, reporting and management procedures have been relaxed during the pandemic, citing worker safety as a concern.^{vi} The potential that a push for a rapid economic recovery after COVID-19, the federal, provincial, and territorial governments will amend environmental legislation to fast-track developments and infringe on First Nations rights and the duty to consult. 	<ul style="list-style-type: none"> Regulatory processes must be protected and improved, rather than shortened, in response to COVID-19. The pandemic has shown us that mother nature is out of balance, more care must be taken to protect her. First Nations must be afforded their right to consultation on resource development projects, and given the need for recovery following the pandemic, be provided ample time, opportunity, and resources to fairly contribute. First Nations must be leaders in a new green economy, for example through investments in such programs as the First Nations Guardians, to help ensure that conservation and environmental monitoring are part of development projects.



ECONOMIC DEVELOPMENT AND INFRASTRUCTURE		
	Challenges and Gaps	Resource and Action Recommendations
TRANSPORTATION	<ul style="list-style-type: none"> Access to reliable and timely transportation in and out of First Nations communities not only impacts the ability of First Nations to access health and other services but has impacted the ability of the First Nation to access food, supplies, education and job opportunities, as well as critical infrastructure resources and capacity.^{vii} 	<ul style="list-style-type: none"> First Nations have been historically excluded from transportation infrastructure development discussions and have identified the need for greater involvement in these processes and the need for Traditional Knowledge to be incorporated into transportation decision making processes.
CONNECTIVITY	<ul style="list-style-type: none"> The COVID-19 pandemic has highlighted our society’s dependency on access to reliable internet. For many First Nations, in particular those in rural, remote and northern regions, internet connectivity is a challenge and results in inequitable access to health and social services, educational opportunities and the ability to work from home. The increased reliance and need for digital health and telehealth have emphasized the importance of moving forward with strategies such as First Nations Infoway, a national First Nations governance and funding model for Digital Health. 	<ul style="list-style-type: none"> Since the Canadian Radio-television and Telecommunications Commission declared broadband internet access a basic service in 2016, First Nations have been waiting for more targeted investments and infrastructure development.^{viii} The pandemic has only emphasized that these investments are needed rapidly and that they have been insufficient to date. The government has committed to connecting 98% of Canadians to high-speed internet by 2026.^{ix} First Nations needs must be prioritized given the importance connectivity has for service provision and education.
ECONOMIC DEVELOPMENT	<ul style="list-style-type: none"> The COVID-19 Indigenous Business Survey carried out in April and May of this year reported that 31% of First Nations owned-businesses experienced a revenue drop of 50% or more. These numbers have highly likely increased since then. Many businesses are small to medium-sized enterprises and operate in sectors, such as tourism, that have been particularly hard-hit by COVID-19. First Nations had higher unemployment rates before the pandemic and have had higher unemployment because of the pandemic. ^x An intersectional lens of the job losses resulting from the pandemic highlights that women and persons living with disabilities have experienced even greater impacts. 	<ul style="list-style-type: none"> Future investments must include supports for business continuity planning to ensure First Nations businesses can be innovative, adapt and be successful. Governments can support First Nations led suppliers, by prioritizing purchasing from First Nations businesses. Through actioning the recommendations laid out by the Task Force for Resilient Recovery, a green recovery with First Nations as full partners can be achieved. Support and investments in First Nations-led strategies will be key for strengthening the post COVID-19 recovery for First Nations, including the economic development and trade and “Leaving no one behind” strategy.



RIGHTS AND JUSTICE		
	Challenges and Gaps	Resource and Action Recommendations
BORDER SECURITY	<ul style="list-style-type: none"> Concerns regarding insufficient resources to manage a COVID-19 outbreak in the community led many First Nations to restrict entrance into their communities using security checkpoints and lockdown procedures. For First Nations in proximity to, or straddling the USA border, these stresses were amplified. Some First Nations had to spend their own-source revenue to hire security teams to protect their communities. The ISC COVID-19 community support funds initially did not cover the costs associated with security measures, causing many First Nations to struggle to find the resources to meet these needs. 	<ul style="list-style-type: none"> The PBS calls for investments in First Nations Police Agencies, upgrades to First Nations community safety infrastructure, the creation of First Nations community safety and security programs as well as restorative justice programs. The COVID-19 pandemic has highlighted an unmet need that would be addressed through enhanced investment in these areas.
GENDER	<ul style="list-style-type: none"> First Nations women are at greater risk for violence and exploitation; the risk of which has been heightened during the pandemic because of increased poverty, stress and changed access and reduced availability of support services and spaces. Women, and to an even greater extent, First Nations women, were disproportionately impacted by the pandemic as many had to make the choice to leave work to take care of children left without childcare or school, care for elders, and the disabled.^{xi} 	<ul style="list-style-type: none"> Canada has yet to attach a timeline to honour its commitments to implement the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls to Justice. The pandemic is not a cause for delay on these actions; conversely, it heightens the need to advance these Calls as those systemic issues are exacerbating the pandemic's impacts on First Nations women. Strengthening and investing in the Indigenous Skills and Employment Training Strategy with the inclusion of a social innovation and gender intersectional lens will support First Nations to develop the capacity and skills they need to be leaders in a new sustainable economy and to recover from job losses.
AWAY FROM HOME AND URBAN	<ul style="list-style-type: none"> First Nations living in urban settings or away from home, either permanently or temporarily, are also vulnerable during the pandemic and have often been left out of the conversation. The disconnect between health systems and associated health data have led to delays in contact tracing and available supports. 	<ul style="list-style-type: none"> Sustainable funding is required to address critical needs during this crisis. First Nations organizations need to have the appropriate resources to provide the services needed to maintain the health and safety of urban First Nations peoples by providing culturally appropriate responses.



A New Path Forward: Building back Better
COVID-19 pandemic provides an opportunity to ‘build back better’ by recognizing the history of colonization, continued colonialism, land dispossession and systemic racism. In addition to the actions identified for each sector, the following elements are necessary to accelerate meaningful positive changes.

Addressing Systemic Racism	Commitments to Improved Governance	Supporting transformative processes: First Nations Control of Emergency Management Planning	Advancing First Nations Data Sovereignty
<ul style="list-style-type: none"> • First Nations experience racism and discrimination at higher rates within health care settings resulting in higher mortality and worse health outcomes, such that most First Nations avoid seeking health care altogether. • Concrete actions to address systemic issues of racism in health care systems are required. • First Nations have the right to the highest standard of physical and mental healthcare without any discrimination. • Canada must commit to addressing racism in health care as a first step and more must be done to address the prevalence of racism across systems and institutions including the full implementation of the Viens Commission (Quebec). • Canada must conduct an immediate review of the Canada Health Transfers and the Canada Health Act, to ensure quality health care is being provided to First Nations.^{xii} 	<ul style="list-style-type: none"> • The pandemic has emphasized the existing challenges in relationships and transparency between all levels of government. • Changes are required to the governance structures between all levels of government to support true Nation to Nation relationships and to ensure that First Nations are equal partners at the table. • First Nations require investment to support governance programs to increase capacity of financial, administrative, and political governance structures and to leverage existing resources allowing for more efficient and effective response to community needs, particularly during the pandemic. 	<ul style="list-style-type: none"> • Emergency Management consists of a cyclical framework that consists of four interdependent components that can be carried out sequentially or concurrently. It reflects the interrelatedness of systems and policies that must be addressed for First Nations to be full partners in the fight against this pandemic, and future pandemics and other emergencies. • First Nations managed Emergency Response planning provides an opportunity for a transformative approach to prevent, prepare, respond, and recover through the learnings of this pandemic. 	<ul style="list-style-type: none"> • COVID-19 has highlighted challenges with the current data systems and resulted in inadequate data available for First Nations, limiting the ability of leadership to mitigate the impacts of COVID-19, as well as respond to other health issues. • First Nations control of their data is necessary element for self-determination and self-governance. This control is only possible through supporting data governance capacity and associated infrastructure. • A commitment to Ownership, Control, Access, and Possession (OCAP)TM of First Nations COVID-19 health information is necessary element for self-determination and self-governance.



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- ⁱⁱ Sistovaris, M., Fallon, B., Miller, S., Birken, C., Denburg, A., Jenkins, J., Levine, J., Mishna, F., Sokolowski, M. and Stewart, S. (2020). Child Welfare and Pandemics. Toronto, Ontario: Policy Bench, Fraser Mustard Institute of Human Development, University of Toronto
- ⁱⁱⁱ AFN, First Nations Education Infrastructure Factsheet. 2020.
- ^{iv} Craft, A., McGregor, D. and J. Hewitt. COVID-19 and First Nations' Responses. *In* Vulnerable: The Law, Policy and Ethics of COVID-19. edited by C. M. Flood, V. MacDonnell, S. Thériault, S. Venkatapuram, and J. Philpott. University of Ottawa Press. Ottawa. ON. 2020.
- ^v Firelight Group. Environmental impact assessments and Indigenous rights should not be sacrificed for the sake of rapid post COVID-19 economic recovery. July 29, 2020.
- ^{vi} International Association for Impact Assessment. Curtailing Work on Impact Assessments due to COVID-19 is unjustified. <https://www.iaia.org/news-details.php?ID=123>. Accessed October 10, 2020.
- ^{vii} National Collaborating Centre for Indigenous Health. Access to health services as a social determinant of First Nations, Inuit and Métis health. Prince George, BC. 2019.
- ^{viii} CBC. CRTC declares broadband internet access a basic service. <https://www.cbc.ca/news/politics/crtc-internet-essential-service-1.3906664> Posted December 21, 2016
- ^{ix} <https://www.cbc.ca/news/politics/broadband-internet-1.5794901>
- ^x iPolitics. Survey of labour force shows racialized unemployment gap due to COVID-19. Published August 7, 2020.
- ^{xi} CBC. Women's participation in labour force reaches lowest level in 3 decades due to COVID-19: RBC. Published July 16, 2020.
- ^{xii} AFN. AFN National Chief Bellegarde Encouraged by Meeting, But Needs To See Action On Addressing Racism Within The Healthcare System. Press Release. October 16, 2020.