



What is the history of this issue and how does it impact First Nations?

The Assembly of First Nations (AFN) Economic Sector has focused on advocating for new investments for First Nations employment and economic involvement. Four policy areas of focus for greater economic involvement include the development of a strategy on agriculture, international trade and access to trade supports, supporting First Nations in the forestry sector, and Canada's energy and natural resource sectors.

The AFN's work on the First Nations agriculture supports the implementation of the Chiefs-in-Assembly resolution on accessing economic agriculture opportunities. Resolution 47/2016, *First Nations Economic Opportunities Through a First Nations Agriculture Strategy*, recognizes the need for increased First Nations participation and opportunities within the agriculture and agri-foods sector. As a result, it will strengthen all aspects of the agriculture industry from First Nations actively engaging and benefiting in short and long-term agriculture activities, resulting in enhanced economic opportunities in agriculture.

The AFN's work on trade has been in support of several Chiefs-in-Assembly resolutions, with the most recent being Resolution 37/2019, *Continued Advocacy on Canada's International Trade Agreements to achieve Economic Reconciliation*. The emphasis has been on respecting the rights of Indigenous peoples, advocating for a Trade and Indigenous Peoples chapter in all trade agreements, and trade programs and processes to include First Nations. The National Chief has advocated that the Canada-United States-Mexico Agreement (CUSMA) includes the need for an Indigenous Peoples chapter in the new trade agreement, engagement with First Nations for such a chapter, and that a new trade agreement must protect inherent and Treaty rights of First Nations as recognized and affirmed by the Constitution of Canada and international law.

The natural resource sector continues to be a major driver of Canada's economy, accounting for 16% of the nominal GDP in 2016, and directly and indirectly accounting for 1.74 million jobs in Canada. The AFN supports opportunities for meaningful dialogue with First Nations and involvement in Canada's natural resource and energy sectors. There are a growing number of First Nations interested in/or presently leveraging the benefits of energy and natural resource development including forest lands and resources. The Chiefs-in-Assembly have passed numerous resolutions that mandate the AFN to work with government officials to ensure that First Nations rights and territorial integrity are respected.

How has the AFN's recent advocacy affected this area?

The AFN has completed an agriculture gap analysis, *Gap Analysis of Federal and Provincial Agricultural Programs and Services to First Nations Producers on Reserve Lands*, which identified key priorities and gap areas including lack of data that will have continuous impacts in First Nations participation in policy discussions at the federal, provincial and territorial levels. Federal, Provincial and Territorial Ministers responsible for agriculture reached agreement on key elements for the next Canadian Agriculture Partnerships (Agri-Partnership) framework. The gap analysis will support a First Nations agriculture strategy while also providing key indicators on existing barriers within the overall Agri-Partnership for First Nations.

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Trade advocacy efforts, including the participation of the National Chief Perry Bellegarde on the North American Free Trade Agreement (NAFTA) Council, have successfully brought about the first General Exception for Indigenous Peoples' Rights in a Canadian trade agreement. This was seen in the CUSMA. The AFN continues to advocate that Canada must prioritize provisions and exceptions to protect First Nations rights consistent with the CUSMA, in other trade negotiations such as the Pacific Alliance, the Mercosur negotiations and the new model for investment agreements (FIPA). AFN has also been advocating that new international trade agreements are implemented in a manner that enhances opportunities for First Nations trade and investment.

The AFN and Natural Resources Canada (NRCan) are working towards a work relations protocol to guide NRCan engagement with the AFN and its leadership and technical processes. This work will support AFN advocacy efforts for full and meaningful involvement of First Nations in planning, decision-making and implementation processes and reflect First Nations priorities as set out in national Chiefs-in-Assembly resolutions. A work-relations protocol is intended to support but not substitute the direct relationship between NRCan and First Nations at the regional and local levels. On September 15, 2020, Regional Chief Terry Teegee participated, on behalf of National Chief Perry Bellegarde, in the virtual Energy Mines and Ministers' Conference (EMMC) to reinforce the need for full involvement of First Nations in resource development planning and decision-making and to respect the rights of First Nations.

The work with NRCan includes identifying and advancing greater First Nations engagement, increased investments to support First Nations forestry sector activity and capacities, and First Nations involvement in the federal commitment to plan 2 billion trees over the next 10 years.

Where do we hope to go in the future?

The AFN will update and receive guidance from the AFN Executive Committee, the Chiefs Committee on Economic Development (CCED) and First Nations leadership on options to improve First Nations economic involvement in agriculture, trade, forestry and natural resources. This will include continuing the dialogue with Agriculture and Agri-foods Canada, Indigenous Services Canada, Natural Resources Canada, and Global Affairs Canada to seek new economic investments and improved programs supports for agriculture, trade, and forestry and natural resources.

The AFN will develop a First Nations agriculture strategy, from First Nations perspectives and existing agriculture trends. This policy activity will include exploring opportunities for further analysis of the First Nations agriculture data and provide a five-year research plan to support the development of Canada's next agriculture framework.

The AFN will continue to advocate for First Nations trade opportunities, trade supports and access to markets.

The AFN will continue to undertake dialogue with NRCan officials to support First Nations and their development objectives. This includes advocating for increased investments for First Nations in the forestry sector and for First Nations capacity and meaningful participation in the 2 billion trees initiative.

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What is the history of this issue and how does it impact First Nations?

In 2015, the Liberal Party won a majority, and to fulfill their promise to legalize cannabis they drafted the law known as The Cannabis Act (the Act). Many First Nations were concerned with the lack of inclusion within the Act's framework. In 2017, the AFN passed *Resolution 110/2017, Support to Delay Cannabis Legalization*, in an attempt to delay the enforcement of the Act, and allow First Nations leaders to consult with their First Nations, and gather information regarding the needs and interests of their community with respect to cannabis.

The legislation was passed regardless of these concerns, leaving many First Nations cannabis operations in a legal "grey zone." The Act gave the federal government responsibility for the regulation of growth and cultivation of cannabis, while provinces were responsible for sales. However, the legislation did not mention which level of government was required to work with First Nations regarding their cannabis operations and sales. Due to this, under Canadian laws, First Nations operations cannot get production or retail licenses. Any business in operation was thus deemed 'illegitimate' and could not engage in the market the same way non-First Nations businesses could. Upon Royal Assent of the *Cannabis Act*, Senator Lillian Dyck was promised that this concern would be addressed. Many issues regarding jurisdiction over cannabis licensing, taxation, regulation, revenue sharing, health and safety throughout First Nations territories have yet to be resolved via legislative amendments.

How has the AFN's recent advocacy affected this area?

In 2019, *Resolution 36/2019, Chiefs Committee on Cannabis* was passed to give the newly established Chiefs Committee on Cannabis a mandate to advocate for change regarding the Cannabis Act and resolving the existing "grey zone," which restricted many First Nations cannabis businesses. The terms of reference created by *Resolution 36/2019* ensured that the committee create a legislative framework which would recognize and support First Nations jurisdiction, taxation, regulation, health and safety, and establish a revenue sharing plan with provinces.

Since then, the Chiefs Committee has met several times to create a national advocacy plan to address many of these concerns. The Committee has also been collecting data and information regarding cannabis operations in various regions to get a fuller picture of what challenges and barriers exist that prevent First Nations from the full participation in the cannabis industry. Additionally, a new legislative framework is being created that proposes amendments to the Cannabis Act and other consequential Canadian law to ensure this happens for First Nations cannabis businesses.

Although the COVID-19 pandemic has shifted the priorities of many First Nations, the Chiefs Committee on Cannabis has remained diligent in its advocacy with respects to cannabis.

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Where do we hope to go in the future?

We hope to see the full participation of First Nations operations within the cannabis market. We believe we can turn the “grey zone” in a fully functioning industry for First Nations by carrying out the national advocacy plan and making amendments to the Cannabis Act and other related Canadian law. Establishing clear legislation that enables First Nations to exercise their jurisdiction over cannabis-related activities, creating new tax and revenue-sharing agreements, and addressing health and safety concerns in First Nation communities is mutually beneficial to First Nations and Canadians. Under Canada’s promised COVID-19 economic recovery plan, we believe there is room to make all this a reality.

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What is the history of this issue and how does it impact First Nations?

Canada developed the First Nations Child and Family Services (FNCFS) program in 1989, to regulate the services provided to First Nations after the closure of many of the schools in the Indian Residential School System. Intergenerational trauma and family breakdown caused by the Indian Residential School System has perpetuated First Nations' higher rates of involvement with child and family services in Canada. The underfunded, discriminatory and protection-based program has led to the purposeful removal of unprecedented numbers of First Nations children from their families and Nations. Today, there are over 40,000 First Nations children involved with child and family services across Canada.

In 2007, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society launched a case at the Canadian Human Rights Tribunal (CHRT) alleging that Canada discriminates against First Nations children by underfunding the FNCFS program on-reserve and in the Yukon. On January 20, 2016, the CHRT found that Canada had discriminated against First Nations children in the provision of services simply because they are First Nations. The CHRT ordered the federal government to immediately and completely overhaul the FNCFS program.

In January 2018, National Chief Perry Bellegarde attended the Minister of Indigenous Services' Emergency Meeting on First Nations, Inuit and Métis Child and Family Services alongside First Nations leadership, experts and technicians, Provincial and Territorial Ministers, and federal officials. At this meeting, a six-point action plan was announced to address the overrepresentation of Indigenous children in care. The actions committed to ensuring that the CHRT orders are fulfilled, including the development of a new funding model; the promotion of culturally-appropriate prevention; early intervention and family reunification; and, most notably, the co-development of new Indigenous child and family wellbeing legislation that supports Indigenous jurisdiction over services and policies.

How has the AFN's recent advocacy affected this area?

In 2018, the First Nations-in-Assembly passed AFN Resolution 11/2018, *Federal Legislation on First Nations Child Welfare Jurisdiction*, supporting federal enabling legislation on First Nations child and family wellbeing. It called on Canada to ensure that the legislation recognizes First Nations self-determination and includes proper funding for First Nations to exercise their authority over child and family wellbeing. The co-developed legislation, *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act), received Royal Assent on June 21, 2019 and came into force on January 1, 2020.

AFN Resolution 16/2019, *An Act respecting First Nations, Inuit and Métis children, youth and families—Transition and Implementation Planning*, was passed on transition and implementation of the new legislation. The Act affirms First Nations' inherent rights to self-determination and jurisdiction and establishes national principles for child and family wellbeing, including the best interests of the child, cultural continuity and substantive equality. Under the Act, First Nations will choose the best path forward to improve the wellbeing of First Nations children and families. The AFN has advocated for sustainable statutory funding to ensure meaningful transition to First Nations jurisdiction over child and family services under the Act, preliminarily estimated at \$3.5 billion over five years.

AFN Resolution 16/2019 also established the Chiefs Committee on Child and Family Services and Self-determination (Chiefs Committee), in order to provide input, oversight and guidance on implementation of the Act. The Chiefs Committee advocated for a distinctions-based approach to implement the Act and

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negotiated the terms of this approach with Indigenous Services Canada (ISC). The Protocol regarding *An Act Respecting First Nations, Inuit and Métis children, youth and families* in relation to the Assembly of First Nations (the Protocol), between the AFN and Canada was signed on July 7, 2020. The Protocol is a mechanism to ensure First Nations lead the development of principles and processes related to the Act. It defines how Canada and the AFN will explore principles and processes that will support implementation of the Act, including input, control and decision-making by First Nations.

The AFN worked with the Institute for Fiscal Studies and Democracy (IFSD) to develop a new funding model for FNCFS. The IFSD completed their [final report](#) on FNCFS funding in August 2020, proposing a bottom-up funding approach for FNCFS that addresses ISC's funding shortfalls, which were found by the CHRT to be discriminatory. The proposed approach uses a First Nations distinctions-based framework to understand the needs of First Nations children, a new operational model that considers the root causes of inequality, and a transition plan to move away from the current funding model and protection-focused system toward the new approach. The AFN has submitted this report to the CHRT for review.

The AFN has returned to the CHRT several times to address Canada's non-compliance with the orders on FNCFS and Jordan's Principle. In September 2019, the CHRT ordered Canada to pay the maximum allowable compensation for victims of discrimination under the FNCFS Program and Jordan's Principle. In October 2019, Canada filed for judicial review of this ruling. Under the leadership of National Chief Perry Bellegarde, the AFN Social Development Sector has worked with the Parties to the CHRT to outline a framework for compensation under the ruling. The AFN also filed a \$10 billion class action lawsuit to build on the work at the CHRT, including covering those victims who were excluded from the CHRT's ruling on compensation. In September 2020, the class action was certified. The National Advisory Committee on First Nations Child and Family Services (NAC) and the Consultation Committee on Child Welfare (CCCW) continue to monitor and guide the rulings of the CHRT orders.

In order to support First Nations youth who would normally be aging out of the FNCFS program during the COVID-19 pandemic, the AFN successfully advocated for a Youth Moratorium to be placed from March 2020 until March 31, 2021 in order to ensure continued access to the supports and services youth need, and for agencies to have any costs associated with continued care covered by Canada.

Where do we hope to go in the future?

In early 2021, the AFN is holding a series of virtual gatherings to share critical First Nations child and family wellbeing policy, best practices and tools with First Nations on the implementation of the Act.

The AFN will continue to advocate for immediate, mid, and long-term relief measures and for the CHRT orders to be fulfilled through the work of the Chiefs Committee, the NAC and the CCCW. Under the Chiefs Committee's direction, a Joint National Working Group on the Protocol will be established to ensure that a First Nations distinctions-based approach is applied in the implementation of the Act. Under the leadership of the Chiefs Committee, and supported by expert technical advice, the AFN's next steps within the Protocol is to co-develop a data collection and reporting strategy on the implementation of the Act.

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What is the history of this issue and how does it impact First Nations?

The ability to remain connected through the internet is increasingly important for all Canadians. This is no different for First Nations; whether it is for leisure, business, or governance, the reliance on connectivity for daily activities continues to grow. There is an increasing need for higher internet speeds to meet the demands for affordable, newer, faster technology, especially for First Nations. The data outlined in the Canadian Radio-television and Telecommunications Commission (CRTC) report “Communications Monitoring Report 2019,” identified 31.3% of First Nations reserves as having 50/10mbps speed and unlimited data. The Federal Government’s “High-Speed Access for All: Canada’s Connectivity Strategy” committed to providing 100% of Canada with 50/10mbps speeds by 2030.

Resolutions 32/2018 called for Strengthening On-Reserve Connectivity as well as past resolutions directing the AFN to advocate for resources for the continued development of broadband connectivity, high-speed internet, integrated Information Communications Technology (ICT) services and funding for this basic infrastructure.

Efforts are required to close the gap between First Nations’ connectivity levels compared to the rest of Canada. This calls for the Government of Canada to create policies that promote Internet Service Provider (ISP) infrastructure support for First Nations in areas like spectrum auctions and First Nations specific funding. In addition, without appropriate connectivity levels in First Nations, areas such as health, education, and economic development will continue to be impacted. For example, improved broadband speeds are critical for businesses and can enhance access to other markets and economic opportunity among First Nations and First Nations businesses.

How has the AFN’s recent advocacy affected this area?

The AFN advocates for high-speed connectivity for First Nations with scalable infrastructure that will ensure high-speed connectivity. The AFN has advocated to the federal government the need for targeted and direct funding programs for First Nations connectivity, including in discussions with Innovation, Science and Economic Development (ISED) regarding the Universal Broadband Fund (UBF) that will provide up to \$1.7 billion for broadband initiatives. The AFN has advocated for First Nations specific funding within the program, as well as discussing the need for flexibility in funding requirements that will allow for more First Nations to be eligible for the funding.

Where do we hope to go in the future?

Advocacy efforts will continue for First Nations-specific connectivity funding for initiatives and training that will increase ICT capacities. The AFN will continue to advocate for the processes that support First Nations connectivity objectives and that all First Nations have infrastructure for 50/10mbps speeds and opportunity to be scalable.

Additionally, the AFN is working to bring together a First Nations Information Communications Technology (ICT) Network meeting that will discuss issues and needs being experienced locally and regionally and seek to identify solutions and information that can inform policy and programs to support First Nations connectivity.

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What is the history of this issue and how does it impact First Nations?

This class action refers to students who attended a recognized Indian Residential School, but only during the day. Day Scholars were excluded as plaintiffs under the Indian Residential Schools Settlement Agreement. However, they are entitled to seek compensation for abuse under the IRSSA as “non-resident claimants” provided they have claims that fit the criteria for the Independent Assessment Process.

On August 15, 2012, the Tk’emlups and Sechelt bands in B.C., later joined by the Grand Council of the Crees in Northern Quebec, launched a class action lawsuit on behalf of all Aboriginal children who attended Indian Residential Schools as Day Scholars. On June 3, 2015, the Federal Court certified the class action. The Certification Order set out the proposed class, list of schools and required notices to class members.

The class action seeks compensation for those Day Scholars, alleging they suffered the same loss of language and connection to culture as those who were resident at the schools. Further, the suit alleges that these losses were an intentional aspect of Canada’s education policy, and caused serious and life-long harm to the survivors.

Currently, the class action is in the Federal Court, as negotiations between the federal government and the First Nations’ Plaintiffs broke down in January 2019. The Class Action will be heading to trial in 2021.

How has the AFN’s recent advocacy affected this area?

Resolution 90/2019, Support for the Claims of the Survivor Class in Day Scholars and Resolution 91/2019, Support for the Claims of Descendant Class and Band Class in Day Scholars both direct the AFN to engage with the Day Scholar Executive Council, federal government and all appropriate bodies to advocate for a resolution to this matter.

In March 2020, letters were sent to both Prime Minister Trudeau and Justice Minister Lametti, on behalf of National Chief Perry Bellegarde, calling on the federal government to settle the outstanding Day Scholars class action. As of October 2020, there has been no response.

Where do we hope to go in the future?

Although the AFN is not a party in this matter, we will continue to engage with the Day Scholar Executive Council, federal government and all appropriate bodies to advocate for a resolution. This may be conducted through letters and meetings with the parties.

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What is the history of this issue and how does it impact First Nations?

This class action refers to students who attended day schools on-reserve that were established, funded, managed and controlled by Canada. On August 19, 2019, the Federal Court approved and certified all parts of the proposed settlement agreement for this class action. Further, on January 13, 2020, survivors began to submit a claim forms for compensation and have until July 13, 2022.

This class action was filed by Joan Jack Law Office on July 31, 2009. Following significant delays, Gowlings WLG was retained to further pursue the class action. The claimants alleged that Canada breached duties of care, fiduciary duties, statutory obligations, and the Aboriginal rights of the Survivors and their families. The class action was brought on behalf of two classes: the Survivor Class, which includes which includes all Aboriginal persons who attended an Indian Day School from 1920 onwards; and the Family Class, which includes all spouses, former spouses, children, grandchildren, and siblings of a member of the Survivor Class.

How has the AFN's recent advocacy affected this area?

The AFN is monitoring the implementation of the claims process to ensure that the compensation process is adequate and fair for eligible Class Members. Our office has received inquiries about the lack of communication and support in the claims process. For example, timelines and updates regarding claimants' claims and support for filing claim forms. A motion was drafting for the AFN Executive Committee in August 2020 calling on Canada and Claimant Counsel to resolve administrative delays in processing claims.

Resolution 09/2002, Indian Day School Abuse, Resolution 66/2016, Support Garry McLean and Spirit Wind Indian Day Schools Class Action and Resolution 82/2018, Support for the National Indian Day Schools Class Action – McLean v Canada have mandated the AFN to provide support for this class action through advocacy. This includes calling on Canada to work in good faith to achieve a meaningful resolution for survivors and their families. The AFN does not have any mandate to assist claimants in filling in applications or other work for this class action.

Where do we hope to go in the future?

The COVID-19 pandemic has not changed the timelines for claims processing and payments. However, Gowlings WLG, Claimant Counsel, has cancelled all Community Assistance Sessions and is now providing them through video conference, as of April 8, 2020, due to the pandemic. The AFN will continue to monitor the claims process to ensure that the compensation process is adequate and fair for eligible Class Members.

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What is the history of this issue and how does it impact First Nations?

First Nations children in their early years are served by three federal programs: Aboriginal Head Start On Reserve program, Aboriginal Head Start Urban and Northern Communities Program, and First Nations and Inuit Child Care Initiative. Many First Nations offer supplementary early learning and child care (ELCC) programs, including home visiting, land-based programs, and Elder storytelling. The federal ELCC programs for First Nations have been historically underfunded, underserved and inadequate to meet the needs of First Nations, with outdated formulas and stagnant funding undermining the ability of these programs to truly support First Nations children and families. The Assembly of First Nations (AFN) has led calls for change in these services for decades to ensure that First Nations children are best prepared to live happy and healthy lives.

In 2016, the AFN First Nations-in-Assembly mandated a National Expert Working Group on First Nations Early Learning and Child Care to lead work on First Nations ELCC at the national level. The National Expert Working Group conducted two years of engagements to develop the First Nations ELCC Policy Framework, which outlined the vision, principles and goals of First Nations ELCC. The Framework envisioned happy, healthy First Nations children who are grounded and connected to their identity as First Nations peoples, and who are supported by culturally and linguistically based programs and services that are determined by First Nations. This Framework was endorsed by the First Nations-in-Assembly in 2017, supporting it as the First Nations component of the Indigenous ELCC Framework. The Indigenous ELCC Framework was released in 2018 with \$1.02 billion for First Nations over 10 years to support its implementation.

How has the AFN's recent advocacy affected this area?

National Chief Perry Bellegarde has advanced First Nations ELCC as a priority during the COVID-19 pandemic. First Nations ELCC programs, services and providers have been chronically underfunded for decades, and the challenges stemming from COVID-19 have caused further strain. First Nations ELCC programs have been innovative in their service delivery, preparing virtual programming, conducting home visits and providing food baskets, and National Chief Bellegarde has advocated for additional funds to support this work.

National Chief Bellegarde met with the Minister of Families, Children and Social Development, the Honourable Ahmed Hussen, in August 2020 to discuss First Nations ELCC in the context of COVID-19. The AFN advocated for support for First Nations ELCC providers, noting the exceptional role that providers have taken on during the pandemic. The AFN affirmed that First Nations must be supported to determine their ELCC reopening, recovery and stabilization priorities, and advocated for dedicated funds for First Nations ELCC as part of Canada's COVID-19 recovery strategy. As a result of this advocacy, Canada committed up to \$120 million for emergency COVID-19 funding for Indigenous ELCC, with over \$71 million dedicated to First Nations, available immediately to support First Nations with COVID-19 ELCC-related needs.

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Where do we hope to go in the future?

As the implementation of the First Nations and Indigenous ELCC Frameworks continues at the First Nation, regional and national levels, the AFN will continue to advocate for First Nations governance, determination and jurisdiction over ELCC.

The National Expert Working Group and its sub-working group on funding formula development will make a recommendation to the First Nations-in-Assembly on a revised funding model to allocate the First Nations ELCC funding in 2021.



What does the Education Sector do for First Nations?

The Education Sector advocates for First Nations to have access to safe, sustainably funded, secure, culturally appropriate, and quality education. The Education Sector's vision is guided by the following principles:

- First Nations students have Inherent and Treaty Rights to an education that is in accordance with their culture, values, traditions, and languages – free from prejudice and discrimination.
- Quality and culturally appropriate education is a cornerstone to the preservation and vitality of First Nations societies and to the realization of other fundamental human rights of First Nations students.
- First Nations students require additional measures in order to enjoy their right to education on an equal footing with non-Indigenous students. This includes the right to equitable funding that meets their specific needs and circumstances, including cultural, linguistic, and historical realities.

Why is this work important?

The AFN and numerous National Chiefs have long recognized that education is foundational to the success and prosperity of First Nations peoples. In 1972, the policy framework *Indian Control of Indian Education* was developed; the document was updated in 2010 to the *First Nations Control of First Nations Education*. The renewed policy framework insists that change is needed in the way education is administered. *First Nations control of First Nations Education* would enable First Nations to create their own education systems that benefit their own people and students.

The Education Sector focuses on the co-development and implementation of policy in three areas:

1. Elementary and Secondary Education: Advocating for change to all Kindergarten to Grade 12 education program guidelines to support *First Nations control of First Nations Education*, and the development of Regional Education Agreements (REA) for First Nations.
2. Post-Secondary Education (PSE): Advocating for the development of regional PSE models and the modernization of current PSE program guidelines to support *First Nations control of First Nations Education* and additional funding to help close the PSE attainment gap.
3. Education Infrastructure: Advocating for updates to education infrastructure and related policies for First Nations schools and the accommodations provided for teachers by school, known as teacherages. This work means supporting the identification of infrastructure needs and costs across Canada.

How has the AFN's recent advocacy affected this area?

In the wake of the COVID-19 global health pandemic, the AFN has taken actions to advocate for funding to support First Nations education in response to additional costs incurred related to COVID-19. Informed by First Nations educational leadership, the AFN submitted a budget ask anticipating total costs for a safe return to school for First Nations K-12 schools and First Nations post-secondary institutions at \$318 million over the next three years.

On August 26, 2020 Prime Minister Justin Trudeau announced \$112M to support First Nations schools in response to COVID-19. Of this funding, \$100M is intended for education programming and \$12M to support minor capital. \$24M has been allocated to for First Nations Post-Secondary Institutions and will be allocated through the existing Post-Secondary Partnership Program.

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Amidst the challenges of COVID-19, and over the course of the summer, the AFN Education sector co-developed and implemented policy advocacy in three areas:

1. **Elementary and Secondary Education (K-12):** Currently, the AFN Education Sector is working with First Nations and government partners to make changes to the Education Partnerships Program and the High Cost Special Education Program in K-12 through a policy review according to First Nations regional input.
2. **Post-Secondary Education (PSE):** First Nations are currently in the second year of PSE engagement to create and define regional and treaty-based PSE models. For First Nations to negotiate and conclude First Nations regional and Treaty based models, a Memorandum to Cabinet will be required from Indigenous Services Canada and AFN will be putting forward a resolution to First Nations in Assembly at the December 2020 AGA.
3. **Education Infrastructure:** Amendments to the School Space Accommodation Standards are underway to improve the space requirements for students in schools. The AFN Education sector recently published the First Nations Education Infrastructure Fact Sheet and the *First Nations Education Infrastructure Capital Needs Assessment* which identifies \$2.14 billion in capital needs for new schools construction, additions, and planning and design over the next 5 year.

The Raised Voices: Carriers of Hope held a media campaign over the month of September to highlight their five Youth Calls to Action along with a How-to-Guide that outlines tangible actions that students, teachers, schools and leadership can take in their community to advance each Call to Action.

Where do we hope to go in the future?

Moving towards First Nations control of First Nations Education requires movement on priorities and initiatives, including the regionalization of all federal education policies, a true partnership with all levels of government and predictable, sustainable, and equitable funding based on accurate data.

Through the 2021 Pre-Budget Submission in August 2020, the AFN and First Nations-in-Assembly have called on Canada to provide an additional \$6.78 billion in order to close the educational attainment gap, increase employment and strengthen Canada's Gross Domestic Product. With adequate, predictable and sustainable investments, First Nations will be empowered to close the education attainment gap and complete local, regional and Treaty-based education agreements that accurately and adequately reflect the diverse needs and circumstances of First Nations learners, schools, communities and education organizations.

The AFN 2021 Pre-Budget Submission, *Maintaining Momentum* has identified that First Nations education required investments amount to \$6.78 billion, including:

- Kindergarten-Grade 12: \$609 million
- Post-Secondary Students Support Program: \$1.73 billion
- Adult Education: \$1.09 billion
- First Nations Post-Secondary Institutions: \$384 million
- Education Infrastructure: \$2.97 billion

This advocacy is guided by the concept of First Nations control over First Nations education, which is rooted in the idea of holistic, culturally-appropriate education rooted in traditional knowledge as a tool to achieve self-determination and economic empowerment.

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What is the history of this issue and how does it impact First Nations?

Historically, First Nations have had to abide by subscribed directives for emergency management from both provincial and federal departments, and had little to no control over the development of their own emergency management regimes and funding. This has led to a severe lack of prevention, mitigation, and preparedness capability and resources for First Nations when responding and/or recovering from an emergency and/or disaster events.

How has the AFN's recent advocacy affected this area?

Recent advocacy in this area has resulted in the development of First Nations driven emergency management regimes, and ensuring that all federal, provincial, and territorial emergency management policies, processes, and procedures are inclusive of regional First Nations representation and contribution.

Emergency Services has been advocating for the provision of comparable emergency services for First Nations, the funding and the care-and-control of their own emergency management regimes. The sector receives its mandate through Resolutions from the Chiefs-in-Assembly, including Resolutions 03/2-15, *First Nation Involvement in Emergency Preparedness, 83/ 2019, First Nations Control of Emergency Management, 84/ 2019, Call for Emergency Operations Management Planning in First Nations, 85/ 2019, Support for A Proposed First Nations Training Institute on Emergency Management, and 94/ 2017, Support for the Immediate Inclusion of First Nations in the Development of Emergency Management Agreements.*

Advocating for the protection, recognition and implementation of inherent and legislated First Nations rights has resulted from analyzing emergency management policies, programs, legislation and research to ensure they are implemented in the best interests of First Nations; establishing and carrying out effective communication and liaison strategies with First Nations, partners and other emergency management networks; and providing liaison, representation and contribution on federal, provincial, and territorial organizations, initiatives, and projects.

Where do we hope to go in the future?

Emergency Services will continue to develop and maintain respectful working relationships between First Nations and federal, provincial, and territorial governments in an effort to increase cooperative and collaborative emergency management processes, and for the eventual transfer of control and direct funding of these processes to First Nations.

The future goal for First Nations emergency management is for First Nations to become autonomous and in control of their emergency management programs as full partners with the federal, provincial, and territorial governments, and regional emergency management organizations.

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What is the history of this issue and how does it impact First Nations?

The Assembly of First Nations (AFN) has initiated work on emerging opportunities for First Nations participation in the social economy, or social innovation and social finance (SI-SF), to address the persistent socio-economic and environmental challenges facing First Nations today. The AFN Chiefs Committee on Human Resources Development (CCHRD) provide advice and guidance to this work, and the Chiefs Committee on Economic Development (CCED) also receives updates on developments.

The Government of Canada committed to develop a Social Innovation and Social Finance Strategy with commitments of up to \$755 million over 10 years, starting in 2020-2021, and \$50 million over 2 years for an Investment Readiness Program (IRP). AFN *Resolution 117/2019, Support for a First Nations Social Innovation and Social Finance Strategy*, directs the AFN to urge the federal government to deliver \$150 million interim funding for 3 years to ensure sustainable benefits for First Nations-led SI-SF initiatives to be followed by appropriate funding for a 10 year strategy.

The social economy is long rooted in First Nations values. The blending of social and economic objectives are foundational to several prominent First Nations social purpose organizations that are working hard to replace dependency and exclusion with self-determination and self-sufficiency. This includes co-operatives, credit unions and non-profit organizations, as part of the First Nations social economy, and efforts on social innovation and social finance. Targeted First Nations SI-SF funding will support First Nations participation in the social economy and highlights opportunities to grow and sustain First Nations-led social purpose organizations to address the unmet needs of First Nations, and the resources that would be required for advancing distinct First Nations-led initiatives.

How has the AFN's recent advocacy affected this area?

The AFN has drafted a policy paper on SI-SF, including a summary report with resources secured from Employment Social Development Canada (ESDC) to support this work. The AFN collected input and actionable items from First Nations leadership, regional tables and local First Nations, and incorporated dialogue from First Nations technical tables as well as the AFN Roundtable on SI-SF. One example identified at the Roundtable, is the applicability of SI-SF as part of advocacy efforts to raise the productivity of the First Nations labour force to provide one of the greatest social returns on investment, as well as boost economic growth and development. It is estimated that closing the employment gap alone can increase Canada's annual economic output by \$27.7 billion.

In June 2019, the Ministry of Families, Children and Social Development, approved additional support of \$3.1 million to National Aboriginal Capital Corporation Association (NACCA), under the Investment Readiness Program (IRP), to better support distribution of IRP funding to First Nations social enterprises.

Where do we hope to go in the future?

The AFN will continue to advocate for First Nations specific and targeted SI-SF funding to empower First Nations citizens, governments and regional capacity efforts.

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The AFN has advanced early work to address innovative approaches to support the future of First Nations through the AFN COVID-19 Working Group's national surveys, and through the draft COVID-19 Task Force Discussion Paper. While the pandemic has stalled the anticipated announcement by the federal government of the Social Innovation and Social Finance Fund, the crisis continues to compound existing gaps, and highlights above all, the urgency to accelerate the \$150 million from the Social Finance Fund to support First Nations in building sustainable social economies that are resilient to crisis.

This work has important linkages to the 2030 Agenda, and the United Nations Sustainable Development Goals (SDGs), which is a plan of action for people, planet and prosperity, and pledges that no one will be left behind.

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What is the history of this issue and how does it impact First Nations?

Under the leadership of National Chief Perry Bellegarde and the portfolio holder for the housing file, Regional Chief for Manitoba Kevin Hart, the AFN is leading the development of a fundamental transition to First Nations control of housing through a joint process with Canada. The foundational documents supporting the move to First Nations control of housing include the National First Nations Housing and Related Infrastructure Strategy (the Strategy), which was approved by a 2018 Resolution and a plan to implement the Strategy.

The National Chief and the Manitoba Regional Chief have ensured the pace of the transfer of housing to First Nations control is determined by the First Nations. Since it will take several years to conclude transfer agreements and additional years to realize the full transfer of control, it is essential to ensure housing needs in the immediate and short term are addressed.

How has the AFN's recent advocacy affected this area?

The National Chief wrote to the Minister Responsible for the Canada Mortgage and Housing Corporation (CMHC) twice in October. The Minister was urged to ensure that First Nations access their fair share of the \$1 billion invested in CMHC's new Rapid Housing Initiative (RHI) by setting aside a separate amount of funds to meet First Nations' specific needs. The RHI, announced on October 27, 2020, is a one billion-dollar CMHC proposal-driven program providing capital to refurbish existing buildings or to buy modular homes to house the homeless, many of whom are First Nations citizens. First Nations are eligible to apply. The Minister was also asked to report on the benefits to date for First Nations in the roll-out of the \$55 billion National Housing Strategy launched in 2017.

The National Chief's regular advocacy on First Nations housing also includes:

- Additional \$4 billion for First Nations housing in the pre-budget request to the Minister of Finance;
- COVID-19 has exacerbated the pre-existing housing crisis and more action is required without delay;
- First Nations leaders are anxious to access the financial resources to allow them to exercise their responsibility for their members wherever they live in Canada, including towns and cities.

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Where do we hope to go in the future?

The foundational First Nations housing documents will support a Memorandum to Cabinet to formalize the Federal Government policy change expected in 2021. Equally important will be the multi-year budget request that will reflect a total amount of First Nations housing investment needed and that for the first time it will be developed mainly by First Nations.

Other foundational First Nations housing documents include:

- A draft Strategy Implementation Plan;
- A report on housing needs based on a 2019 housing survey led by the AFN and to be presented to Chiefs at the December 2020 AGA along with the Implementation Plan;
- A project to determine the full cost estimates of implementing the Strategy, which will be conducted in early 2021; and
- A feasibility study on the creation of national First Nations Housing Policy and Research Centre currently underway and to be available in early 2021.

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What is the history of this issue and how does it impact First Nations?

The On-Reserve Income Assistance Program (IA Program) is funded by Indigenous Services Canada (ISC). The IA Program provides income assistance to eligible persons living on First Nations reserves and in the Yukon to meet their basic needs. The IA Program's rates for First Nations mirror those of their province or territory of residence.

The IA Program also offers Case Management and Pre-Employment Supports in some First Nations. These supports provide programming to help individuals move from income assistance to education and employment and have received strong positive feedback, but they are only available in about 29% of First Nations.

The IA Program needs reform for several reasons, including but not limited to the difference in costs on- and off-reserve, varying access to programs and services supporting clients, and the insufficiency of the rates which are being mirrored. ISC has supported First Nations-led engagements on reforming the IA Program and has published a summary report of these engagements, but funding to continue this work must be renewed. The funding for Case Management and Pre-Employment Supports ends in fiscal year 2020-21 and must be renewed as well as increased in order to expand First Nations' access to these supports.

How has the AFN's recent advocacy affected this area?

Under the leadership of National Chief Perry Bellegarde, the Assembly of First Nations (AFN) has advocated to the Minister of Indigenous Services, the Honourable Marc Miller, on renewing funding to reform the IA Program and for extended funding and expanded access to the Case Management and Pre-employment Supports.

As well, recent advocacy by the AFN and the Technical Working Group on Social Development (TWGSD) informed ISC officials of the needs of clients in the IA Program in the context of COVID-19. This advocacy led to a \$280 million investment into the IA Program to provide additional support to clients during the COVID-19 pandemic.

Where do we hope to go in the future?

The AFN will continue to advocate for reform of the IA Program and funding to pursue such work. Furthermore, the AFN will continue to advocate for the Case Management and Pre-Employment Supports to be made available to all First Nations. The TWGSD will also hold regular virtual meetings and meet with others as needed. Finally, the AFN is adapting to the reality of COVID-19 and will be hosting a virtual National Forum on Income Assistance in early 2021.

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What is the history of this issue and how does it impact First Nations?

The AFN has completed two major studies on Infrastructure: *The Assembly of First Nations Operations and Maintenance Engagement Session Summary Report – June 2020* and *The Assembly of First Nations Asset Management Planning Pilot Summary Report – June 2020*. These findings form the direction that the AFN will be taking on Infrastructure and Operations and Maintenance (O&M) for the next 2-3 years.

How has the AFN's recent advocacy affected this area?

As a result of sustained advocacy, the federal government has agreed to work with the AFN towards the co-development of a new O&M policy reform, which has been mandated by the First Nations-in-Assembly through *Resolution 82/2019*. Furthermore, capacity development of a holistic Asset Management Plan standard for all First Nations infrastructure and assets is also planned for 2020-21.

Where do we hope to go in the future?

The AFN Infrastructure Unit continues our work on Infrastructure in three main areas:

• **O&M Policy Reform**

- Indigenous Service Canada's (ISC) current O&M Policy for funded assets on First Nations is an outdated policy and does not adequately address asset repairs and maintenance costs
- Our advocacy work on O&M Policy Reform is a high priority towards funding reform of First Nations Infrastructure Assets that will work towards building on the commitments set out in *Honouring Promises*.

• **Asset Management Planning (AMP)**

- The AFN Infrastructure Unit's work towards developing a First Nations-led Asset Management Planning (AMP) approach, builds on the commitment in *Honouring Promises*, and will increase and expand our collective awareness and knowledge of asset management and the role that AMP plays in decision-making in asset funding.

• **National First Nations Infrastructure Assessment.**

- The infrastructure gap in First Nations must be defined to properly understand what this challenge looks like. The National First Nations Infrastructure Assessment will gather data, identify current First Nations assets, and prepare analysis of current and future infrastructure needs.



What is the history of this issue and how does it impact First Nations?

Since the first Indian Residential School (IRS) opened in 1886, more than 150,000 First Nations, Inuit and Métis children have been taken from their homes and required to attend these institutions. The last IRS closed in 1996. The injustices and harms experienced by First Nations people as a result of the IRS experience caused the Assembly of First Nations (AFN) to seek a response that would address both compensation and the need for continued healing.

The Indian Residential Schools Settlement Agreement (IRSSA) was signed on May 8, 2006. The IRSSA contained five essential components: (i) a Common Experience Payment, (ii) payment of compensation for harm through an Independent Assessment Process (IAP), (iii) establish a Truth and Reconciliation Commission, (iv) creation of an Aboriginal Healing Foundation, and (v) commemoration of the legacy of Indian Residential Schools.

The AFN, as a Party to the Indian Residential Schools Settlement Agreement (IRSSA), regularly participates in court proceedings that deal with the implementation of the IRSSA. These included: enforcement of Canada's disclosure obligations, privacy concerns, document disposition, procedural fairness in the IAP, conduct of lawyers and form fillers, and ensuring former students fully received benefits they were entitled to. The AFN also intervened in court hearings brought on by former students to support their claims for fair and equitable compensation.

The IRSSA will soon be coming to an end. Four of the five objectives have fulfilled their mandates and only the IAP remains. However, the Independent Assessment Process (IAP) is currently winding down as 99% of claims have been resolved. The supervising courts have ordered the Chief Adjudicator of the IAP to close the Indian Residential Schools adjudication Secretariat (Secretariat) on March 31, 2021. A total of 38,276 IAP claims were processed.

How has the AFN's recent advocacy affected this area?

This year the AFN participated in matters regarding the sunset of the IAP and the disposition of non-claims records, which are related to the operations, management, and oversight of the IAP. These records include minutes and decisions of the IAP oversight Committee, statistical reports, reports provided to the supervising courts, and complaints made against adjudicators. Discussions on the disposition of these records are currently ongoing between the parties of the IRSSA. The AFN is supporting the archiving of these non-claim records within the National Centre for Truth and Reconciliation and will continue to advocate for the development of a robust archive of this dark history for future generations.

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The AFN is also supporting a request by former students of St. Anne's IRS for Canada to disclose information related to their Claims. In 2014, the Ontario Superior Court of Justice ordered Canada to produce copies of criminal investigations and civil actions to the IAP, as well as revise the school narrative and persons-of-interest reports for St. Anne's IRS. Claimants who had their claims adjudicated before the revised reports were produced in 2015, may have been unfairly prejudiced by Canada's non-disclosure. The AFN is supporting their request for information to be provided to these claimants to allow them to determine if a rehearing would be necessary.

Where do we hope to go in the future?

The AFN will continue to advocate for First Nations under the IRSSA. As the IRSSA winds down, there may be ongoing requests going before the courts to address outstanding matters. There have been a number of legal matters in the past that include document disclosure, privacy concerns and issues with respect to legal representation for IAP claimants, so the AFN will monitor and participate when appropriate.

Moreover, as the sunset of the IAP is set for March 31, 2021, the AFN will participate and monitor the completion strategies of the Chief Adjudicator of the IAP and Secretariat to ensure an adequate plan for the winding down of the IRSSA and IAP. The AFN will request direction and clarity regarding outstanding issues and ensure parties adhere to their obligations regarding the disposition of IAP Documents and the completion of the IRSSA.

Further, the AFN will continue to push for work to commence on the implementation of the TRC Calls to Action and participate in the All Parties Working Group to monitor the progress of each response to the Calls to Action.

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What is the history of this issue and how does it impact First Nations?

[Jordan's Principle](#) is named in honour of Jordan River Anderson, a First Nations boy from Norway House Cree Nation in Manitoba who was born with complex medical needs. Jordan could have received home-based care, but because the governments of Canada and Manitoba could not agree on who would pay for his care, Jordan spent his entire life in hospital, where he passed away in 2005 at age 5. Jordan's Principle ensures that First Nations children have access to the health, social and educational supports they need to thrive, regardless of where they live and without denial, delay or disruption.

In 2007, the Assembly of First Nations (AFN) and First Nations Child and Family Caring Society filed a complaint at the Canadian Human Rights Tribunal (CHRT), alleging discrimination against First Nations children in the delivery and under-funding of First Nations Child and Family Services (FNCFS) and Jordan's Principle. In January 2016, the CHRT issued a landmark ruling finding that Canada was systemically discriminating against First Nations children on-reserve and in the Yukon. It ordered Canada to immediately reform FNCFS and properly implement Jordan's Principle to ensure that First Nations children's needs are met, and the best interests of children are protected.

Jordan's Principle applies to:

- A First Nations child registered under the Indian Act living on or off reserve.
- A First Nations child entitled to be registered under the Indian Act including those who became entitled to register under the amended provisions of the Indian Act, under Bill S-3.
- An Indigenous child, including a non-status First Nations child who ordinarily lives on reserve.

In July 2020, the CHRT issued a ruling to expand Jordan's Principle eligibility to include more First Nations children. The ruling asked Canada and the Parties to the CHRT to discuss the definition of a First Nations child for eligibility purposes related to Jordan's Principle, including First Nations children without *Indian Act* status who are recognized as members by their First Nation, and First Nations children without *Indian Act* status and who are not eligible for status but who have a parent/guardian with (or who is eligible for) *Indian Act* status. Canada is reviewing this ruling; once the Parties discuss the ruling and possible mechanisms to identify the children who fall under the expanded eligibility criteria, the CHRT is expected to make further orders on the definition of a First Nations child for the purposes of eligibility for Jordan's Principle.

Jordan's Principle has approved over 717,000 products, services and supports for First Nations children between July 2016 and August 31, 2020.

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How has the AFN's recent advocacy affected this area?

The AFN continues to advocate for First Nations children to receive the products, services and supports they need, without delay, disruption or denial. The AFN has further advocated for First Nations to determine and advance their priorities for the future of Jordan's Principle, including greater First Nations control over Jordan's Principle. In 2019, the AFN's advocacy led to an investment in Jordan's Principle of \$1.2 billion over three years.

The AFN has returned to the CHRT several times to address Canada's non-compliance with the orders on FNCFS and Jordan's Principle. In September 2019, the CHRT ordered Canada to pay the maximum allowable compensation for victims of discrimination under the FNCFS Program and Jordan's Principle. In October 2019, Canada filed for judicial review of this ruling. Under the leadership of National Chief Perry Bellegarde, the AFN Social Development Sector has worked with the Parties to the CHRT to outline a framework for compensation under the ruling. The AFN also filed a \$10 billion class action lawsuit to build on the work at the CHRT, including covering those victims who were excluded from the CHRT's ruling on compensation. In September 2020, the class action was certified.

Throughout the COVID-19 pandemic, Jordan's Principle has remained available to support First Nations children to access the health, social and education programs, services and supports they need. The AFN continues to advocate for consistency across regions in the programs, services and supports that are approved to ensure that all First Nations children, regardless of where they live, are receiving equitable services.

Where do we hope to go in the future?

The AFN continues to advance the need for First Nations-determined and led long-term implementation of Jordan's Principle, including greater First Nations control over Jordan's Principle.

The AFN will continue to fight for First Nations children and their families to see justice for the pain and suffering they experienced due to Canada's discriminatory approach to Jordan's Principle. Through the federal class action lawsuit and the compensation process ordered by the CHRT, the AFN will continue to seek fair and just compensation for these children and families.

For more information on Jordan's Principle, or to submit a request, contact the Government of Canada's Jordan's Principle Call Centre at 1-855-572-4453 (open 24 hours a day, 7 days a week), or visit www.canada.ca/jordans-principle.

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What is the history of this issue and how does it impact First Nations?

Over generations, assimilative policies and practices have had a significant impact on First Nations languages and disrupted the natural intergenerational transmission of First Nations languages and cultures. All First Nations languages in Canada are at risk. The declines in the numbers of fluent speakers have caused concern for Chiefs and First Nations for decades.

As National Chief Bellegarde stated at a United Nations summit on Indigenous languages in December 2019, "...our languages...connect us all to our ceremonies, to our lands, and to our waters, to our right to self-determination as Indigenous Peoples...our young people want this vital connection to their ancestors, they want to carry that connection forward to the generation still to come and that is their fundamental human right...studies have shown that when young First Nations people and Indigenous children are fluent in their language, they know who they are and where they come from, they are more successful in school and therefore more successful in life..."

How has the AFN's recent advocacy affected this area?

The Assembly of First Nations' (AFN) Languages and Culture Sector continues to advocate for the reclamation, preservation, revitalization, maintenance, and normalization of First Nations languages. For years First Nations have been advocating for legislation recognizing and protecting First Nations languages. This became a reality with the passing of the co-developed *Indigenous Languages Act* on June 21, 2019.

The AFN's advocacy has resulted in significant increases in funding for Indigenous languages. Canadian Heritage projects that by 2023-2024, the funding available in this area will be 15x greater than when this work began in 2018. Additionally, the AFN has focussed its advocacy on increasing the amount of funding available for language revitalization given the threat and severity of languages loss. Ensuring flexible, needs-based, and long-term funding is an ongoing priority. Moreover, First Nations are increasingly involved in decision-making by reviewing funding proposals through a First Nations Review Committee, instead of within the Department of Canadian Heritage. Over time, and with the development of a new Indigenous Languages Funding Model, it is expected that funding will move away from a solely proposal-based model to a long-term approach to providing support and funding. The AFN's input in the implementation of the Act also recently secured First Nations representation on the Selection Committee for candidates for an Indigenous Languages Commissioner and up to three Directors for the new Office of the Commissioner for Indigenous Languages.

Where do we hope to go in the future?

The vision behind this work is to reach a state of normalization, where the transmission of First Nations languages becomes a part of everyday life. National Chief Bellegarde has said he'd like to see "bilingual language programs for schoolchildren to encourage early development." This

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November 2020



statement mirrors many comments made by First Nations at the most recent round of the Department of Canadian Heritage's consultations on the implementation of the Office of the Commissioner and the development of a new Indigenous Languages Funding Model.

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What is the history of this issue and how does it impact First Nations?

The Assembly of First Nations (AFN) is mandated to promote respect for and implementation of First Nations' inherent and Aboriginal rights, Treaty rights and title, as well as support the exercise of fundamental human rights and civil liberties. At times, advocacy encounters bureaucratic barriers that prevent an issue from moving forward. In such cases, the Legal Affairs and Justice Sector has engaged in legal processes to seek out positive resolutions on behalf of First Nations.

AFN's involvement in the child welfare complaint before the Canadian Human Rights Tribunal is the most widely recognized example of AFN's legal activism. Starting with the National Policy Review, a joint study between the AFN and Canada back in 2000, the AFN has been advocating for comprehensive reforms to the child welfare system. Despite decades of joint work and negotiations with the federal government, no meaningful reforms to stem the high rates of child apprehensions were made by Canada. The AFN filed its human rights complaint in 2007, which was affirmed in 2016 and Canada was ordered to cease its discriminatory practices. This litigation resulted in several orders requiring Canada to fund First Nations child prevention and protection programs on a needs-based model with reimbursements on actual costs. Canada has since been working with the AFN and the First Nations Child and Family Caring Society (FNCFCSC) to implement these reforms.

How has the AFN's recent advocacy affected this area?

In order to advance justice and reconciliation for First Nations individuals, the AFN routinely approaches the courts to seek out innovative remedies to enforce established rights. The Legal Affairs and Justice Sector brings selected cases to the courts to advance First Nations rights, seek out legal reforms, and provide legal education to the broader Canadian public. Advancing a legal claim is expensive and the costs are, at times, prohibitive for some First Nations rights holders particularly where complex legal issues are involved. The AFN's public interest litigation focused on rights empowerment giving tangible results for individuals and First Nations governments. The AFN is a party to legal proceedings that have a direct impact on individuals.

In addition, the AFN regularly intervenes in court cases that will have national impacts on First Nations. In 2020, the AFN intervened in three Constitutional references relating to the federal carbon tax and British Columbia's authority to regulate pipelines, as well as the Quebec's constitutional reference Bill C-92 - *An Act respecting First Nations, Inuit and Métis children, youth and families*. The AFN argued that the constitutional authorities exercised by the federal or provincial governments must be constrained by section 35 of the Constitution and that First Nations are a third order of government with inherent jurisdictions that pre-date Canada.

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The AFN also sought and was granted intervenor status in *Restoule v. Canada* (AG) which will be heard by the Ontario Court of Appeal in the 2021. This is a seminal case dealing with interpretation of the augmentation clause in the Robinson Huron-Superior Treaties. The AFN intends to make submissions supporting the First Nations Respondents on the matter. This will include advocating that full consideration be given for the nation-to-nation relationship in Treaty interpretation, the need for section 35 of the Constitution be given full effect and the role of the United Nations Declaration on the Rights of Indigenous Peoples in the domestic Canadian context with respect to Treaty interpretation.

The AFN has also intervened in *R. v. Desautel*, which was heard by the Supreme Court of Canada. This case raises important questions about the appropriate interpretation and meaning of “Aboriginal Peoples of Canada” for the purposes of s.35(1) of the *Constitution*. The AFN argued that the purpose of s.35(1) is to recognize and affirm, “existing” Aboriginal rights, which include all rights, activities and jurisdictions practiced by First Nations prior to contact with Europeans. It is contrary to s.35(1) to impose modern day presumptions, such as international borders and citizenship, on rights which existed prior to contact. The AFN argued that the Crown’s assertion that the interpretation of s. 35(1) of the *Constitution* includes a presumption that the constitution is intended to apply only to First Nations in Canada is incorrect and an inappropriate interpretation, which is not grounded in the law nor the wording of s.35(1).

The AFN additionally sought and was granted intervenor status in Quebec’s reference regarding the constitutionality of the *Act Respecting First Nations, Inuit and Métis children, youth and families* (the “Act”). Quebec is challenging the federal government’s constitutional authority to pass this historic piece of legislation. Although the hearing date has not been scheduled as of yet, the AFN intends to make submissions supporting the constitutionality of the *Act*, including addressing First Nations inherent authority over child and family matters, the role of the impugned legislation in addressing reconciliation, and the role of s. 35 and international law in the courts constitutional analysis.

Where do we hope to go in the future?

There are new emerging global and domestic challenges that First Nations must address to ensure current and future generations can continue to the exercise their inherent, Aboriginal and Treaty rights. These include climate change, globalization, international free trade agreements and environmental degradation. In addition, we continue to pursue the goals of putting an end to colonization and the repeal of the *Indian Act*. Legal Advocacy through litigation, as a last resort, will continue to be an important tool for First Nations governments to pursue meaningful change. While the AFN has been part of many of the major court campaigns of the past 25 years, our success has always relied on cooperation with First Nations governments, tribal councils and political organizations.

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What is the history of this issue and how does it impact First Nations?

The Assembly of First Nations (AFN) entered into a three year Funding Agreement with the Nuclear Waste Management Organization (NWMO) in support of a program of understanding of the long-term management of used nuclear fuel in Canada through the Adaptive Phased Management (APM) Site Selection Process.

Deliverables include the preparation of a reconciliation policy framework, the development of technical tools in relation to the assessment and licensing processes, the development of materials on Indigenous Traditional Knowledge and its application to APM; the creation of a discussion on emergencies related to used fuel deep geological repository; and legal staff attending national/international conferences for education on the topic.

All AFN works are focused on ensuring that the NWMO fully informs potentially affected First Nations communities concerning APM and the search for acceptable sites for the storage of spent nuclear materials in a deep geological repository. These works shall ensure that the NWMO obtains the free, prior and informed consent (FPIC) of potentially affected First Nations further to requirement for FPIC for the storage of hazardous materials on First Nations lands as established by *Resolution 48/2017, Opposition to Nuclear Waste Disposal and Abandonment*.

How has the AFN's recent advocacy affected this area?

Regular monthly meetings between the Director of Legal Affairs and the NWMO Vice President of Indigenous Relations have been held to discuss ongoing works and proposal relating to works identified under the funding agreement.

A Proposed Reconciliation Policy Framework was prepared, focusing on the principles of FPIC as per *Resolution 48/2017* and consistent with United Nations Declaration on Indigenous Peoples. A meeting with Indigenous experts was held on August 29, 2019, to review the above-noted proposed Reconciliation Policy Framework and provide guidance on the AFN's work. The AFN continues to reach out to potentially affected First Nations in the preparation of its deliverables to ensure they reflect the priorities of AFN's stakeholders.

Where do we hope to go in the future?

Continued work on the deliverables associated with the Funding Agreement over the term as per the timelines established, and preparation for an additional meeting of Indigenous and environment experts to provide guidance in relation to the AFN's work.

The AFN will continue to promote the requirement that free, prior and informed consent of First Nations be obtained at every stage of the Adaptive Phase Management process.

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What does the Social Development Sector do for First Nations?

The Social Development Sector advocates for healthy, safe and inclusive social policy and service delivery for First Nations. The Sector also advocates for the implementation of a comprehensive, culturally relevant social development approach. The Social Development Sector focuses on social policies and programs affecting First Nations children and families and advocates for First Nations-led partnerships and jurisdiction to ensure a holistic, inclusive and culturally based continuum of services.

Why is this work important?

For decades, the Assembly of First Nations (AFN) has advocated for improved funding for Indigenous Services Canada's (ISC) social programs, including the On-Reserve Income Assistance Program, the Assisted Living Program, and the Family Violence Prevention Program. The AFN has also advocated for increased funding for First Nations Early Learning and Child Care (ELCC), and for a coordinated, First Nations-led approach to ELCC. These programs have been historically underfunded with flawed funding models that do not adequately address First Nations unique circumstances or needs. Poverty reduction and moving towards a better future for First Nations continue to be underlying goals of this advocacy.

In 2007, the AFN and First Nations Child and Family Caring Society filed a complaint at the Canadian Human Rights Tribunal (CHRT), alleging discrimination against First Nations children in the delivery and under-funding of First Nations Child and Family Services (FNCFS) and Jordan's Principle. In January 2016, the CHRT issued a landmark ruling finding that Canada was systemically discriminating against First Nations children on-reserve and in the Yukon. It ordered Canada to immediately reform FNCFS and properly implement Jordan's Principle to ensure that First Nations children's needs are met, and the best interests of children are protected.

How has the AFN's recent advocacy affected this area?

The AFN has worked to increase First Nations knowledge of Jordan's Principle and continues to advocate for First Nations children to receive the products and services they need without delay or denial, as well as First Nations leadership in determining the future of Jordan's Principle. The AFN's advocacy led to an investment in Jordan's Principle of up to \$1.2 billion over three years in 2019. Throughout the COVID-19 pandemic, Jordan's Principle has remained available to support the health, social and education needs of First Nations children.

The AFN's National Expert Working Group on First Nations Early Learning and Child Care led the development of the First Nations ELCC Framework, which informed the Indigenous ELCC Framework that was announced in 2018 with a \$1.02 billion investment in First Nations ELCC over 10 years. During COVID-19, the AFN's advocacy has focused on ensuring that First Nations ELCC providers are supported to safely provide services for First Nations children and families, which resulted in an emergency investment of over \$70 million for the safe re-opening and delivery of First Nations ELCC services.

Advocacy by National Chief Perry Bellegarde and the Technical Working Group on Social Development regarding the On-Reserve Income Assistance Program during COVID-19 led to a \$270 million investment to better support First Nations accessing income assistance during the pandemic. The AFN has further advocated for greater investments in the Family Violence Prevention Program, which received an investment of \$44.8 million over 5 years to build 12 new shelters on-reserve and in the territories.

The AFN played a critical role in advocating for and developing *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act), which received Royal Assent in 2019 and came into force on January 1, 2020. The Act recognizes First Nations' jurisdiction over child and family services and sets national standards

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for the best interests and wellbeing of First Nations children and youth in care. The Chiefs Committee on Child and Family Services and Self-Determination continues to support First Nations-led implementation of the Act.

On July 7, 2020, National Chief Perry Bellegarde and Minister of Indigenous Services, Marc Miller, signed the Protocol regarding *An Act respecting First Nations, Inuit and Métis children, youth and families* in relation to the Assembly of First Nations (the Protocol). The Protocol is a three-year agreement that ensures a First Nations distinctions-based framework is applied when implementing the Act. In September 2020, the Institute of Fiscal Studies and Democracy proposed a needs-based funding approach for First Nations Child and Family Services, and a framework to measure the wellbeing of First Nations children, their families and communities. During COVID-19, National Chief Perry Bellegarde's advocacy led to a moratorium on First Nations youth aging out of care until March 2021, to ensure that youth have continued access to the services and supports they need to thrive, and for agencies to be reimbursed for the costs of this continued care.

Under National Chief Perry Bellegarde's leadership, the AFN has returned to the CHRT several times to address Canada's non-compliance with the orders on FNCFS reform and Jordan's Principle. On September 6, 2019, the CHRT ordered Canada to pay the maximum allowable compensation to First Nations children and their families who were unnecessarily placed into the child and family services system or denied necessary services under Jordan's Principle from January 1, 2006 onwards. This order is a step towards justice. In September 2020, Canada certified a monumental \$10 billion class action lawsuit that the AFN filed to seek justice for the thousands of First Nations children and families that have been discriminated against by Canada's child and family services system and Jordan's Principle. The AFN was moved to file this lawsuit because the September 2019 CHRT ruling excluded First Nations children and youth involved with the child and family services system from 1991 until 2005.

Where do we hope to go in the future?

Child and Family Services: The AFN is working with First Nations and Canada to collaborate on a Joint National Working Group on the implementation of the Protocol. The AFN continues to work with ISC and First Nations to implement the Act and develop a new sustainable funding model to implement the legislation. The AFN will continue to ensure that First Nations sovereignty over child and family services is upheld and respected, and that the number of First Nations children and youth in care is reduced and families are supported in order to thrive.

Jordan's Principle: The AFN continues to advance the need for First Nations-determined and -led long-term implementation of Jordan's Principle. The AFN is fighting for First Nations children and their families to see justice for the pain and suffering they experienced due to Canada's discriminatory approach to Jordan's Principle. Through the federal class action lawsuit and the compensation process ordered by the CHRT, the AFN will continue to seek fair and just compensation for these children and families.

Early Learning and Child Care (ELCC): The AFN will continue to support the development of a First Nations-determined funding model for ELCC and will support regions in implementing the Indigenous and First Nations ELCC Frameworks. The AFN will continue its advocacy for support for First Nations ELCC programs and providers during the COVID-19 pandemic and beyond, ensuring that access to high quality, culturally relevant and well-supported ELCC continues.

Social Programs: The AFN continues to advocate for reform of the On-Reserve Income Assistance Program, as well as expanded access to Case Management and Pre-Employment Supports. The AFN is also pursuing a project supporting the development of First Nations-specific indicators and measures of poverty. The AFN continues to push for greater investments in the Assisted Living and Family Violence Prevention Programs.

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What is the history of this issue and how does it impact First Nations?

First Nations and all Canadians have the basic human right to clean drinking water. Since the Walkerton Crisis of 2000, the federal government has made clean drinking a priority for all municipalities, while failing to include First Nations communities. Since the current federal Liberal Government was elected in October 2015, eliminating all First Nations Long-Term Drinking Water Advisories within five years was made a top priority by the Prime Minister in his mandate letters to Cabinet.

The federal government has an obligation to First Nations to uphold the UN affirmed human right to safe water. The human right to water and sanitation (HRWS) was recognized as a human right by the United Nations General Assembly on July 28, 2010.

Despite commitments from the Federal Government, there remain 61 long-term advisories across Canada. This number has not been updated since February 15, 2020. Over 75% of these advisories are located in Ontario, with some advisories in place for decades. Neskantaga has been on an advisory since 1995, Nibinamik since 2013, Marten Falls since 2005, and the list goes on. Many of these advisories were flagged as off-track by First Nations and our regional organizations, even prior to the start of the COVID-19 pandemic.

On October 20, 2020, the Neskantaga First Nation declared a State of Emergency over drinking water that contained evidence of hydrocarbons, resulting in the evacuation of all of its members. Neskantaga has been under a boil water advisory since 1995 and was evacuated in September 2019 for similar water concerns. First Nations across the country continue to face inadequate access to clean water.

How has the AFN's recent advocacy affected this area?

The AFN continues to advocate for fair and equal access to safe, clean water. *Resolution 53/2019*, recognizes and affirms the right to clean drinking water. In addition, through its advocacy efforts, the AFN is seeking to move forward on a joint process with the co-development of a new Safe Drinking Water legislative framework and the co-drafting of a collaborative First Nations Long Term Water and Wastewater Strategy (LTS). This approach builds on the commitment in the AFN's *Honouring Promises*, to ensure that all First Nations have access to safe drinking water and wastewater infrastructure. Furthermore, the development of the LTS and the repeal and replacement of the *Safe Drinking Water for First Nations Act* (SDWFNA) will address the Speech from the Throne commitment to ending all long-term drinking water advisories, closing the infrastructure gap by 2030, and developing sustainable and predictable funding mechanisms for First Nations water and wastewater.

Where do we hope to go in the future?

The recent Speech from the Throne highlighted that the Federal Government “would make additional resiliency investments to meet the clean drinking water commitment in First Nations communities.” The AFN continues to advocate to the government to communicate its plan to meet this target by March 2021. The AFN Water Unit continues to monitor and advocate for the federal government's commitments regarding the ending of all Long-Term Drinking Water Advisories (LTDWAs), and the development of the Canada Water Agency, to ensure that First Nations voices are included every step of the way.

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What is the history of this issue and how does it impact First Nations?

The COVID-19 pandemic is unprecedented in its global spread and impacts. Across Canada, we have seen its impact on the economy, health care systems, education, families, and individuals. It has touched all aspects of our lives.

Through curfews and other security measures, First Nations fared better than Canadians during the first wave of the pandemic. Many First Nations leaders felt they had little choice and had to enact these extreme measures due to the lack of health infrastructure and worker capacity, overcrowded homes, high rates of chronic illness amongst First Nations people, and the many other challenges First Nations face. The second wave of COVID-19 across Canada has shown an increase in cases in First Nations, and the underlying systemic issues that make First Nations more vulnerable to COVID-19 remain.

The pandemic, and the response to it, have brought a range of consequences including mental health and addictions challenges, food security issues, and worsening education outcomes, that are not yet understood. First Nations have been resilient and innovative, utilizing pandemic funding to support on the land activities, allowing connection to culture while self-isolating. In the midst of a pandemic, First Nations have worked to support neighbouring communities and developed a myriad of other creative ways to support our people.

How has the AFN's recent advocacy affected this area?

The AFN Executive Committee established the AFN COVID-19 National Task Force (C-19 Task Force) on April 21, 2020, to ensure the unique needs of First Nations are addressed during the global pandemic. To support their efforts, the C-19 Task Force established three working groups to guide efforts in the priority areas of pandemic planning, reopening and data.

To further advocacy efforts related to COVID-19, and to support the AFN's 2021 Pre-Budget Submission, the Task Force has developed a discussion paper that outlines the systemic barriers that have contributed to First Nations vulnerability to COVID-19. The paper emphasizes challenges that have arisen during the pandemic, and highlights key actions and investments that are needed to support the on-going pandemic response and the recovery, and to protect against future pandemics and emergencies. In support of this work, the Pandemic Plan and Reopening Working Groups, developed a survey to hear feedback from First Nations on their experiences responding the COVID-19 pandemic to date. These insights will help inform AFN's ongoing advocacy and identify resources and tools required by First Nations to support their ongoing efforts in mitigating the impacts of the pandemic in their communities.

The Data Working Group has focused on developing a position paper to highlight the need for data and information governance as shown by the COVID-19 experience and supporting the

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position of the First Nations Information Governance Center’s “First Nations Data Government Strategy” with the intent of sharing this work with Federal Provincial Territorial Special Advisory Committee on COVID-19.

More broadly, AFN National Chief Perry Bellegarde, Regional Chiefs and First Nations leaders across the country have voiced concerns and raised issues related to COVID-19 through media appearances and interviews. As an organization, the AFN sits on numerous working groups with federal government partners, including those specifically related to COVID-19, providing an opportunity for consistent input into discussions related to the COVID-19 response. Through these efforts, First Nations concerns have been brought forward, and First Nations have not been forgotten. While there has been funding made available to support First Nations throughout the pandemic, they are insufficient to address the gaps that remain, and the work to push for increased resourcing and involvement in decision making processes must continue.

Where do we hope to go in the future?

Currently, the country is at the start of the second wave of the pandemic and here has been an increase in cases across Canada and in First Nations. The AFN will continue to advocate for resources and investments to help our First Nations through this winter. The C-19 Task Force will continue to listen to regional concerns and identify new priority areas for advocacy as needed. This includes ensuring that First Nations are prioritized when a vaccine becomes available.

The current pandemic threatens our personal and collective resilience, when facing community wide difficulties, our instinct is to build support networks for children, youth, elders, families, with roles and responsibilities that encourage meaning and purpose. Public health measures to contain the spread of the virus means social and physical isolation, which is against cultural norms. The post pandemic recovery period will have to consider how to support community healing and re-establish practices that cultivate resilience and ensure that First Nations have the capacity to guide their own healing. Beyond this, we must look forward into the future to ensure that First Nations are considered as equal partners in the recovery as Canada works to rebuild its economy.

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What is the history of this issue and how does it impact First Nations?

Recently, the AFN Health Sector acts as a conduit for information, updating First Nations on the COVID-19 pandemic response, tracking the pandemic's impact through weekly updates, sharing funding opportunities and support during this difficult time, and distributing emerging messaging and interventions on maintaining community health and wellness.

The Health Sector shares health and wellness information with the AFN COVID-19 Task Force, the Chiefs Committee on Health, and the National Network of First Nations Health Technicians Network on the many aspects of the pandemic. The AFN also considers requests for participation on national and international initiatives.

How has the AFN's recent advocacy affected this area?

The AFN Health Sector participates in scheduled meetings with First Nations Inuit Health Branch and Indigenous Services Canada, including the Senior Management Committee, as well as the COVID-19 Update meetings.

The AFN Health Sector coordinated the AFN contributions to the *Urgent Meeting to Address Racism Against Indigenous Peoples in Canada's Healthcare System* held virtually on October 23, 2020. The meeting was a venue to share lived experiences of systemic racism in health care from the perspective of Indigenous health care providers and patients. The follow up meeting will be held in January 2021, and will focus on garnering next steps to address racism in health care.

In September 2020, the AFN Health Sector participated in a sub-Regional technical meeting convened by the Pan-American Health Organization (PAHO) on *The Impact of COVID-19 on Indigenous Peoples in the Region: Perspectives and Opportunities*; a follow-up meeting is scheduled for October 30th and the AFN Health Sector has prepared materials to share with PAHO and Indigenous representatives across the Americas Region.

The Non-Insured Health Benefits (NIHB) Joint Review Steering Committee (JRSC) is coordinating a virtual meeting scheduled for December 2020. The JRSC is approaching this meeting through a COVID-19 lens, agenda items include NIHB Online Portal, NIHB's COVID-19 response, Client Safety, and Medical Transportation. While the JRSC is working to complete the Medical Transportation Benefit Review, ongoing work also includes next steps for health benefit transition and transformation as mandated by the most recent Resolution 74/2018 *Non-Insured Health Benefits: Ongoing Commitment to a Joint Process*.

A discussion document, *Options for a First Nations 7 Generations Continuum of Care*, has been completed and reviewed. This is meant to support a cross-sectoral effort aiming to lay the foundation for a holistic continuum of strengths-based health and wellness services, led by First Nations, and supportive of communities, families and individuals throughout the full life

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course. This work is mandated by *Resolution 19/2019, Developing a Seven Generations Continuum of Care for First Nations, by First Nations Health, Economic and Social Services*. The next step is to have the discussion document refined through engagement with a Circle of Experts.

The First Nations Digital Health Advisory Committee has released an RFP to support *Resolution 19/20, Identifying Costs and Governance for First Nations eHealth/Digital Health in Canada*; the deadline for applications is November 20, 2020, with work to be completed by March 31, 2021. In July 2019, the AFN's Chiefs-in-Assembly passed *Resolution 19/20* calling on the federal government to fund digital health applications in First Nations. The outcome documents will identify the high-level costs to support advocacy efforts to fund Digital Health for First Nations in Canada.

The AFN-FNIHB *Joint Forum on Administrative and Operative Tools* are working with the First Nations Health Managers Association to develop Indigenous Health Indicators as they continue to work on revising and the Community Based Reporting Template.

The Mental Wellness file holder works with First Nations partners to formulate culturally relevant, strengths-based strategies onto both enduring and emerging mental wellness issues, and coordinates the implementation of recommendations from the following reports:

- *First Nations Mental Wellness Continuum Framework (2015)*
- *Calls to Action on Life Promotion (2016)*
- *Honouring Our Strengths: A Renewed Framework to Address Substance Use Issues Among First Nations People in Canada (2011), and the*
- *Indian Residential Schools Resolution Health Supports Program (2020)*

Concurrent priorities are to revise the National Aboriginal Youth Suicide Prevention Strategy, and to advocate for the continuation of the Residential Schools Resolution Health Supports Program (IRS RHSP) set to expire in March 2021.

Where do we hope to go in the future?

The AFN Health Sector will continue to advocate for the health and wellbeing of First Nations with an immediate focus on:

- Highlighting the impact of Racism in the Health Care System through the guidance of First Nations experts;
- Advancing the efforts of the Non-Insured Health Benefits Joint Review Steering Committee;
- Ensuring Distinctions-Based Health Legislation development is fulsome and is inclusive of priorities identified by First Nations and supports health transformation initiatives designed “by First Nations, for First Nations”;
- Supporting the ongoing efforts of First Nations partners in Mental Wellbeing to formulate culturally relevant, strengths-based strategies onto both enduring and emerging mental wellness issues.

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What is the history of this issue and how does it impact First Nations?

There is an urgent need to address homelessness for First Nations peoples both on and off-reserve. Prior to December 2019, the AFN had no mandate to advocate for First Nations homelessness although it had undertaken work on various related determinants, including mental health, addictions, labour market outcomes, employment, housing strategies, poverty reduction, and income assistance.

At the 2019 Special Chiefs Assembly, First Nations-in-Assembly passed **Resolution 79/2019**, titled “Action Plan for First Nations Homelessness On and Off-Reserve.” This resolution mandates that the AFN develop a national First Nations homelessness strategy, which aims to improve the delivery of federal government programs as well as the related social and fiscal mechanisms to address homelessness for First Nations peoples. It advocates for a comprehensive, multi-partner approach to reducing, preventing, and ultimately eradicating First Nations homelessness with the goal of transitioning First Nations housing and infrastructure to First Nations management, control, and care.

How has the AFN’s recent advocacy affected this area?

In 2018, Employment and Social Development Canada (ESDC) announced *Reaching Home: Canada’s Homelessness Strategy*, a federal homelessness prevention and reduction program that funds urban, Indigenous, rural and remote communities as they address local homelessness needs. In its First Nations distinctions-based funding stream, Reaching Home has committed \$6.6 million for 2020-2021 and \$9 million for each year afterwards until 2028 towards meeting the unique needs of First Nations experiencing homelessness on and off-reserve.

The AFN, in collaboration with ESDC, has secured funding to lead the work required to address its homelessness mandate as described in Resolution 79/2019. In October 2020, the AFN and ESDC agreed to establish a joint technical working group to determine priorities for Reaching Home’s First Nations distinctions-based funding stream and undertake the co-development of an approach to allocating this funding to address First Nations homelessness across Canada. The parties drafted a national *Action Plan for First Nations Homelessness On and Off-Reserve*, for consideration by Chiefs in Assembly.

Where do we hope to go in the future?

This project is being realized through three phases: comprehensive research, an engagement strategy, and the development of a national *Action Plan for First Nations Homelessness On and Off-Reserve*. In November 2020, the AFN issued a Request for Proposals for research services

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including a systematic literature review, environmental scan, and systems mapping of existing programs and services to identify opportunities to better meet the needs of First Nations peoples experiencing homelessness on and off-reserve. The AFN is planning to hold engagements at the local, regional, and national levels in the new-year to seek input from First Nations, service providers, and those directly affected by homelessness both on and off-reserve. Research and engagement findings will be used to inform the draft national *Action Plan for First Nations Homelessness On and Off-Reserve* for consideration by Chiefs in Assembly.

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What is the history of this issue and how does it impact First Nations?

First Nations chiefs know that funding does not keep pace with inflation or the needs of the fastest growing population in the country, forcing First Nations to try and do more and more with less and less. The result was a growing gap in the quality of life between First Nations people and Canada. It's time for a new, better approach, consistent with the original nation-to-nation relationship based on partnership, mutual respect, mutual recognition, and sharing. The AFN is working to close the gap in the quality of life between First Nations people and Canada, eliminating the funding gap, and establishing a new fiscal relationship with equitable escalators for ongoing funding.

On June 10, 2019, the Joint Advisory Committee on Fiscal Relations (JACFR) submitted its Interim Report for Engagement – Honouring our Ancestors by Trailblazing a Path to the Future – to the National Chief of the AFN and the Minister of Indigenous Services (ISC). The report also was the subject of a dialogue session at the Annual General Assembly (AGA) in Fredericton, New Brunswick on July 21, 2019, and was provided in kits to all delegates at the AGA.

Resolution 24/2019, passed during this Assembly, calls on members of the JACFR, the AFN and ISC to engage extensively with First Nations about this interim report, and bring their findings back to Chiefs at a subsequent AGA.

The JACFR last met in Ottawa, February 26-27, 2020 to continue work. For the 2019-2020 fiscal year, one hundred and ten (110) First Nations are receiving the New Fiscal Relationship (NFR) Transfer (formerly known as the 10-year grant). The NFR Transfer is an alternative to contribution agreements for transferring funds between Canada and First Nations. It increases predictability by providing ten years of guaranteed funding. Any unspent funds can be carried forward into the next fiscal year and all funds received under the NFR Transfer can be applied to the priorities set by the First Nation. This will help First Nations plan their own futures and apply funding to the greatest needs or best opportunities for that First Nation. The NFR Transfer also increases First Nations control by eliminating program terms and conditions, recipient audits, and compliance reviews, as set and conducted by Canada. The NFR Transfer also decreases the reporting burden on First Nations governments, with 92% less data to be provided to Canada than is currently required under contribution agreements. First Nations not currently participating in the NFR Transfer received a letter asking for expressions of interest to participate for the 2020-2021 fiscal year and those interested are being contacted to complete the process to qualify for the NFR Transfer beginning in fiscal year 2020-21.

How has the AFN's recent advocacy affected this area?

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THE NEW FISCAL RELATIONSHIP
November 2020



Work on the New Fiscal Relationship has continued by advancing Resolution 24/2019. To date, some regional engagement activities have been conducted, focusing on the recommendation for a statutory funding transfer to First Nations and a mutual accountability mechanism between Canada and First Nations.

Work is also continuing on direction provided in Resolution 66/2017, AFN-Canada Joint Report on Fiscal Relations, toward repeal of the Default Prevention and Management Program and the First Nations Financial Transparency Act.

Where do we hope to go in the future?

Plans for continued engagement on the JACFR report and its recommendations are being adjusted to accommodate restrictions in place due to the COVID-19 pandemic, while research and analysis continue.

Online engagement is being considered in light of COVID-19 on statutory funding transfers and a mutual accountability mechanism.

First Nations not currently receiving the 10-year Transfer will receive a letter asking for expressions of interest to participate for the 2021-2022 fiscal year.

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What is the history of this issue and how does it impact First Nations?

The AFN provides timely information to First Nations on the activities of Parliament, including legislative and committee business. To accomplish this, the AFN conducts extensive federal parliamentary monitoring and analysis on matters which have direct impact on First Nations. Priorities in these areas include, but are not limited to, Indigenous language revitalization, the justice system, First Nations veteran's affairs and implementation of the United Nations Declaration on the Rights of Indigenous Peoples. The government introduced 82 bills during the 43rd Parliament's 1st session, 11 of which gained Royal Assent.

During the 1st session of the 43rd Parliament, the AFN appeared as witness at 9 committee meetings. AFN representatives were present at the standing committees for International Trade, Finance, Indigenous and Northern Affairs, and Public Safety and National Security.

How has the AFN's recent advocacy affected this area?

Prime Minister Justin Trudeau prorogued the 43rd Parliament on August 23, 2020, terminating all parliamentary business in process at that time. Parliament resumed a new session of parliamentary business on September 23, 2020. In proceeding with a new session, all previous Bills that have not received Royal Assent went through a process of being reintroduced as if they had never existed. By motion, some Bills have been reinstated to continue into the new session from the same stage reached in the previous session. Committee meetings have been revived and spent a majority of the first month back electing committee chair and co-chairs.

Now that committee work is starting to pick up, the AFN has been making regular appearances in committee meetings. AFN Regional Chief for Nova Scotia and Newfoundland, Chief Paul J. Prosper, recently appeared as witness in the Standing Committee on Fisheries and Oceans (FOPO) to discuss the *Implementation of Mi'kmaq Treaty Fishing Rights to Support A Moderate Livelihood*. AFN Regional Chief for Alberta, Marlene Poitras also made an appearance to the Standing Committee on Indigenous and Northern Affairs (INAN) on November 3, 2020, to discuss *Support for Indigenous Communities, Businesses, and Individuals Through a Second Wave of COVID-19*. On November 2, 2020, Bill C-5, An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation), was introduced to second reading by the Minister of Canadian Heritage, Steven Guilbeault. The AFN appeared as witness on this bill advocating for its Royal Assent. The AFN has passed many resolutions regarding a national holiday for the commemoration of Indian Residential School Survivors (IRSS).

Most recently, Resolution #92/2019, *Reaffirming Support for a National Statutory Holiday on September 3 and Support for the Honouring and Recognition Ceremony for the Blackwater et al*

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Plaintiffs directs the AFN to call upon the federal government to introduce a government bill declaring September 30th as a national statutory holiday to honour IRSS and their families. On October 22, 2020, Bill C-8, *An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94)*, was introduced to first reading by Minister of Immigration, Refugees and Citizenship, Marco Mendicino. The AFN has a mandate to support this work through Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commission's Calls to Action*.

Where do we hope to go in the future?

The AFN continues to monitor committee meetings and legislative procedures that have significance to First Nations. The sector closely monitors the following committees:

- ENVI (Environment and Sustainable Development)
- FOPO (Fisheries and Oceans)
- HESA (Health)
- CHPC (Canadian Heritage)
- RNNR (Natural Resources)
- JUST (Justice and Human Rights)
- INAN (Indigenous and Northern Affairs)
- SECU (Security and Public Safety)
- APPA (Senate – Aboriginal Peoples)
- AGFO (Senate – Agriculture and Forestry)
- OLLO (Senate – Officials Languages)
- POFO (Senate – Fisheries and Oceans)
- RIDR (Senate – Human Rights)
- ENEV (Senate – Energy, the Environment and Natural Resources)

Priority Bills We Will Continue to Monitor

Number	Title	Sponsor	Last Stage Completed
C-1	An Act respecting the administration of oaths of office	Prime Minister, Justin Trudeau	First Reading
C-2	An Act relating to economic recovery in response to COVID-19	Minister of Employment, Workforce Development and Disability Inclusion, Carla Qualtrough	First Reading
C-3	An Act to amend the Judges Act and the Criminal Code	Minister of Justice and Attorney General, David Lametti	Second Reading

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PARLIAMENTARY MONITORING
November 2020



C-4	An Act relating to certain measures in response to COVID-19	Minister of Employment, Workforce Development and Disability Inclusion, Carla Qualtrough	Royal Assent
C-5	An Act to amend the Bills of Exchange Act, the Interpretation Act and the Canada Labour Code (National Day for Truth and Reconciliation)	Minister of Canadian Heritage, Steven Guilbeault	First Reading
C-6	An Act to amend the Criminal Code (conversion therapy)	Minister of Justice and Attorney General, David Lametti	First Reading
C-7	An Act to amend the Criminal Code (medical assistance in dying)	Minister of Justice and Attorney General, David Lametti	First Reading
C-8	An Act to amend the Citizenship (Truth and Reconciliation Commission of Canada's call to action number 94)	Minister of Immigration, Refugees and Citizenship, Marco Mendicino	First Reading
C-204	An Act to amend the Canadian Environmental Protection Act, 1999 (final disposal of plastic waste)	Scot Davidson (York-Simcoe)	Reinstated - First Reading
C-206	An Act to amend the Greenhouse Gas Pollution Pricing Act (qualifying farming fuel)	Philip Lawrence (Northumberland-Peterborough South)	Reinstated - First Reading
C-213	An Act to amend the Canada Pharmacare Act	Peter Julian (New Westminster-Burnaby)	Reinstated - First Reading
C-215	An Act respecting Canada's fulfillment of its greenhouse gas emissions reduction obligations	Kristina Michaud (Avignon-La Mitis-Matane-Matapedia)	Reinstated - First Reading
C-228	An Act to establish a federal framework to reduce recidivism	Richard Bragdon (Tobique-Mactaquac)	Reinstated - First Reading

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PARLIAMENTARY MONITORING
November 2020



C-230	An Act respecting the development of a national strategy to redress environmental racism	Lenore Zann (Cumberland-Colchester)	Reinstated - First Reading
C-238	An Act to amend the Criminal Code (possession of unlawfully imported firearms)	Bob Saroya (Markham-Unionville)	Reinstated – First Reading
C-247	An Act to amend the Criminal Code (controlling or coercive conduct)	Randall Garrison (Esquimalt-Saanich-Sooke)	First Reading
S-207	An Act to amend the Criminal Code (independence of the judiciary)	Senator Kim Pate	First Reading
S-208	An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation	Senator Kim Pate	First Reading
S-209	An Act to amend the Canada Elections Act and the Regulation Adapting the Canada Elections Act for the Purpose of a Referendum (voting age)	Senator Marilou McPhedran	First Reading
S-210	An Act to establish the Office of the Commissioner for Children and Youth in Canada	Senator Rosemary Moodie	First Reading
S-211	An Act to establish International Mother Language Day	Sen. Mobina S.B. Jaffer	First Reading
S-212	An Act to amend the Criminal Code (disclosure of information by jurors)	Sen. Pierre-Hugues Boisvenu	First Reading

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What is the history of this issue and how does it impact First Nations?

Transforming our world: the 2030 Agenda for Sustainable Development (2030 Agenda) is a United Nations Resolution unanimously adopted by the General Assembly in 2015 and affirmed over 40 times. The 2030 Agenda comes with 17 Sustainable Development Goals (SDGs) that articulate global action to eradicate poverty and set a forward-looking path to a sustainable, prosperous planet with resilient peoples.

The Government of Canada has made the SDG commitments a priority and is developing a national strategy to track progress on SDG implementation domestically. As part of this process, and as mentioned in [Towards Canada's 2030 Agenda National Strategy](#), Canada has specifically mentioned supporting Reconciliation as part of the implementation of the SDGs. For Canada to fulfill its commitment to achieve the SDGs and “leave no one behind”, a rights-based approach that is coherent, comprehensive and balanced is needed that will guarantee the meaningful inclusion and decision-making of First Nations in the implementation and monitoring of the SDGs.

Since 2020, the Assembly of First Nations (AFN) have signed an funding agreement with Employment and Skills Development Canada (ESDC) to work on developing awareness and capacity around SDGs, with a goal of providing direction towards the development and implementation of the 2030 Agenda National Strategy.

How has the AFN's recent advocacy affected this area?

Chiefs-in-Assembly have provided many mandates to AFN that align with the individual SDGs, but there is a need to connect those mandates to create a coherent message to drive support to integrate First Nations perspectives in the development of Canada's 2030 Agenda.

In addition, the AFN has been engaged in the development of a National Outcomes-Based Framework as a key mechanism of mutual accountability within a new fiscal relationship that delivers results by measuring progress in closing the socio-economic gaps between First Nations and non-Indigenous Canadians. This work strongly aligns with the SDGs as a whole and aims to develop frameworks, indicators and data that will inform AFN's advocacy.

Where do we hope to go in the future?

Ensuring the inclusion of First Nations priorities in the implementation of the SDGs domestically

Policy development around the SDGs will likely be an iterative process and AFN can guide this process by ensuring the inclusion of First Nations in Canada's 2030 national strategy, as directed

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by resolutions. The SDGs have substantial links to humans' rights and to the UN Declaration¹, and these linkages will be used the AFN to inform input into the national strategy. Additionally, AFN's advocacy can ensure that the implementation of the national strategy addresses underlying issues that perpetuate poverty and inequality for First Nations, addresses data gaps and uses First Nation appropriate indicators that reflect true progress on the ground.

Using the SDGs as a mutual accountability framework to address the socio-economic gaps between First Nations and non-Indigenous Canadians.

Through the process of engaging in the development of the 2030 Agenda national strategy and Canadian Indicator Framework, AFN's advocacy can allow for improved engagement on policy development specifically around addressing the socio-economic gaps between First Nations and non-Indigenous Canadians, which are a result of historic marginalization and discrimination towards First Nations. The SDGs can supplement existing First Nations frameworks by addressing data gaps, informing indicator development and developing mutual accountability.

Links:

- [Towards Canada's 2030 Agenda National Strategy](#)
- [2019 AGA – 2030 Agenda and the SDGs](#)
- [AFN's International Advocacy](#)

¹ **15 of the 17 SDGs** are closely linked to human rights and **73 out of the 169 targets** have substantial links to the UN Declaration. See the [SDGs and Indigenous Peoples Infographic](#).

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What is the history of this issue and how does it impact First Nations?

Chiefs in Assembly Resolution 25/2018, *Next Steps on a Distinct First Nations Labour Market Strategy (FNLMS)*, affirmed First Nations' rights to improve economic and social conditions, mandate efforts to address personal and systemic barriers to labour market opportunities faced by First Nations, and support access and options to secure greater economic independence. Two additional resolutions called for work on a distinct-First Nations labour market strategy.

The Chiefs-in-Assembly mandated the Chiefs Committee on Human Resources Development (CCHRD) to call on the Minister of Employment, Workforce Development and Labour to address the shortfall of Budget 2018 and to initiate a parallel process for the full devolution of labour market authority and jurisdiction, and to continue to work with Employment and Social Development Canada (ESDC) on the implementation of a distinct First Nations Labour Market Strategy. The impacts of the COVID-19 pandemic on the workforce reinforce the need for increased support and focus on the First Nations labour market and support for individuals to access new training and gain access to the changing job market.

How has the AFN's recent advocacy affected this area?

The Government of Canada has acknowledged the importance of a distinctions-based approach that recognizes the unique needs of First Nations. ESDC launched the Indigenous Skills and Employment Training (ISET) Program on April 1, 2019 which included a distinct First Nations Labour Market stream. The CCHRD communicated to the Minister of Employment, Workforce Development and Labour that the long-term investments (10 years) realized in Budget 2018 was a good starting point and relief on the freeze on investments in place since 1999. The CCHRD and the Minister agreed that work to support additional indexed investments for governance capacity, new fiscal instruments and respond to inflation and population growth will need to be completed. Ideally, this will be before the next FNLMS budget cycle (2023).

First Nations leadership has made progress on establishing a Distinct First Nations Labour Market Strategy within the *Indigenous Skills and Employment Training (ISET) Program*, starting in 2019-20. This includes investments of \$1.1 billion over 5 years, 10-year agreements for longer term planning, a small increase in funding, and opportunities to improve the strategy through an evergreen approach.

Where do we hope to go in the future?

The implementation of an approach envisioned by First Nations has been challenging, both at the political and bureaucratic levels. This is due to the continued use of the contribution agreement structure within the government Transfer Payment Policy directives for Indigenous programming, which maintains accountability to Canada. The First Nations Technical Working

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Sector Update | Compte rendu de secteur
FIRST NATIONS LABOUR MARKET
November 2020



Group on Human Resources (TWG), comprised of First Nations Labour Market Agreement holders, regional representatives and the AFN, continue work focused on new agreement implementation, performance measurement, capacity building assessment and monitoring, enhancement for labour market information and research to undertake the effects of inflation and population growth in time for the next FNLMS budget cycle.

The AFN Economic Sector with direction from the CCHRD and the TWG will continue to advocate for First Nations' jobs, workforce, training and involvement in the economy. These efforts will include advocating for First Nations accessing new investments as it relates to the overall economic recovery efforts as result of the COVID-19 pandemic.

This will include seeking investments and additional support for training and employment, including youth employment and ensuring that priorities outlined in the 2020 Speech from the Throne include First Nations. Canada continues to make investments relating to creating jobs, scaling up the Youth Employment and Skills Strategy, employment strategy for Canadians with disabilities, creating a stronger workforce through investments in training for workers, as outlined in the Throne Speech.

The AFN will continue to move towards coordination of a meeting between the CCHRD and the Minister of Employment, Workforce Development and Disability Inclusion to outline priorities and reach understanding on why supports and investments for First Nation human capital needs will enhance Canada's economy.

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