

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 27<sup>TH</sup> TO 28<sup>TH</sup>, 2018  
RICHMOND, B.C., X<sup>w</sup>MƏӨK<sup>w</sup>ƏY<sup>Ə</sup>M (MUSQUEAM TERRITORY)

**Resolution no. 2018-20**

#### **RE: Child Welfare Legislation to Affirm the Rights of First Nations Self-Determination and to Promote Healthy Families and Reduce the Number of First Nations Children in Care**

**WHEREAS** the Truth and Reconciliation Commission's (TRC) 94 Calls to Action have been supported by the Chiefs of BC and Canada;

**WHEREAS** the TRC's first 5 Calls to Action address the legacy of residential schools and the ongoing humanitarian issues pertaining to the continued over-representation of First Nations children in provincial and territorial child welfare systems, as well as the systemic denial of rights of those children and of First Nations peoples and communities to protect the children and transmit the culture, language and family customs to those children, and to have proper legal recognition of the collective right to set family law and policy for First Nations peoples;

**WHEREAS** the Touchstones of Hope have been endorsed by Chiefs across Canada, and one of the critical touchstones for change is full recognition of the rights to self-determination of First Nations in relation to child welfare, and the full authority and inherent rights to protect, support and care for our children and families;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, provides the framework to move forward in a progressive way to address the underlying problems that have caused the legacy of residential schools, such as outmoded, racist and offensive doctrines of the cultural and moral superiority of European society, doctrines of discovery and *terra nullius*, and colonial approaches that impose the beliefs and will of the settler society on First Nations peoples;

**WHEREAS** the Canadian Human Rights Tribunal has found Canada to be in breach of its human rights obligations to First Nations children and has issued four compliance orders that Canada improve its laws, policies and practices to appropriate funds and support the rights of First Nations peoples, consistent with the UN Declaration and other international and domestic human rights standards;

**WHEREAS** BC has introduced amendments to their child welfare legislation and is making piecemeal improvements to give greater attention to First Nations children and families matters, within their own jurisdiction, but these changes have occurred unilaterally and without engagement with First Nations leadership, communities and families;

**WHEREAS** the province and the First Nations Leadership Council signed a Reconciliation Charter that committed the parties to work in partnership to achieve First Nations Child Welfare Reform via a Tripartite Working Group made up of Canada, British Columbia and the First Nations Leadership Council to implement concrete actions to support legislative reform, program and policy development and an effective fiscal model to support First Nations Child Welfare in BC;

**WHEREAS** by Resolution 2017-06, the UBCIC Chiefs Council recognizes that each First Nation has the right to determine and develop their own child, youth and family safety and well-being models, legislation, regulations, policies and practice standards, and fully support any and all First Nations in exercising their respective jurisdiction and authority over the care and well-being of their children, youth and families;

**WHEREAS** by UBCIC Resolution 2017-06, the UBCIC Chiefs Council fully supports any and all First Nations' efforts to exercise and secure recognition of their jurisdiction and authority regarding children, youth and families;

**WHEREAS** while UBCIC respects the rights of Inuit and Métis Peoples to pursue legislation regarding child, youth and family safety and well-being for their citizens, it is important that First Nations specific legislative approaches be pursued and not adjoined to or made conditional to an "Indigenous" legislative approach; and

**WHEREAS** as discussed at the AFN Special Chiefs Assembly May 1-2, 2018 in Gatineau, Quebec, legislation must involve direct engagement and input of First Nations as the proper Title and Rights Holders.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls on Canada to recognize that child and family safety and wellbeing (including child welfare) requires Canada to provide sustained, culturally-based and needs-based funding and legislative recognition to enable First Nations to exercise their right to care for their children, youth and families. Such legislation therefore must not be prescriptive given the diversity of First Nations cultures and the need for First Nations to reaffirm culturally-based approaches, nor should legislation re-trench or support the bureaucratic control or imposition of child, youth and family philosophies, policies and practices on First Nations peoples that have proven ineffective; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls on Canada to co-create guidelines for implementation of such recognition legislation, based on self-determination, human rights, the TRC's 94 Calls to Action and the UN Declaration on the Rights of Indigenous Peoples, and which provide a stable and lasting framework for funding and support of the work of First Nations to address the legacy of residential schools and other failed government policies that have harshly impacted children, youth, families and communities.

**Moved:** Chief Maureen Chapman, Skawahlook First Nation  
**Seconded:** Chief Don Tom, Tsartlip First Nation  
**Disposition:** Carried  
**Date:** June 28, 2018