

# DRAFT RESOLUTION # 13 / 2020

AFN Annual General Assembly, December 8 – 9, 2020

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<b>TITLE:</b>	<b>Becoming A Role Model in Ending Sexual Orientation and Gender-Based Discrimination Within the Assembly of First Nations</b>
<b>SUBJECT:</b>	Gender equity, sexual orientation and gender-based discrimination
<b>MOVED BY:</b>	Khelsilem, Squamish Nation
<b>SECONDED BY:</b>	Chief Doris Bill, Kwanlin Dün First Nation

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## WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Annex: Reaffirming that Indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind;
  - ii. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity;
  - iii. Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right;
  - iv. Article 15: Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information;
  - v. Article 17 (1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law;
  - vi. Article 17 (3): Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary;
  - vii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;
  - viii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. The Assembly of First Nations (“AFN”) is an organization established to advocate and support its First Nation members’ interests.

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- C. The AFN seeks to be a proactive, progressive, and responsive organization that upholds its First Nation members' values and interests at all levels of leadership and within and throughout every branch of the organization and administration.
- D. AFN Members look to the AFN to set minimum standards for organizational conduct and accountability.
- E. The AFN can and should be a role model in best practices for ethical conduct and accountability on ending sexual orientation and gender-based discrimination in the organization.
- F. First Nations Women, Elders, Youth and the LGBTQ2S represent vulnerable sectors within society.
- G. AFN leadership has a responsibility to ensure that the governance of the organization does no harm, and that the AFN organization and administration:
  - i. supports the most vulnerable members within our societies;
  - ii. takes action to end all forms of sexual orientation and gender-based discrimination, harassment, and violence within the AFN organization or administration; and
  - iii. leads by example to demonstrate and uphold a substantial commitment of integrity and ethical values to achieve the social, political and legal changes necessary to end sexual orientation and gender-based discrimination, harassment, and violence and achieve gender equity.
- H. Discrimination happens when a person experiences adverse treatment or is negatively impacted by another person's or system's actions (intentional or unintentional) because of their sexual orientation, gender identity or gender expression.
- I. The AFN activities requires participation by different groups of individuals, both internal and external to the AFN, as follows:
  - i. political - elected officials: the National Chief, Regional Chiefs, Elder's Councils, Women's Council and Youth Council;
  - ii. Secretariat AFN employees;
  - iii. Chiefs' Committees (elected First Nation leadership); and
  - iv. First Nations-In-Assembly: First Nation leaders, technicians, advisors, guests.
- J. At the Special Chiefs' Assembly on May 23, 2007, the Chiefs-in-Assembly passed Resolution 02/2007 endorsing the AFN Women's Council Gender Balanced Analysis Framework to be used as a policy teaching tool to restore traditional egalitarian partnerships and relationships among men and women.
- K. In October 2014, the AFN Executive Committee received the AFN Women Council's Strategy titled "Promoting Empowerment, Equity and Leadership" which endorsed a Gender-Based Analysis of the AFN leadership and committees, overall organization and administration with the intent to provide recommendations to Chiefs-in-Assembly at the AFN Annual Assembly (2021).

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

1. Order an independent, fair, and impartial investigative review of the Assembly of First Nations (AFN) (“investigative review”) to end sexual orientation and gender-based discrimination and all other forms of violence, including sexualized violence, lateral-violence and bullying in the organization, to be called “*The 2020-2021 AFN Investigative Review to End Sexual Orientation and Gender-Based Discrimination*”.
2. Establish that the objective of the investigative review is to examine specific incidents to assist in gauging levels of systemic sexual orientation and gender-based discrimination experienced by people involved with the AFN.
3. Order an independent three-member panel of external experts to oversee the Investigative Review with:
  - i. An independent appointee chosen by the Women’s Council;
  - ii. An independent appointee chosen by the Knowledge Keepers Council; and,
  - iii. An independent appointee chosen by the Youth Council.
4. Direct the Women’s Council, the Knowledge Keepers Council and the Youth Council to meet within 30 days of the passing of this Resolution to appoint the independent three-member panel of external experts.
5. Direct the AFN to ensure the independent investigative review is financially resourced and supported by, and given unfettered access to the AFN Executive Committee and AFN administration to carry out the review’s objective.
6. Direct that this investigative review includes, at a minimum:
  - i. Codes of Conduct for all aspects of the AFN organization;
  - ii. investigators with experience and knowledge of First Nations organizations and expertise in conducting complex investigations;
  - iii. provide an outline regarding processes for those involved with the AFN to report allegations and how these incidents are addressed;
  - iv. a staged review beginning with specific allegations and then moving to a broader look at of systemic sexual orientation and gender-based discrimination in the organization and a plan moving forward to address these matters;
  - v. conforms to employment law legislation in effect;
  - vi. provide various means for current or past First Nations leaders, AFN members, and others to confidentially share experiences of sexual orientation and gender-based discrimination in the AFN; and,
  - vii. Presentation of the findings of this review and investigation in a report with recommendations to the Chiefs-in-Assembly that includes:

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- a. reviewing and recommending changes to the Codes of Conduct, policies, bylaws and practices with the aim of eliminating sexual orientation and gender-based discrimination in the AFN, improving gender parity on all committees, and improving the ethics, conduct, and accountability systems in the AFN;
  - b. recommendations regarding the advisability of an independent Ethics Officer in the AFN to receive, review, and address complaints, including what new roles and resources are needed to support this office;
  - c. recommendations for a fair, ethical, and independent system to address complaints and violations;
  - d. recommendations for fair ethical, and independent appeal and dispute resolution processes;
  - e. recommendations for annual reporting to Chiefs-in-Assembly on ethics complaints and violations;
  - f. recommendations for amendments to the AFN Charter to meet the highest standards for eliminating sexual orientation and gender-based discrimination in the organization;
  - g. recommendations for mandatory training to be attended by the AFN Executive Council, senior management, and staff at the AFN; and,
  - h. any additional recommendations needed to address sexual orientation and gender-based discrimination within the AFN.
7. Direct the three-member panel to report to the Chiefs-in-Assembly within six months, with an interim report followed by a final report within nine months of this resolution's passing.
  8. Call for the AFN to renew itself as a role model organization to end sexual orientation and gender-based discrimination including harassment, micro-aggressions, sexism, homophobia, transphobia, and misogyny within the organization.
  9. Call for the AFN to include harassment, micro-aggressions, sexism, homophobia, transphobia, and misogyny in its definition of sexual orientation and gender-based discrimination.