

COOPERATION & COLLABORATION PROTOCOL

Between

THE FIRST NATIONS EDUCATION STEERING COMMITTEE ("FNESC")

And

THE BRITISH COLUMBIA HUMAN RIGHTS COMMISSIONER ("the Commissioner")

(Collectively referred to as "the Parties")

WHEREAS

- A. Indigenous peoples have the right to establish and control their educational system and institutions as affirmed in the *United Nations Declaration on the Right of Indigenous Peoples* ("UN Declaration"), and as a fundamental aspect of their inherent right of self-determination and self-government.
- B. FNESC is a policy and advocacy organization that represents and works on behalf of First Nations in British Columbia, with a mandate to advance First Nations education in British Columbia by disseminating information, undertaking research, working with the First Nations Schools Association (FNSA) and the Indigenous and Adult Higher Learning Association (IAHLA) to administer programs and services, and advocating and negotiating with the provincial and federal governments and other key stakeholders at the direction of First Nations.
- C. The Human Rights Commissioner ("the Commissioner") is an independent officer of the provincial legislature. The Commissioner works to promote and protect human rights, upholding the dignity of people in British Columbia and addressing the root causes of discrimination and inequality.
- D. The Parties have common interests in achieving equity and upholding the inherent rights of First Nations in British Columbia.
- E. The Parties seek a cooperative and effective working relationship, bringing together the strengths of their respective mandates, on matters of shared interest and concern in support of upholding Indigenous human rights as they relate to education.

THEREFORE, the Parties agree as follows:

1.0 PURPOSE

1.1 The purpose of this Protocol is establish a cooperative and effective working relationship that includes joint dialogue and action on issues and initiatives to promote and support First Nations education in the context of inherent Aboriginal rights and Indigenous human rights, upholding the dignity of Indigenous peoples, and addressing the root causes of discrimination and inequality experienced by Indigenous peoples in British Columbia.

2.0 GUIDING PRINCIPLES

2.1 The Parties seek to engage in thoughtful and strategic dialogue on matters of shared interest and concern, based on their respective mandates and experiences and having respect for:

- a) First Nations' inherent title and rights, treaty rights, and Indigenous human rights;
- b) each Party's policies, perspectives and processes.

2.2 The Parties agree that the implementation of this Protocol will be guided and informed by the principled framework set out in section 35 of the *Constitution Act, 1982*, the *United Nations Declaration on the Rights of Indigenous Peoples*, and other reports and instruments including, but not limited to, the *United Nations Convention on the Rights of the Child*, and, the *American Declaration on the Rights of Indigenous Peoples*, and the Truth and Reconciliation Commission Calls to Action.

2.3 The Parties agree to bring forward relevant reports and materials, as appropriate, in support of their shared agenda and dialogue.

2.4 The Parties acknowledge the protocol between the Commissioner and the First Nations Leadership Council and will seek to complement and support any work under that protocol, as appropriate.

3.0 OBJECTIVES

3.1 The Parties are committed to joint advocacy efforts on key matters including, but not limited to:

- a) raising awareness of Indigenous human rights in education in the provincial public and independent school system in British Columbia;
- b) supporting implementation of the standards in the *United Nations Declaration on the Rights of Indigenous Peoples* as they relate to First Nations education, in particular Article 14, which affirms, *inter alia*, the right of Indigenous people to all levels and forms of education of the State without discrimination, and that States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including

- those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language;
- c) supporting the Commissioner's mandate in respect of the implementation of human rights instruments in the context of First Nation education in the provincial public school system;
 - d) supporting the Commissioner's mandate in respect of special programs in the context of First Nation education in the provincial public school system;
 - e) supporting the implementation of the *Declaration on the Rights of Indigenous Peoples Act* (BC) in relation to First Nations education;
 - f) addressing Indigenous human rights in education in the provincial public and independent school system in British Columbia in times of emergency;
 - g) implementing the Truth and Reconciliation Commission of Canada's Calls to Action as they relate to BC First Nations education;
 - h) collaborating on public policy issues of mutual interest or concern;
 - i) collaborating on strategies to bring about systemic change in support of First Nation learners in the provincial public and independent school system, including processes to address systemic and interpersonal racism;
 - j) collaborating on joint or respective submissions or recommendations to the provincial government, as appropriate; and
 - k) building a strong, effective and collaborative relationship.

4.0 IMPLEMENTATION

4.1 The Parties agree to hold meetings at a minimum of twice annually to:

- a) identify priorities and potential projects/initiatives and establish a shared and focused workplan; and
- b) monitor progress under this Protocol and discuss any issues related to its effective implementation.

4.2 The Parties may include technical or other representatives in their meetings to support their discussions and joint work and may direct their technical representatives to carry out work between meetings.

4.3 Subject to the Commissioner's duties to maintain confidentiality and privacy under the Human Rights Code and the Freedom of Information and Protection of Privacy Act, the Commissioner will share information as appropriate with FNEC that the Commissioner has access to in support of this Protocol. FNEC will share information as appropriate with the Commissioner that FNEC has access to in support of this Protocol.

4.4 The Parties agree to provide early notice, whenever possible, on actions and communications that may have significant implications for the objectives of this Protocol.

5.0 TERM & REVIEW

5.1 This Protocol takes effect from the date it is signed by the Parties.

5.2 The Parties may agree to amend or terminate this Protocol at any time.

5.3 The Parties will review the effectiveness of this Protocol and identify opportunities for its improvement within two years of it taking effect.

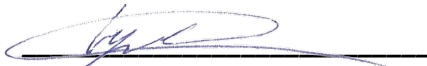
In witness thereof, the Parties have executed this Protocol on Cooperation and Collaboration on this 3rd day of February, 2021.

On behalf of the BRITISH COLUMBIA OFFICE OF THE HUMAN RIGHTS COMMISSIONER:



Kasari Govender
British Columbia's Human Rights Commissioner

FIRST NATIONS EDUCATION STEERING COMMITTEE



Tyrone McNeil
President