

Keeping the Promise

**The Convention on the Rights of the Child and
the Lived Experiences of First Nations Children and Youth**



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Content Note

The views expressed in this report are not necessarily those of Health Canada.

Honouring

We honour the ancestors and Elders of the rich diversity of First Nations, Inuit and Métis peoples in Canada who give us the strength, wisdom and perseverance needed to make Canada's world fit for Aboriginal children and youth.

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ABSTRACT

In recognition of the last year of the International Decade of Indigenous Peoples and consistent with the Convention on the Rights of the Child, this paper describes the lived experience of First Nations children across the following dimensions: poverty, urbanization, substance misuse, education, youth suicide, accidental injury, child welfare, sexual exploitation, and youth justice. Findings indicate that First Nations children continue to experience unacceptable disproportionate levels of risk across all identified dimensions, and that policies developed to redress these risks remain largely unimplemented. The need for disaggregated data that reflects the cultural diversity of Aboriginal peoples in Canada and an independent monitoring system to oversee the implementation of the Convention on the Rights of the Child and domestic legal protections for children which is designed and implemented by Aboriginal peoples are discussed.

Scope and Terminology in Report

There is rich diversity amongst the cultures, contexts and histories of Aboriginal Peoples in Canada. This paper was written to inform First Nations child and family service providers and policy makers who work with First Nations (Status and non-Status) children, youth and families across Canada. Although this report does include some information on the experiences of Métis and Inuit children and youth, the authors acknowledge the important need to conduct similar analysis in light of the experiences of Inuit and Métis children and youth in Canada but believe this is best done by Métis and Inuit organizations respectively.

Where the term Aboriginal is used by the authors it is intended to reflect the rich diversity of Aboriginal peoples whose rights are affirmed under Section 35 of the Charter of Rights and Freedoms (Inuit, Métis, and Indians (First Nations).) Authors cited in this work sometimes use the word Native – its meaning is similar to the term Aboriginal. The authors of this work use the term Aboriginal in place of the term Native as the former is enshrined in the Charter of Rights and Freedoms

The term First Nation is used to describe Indian Bands registered under the Indian Act and those recognized by the Assembly of First Nations. The term Tribal Council describes a group of First Nations who have developed a common organization to pursue political or socio-economic goals and programs.

The term First Nations peoples is used to describe those people who identify as members of a First Nation (Status and non-Status.) The terms Status or Registered Indian are used to describe people identified as Indians pursuant to the Indian Act. Similarly, the term reserve comes from the Indian Act and is used to describe a tract of land, whose title is held by the Crown, and is set aside for the benefit of Indians.

The names of the government department designated to implement the Indian Act has changed throughout the years. The government of Canada has used some of the following names which will appear in the report: Department of Indian Affairs, Department of Indian and Northern Affairs Canada (INAC) and Department of Indian Affairs and Northern Development Canada (DIAND).

EXECUTIVE SUMMARY

The following table summarizes the data, policy and policy implementation stages that are outlined in the requisite chapters of this report. The ratings on the status of policy implementation (right-hand column) were made based on the original objective of the policy and our perceptions as of the preparation of this report. The numerical ratings are assigned using a five-point range scale where 0 = no implementation and 5 = fully implemented.

ISSUE	DATA	POLICY	STATUS
Poverty	<ul style="list-style-type: none"> • poverty and risk of negative child outcomes are correlated • Aboriginal peoples continue to live far below the standard of living of the Canadian population • 41% of Aboriginal children off reserve live in poverty. • 73% of Aboriginal single mothers are poor compared to 45% of non-Aboriginal single mothers • the average income of Aboriginal Canadians is 62% of the average income of non-Aboriginal Canadians • the average income on reserve is between \$6,400 and \$7,900 • 3 out of 5 Aboriginal children under the age of 6 live in poverty • 44% of on reserve dwellings are considered to be inadequate in condition 	Campaign 2000	0
		<i>Gathering Strength: Canada's Aboriginal Action Plan</i>	2
		Aboriginal Head Start	3
		Child Tax Benefit	3
		On Reserve Housing Policy	2
Urbanization	<ul style="list-style-type: none"> • 70% of the Aboriginal population in Canada live off reserve • 49% of Aboriginal people live in urban areas • Aboriginal people are more mobile than the general Canadian population • urban Aboriginal children are 2 times more likely than non-Aboriginal children to live in single parent households, to be poor, to have moved in the previous year, and 4 times more likely to be born to adolescent parents and to have experienced hunger • in urban areas, 45% of Aboriginal youth are employed compared to 68% of non-Aboriginal youth • Aboriginal people in cities are 2 times more likely to live in poverty than non-Aboriginal people 	Urban Aboriginal Strategy	3
		Aboriginal Head Start in Urban and Northern Communities	4
		Youth Employment Strategy	3
		Youth Entrepreneurship Program	3
		Aboriginal Human Resources Development Strategy	2

ISSUE	DATA	POLICY	STATUS
	<ul style="list-style-type: none"> of the 181,000 Aboriginal people in cities, 100,700 are ranked as poor Aboriginal gangs in urban areas have reached crisis proportions 	<p>National Aboriginal Youth Strategy</p> <p><i>Gathering Strength: Canada's Aboriginal Action Plan</i></p> <p>Early Childhood Development Initiative</p> <p>Community Action Plan for Children</p> <p>Canada Prenatal Nutrition Program</p> <p>Fetal Alcohol Syndrome/Fetal Alcohol Effects Initiative</p>	<p>2.5</p> <p>2</p> <p>3</p> <p>3</p> <p>2</p> <p>2</p>
Substance Abuse	<ul style="list-style-type: none"> 73% of First Nations people indicated alcohol misuse as a problem in their community 59% of First Nations people indicated drug abuse as a problem in their community Aboriginal youth are 11 times more likely than non-Aboriginal youth to have abused solvents or sniffed aerosols 20% of Aboriginal youth reported abusing solvents, of these, _ began before the age of 11 the average age at which children begin abusing solvents is 9.72 years 74% of solvent abusers relapse after treatment 	<p>Young Canada Works</p> <p>Urban Multipurpose Aboriginal Youth Centres</p> <p>National Native Alcohol and Drug Abuse Program</p> <p>Aboriginal Head Start</p>	<p>1</p> <p>3</p> <p>3</p> <p>2.5</p>
Education	<ul style="list-style-type: none"> 30.7% of grade 12 and 13 Status Indian students on reserve graduate high school 37% of registered Indians in Canada attain some post-secondary education compared to 51% of the non-Aboriginal population 3% of registered Indians have obtained university degrees 36% of registered Indians enrolled in university complete their degree 	<p>Royal Commission on Aboriginal Peoples</p>	<p>2</p>
Youth Suicide	<ul style="list-style-type: none"> 38% of all First Nations youth (aged 10-19) deaths are suicide 23% of all First Nations young adult (aged 20-44) deaths are suicide 	<p><i>Choosing Life: Special Report on Suicide Among Aboriginal Peoples</i></p>	<p>2</p>

ISSUE	DATA	POLICY	STATUS
	<ul style="list-style-type: none"> • First Nations suicide rates are 2.1 times higher than those of non-Aboriginal Canadians • First Nations female youth are 8 times more likely to commit suicide than non-Aboriginal female youth • First Nations male youth are 5 times more likely to commit suicide than non-Aboriginal male youth 	<p>Brighter Futures Initiative</p> <p><i>Building Healthy Communities</i></p> <p>National Native Alcohol and Drug Abuse Program</p> <p>Non-Insured Health Benefits Program – Crisis Intervention & Mental Health Counselling</p> <p>Intergovernmental Committee on Youth Suicide</p>	<p>2.5</p> <p>2.5</p> <p>2.5</p> <p>2.5</p> <p>0</p>
Accidental Injury	<ul style="list-style-type: none"> • First Nations infants die from injuries at 4 times the rate of non-Aboriginal infants • First Nations toddlers die from injuries at 5 times the rate of non-Aboriginal toddlers • First Nations youth die by injury more than 3 times the rate of non-Aboriginal youth • Aboriginal toddlers have a drowning rate 15 times higher than non-Aboriginal toddlers • 3,638 more cases of death due to injury or poisoning occur per year for First Nations populations than for the rest of Canada 	<p><i>Health Canada Estimates: A Report on Plans and Priorities</i></p>	<p>1</p>
Child Welfare	<ul style="list-style-type: none"> • 30-40% of all children in care in Canada are Aboriginal • 71.5% increase in the number of Status Indian on reserve children placed in care • 2/3 of substantiated cases of child maltreatment involve First Nations families • neglect is 2 times as likely to be the primary form of maltreatment in Aboriginal families • the federal government funds First Nations child and family service agencies an average of 22% less than their provincial counterparts 	<p><i>Directive 20-1</i></p> <p>First Nations Child and Family Services Joint National Policy Review</p>	<p>1</p> <p>1</p>
Sexual Exploitation	<ul style="list-style-type: none"> • 70-80% of youth in the sex trade are girls • the average age of entry into the sex trade is 14 years • the severity of crimes against Aboriginal prostitutes is overlooked by authorities 	<p><i>National Plan of Action for a World Fit for Children</i></p> <p><i>Bill C-27</i></p>	<p>n/a</p> <p>2.5</p>

ISSUE	DATA	POLICY	STATUS
		<i>Bill C-51</i> RCMP National Youth Strategy Family Violence Initiatives National Strategy on Community Safety and Crime Prevention	2.5 3 2 3
Youth Justice	<ul style="list-style-type: none"> • Aboriginal youth are disproportionately present throughout the justice system • 78% of Aboriginal youth in custody are First Nations, 17% are Métis, 3% are Inuit, and 2% are Inuvialuit • Aboriginal youth account for 24% of the youth in custody in Ontario, 23% in Saskatchewan, and 23% in Manitoba, despite being only 3.9% of the total youth population in Canada • the median age of Aboriginal youth in custody is 16 years 	<i>Youth Criminal Justice Act</i> Aboriginal Justice Strategy Youth Justice Renewal Initiative	2.5 2 2

INTRODUCTION

This is Canada's promise to Aboriginal children, youth and families:

It is the understanding of the Government of Canada that, in matters relating to Aboriginal peoples of Canada, the fulfillment of its responsibilities under Article 4¹ of the Convention [Convention on the Rights of the Child] must take into account the provisions of Article 30 (the protection of indigenous identity). In particular, in assessing what measures are appropriate to implement the rights recognized in the Convention for Aboriginal children, due regard must be paid to not denying their right, in community with other members of their group, to enjoy their own culture, to profess and practice their religion and to use their own language. (UNICEF, 2002: 457)

These are the adjectives that describe First Nations children and youth- loved, cared for, bright, fun, balanced, grounded, respectful, honourable, valued, and accomplished. Many Aboriginal parents have overcome the most exceptional of barriers to raise children and youth who doing very well. Unfortunately, although all First Nations children are gifts from the Creator, their experience of the world around them is too often one of risk, rights violations and marginalization. The risks they face are so significant that the most frequent phrases used to describe Aboriginal children and youth in well being reports are at risk, vulnerable and marginalized (Blackstock, 2004).

As the information contained in this report will signal, there is much work to be done to ensure that Canada keeps its promise to Aboriginal children, youth and families. The aggregate experiences of the disproportionate risks experienced by Aboriginal children, youth and their families are substantial and unacceptable –especially in one of the richest

¹ Article 4: “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation” (CRC, 1989).

countries in the world – with one of the best human rights records. Although the risks facing Aboriginal children and youth continue to reach crisis levels – societal responses, including those of government, are often luke warm and piece meal. It seems that disproportionate risk has become normative in Canadian society to such a degree that it is difficult to imagine how bad things need to get in order to compel collective and urgent action to provide every tool necessary to support Aboriginal peoples in caring for their children.

The contemporary reality of Aboriginal children and youth is intimately tied to the substantial strength sourced in their rich and long lasting cultures and the unimaginable losses experienced by their ancestors starting when John Cabot arrived on the shores of Newfoundland in 1497 and continuing through to the creation and development of the nation state known as Canada.

In this, the closing year of the International Decade of Indigenous Peoples, and consistent with the recommendations arising from Canada's report to the United Nations Committee on the Convention on the Rights of the Child and the Day of General Discussion on the Rights of Indigenous Children (2003), this paper provides a comprehensive overview of the state of knowledge informing the following challenges faced by First Nations children and youth: poverty, urbanization, substance misuse, education, youth suicide, accidental injury, child welfare, sexual exploitation, and youth justice. Although each section highlights especially relevant sections of the CRC to the referent topic, The First Nations Child and Family Caring Society of Canada (FNCFCS) respects the indivisibility of

rights and encourages readers to draw connections between the rights categories. It is also understood, that sadly, Aboriginal children and families often face multiple risks such as poverty and placement in child welfare and thus the chapters themselves must be woven together to appreciate the contemporary lived experiences of Aboriginal children.

Most of all this paper is intended to be solution focused...to underscore the fact that Canada can do much better in supporting Aboriginal families and communities in caring for their children. In this spirit, where rights violations are indicated, policy solutions are also discussed. In many cases, promising solutions have already been developed but have remained unimplemented. Canada, having reported four successive surplus budgets, is in an excellent financial position to move forward to fulfill those recommendations.

Generations of Aboriginal children and youth are waiting for Canada to keep its promises made in the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the World Fit for Children and the Charter of Rights and Freedoms so that adjectives like at risk, vulnerable and marginalized are no longer used to persistently describe any group of children in Canada – including Aboriginal children.

The Convention on the Rights of the Child (CRC)

The *Convention on the Rights of the Child* was adopted by the United Nations General Assembly on November 20, 1989 and ratified by Canada on December 13, 1991. The philosophy that guides the Convention is that children are to be valued rights holders who given their unique gifts, make substantial contributions to societal well being and quality of life. Indeed, through the interpretation of the Convention, children are not viewed

simply as products of their parents or as units of the welfare state but rather as political agents and contributors who deserve to have their rights recognized and affirmed. The CRC also acknowledges the special responsibility of Nation states, communities and parents to uphold the rights of children and young people.

The Convention calls for continuous action and progress in the realization of children's rights based on four general principles defined by UNICEF (2002):

1. non-discrimination (Article 2) – by which states commit to respect and ensure the rights of all children under their jurisdiction without discrimination of any kind;
2. the best interests of the child (Article 3) – in which the interests of the child are recognized as paramount and budgetary allocations should give priority to children and to the safekeeping of their rights;
3. respect for the children's views and right to participate in all aspects of democratic society (Articles 12-15) – which asserts that children are not passive recipients, but actors contributing actively to the decisions that affect their lives;
4. the child's right to survival and development (Article 6) – which claims the right for children to realize their fullest potential, through a range of strategies from meeting their health, nutrition and education needs to support their personal and social development.
(FNCFCS 1, 2003: 4)

These key themes underpin all other provisions of the Convention and they provide a strong framework for the adoption of a child-friendly focus in all of the obligations imposed on the state. The remaining Articles of the Convention cover a range of issues, including the right to privacy, the right to education, the right to identity and the explicit right to practice culture, religion and language freely and without discrimination.

State Parties report to the Committee on the Rights of the Child on their progress on implementing the CRC every five years. After having considered the State Party (Country) report, and Non Governmental Organization (NGO) submissions, the

Committee on the Rights of the Child provides concluding observations that indicate areas of accomplishment and improvement.

The authors recognize there is no standardized way of determining when rights contained in the Convention are being upheld so for our purposes we have identified a possible rights violation pursuant to the following guidelines:

- Situations where First Nations children and young people face disproportionate risk relating to one or more Articles of the CRC;
- Situations where there is an identified risk to First Nations children and young people relating to one or more Articles of the CRC – particularly when the risk is severe and persistent;
- Situations where there is little evidence that the State Party has considered how to ensure the right is realized for First Nations children and young people.

As the information in the following chapters will indicate, the vast majority of cases involve First Nations children facing significant and disproportionate risk.

Aboriginal Children: Awakening Canada's Story

Aboriginal interveners described in vivid terms their hopes for their children: that education would open opportunities they had never enjoyed; that children would learn their Aboriginal languages and histories; that they would gain control over their lives and life conditions; and that they would be able to live with dignity as Aboriginal people in the land of their ancestors.²

² Royal Commission on Aboriginal Peoples (1996) Chapter 3 P.1.1

First Nations and Inuit peoples have lived on these lands now known as Canada for thousands of years as self governing, self sustaining nations. Although diverse in their languages, customs and cultures, Aboriginal peoples share a preference for communal rights structures, deference to spiritual powers and a value for the interdependence of all worldly and spiritual things (Assembly of First Nations, 1993). This worldview shaped the political, social and economic systems of each community informing the foundation of Aboriginal peoples' systems of caring for and educating children and youth. As described by Fournier and Crey (1997:81), "All Aboriginal cultures teach that children are special gifts lent by the spirit world; if they are loved and cherished, they may flee back to the realm from which they came."

Beginning in 1497, the world of Aboriginal peoples changed forever – it began with loss of life, then loss of land, and finally a focused attack on their humanity. It is estimated that 80% of Aboriginal peoples died as a result of starvation, murder, and disease associated with colonization for the time of contact to 1867 (RCAP, 1996). Aboriginal peoples who survived this massive loss of life in their communities held tightly the teachings and ways of being that had guided them for millennia – but the attack on Aboriginal ways of knowing and being was far from over. The societal infrastructure that supported Aboriginal peoples for thousands of years was not only devalued by Canadian policies of assimilation and colonization, it actively attacked them through the further expropriation of lands, resources and the imposition of a myriad of oppressive socio-economic, spiritual, legal and political strategies.

The *Indian Act* proclaimed in 1867 served as the primary legal instrument for the colonization and assimilation of Indian peoples in Canada. It relegated Indian peoples from self governing nations to wards of the Crown and spelled out that the federal government was responsible for Indians and Lands reserved for Indians. The *Indian Act's* provisions controlled almost every aspect of Aboriginal life. Throughout its evolution into modern times, this race based piece of legislation has transgressed many fundamental freedoms enjoyed by other Canadians such as freedom of association, freedom of religion, freedom of mobility and the right to define one's racial and cultural identity. For example, until 1960, the Indian Act failed to recognize Indians as individuals under the law thus denying them basic rights such as the right to vote. Today it continues to impose band council systems of government and defines which Aboriginal children and adults are, or are not, Status Indians and thus entitled to specific rights under the Act using blood quantum criteria. It regulates reserve land use and ownership, structures band governance and even contains provisions for wills and estates of Indian peoples.

In order to understand, why, in 2004, the Government of Canada continues to have one of the few race based acts in the world (the *Indian Act*) the racial and assimilative roots of the *Indian Act* must be understood.

In 1887, Prime Minister John A. MacDonalld asserted "the great aim of our civilization has been to do away with the tribal system and assimilate the Indian people in all respects with the inhabitants of the Dominion, as speedily as they are fit for the change" (Milloy, 1999:6).

Indian children were a primary focus of Canada's assimilation policy as civilizing children, while they were still in their formative years, was seen to be the most effective means of eradicating Aboriginal cultures. As Deputy Superintendent General of Indian Affairs, L. Vankoughne expressed in his letter to Prime Minister John A. MacDonald in 1887 "Give me the children and you may have the parents [...] Only by a persistent continuance in a thoroughly systematic course of educating (using the word in its fullest and most practical sense) the children, will the final hoped and long striven for result be attained" (Milloy, 1999: 7).

Residential schools were a key instrument of the assimilation regime with the first ones opening in the 1870s and the last closing in 1996. With the legal power of the Indian Act, Indian children were removed from their parents, using force if necessary, and placed in often distant residential schools which were operated by the federal government in partnership with Christian churches. Compounding the trauma of being away from home at such a young age, the schools viewed Aboriginal peoples and cultures as savage and thus forbade the expression of Aboriginal cultures and languages in all forms. Children were proselytized on two levels – the imposition of Christian spirituality and the imposition of Euro-western culture and language.

Residential schools were also responsible for pervasive sexual and physical abuse, isolation, neglect and servitude. Compounding this series of horrendous crimes is the fact that many children died from preventable causes – causes that school and government officials were aware of (Milloy, 1999). Duncan Campbell Scott, the Superintendent of

Indian Affairs for the first three decades of the 20th century, estimated the child death rates at residential schools to be about 50% (Milloy, 1999). Despite the efforts of a trail of professional such as Dr. P.H. Bryce who in 1907 identified over-crowding, poor construction, poorly qualified staff, limited monitoring and under funding of the schools as key causes of the high death rates – government did little to prevent the deaths of children at the schools (Milloy, 1999; RCAP, 1996.) Following the Second World War the federal government came under pressure regarding the treatment of Aboriginal children and was forced to begin closing the residential schools – a process which ultimately took over fifty years.

In 1951 the *Indian Act* was amended to include Section 88, which extended laws of general application to on reserve communities. This effectively empowered provincial/territorial child welfare systems to begin providing services on reserve (MacDonald, 1999; Sinclair, Bala, Lilles and Blackstock, 2004).

Unfortunately, instead of fulfilling the potential of improving the well being of Aboriginal children, social workers effectively perpetuated the assimilation regime of residential schools by removing large numbers of Aboriginal children and placing them in non-Aboriginal homes in what became known as the 60s Scoop. The result was shocking. “Aboriginal children typically vanished with scarcely a trace, the vast majority of them placed until they were adults in non-Aboriginal homes where their cultural identity, their legal Indian status, their knowledge of their own First Nation and even their birth names were erased, often forever” (Fournier and Crey, 1997: 81). By the late

1960s, nearly every Aboriginal community had lost children to the child welfare system. In many Aboriginal communities across the country, Aboriginal children were the direct victims of Canada's assimilation policy as they were either targets of the Indian Agent through forced residential school attendance or targets of provincial social workers through apprehension into the child welfare system (Bennett and Blackstock, 2002).

The separation of children from their families, coupled with the trauma of attending residential school has resulted in multi-generational grief and dysfunction in many communities (RCAP, 1996). The Royal Commission on Aboriginal Peoples (RCAP), was the first comprehensive review of Canada's relationship with Aboriginal peoples and Nations. It culled a comprehensive review of the history to form a set of recommendations designed to significantly improve Canada's relationship with Aboriginal peoples. One of the most important recommendations was to replace the race based *Indian Act* with sustainable self government agreements that incorporated principles of justice, equality and freedom and respect for distinct indigenous societies. It was also the first comprehensive report that showed the multiple ways in which Aboriginal peoples lost, and continue to lose, their children through justice, child welfare, poverty, urbanization, adoption, suicide. Chapter after chapter referred to testimony and research that mapped out substantial patterns of loss that continue to be experienced by Aboriginal children, youth and families throughout Canada. The commissioners recognized the testimonials by Aboriginal peoples of the transformative power that the restoration of family relationships could have by incorporating recommendations for the

further enhancement of culturally based child and family programs and services (RCAP, 1996).

Although there has been some limited progress on the implementation of the recommendations of RCAP, significant recommendations remain outstanding (Hurley and Wherrett, 2000). Eight years after RCAP was completed, the *Indian Act* continues to exercise fundamental controls over Aboriginal lives while self government agreement negotiations proceed at a painfully slow pace.

The United Nations Universal Declaration of Human Rights underscores the interdependence and indivisibility of rights and their universal application. In the international community, Canada has always been respected and applauded for its human rights record and peacekeeping efforts but its record in upholding Aboriginal rights has been persistently poor.

As an international leader in children's rights, Canada was one of the first countries to ratify the Convention on the Rights of the Child (CRC) in 1991. The CRC views children as valuable citizens and right's holders entitled to the best of what society can offer to support their development in a way that respects their distinct cultures, spirituality and knowledge. It is also the first international treaty body instrument to specifically include protections for indigenous children.

The high regard Canada has earned on the international human rights stage demands that Canada not turn away from its responsibility to redress the significant socio-economic, cultural and political risks confronting First Nations, Métis and Inuit children, youth, families and Nations. The pledges of freedom, respect for human rights, equality and diversity must embody all of Canada's actions not just its rhetoric – it is what is expected by the international community and what is demanded by Aboriginal peoples.

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CHAPTER ONE: POVERTY

Introduction

Poverty shapes almost every aspect of the lives of Aboriginal children and families who experience it. It is often cited as a primary causal factor in other risks for children such as accidental injury, incarceration, lower rates of educational success and contact with child welfare and youth justice agencies. But what is poverty and why is it so pervasive in its affects? As the United Nations Committee on the Rights of the Child observed in its concluding remarks to Canada (2003), there is no national definition of child poverty and this makes identifying and responding to poverty more complicated. What is clear is that regardless of the measures utilized, First Nations and Aboriginal children are much more likely to experience poverty and its referent risks than other Canadian children.

As the Canadian Council on Social Development (CCSD) notes, “child poverty is essentially family poverty, because most children do not grow up in isolation and they are not expected to have material incomes” (CCSD, 2000:28). This is particularly important as colonization has resulted in decreases in Aboriginal community economic sustainability due to expropriation of lands and often, uncompensated, expropriation of resources.

Too often poverty is viewed as an individual problem requiring individual responses versus a collective violation of rights requiring collective remediation. Indeed, most statistics regarding poverty reflect individual household income abilities, social assistance

rates and housing adequacy. They negate the community context as a contributing or compounding factor in poverty. This chapter will examine First Nations child poverty within the context of the family and community. Here, family poverty will be defined as the ability of the parents or caregivers to ensure that each child in the family has the opportunity to reach his or her full development and potential. The chapter will then examine policies that have been developed and implemented to address this issue.

United Nations Convention on the Rights of the Child Articles

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or other responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and other responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other person having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to the international agreements or the conclusion of such agreements, as well as making other appropriate arrangements.

Article 30

In those States which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

What we Know: Poverty and First Nations Children and Youth

A study performed by the Canadian Council on Social Development (CCSD) in 1999 examined the relationship between income and child well-being. The report is based on the analysis of data collected from the National Longitudinal Survey of Children and Youth (NLSCY) [note: the NLSCY excludes data on First Nations children resident on reserve] and the National Population Health Survey (NPHS).³ The report examines 27 variables that measure child outcomes and the living conditions in families and neighbourhoods. The study found that family income levels play a crucial role in the child development process. For example, in 80% of the variables examined, the risks of negative child outcomes and the likelihood of poor living conditions were noticeably higher for children living in families with annual incomes below \$30,000 (CCSD, 1999). For this analysis, the authors divided the child development process into six categories: family, community, behaviour, health, learning outcomes, and cultural and recreational participation. This research found that children who live in low-income families experienced difficulty in all six of these categories. Poverty is not simply about lifestyle: it has the potential to determine outcomes for children and youth and therefore it is essential for Canada to address this issue.

Aboriginal peoples continue to live far below the standard of living of the Canadian population. In 1989, Campaign 2000, a non-partisan cross-Canada coalition of over 85

national and community organizations, united in securing a unanimous House of Commons resolution to “seek to eliminate child poverty by the year 2000”. Despite significant advocacy by Campaign 2000 and the introduction of the Child Tax Benefit, the federal government's primary program response to child poverty, by 2000 poverty among children had increased by 21%, meaning that 1,139,000 children lived in poverty in Canada (Campaign 2000, 2002).

Campaign 2000 has taken a leading role in research on child poverty in Canada and has given some focus to Aboriginal children. In their *2003 Report Card on Child Poverty*, Campaign 2000 states 41% of Aboriginal children off reserve live in poverty “[T]heir living conditions continue to deteriorate as families find that even their most basic needs for food, clothing and shelter are not being met” (Campaign 2000, 2003a: 3). Among Aboriginal children living on-reserve, many do not have access to the essential public services that most Canadians access. For example, provincial governments rarely offer services on reserve – taking the view that the federal government is responsible for Indians. This jurisdictional wrangling between the Government of Canada and Provincial/Territorial governments has consequences for Aboriginal children and their families. British Columbia Children’s Commissioner, Cynthia Morton described the situation this way:

The federal and provincial governments and bands across the province do not yet share a clear vision of how best to meet the needs of Aboriginal children on and off reserves. Treaty negotiations offer one means of resolving these long-standing and often neglected discussions about children, but in the meantime funding formulas and lack of clarity about roles and responsibilities, continue to place

³ Both surveys are conducted in by Statistics Canada. The NLSCY is sponsored by Human Resources Development Canada, and the NPHS is sponsored by Health Canada. Data from these surveys became available for analysis in 1995.

Aboriginal children at risk on reserves. Only when communities are given adequate health, education and child welfare supports will we see healthier and safer Aboriginal children across this province. This must be a top priority for all governments and child-serving agencies in the year to come. (British Columbia, 1999; P. 7)

The impact of the jurisdictional dispute on children and youth is compounded by the lack of voluntary sector resources for First Nations children on reserve. A study conducted by the First Nations Child and Family Caring Society of Canada (2003) found very limited evidence that First Nations children, youth and families were receiving services from the voluntary sector or that their communities were receiving funds designated for voluntary sector programs to fund their own culturally based services. This creates a critical gap where First Nations children and their families on reserve can not access critical supports such as mentorship programs, food banks, housing advocacy, youth programs, health and social supports (Nadjiwan and Blackstock, 2003). The lack of voluntary sector and public sector supports poses particularly acute challenges for Aboriginal children disabilities who often experience significant challenges in getting access to needed services (Campaign 2000, 2003a).

A report prepared by the National Council of Welfare (2001) reviewed current data on Aboriginal child poverty. Most of the data presented in the report comes from the 1996 Census which defines a child as a person age 14 years or younger. The Council found that children living in single-parent households have higher rates of poverty than children living in two-parent families. According to one study, in 1996, almost one-third (32%) of all Aboriginal children lived in a single-parent families, twice the rate for children in the general population. In urban areas, 46% of Aboriginal children lived in single parent households (NCW, 2001). Approximately 73% of Aboriginal single-mothers were poor

in 1995 compared to 45% for non-Aboriginal single mothers (NCW, 2001). The Council found that families with more children had higher poverty rates, once again stacking the risks experienced by Aboriginal children as Aboriginal women have more children than non-Aboriginal women. For example, in 1996 an Aboriginal single-parent mother had an average of 2.3 children, compared to 1.8 children for non-Aboriginal single-parent mothers.⁴

The report also noted that poor children are more likely to live in families where the major income earner does not work at all or does not work full-time, year-round.

Aboriginal people are less likely to be part of the paid workforce. In 1996, 41% of Aboriginal women and 48% of Aboriginal men were employed compared to 53.1% of non-Aboriginal women and 65.6% of non-Aboriginal men who reported employment.⁵ Of Aboriginal people who reported employment income in 1995, just over one-third worked for the full year on a full-time basis compared with half of the total population⁶ (NCW, 2001). Thus the majority of Aboriginal children live in families either do not receive consistent income or have no form of employment income. Moreover, the incomes of Aboriginal peoples who are working are substantially lower than the incomes of non-Aboriginal peoples. For example, in 1995 the average income of Aboriginal people was \$15,700. This was only 62% of the average income of non-Aboriginal people (\$25,400) (NCW, 2001).

Educational attainment by the parent(s) or caregivers is a strong predictor of child

⁴ NCW cites: Statistics Canada, Women in Canada 2000, (Catalogue No. 89-503-XPE),p 251, 254.

⁵ NCW cites: Statistics Canada, Women in Canada 2000, (Catalogue No. 89-503-XPE), 265.

poverty. NCW points out that the majority of children who were not poor lived in families where the major income earner had more than a high school diploma. Once again the disparity between Aboriginal and non-Aboriginal peoples is underlined. Only 37.9% of Aboriginal peoples had a high school diploma in 1996 as compared to 51.3% of non-Aboriginal people. Looking specifically at university degrees the disparity intensifies: only 3.3% of Aboriginal people held university degrees in 1996 compared with 13.5% of non-Aboriginal people (NCW, 2001). Using the low-income cutoffs, NCW found that in 1995 three out of five (60%) Aboriginal children under the age of six lived in poor families. The national poverty rate for all children in this age group was 25%. Among Aboriginal children six to fourteen years old, the poverty rate had decreased at 48%, but was still more than double the national rate of 22%⁷ (NCW, 2001).

Food security is also a problem. National data indicates that Aboriginal peoples are 4 times more likely to report experiencing hunger than the non-Aboriginal population (Campaign 2000, 2003b). First Nations communities in remote areas face significant challenges in ensuring a nutritious diet is affordable and available to community members. It is not unusual for perishable fresh vegetables and fruit to be amongst the most expensive foods in band stores due to high transportation costs. In fact the Association of Native Child and Family Service Agencies of Ontario have recommended that foster care providers located in rural and remote areas receive 25% more funding per child to compensate for higher costs of living (Association of Native Child and Family Service Agencies of Ontario, 2000)

⁶ NCW cites: Statistics Canada, The Daily, (Catalogue 11-001E), May 12, 1998.

⁷ NCW cites: Statistics Canada, The Daily, (Catalogue 11-001E), May 12, 1998.

But as a report commissioned by the Ontario Federation of Indian Friendship Centers (OFIFC) found food security is not just an issue for Aboriginal families in rural or remote areas. This study explored Aboriginal child poverty in seven cities throughout Ontario in 1999. Both parents and front-line workers confirmed that the level of poverty among many urban Aboriginal families has reached “the rock bottom level where even the most basic needs are not being met. Children and parents are missing meals, and/or [are] not eating the kind of food that is required to maintain their health and development” (OFIFC, 1999: 7). The report points out that food insecurity among urban Aboriginal people in Ontario has resulted in an overwhelming demand for “emergency” supplies from Friendship Centers and, in some cases, Aboriginal parents are putting their children into the care of the Children’s Aid Society in order to ensure that their children eat (OFIFC, 1999).

Most studies explore the experiences of all Aboriginal peoples and fail to account for the significant differences amongst different cultural groups. Studies that do disaggregate the experiences of Aboriginal people suggest important differences in experience are evident. For example, The *Saskatchewan Child Poverty Report* (2003) briefly examines child poverty among First Nations and Métis populations, pointing out that Statistics Canada does not include First Nations communities on reserves in developing the Low-income Cut-Offs (LICO). This report notes that of “all social groups, Aboriginal populations, which as a whole are denied the status of full social membership, experience the highest incidence of child poverty” (SPR, 2003: 5). Among First Nations children ages 0-14

living off-reserve, the incidence of poverty is 55.9%, with the majority of those children living in Saskatchewan's urban centers. The poverty rate for Métis children in Saskatchewan aged 0-14 is 36%. These figures are based on the incidence of low-income from the 2001 Census (SPR, 2003).

Beavon and Cooke (2002) performed an analysis using adaptations of the United Nations Development Programs (UNDP) Human Development Index (HDI) in order to compare Registered Indians (also known as Status Indians) with the remaining Canadian population. The analysis is calculated using data from the 1996 Census. The UNDP methodology for calculation of the HDI combines the calculation of three separate sub-indices: life expectancy, educational attainment and GDP. In the 1999 *Human Development Report*, which uses data from 1996-97, Canada was ranked as the best country in the world to live among the 174 countries included in the report, and had the highest overall HDI score (Beavon and Cooke, 2002). Registered Indians, both on and off reserve however, would be ranked about 48th among the countries in the report.

The Registered Indian population scored substantially lower than the remaining Canadian population in each area of educational attainment, income and life expectancy. Moreover, the disparity is further increased as calculations show an important difference between those Registered Indians living on reserve and those Registered Indians living off reserve. Beavon and Cooke calculated that Registered Indians living off reserve in 1996 fared substantially better than those living on reserve. Off reserve Registered Indians would rank about 35th among the other countries whereas on reserve Registered

Indians would rank approximately 79th in the world, in between Peru and Brazil (Beavon and Cooke, 2002).

Beavon and Cooke uncover shocking statistics regarding annual income: “Whereas the average total annual income for Canadian men not registered under the *Indian Act* was about \$23,500, the income for Registered Indian men living off reserve was \$10,500, and that for Registered Indian men living in reserve communities was only \$7,900” (Beavon and Cooke, 2002: 19). Non-registered Canadian women had an average income of \$13,900, while Registered Indian women living on and off reserve had an average income of \$6,400 and \$8,400 respectively (Beavon and Cooke, 2002).

So what does this mean for children? Essentially, as discussed earlier in this report, family poverty is child poverty. If the average income for First Nations families on-reserve is between \$7,900 and \$6,400 chances are that families will not be able to provide adequate support, basic needs or consistent care for their children. Canada’s reliance on the child tax benefit and Aboriginal Head Start to support impoverished families has been woefully inadequate resulting in a widespread violation of rights under the convention for large numbers of Aboriginal Children. Aboriginal Head Start, although a positive initiative, is not universally available nor was it designed as a poverty eradication program. Moreover, the child tax benefit is being clawed back by some provinces and territories meaning that families on social assistance are cut off if their child tax benefit exceeds what would otherwise be provided under social assistance programs. This means that the child tax benefit becomes a replacement, versus a supplement, to social assistance

for poor families.

Housing conditions for Aboriginal families are closely correlated with poverty and Aboriginal peoples are over represented in homelessness, under housing and over crowding. Housing availability and adequacy has been an issue for many Aboriginal families. Although over the last 10 years, an average of 2,901 new dwelling units per year were built in reserve communities, that number was reduced in 2001-2002 as only 1,872 new dwelling units were constructed on reserves (Department of Indian Affairs and Northern Development, 2003a). Although new units are getting built, in 2001-2002, 44% of on reserve dwellings were considered to be inadequate in condition (Department of Indian Affairs and Northern Development, 2003a). Overcrowding remains a problem as 19% of the dwellings on reserve have more than one person per room, compared with 2% of dwellings for Canada as a whole (Health Canada, 2003). “In many communities the backlog in housing need is great, due primarily to the size of the existing substandard housing stock (38,299 units), current overcrowding, new family formations and a return to the reserves by members, including those who regained their status under Bill C-31” (Koeck, 2000).

Adequate water systems are another cause for concern regarding housing conditions. In 1999-00, 98.1% of First Nations homes were evaluated as having an adequate water system (Health Canada, 2003). Yet the indicator of an ‘adequate water system’ describes a variety of methods, including trucking in water, even though a house may not have the plumbing required to accept the water (such as a cistern or pressurized system). Only

41% of First Nations and Inuit communities reported that at least 90% of their homes had piping to centralized water treatment plants in 1999 (Health Canada, 2003).

In general, the homes of Aboriginal people are more likely in need of major repairs such as defective plumbing, electrical wiring, structural repairs to walls, floors or ceilings, etc. Among Aboriginal people living in non-reserve areas, 18% lived in homes requiring major repairs compared with 8% for the total Canadian non-reserve population (Statistics Canada, 2003). The situation was most serious in Regina and Vancouver where 17% of Aboriginal people lived in homes requiring major repairs (Statistics Canada, 2003). Furthermore, during hearings at the Subcommittee on Children and Youth at Risk (SCYR) witnesses explained that Aboriginal people in some western Canadian cities are being further concentrated into geographical pockets of deep poverty in what appears to be the emergence of ghettos (SCYR, 2003).

Spurr and Engeland (2001) point out that only half of the Aboriginal households on reserves live in housing which met or exceeded the standards for both suitability and adequacy.

Policy

Fourteen years ago, the House of Commons unanimously resolved to “seek to achieve the goal of eliminating poverty among Canadian children by the year 2000” (Campaign 2000, 2003). Unfortunately, as noted earlier in this chapter, this policy has not been properly implemented. In fact, child poverty appears to have been negated from federal

government priorities as there was no mention of Aboriginal child poverty in the most recent *Speech From the Throne, 2004*.

The Government of Canada made a commitment in *Gathering Strength – Canada’s Aboriginal Action Plan* (1997), to support strong Aboriginal communities, people and economies. This included a pledge to care for children through early childhood development, education, and youth strategies. Although there has been some investment in economic development there has been little sustained attention to restoring self governance that underscores the success of these programs.

In Canada’s report to the United Nations it relied principally on the strategies of Aboriginal Head Start and the Child Tax Benefit to respond to a myriad of risk factors associated with child poverty. As described earlier, the problem is that these programs are insufficient in scope and in evidence to respond to the wide range of challenges facing Aboriginal communities. A comprehensive poverty reduction strategy is required that is responsive to varying community needs.

Research by Cornell and Kalt (1999) indicates that the key factor in ensuring sustainable socio-economic gains in First Nations communities is self determination. The fact that there is very limited funding for Aboriginal communities to develop their own sustainable community development plans means that poverty eradication policies in communities are principally shaped by whatever programs the federal government is willing to fund. This means, that program efficacy, relevance and coordination are not optimized. If

community development plans were funded, and program funding was more flexible, then communities could be in a position to implement their own best solutions pending the completion of self government negotiations. There is, however, very little evidence that the Government of Canada is willing to move in this direction.

Since the implementation of the new On-Reserve Housing Policy there has been a dramatic increase in the number of First Nations participants. According to Koeck (2000), as of April 1999, 209 First Nations were under the new policy and by 2000 360 First Nations had become participants – an increase of 58% (Koeck, 2000: 9). Although there has been a positive response to the new On-Reserve Housing Policy, in his assessment of the implementation of the new policy Koeck found that “the positive response was qualified with a comment that they did not have enough money to meet their needs, or that sometimes community perception limited their flexibility” (Koeck, 2000: 10). Koeck points out that the concern for most First Nations is that, while improvements are being made, current funding levels are inadequate to catch up on the significant back-log of housing need that many First Nations are experiencing due to continued high levels of sub-standard housing as well as overcrowding, new family formations, and the desire of members to return to their reserves (Koeck, 2000). Thus the new On-Reserve Housing Policy is helping families acquire better housing conditions, yet it is a band-aid solution to overall child poverty.

Summary

Although the Government of Canada portrays a very positive picture of how it supports Aboriginal children, the data that appears at the beginning of this report illustrates that the disparities that exist between Aboriginal child poverty rates and non-Aboriginal child poverty rates continue to exist at shocking increments. Moreover, as Campaign 2000 report, child poverty throughout Canada continues to exist at unacceptable levels. Therefore, although individual programs may be creating important individual opportunities for children and families the problem of Aboriginal child poverty continues to exist at intolerable levels.

Child poverty is a complex problem that cannot be eliminated through the implementation of individual programs. A holistic approach needs to be implemented, that supports families and views the protection and nurturing of children as its primary focus. Thus, programs must be designed to ensure that parents can provide for their children and must be responsive to existing inequities experienced by Aboriginal peoples.

As in other chapters, the disproportionate experience of poverty amongst Aboriginal children and youth reinforces the importance of Canada taking decisive action to reflect its commitments under the Royal Commission on Aboriginal Peoples, the Charter of Rights and Freedoms and United Nations treaty body instruments including the CRC, the Universal Declaration of Human Rights, and the Covenant on Civil and Political Rights. There is also a need to resource and support a third party independent monitoring

mechanism that is developed and carried out by Aboriginal peoples – to ensure that Canada makes sufficient progress to ensure that another generation of Aboriginal children do not have to recover from their childhoods.

Recommendations

The following recommendations are intended to address poverty concerns:

1. Make Aboriginal child poverty a priority: Unless government begins to acknowledge (a) the problem of Aboriginal child poverty and (b) the disparity that exists between Aboriginal and non-Aboriginal children the problem will never receive the attention it deserves. This means setting and achieving specific targets such as increasing the HDI score for First Nations peoples to a specific score within ten years.
2. Enhance research, particularly on the etiological drivers of child poverty in Aboriginal communities amongst all distinct groups of Aboriginal peoples.
3. Aboriginal child poverty requires much more focused research and action. The current trend of mentioning it in a subsection of broader policy reports is inadequate in light of the significance and persistence of the problem.
4. Increase access to all essential services including those provided by government, the voluntary and corporate sectors.

5. Implement existing long term housing and employment strategies that address community needs rather than government's needs and develop new ones where required.
6. All conversations regarding Aboriginal child poverty must occur between policy makers and Aboriginal communities. Assumptions that what works for the average Canadian family will work for an Aboriginal family are unfounded. Aboriginal communities have solutions and these solutions must be supported.
7. Implement programs that acknowledge the interdependence of poverty with other childhood risks reviewed in this document – it is a determinant factor in child neglect, crime, sexual exploitation, urbanization and accidental injury and suicide. It must be addressed if progress in these other areas is to be achieved.
8. Invest in comprehensive and sustainable community development planning and ensure funding regimes are flexible enough to respond to development priorities.
9. Implement the Royal Commission on Aboriginal Peoples and strenuously work toward self-government agreements.

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CHAPTER TWO: URBANIZATION

Introduction

For millennia, Aboriginal peoples in Canada travelled freely throughout the lands now known as Canada. Different Nations established traditional territories and travelled to the traditional territories of other Aboriginal Nations to trade, to engage in social, political and cultural discussions and ceremonies. Aboriginal Nations sustained themselves based on the gifts provided by Mother Earth -- leaving home because they could not meet basic needs such as housing, food, or ensuring a basic quality of life would have been unheard of. Today, many Aboriginal people must leave their cultural communities in order to have their basic needs met. Some leave because the health and social services needed to ensure life, or a quality of life, are either not available on reserve or are insufficient – this is particularly true for persons with disabilities, persons misusing substances and those experiencing family crisis.

This chapter explores why children, young people and families are leaving their communities to live in urban centers and what their lived experiences are as they move from on reserve communities to urban centres and between urban centres. Policy recommendations and their referent status of implementation are reviewed.

United Nations Convention on the Rights of the Child Articles

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in community.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capabilities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Article 30

In those States which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

What We Know: Aboriginal Peoples in Urban Centres

Research relevant to the experiences of Aboriginal peoples in urban centres tends to negate the diversity of experience and culture amongst First Nations, Métis and Inuit Nations. Most of the data treats this very diverse group as a homogenous population and thus further disaggregated data that reflects cultural diversity is needed.

In the 2001 Census, there were approximately 713,000 Aboriginal people living in non-reserve areas. This number makes up over 70% of the total population of persons who identify as Aboriginal in Canada, and includes people who live in Canada's largest cities,

other urban areas, rural areas and in the Canadian Arctic (Statistics Canada, 2001). In the same year almost one-half (49%) of Aboriginal people lived in urban areas.⁸ Moreover, urban Aboriginal people are disproportionately concentrated in Western Canada, with approximately one quarter of all Aboriginal people living in one of ten metropolitan areas (SCYR, 2003).

The urban Aboriginal population, significantly younger than the non-Aboriginal population, will represent an important component of the future labour force of urban areas (SCYR, 2003). In 2001, almost half of the Registered Indian population, (48 percent), were less than 25 years of age as compared to 32 percent for other Canadians (Department of Indian Affairs and Northern Development, 2003).

The 2001 Census also found that Aboriginal peoples are more mobile than the general Canadian population: one in five Aboriginal people moved in the 12 months before the Census was taken, compared to one in seven for the general Canadian population (SSCAP, 2003). The Committee also indicated that “[I]t is this combination of movement to and from, *and within*, urban areas that leads to a highly mobile segment of the Aboriginal population and a high residential mobility rate referred to as the ‘churn’” (SSCAP, 2003: 11).⁹

⁸ Urban areas are defined in Canada as places with a population over 1,000.

⁹ The Committee cites the following study: Mary Jane Norris, *Aboriginal Mobility and Migration within Urban Canada: Outcomes, Factors and Implications*. Research Analysis Directorate, Indian and Northern Affairs Canada. Presented to the Aboriginal Policy Research Conference, 26-28 November 2002. Data is based on the 1996 Census and reflects migration patterns for 1991-1996.

The Métis are the most likely to be urban residents and move frequently. Their chances of remaining in one location are much less than other Aboriginal peoples as one-fifth of all Métis moved in the year previous to the 2001 Census. Almost 70% of all Métis live in Canada's urban areas with one-third of Métis people living in just five cities: Winnipeg, Edmonton, Vancouver, Calgary, and Saskatoon (SSCAP, 2003).

Aboriginal children represent the fastest growing segment of Canada's youth population and they continue to lag behind the Canadian average on socio-economic indicators of wellness such as infant mortality, incidence of Sudden Infant Death Syndrome, and disability rates (SCYR, 2003). Urban Aboriginal children are approximately twice as likely as non-Aboriginal children to live in single-parent households, to be poor, and to have moved in the previous year and are four times as likely to be born to adolescent parents and to have experienced hunger (SCYR, 2003).

Reasons for Moving

Specific data on urban Aboriginal children and youth is virtually non-existent. Studies and reports that examine urban Aboriginal children and youth tend to report statistics that reflect the entire Aboriginal population instead of exploring the disaggregated experiences of First Nations, Inuit and Métis peoples.

A study conducted by the Institute of Urban Studies entitled *First Nations/Métis/Inuit Mobility Study* examined the characteristics of Aboriginal peoples who were moving in the city of Winnipeg. The study found that mobility had two important and distinct

aspects – “the initial movement into the city from other locations and the subsequent internal pattern of mobility within the city. Both were found to be occurring with considerable frequency” (Institute of Urban Studies, 2003:i). The main reasons given for moving to Winnipeg were to connect with family, gain better employment and education, access housing, health and disability services and supports.

As noted above, Aboriginal peoples are more likely to move frequently, not only from a reserve to an urban area, but between urban areas. Witnesses of the Subcommittee on Children and Youth at Risk (2003) described the impact of frequent moving on children and their families. They noted that the lack of a permanent address or phone number made it difficult to access services with waiting lists, such as subsidized daycare and housing. Participation in ongoing services is jeopardized and the ability to establish trusted service relationships and social support networks is very difficult with frequent moves. The Subcommittee also heard that many Aboriginal people move on and off reserve to access appropriate services for their children, particularly for children with disabilities because they have few choices but to relocate to urban areas. These families left reserves, either because living spaces were not accessible to children with disabilities, or because there is a dearth of services available on reserve (SCYR, 2003: 10-11).

The Standing Senate Committee on Aboriginal Peoples (2003) examined the issues affecting urban Aboriginal youth in Canada, holding 44 meetings with public sessions and hearing from over 128 witnesses. The Committee outlined the multitude of problems facing Aboriginal youth in urban areas based on the testimony and evidence presented

during the hearings. The works of this committee provides a good summary of the complex impacts of urbanization on Aboriginal children and youth:

- loss of identity, language and culture (which engenders feelings of isolation and alienation in an urban setting, making gang involvement more attractive);
- low levels of education, poor school attendance, high unemployment levels with poor job prospects;
- lack of parental involvement and support in their daily lives (dysfunctional families, absentee parents);
- being young single parents with poor parenting skills;
- substance abuse (alcohol, marijuana, narcotics, petrol, glue);
- physical and emotional abuse (inter-generational effects of residential school system, sexual abuse, family violence);
- difficulties obtaining accommodation (cannot afford adequate housing, come to urban areas without a place to stay, using emergency shelters);
- difficulties accessing services (which can range from not having enough money for transportation to not being aware of programs and services available);
- poverty (affecting health, contributing to poor lifestyles and higher rates of criminal activity); and
- racism and discrimination (affects self-esteem and confidence, fosters hostility toward broader society, feelings of marginalization and alienation). (SSCAP, 2003: 50-51)

Employment and Housing

Aboriginal young people resident off reserve have higher rates of labour force participation and employment rates than their counterparts on reserves, but they continue to lag behind the economic security of other Canadians (SCYR, 2003). For example, “there are proportionally far more Aboriginal youth and they have fewer jobs. In the big cities, 68% of non-Aboriginal youth have jobs, compared to 45% for Aboriginal youth. 55% of urban Aboriginal youth in Canada’s largest cities, and 42% of Aboriginal youth in Canada’s other town, and cities, live below the low-income cut-off” (SSCAP, 2003: 12).

A study conducted by the Canadian Council on Social Development (CCSD) examined urban poverty in Canada. The study, with data from the 1996 Census, found that in 1995 Aboriginal people in cities were more than twice as likely to live in poverty as non-Aboriginal people (CCSD, 2000). In real numbers, the study found that of the 181,000 Aboriginal people living in 47 cities across the country, 100,700 are ranked as poor. In every city, the poverty rate among Aboriginal people was considerably greater than the rate among non-Aboriginal people. It was more than double the non-Aboriginal rate in two-thirds of the cities examined, and more than three times the non-Aboriginal rate in Thunder Bay, Saskatoon and London. In Regina, the incidence of poverty among Aboriginal peoples was a remarkable 4.2 times the rate of non-Aboriginal peoples (CCSD, 2000).

The CCSD also looked directly at employment rates among Aboriginal peoples. Off-reserve Aboriginal workers took home only 69.7% of the earnings of all workers – a difference of \$8,000. When the comparison was limited to full-time, full-year workers, Aboriginal workers living off-reserve still earned only 82.2% of that of all workers. As the study points out, “Many Aboriginal people have more difficulty than others participating in the paid labour force largely due to their age and education. The average Aboriginal worker is notably younger and has a lower level of education than the average non-Aboriginal worker. As CCSD notes “in a competitive job market, younger and less-educated workers typically earn less than older and better-educated workers” (CCSD, 2000: 40).

Urban Aboriginal youth experience high levels of unemployment, which are particularly high in Regina, Winnipeg, Calgary, Saskatoon and Edmonton (SSCAP, 2003). Witnesses of the Standing Senate Committee on Aboriginal People identified a number of barriers to employment for Aboriginal youth. These include:

- low levels of education;
- low or inappropriate skill levels;
- high levels of mobility and transience;
- poverty and family dysfunction;
- discrimination; and
- limited job experience. (SSCAP, 2003: 81)

Poor housing conditions and overcrowding also play a significant role in the lives of urban Aboriginal youth. Census data from 2001 indicates that Aboriginal people are more likely to live in crowded conditions. Some of the key findings include:

- In all regions of the country, the homes of Aboriginal people living in non-reserve areas were more crowded than those of all Canadians, although the situation is improving slightly over time. (For the purpose of this analysis, crowding is defined as 1.0 or more people per room.)
- 7% of the total Canadian non-reserve population lived in crowded conditions, down slightly from 8% in 1996. Among Aboriginal people in non-reserve areas, the proportion was 17% in 2001, but this is down from 22% in 1996.
- Aboriginal children aged 14 and under were nearly twice as likely as all Canadian children to live in crowded conditions. While 25% of Aboriginal children in non-reserve areas lived in crowded conditions in 2001, the comparable figure for all Canadian children in non-reserve areas was 13%.
- Crowding among Inuit in the Far North is a serious concern. There, 53% of Inuit lived in crowded conditions, compared with 13% of all Aboriginal people living in urban areas across the country and 19% in rural areas outside the Canadian Arctic.
- Crowding is an issue for Aboriginal people living in many of Canada's largest cities, particularly Winnipeg, Regina, Saskatoon and Edmonton. In these four cities, rates of crowding for Aboriginal people were much higher than those for the total population. (Statistics Canada, 2003: 24-25)

According to Health Canada, inadequate housing can be associated with a host of health problems such as the transmission of infectious diseases such as tuberculosis and hepatitis A, increased risk of injuries, mental health problems, family tensions and violence (Health Canada, 1999: 14). Comprehensive health statistics concerning the urban Aboriginal youth populations are not readily available; however it is known that Aboriginal youth have higher incidences of preventable diseases and disabilities, mortality rates, and suicide rates than that of other Canadian youth (SSCAP, 2003). The only data available on the health of urban Aboriginal youth was collected for the 2001 Census. Overall, the Aboriginal non-reserve population rated their health status lower than the total Canadian population; however among youth this gap was not as significant. About 69% of Aboriginal peoples aged 15-24 in non-reserve areas rated their health as very good or excellent compared with 71% of the total population in the same age group (Statistics Canada, 2003).

Family Structure

Urban Aboriginal youth are more likely to live in lone parent families than their on reserve counterparts. Approximately one third of on reserve children live in lone parent families as opposed to half of urban Aboriginal youth, with the percentages in the large Prairie centres reaching as high as 50%; only 17% of non-Aboriginal children live in lone-parent families (SSCAP, 2003).

The Subcommittee on Children and Youth at Risk (2003) looked closely at family structure for their report and found that Aboriginal children are more than twice as likely as non-Aboriginal children to be in single-parent households and three times as likely to

be born to teenage mothers. Indeed, single-parent urban Aboriginal families are usually headed by women, and most often live in poverty (SCYR, 2003). The CCSD study stipulates that there is little question that “lone-parent families had remarkably high poverty rates, particularly when compared to the rates for other household types within the same cities” (CCSD, 2000: 43). The CCSD found that lone-parent families have a poverty rate of 59.2%, calculating that the total number of lone parents in all cities is 333,600, with 197,500 of this total being poor; couples with families have a poverty rate of 18.7% (CCSD, 2000: 45).

Analysis of data from the National Longitudinal Survey on Children and Youth (NLSCY)¹⁰ indicates that adolescent mothers are more likely to be depressed, have lower educational outcomes, be single mothers, and live in poverty (SCYR, 2003). The high levels of depression could have significant repercussions for Aboriginal children and youth, as research indicates that children of depressed mothers are 1.5 times more likely to have poor cognitive development, and twice as likely to display behavioural problems. The children of adolescent mothers are more likely to demonstrate difficult temperament and have lower vocabulary scores than children of older groups of mothers¹¹

(Subcommittee on Children and Youth at Risk, 2003: 11-12).

¹⁰ The committee cites the following study: The National Longitudinal Survey on Children and Youth (NLSCY) is a long-term study of Canadian children, jointly conducted by Statistics Canada and Human Resources Development Canada, that follows their development and well-being from birth to early adulthood. It excludes First Nations children living on reserves and children in child welfare placement.

¹¹ The committee cites the following study: Susan Dahinten and J. Douglas Willms, “The Effects of Adolescent Child-Bearing on Children’s Outcomes” in J. Douglas Willms (ed.) *Vulnerable Children*. 2002, p 249.

The Subcommittee also discussed the paradox that, while many single-parent families move to cities to access employment, housing, health, and educational opportunities, they are often unable to access these services. Without the support of their families and communities of origin, many of these parents experience great isolation. However, the committee also heard that many young urban Aboriginal parents demonstrate great strength and resilience:

We appreciate the genuine care that they (young parents) have for their families and their children. We marvel at their determination when wading through red tape that's often involved in the services they have to seek. We validate their courage in asking for guidance and support despite the stigmas that are attached to the services. Most of all, we admire their ability to envision a brighter future for themselves, their families, their children.¹² (SCYR, 2003: 12)

Gangs

It is difficult to estimate how many Aboriginal youth are affiliated with gangs and whether that affiliation equates with criminal behaviour. Recent estimates suggest that in Winnipeg approximately 2,000 Aboriginal youth are in gangs, while in 2003 the Edmonton Aboriginal Youth Gang Task Force reported twelve Aboriginal gangs with more than 400 members operating in Edmonton (SSCAP, 2003). Research indicates that imprisonment of gang members is ineffective at best and counter-productive at worst because much of the recruitment occurs in prison. Preventing gang membership before it occurs is much easier than attempting to remove people from the gang once they are in it¹³.

¹² SCYR, *Evidence*, Ms. Nadine Egler-Wiome (Rainbow Youth Centre), April 30, 2003, (1620).

¹³ As reported by the Solicitor General (1999).

Aboriginal gangs in urban areas have reached crisis proportions, particularly in the Prairie regions. An article, written by Lloyd Dolha, appeared in the *First Nations Drum* in the fall of 2003 and reviewed the findings of a variety of reports regarding Aboriginal gangs. In the annual report by Criminal Intelligence Canada (CISC), Aboriginal-Based Organized Crime (ABOC) has become one of the national agency's intelligence priorities (Dolha, 2003). Released on August 22, 2003, the report states that Aboriginal gangs are present in several urban centres across Canada, particularly in Winnipeg, Regina and Edmonton. These gangs are generally involved in street-level trafficking of marijuana, cocaine, crack cocaine and crystal methamphetamine. They are also involved in prostitution, break and enter, robberies, assaults, intimidation, tobacco fraud, home invasions, vehicle theft, weapons offences, illegal gambling and debt collection. Nationally, the primary gangs are the Indian Posse, Redd Alert, Warriors and Native Syndicate, with a number of smaller gangs that frequently form and reform.

One day before the release of the CISC report, the Federation of Saskatchewan Indian Nations (FSIN) released its own report on Aboriginal youth gang violence entitled *Alternatives to Non-Violence Report: Aboriginal Youth Gangs Exploration* (Dolha, 2003). This report was the result of a two-year examination of the conditions underlying the growing gang phenomena within Saskatchewan's major urban centres. The report found that of the 98,000 youth in Saskatchewan between the ages of 12-17 years, approximately 15,000 are Aboriginal youth. "Based on known risk factors such as poverty, lack of opportunity for employment, institutional racism and discrimination and a sense of hopelessness and despair, many of these 15,000 Aboriginal youth are at-risk of being

recruited” (Dolha, 2003: 2). According to the FSIN, Aboriginal youth in the Prairie Provinces join gangs for money, power and excitement and are characterized by feelings of disenfranchisement from the community and family, with no attachment to school (Dolha, 2003).

Sandra DeLaronde-Cook presented at the National Forum on Youth Gangs, December 1999, and shared her findings regarding Aboriginal youth gangs in Manitoba. She explained that Aboriginal youth are drawn to the collectivism of gangs and the sense of protection rooted in traditional warrior societies (DeLaronde-Cook,1999). The Standing Senate Committee on Aboriginal Peoples also examined Aboriginal gang culture: “Marginalized and powerless, many Aboriginal youth are left searching for a sense of belonging, community and identity. Gang affiliation and membership can provide Aboriginal youth with a feeling of empowerment, purpose and acceptance” (SSCAP, 2003: 75).

Policy

As noted before the primary response of the federal government to urbanization of Aboriginal children and youth is the Urban Aboriginal Strategy. The following section describes this and other government policy initiatives targeted to Aboriginal children and youth off reserves.

The Government of Canada’s Privy Council Office characterize the Urban Aboriginal Strategy as follows: “The Urban Aboriginal Strategy (UAS) was introduced in 1998 to

address, in partnership with stakeholders, the serious socio-economic needs of Aboriginal people resident in urban areas. The strategy is designed to improve policy development and program coordination at the federal level and with other levels of government and to better tailor government programs to local needs. The specific objectives of the Urban Aboriginal Strategy are to:

- Target urban Aboriginal socio-economic needs within new and renewed federal initiatives;
- Coordinate and improve access to programs and services;
- Raise awareness of the challenges facing urban Aboriginal people;
- Coordinate policy research, knowledge, and information sharing related to urban Aboriginal issues; and
- Improve horizontal linkages and policy integration within federal government and seek opportunities for partnerships with other stakeholders (e.g. provincial and municipal governments, Aboriginal groups, and the private sector).” (PCO, 2003a)

In the 2003 *Budget*, the Government of Canada dedicated \$25 million for three years in new funding to the UAS to develop pilot projects in eight priority cities (Vancouver, Edmonton, Calgary, Saskatoon, Regina, Winnipeg, Thunder Bay and Toronto) (PCO, 2003a). In the 2004 *Speech from the Throne* the Government of Canada reaffirmed its commitment to the UAS: “Too often the needs of Aboriginal people off reserve are caught up in jurisdictional wrangling. These issues cannot deter us. The Government of Canada will work with its partners on practical solutions to help Aboriginal people respond to the unique challenges they face. To this end, the Government will expand the successful Urban Aboriginal Strategy with willing provinces and municipalities” (Canada, 2004).

In 1995 Health Canada initiated *Aboriginal Head Start in Urban and Northern Communities* in an early intervention program for Aboriginal children aged zero to six and their families. The program focuses on preschool projects that include components of culture and language, education, health promotion, nutrition, social support programs and parental involvement (SCYR, 2003). This program, however, is not universally available nor is it always available on reserve communities so children who move on and off reserve often experience disruptions in program access. As Aboriginal Head Start has never been evaluated, the Government of Canada is currently undertaking a national formative evaluation of this program. Although formative evaluations can not assess whether the program itself is making a difference for children as there is no control group in this type of evaluation design, it does describe the impressions of parents and other professionals.

The federal government also funds a number of employment programs specifically targeted to Aboriginal youth. Some of the key federal initiatives include:

- The *Youth Employment Strategy* (YES) is a federal initiative designed to assist youth in making successful transitions to the labour market (\$51 million).
- The *Youth Entrepreneurship Program* (YEP) is designed to support Aboriginal youth to become better entrepreneurs.
- The *Aboriginal Human Resources Development Strategy* (AHRDS) is a five year \$1.6 billion investment (over \$300 million a year) designed to increase the employment opportunities for Aboriginal people. Under the AHRDS, Human Resources Development Canada enters into partnerships with Aboriginal organizations - or Aboriginal Human Resources Development Agreements (AHRDA's) – allowing them to design, deliver and implement employment and training programs. The AHRDS sets aside \$25 million annually for youth and \$30 million is target to urban areas. (SSCAP, 2003: 82)

The *National Aboriginal Youth Strategy* (NAYS) was endorsed in 1999 by federal, provincial and territorial ministers responsible for Aboriginal affairs, and by the leaders of five national Aboriginal organizations. The goals of the strategy do not include specific issues facing urban Aboriginal youth (HRDC, 2001).

Similarly, *Gathering Strength: Canada's Aboriginal Action Plan* (1997) recognizes urban issues as a serious concern for Aboriginal people and calls for the establishment of better services, programs and opportunities for urban Aboriginal peoples but does not specifically mention Aboriginal young people (Department of Indian Affairs and Northern Development, 1997).

The federal government provides funding for services to urban Aboriginal peoples indirectly through programs available to the general population. These programs include the Early Childhood Development Initiative (ECDI), the Community Action Plan for Children (CAPC), the Canada Prenatal Nutrition Program (CPNP) and Health Canada's Fetal Alcohol Syndrome/Fetal Alcohol Effects (FAS/FAE) Initiative (SCYR, 2003).

While some provincial governments have identified services to Aboriginal peoples as a priority, others have not. This is also true for contracted service providers that are retained by government – some prioritize culturally based services to Aboriginal peoples others do not. This results in disparities in the availability of Aboriginal-specific programs and services across the country (SCYR, 2003).

It is also important to note that while these initiatives are positive, they fail to respond to the experiences of Aboriginal peoples in a comprehensive and coordinated way which not only enriches their living experience in urban areas but redresses inequality of opportunities on reserves ensuring that people move out of choice instead out of necessity. There is also a lack of programming for children 7-12 years of age as the programs described above are for children 0-6 or youth. Funding regimes need to be responsive to varied experiences of Aboriginal communities throughout Canada – too often centralized funding regimes are rolled out without adequate consideration to varying community priorities.

Policy Implementation

The Subcommittee on Children and Youth at Risk (2003) looked specifically at the implementation of programs targeting Aboriginal children and youth. The findings of this section are drawn directly from this report, as little information exists on either the status of policy implementation or the effectiveness of government programs in this area.

The federal government has historically claimed responsibility for First Nations on reserve and Inuit in Inuit communities, but not for off-reserve Aboriginal peoples. Many provincial governments have maintained that the federal government is responsible for all Aboriginal peoples, and until recently have limited their responsibility for off-reserve Aboriginal people to programs and services available to the general population.

Although the federal government, over the last 10 years, has begun to take responsibility for off-reserve Aboriginal peoples, great disparities exist in funding urban programs and

services. In his presentation before the Subcommittee, the Federal Interlocutor for Métis and Non-Status Indians noted that “of the almost \$8 billion per year that the Government of Canada invests in Aboriginal-specific programming of various kinds, almost 90% goes to assist First Nations people on reserve – that is, less than one-third of the total Aboriginal population”¹⁴ (SCYR, 2003: 6) It is important to know that unlike First Nations on reserve, Aboriginal peoples off reserve do benefit by services provided by the provincial/territorial and municipal governments. The increased level of provincial and municipal government support is not reflected in the Federal interlocutor’s statement of resources however there can be no doubt that culturally based services off reserve are sadly lacking.

The Federal Interlocutor also noted that, off reserve, 22 federal departments currently deliver eighty programs to Aboriginal people in a relatively uncoordinated fashion. The Subcommittee noted that “the jurisdictional web in which urban Aboriginal policy-making takes place includes silos both within and between the municipal, provincial and federal levels of government” (SCYR, 2003: 7).

While the impact of the UAS three year pilot project program is not yet known the Subcommittee noted in order to the project to be successful, Aboriginal service providers must be included in the process: “Given the significant barriers to accessing services (...), we feel that the Urban Aboriginal Strategy provides an ideal opportunity to bring together service-providers who work with Aboriginal children in order to capitalize on these

¹⁴ SCYR, *Evidence*, Hon. Ralph Goodale (Federal Interlocutor for Métis and Non-Status Indians), February 19, 2003, (1520).

services as a ‘hook’ for connecting people to appropriate programs and a ‘hub’ around which those services can be organized”¹⁵ (SCYR, 2003: 15)

In testimony regarding *Aboriginal Head Start in Urban and Northern Communities* the Subcommittee found that the program meets only a small proportion of the needs for Aboriginal preschool children, currently providing spaces for 3,500 children across the country. A funding increase in the 2003-2004 fiscal year will result in an additional 1,000 spaces in this program; however this will still fall short of the demand in most Western Canadian urban centres (SCYR, 2003: 21). The Subcommittee also found that policy across the board seems to be faltering in the following areas: health, child welfare, education, culturally relevant programming, disability, and providing services for children between the ages of 6-12 (SCYR, 2003).

The Standing Senate Committee on Aboriginal Peoples found that the duration of the employment initiatives mentioned above are too short to be effective. Thus, while youth may obtain some low level of skill training, fundamental barriers to employment continue to go unresolved (SSCAP, 2003).

Summary

So what does this mean of Aboriginal children and youth? Essentially, Aboriginal children and youth resident in urban areas are much more likely to live in unstable, unsafe, poor conditions than other Canadian children. It also means that Aboriginal

¹⁵ The Subcommittee cites: The concept of the early childhood development as a “hook” and “hub” was presented in the testimony of Dr. Jessica Ball, the Coordinator of the First Nations Partnership Programs and Professor in the School of Child Care and Youth Care at the University of Victoria.

peoples are leaving their home communities because basic opportunities such as employment, education or adequate housing and health services are not available on reserves. Too often Aboriginal peoples are asked to choose between remaining in their cultural community connected with family and moving to meet some of the very basic life needs. Although one can argue that these are choices faced by all Canadians, the disproportionate risks and lack of socio-economic infrastructure on reserves makes this less of a choice for Aboriginal peoples and more of a forced relocation.

There is a critical need for disaggregated data in this area that describes the longitudinal experiences of Aboriginal peoples moving on and off reserve and within urban centers. Additionally, culturally based program evaluations must be undertaken in order to judge policy efficacy.

Recommendations

Given the unacceptable levels of risk experienced by Aboriginal children, youth and families in urban centres it is shocking that policy has failed to deal directly with the root causes of the disparities.

1. The Royal Commission on Aboriginal Peoples outlined numerous recommendations that the Government of Canada was asked to implement. Unfortunately, little has been done to implement these recommendations. Furthermore, the Standing Senate Committee on Aboriginal Peoples (2003) outlined 20 policy recommendations including removing status-based restrictions to make post-secondary student support available to all Aboriginal youth,

including Métis and non-Status Indians, and provide culturally appropriate urban transition programming for Aboriginal youth who move to urban centres, linking services, wherever possible, to communities of origin (SSCAP, 2003). The SSCAP also noted that in order for youth employment strategies to be effective they must focus on strategic and long-term objectives (SSCAP, 2003).

2. The spirit of the recommendations of the Subcommittee outline the need to confront the adequacy of programs, the breaking down of silos between government departments and between level of government, develop holistic approaches to working with urban Aboriginal youth, and the recognition that urban Aboriginal children and youth require programs that recognize their socio-economic and cultural realities (SCYR, 2003: 25). The Government of Canada answered the Subcommittee on Children and Youth at Risk directly, issuing a statement one month after the release of the report. The federal government response includes the following:

- 1) Although the Government of Canada cannot, through this response, necessarily adopt every recommendation of the Committee, the Government wants to assure the Committee that all of the recommendations will be given serious consideration as urban Aboriginal policies and programs are designed.
- 2) Identifying a government department to take responsibility for providing policy and organizational coordination among all departments with programs for Aboriginal people, as the Committee recommends, would require fundamental changes to the machinery of the Government of Canada. As such, the Government is not prepared at this time to implement this recommendation.
- 3) The Government of Canada is aware that, over time, funding levels for AHS (Urban and Northern Communities) may need to be increased incrementally to enable the programs to maintain a consistent level of service (PCO, 2003b).

3. In general the *Response of the Government of Canada to the Fourth Report of the Standing Committee on Human Resources Development and the Status of Person with Disabilities* is disappointing and illustrates the lack of political will to make urban Aboriginal youth a priority. In order to make a serious impact on the lives of urban Aboriginal youth many of the recommendations, if not all of them that have come out of these committees must be implemented. And they must be implemented in partnership with Aboriginal organizations, community members and Aboriginal youth who must play a role in this discussion.
4. Comprehensive disaggregated data must be gathered on urban Aboriginal youth. As the SSCAP notes, Statistics Canada informed the Committee that they have as yet no way to discern whether an urban Aboriginal person was a first-time urban resident, a second-generation or greater urban resident, or what the full mobility patterns or history of the person might be.
5. Existing programs for Aboriginal youth need to be universally available and programs for children 7-12 years of age require development and coordination with existing programs for other age levels to ensure a continuum of care for children throughout their developmental stages.
6. There also needs to be much more research that expresses the disaggregated experiences of Inuit, First Nations and Métis peoples living in urban areas as well as longitudinal studies that explore the life experiences of children and youth over time. Investment in culturally based indigenous research and evaluation frameworks will measure program and policy efficacy in meeting the needs of Aboriginal peoples in urban centres.

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CHAPTER THREE: SUBSTANCE MISUSE

Introduction

This chapter will examine the efforts of the Government of Canada to observe the United Nations Convention on the Rights of the Child (CRC) in respect to substance misuse among First Nations youth. First, data will be reviewed to illustrate the problems that young Inuit and First Nations people are experiencing and how such risks could be redressed if the CRC was fully implemented. Finally, the policy frameworks will be examined to see if they have been fully implemented, in accordance with the CRC. At the end of the chapter final recommendations will be made regarding this area of concern.

United Nations Convention on the Rights of the Child Articles

Article 30

In those States which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 33

States Parties shall take all appropriate, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

What we Know about Substance Misuse and First Nations Youth

Although there are many reports indicating that substance misuse amongst Aboriginal youth in Canada is much higher than the mainstream population there is a critical gap in comprehensive national disaggregated data that describes the experiences of Aboriginal young people with various substances. The Aboriginal Peoples Survey (Statistics Canada, 1991) revealed that 73% of First Nations peoples indicated that alcohol misuse was a problem in their communities and 59% indicated that drug abuse was also a

problem. Studies specifically on Aboriginal young people tend to be regional in nature. For example, the Northwest Territories Drug and Alcohol Survey (1996) found that Aboriginal youth were 11 times more likely than non Aboriginal youth to have abused solvents or sniffed aerosols, 3 times more likely to use marijuana or hashish and 3 _ times more likely to use LSD, speed, cocaine, "crack" or heroin. Scott conducted a study in 1997 and found that 20% of Aboriginal young people reported abusing solvents and, of these, half began sniffing solvents before age 11 (Scott, 1997.) The dearth of statistical data is stunning in light of the reported significance of the problem. The lack of solid research complicates addressing causal factors for substance misuse and providing treatment support to young people and their families.

Contributing Factors to Substance Misuse

Several authors suggest that government policies often seem to be a reaction to deplorable social conditions in First Nation and Inuit communities, as opposed to preventative measures that would preclude suffering and poverty in such communities (Timpson, 1993; Klos, 1997; Reinke; Jacobs & Gill, 2002). A study commissioned by the Canadian Housing and Mortgage Corporation, Klos (1997), conducted telephone interviews with 19 service providers working for Aboriginal agencies throughout Canada. She found that colonialism and marginalization, combined with low socio-economic status, substance abuse, physical and mental illness, domestic and/or sexual abuse, release from prison, family breakdown, and a lack of adequate housing contributed to homelessness of Aboriginal people. Although Klos (1997) did not interview any homeless Aboriginal people for her study, her results point out that substance abuse is often tied to many other social issues in First Nations communities.

Jacobs and Gill (2002) explored the linkage between substance misuse and past experiences of physical and sexual abuse. They conducted open-ended interviews with 30 Aboriginal people, and triangulated their results by collecting data from structured interviews with 245 Aboriginal people. Their data showed that in 51.8% of cases, physical abuse led to substance abuse, and in 61.6% of the cases, sexual abuse was also a contributing factor in the development of a substance abuse problem.

Timpson (1993) examined the "Sixties Scoop," wherein thousands of First Nations and children were removed from their family homes and placed in foster care or adopted by non-Aboriginal families. She reviewed Children's Aid Society statistics and financial reports from the 1950s to the 1970s, and triangulated her data by interviewing Aboriginal people who were wards of the state in Southern Ontario, social workers, and public servants. Timpson found that the family breakdown created by the mass removal of Aboriginal children and their placement in non-Aboriginal homes contributed to substance abuse problems in subsequent generations. Much like residential schools the placement of children away from their communities disrupted their parenting knowledge and sense of identity.

Other authors emphasized the value of attachment, and examined the correlation of poor familial relationships to substance misuse in First Nations youth (De Wit, Embree, & De Wit, 1999; Hammond, 2000). De Wit, Embree, and De Wit (1999) surveyed residents of Ontario reserves, and triangulated the results by comparing them to a sample data set from the Ontario Health Survey Supplement 1990-91. The study compared parent-child attachment to the onset age of drug and alcohol use amongst Aboriginal and non-Aboriginal youth. Both groups were less likely to drink at an early age if they had close parent-child relationships. Furthermore, a positive correlation was found between early ages of drinking and drug use onset and grave social and physical health consequences --

the younger either group was when they first used drugs or alcohol the more likely they were to experience ill health because of it. Similarly, Hammond (2002) found that youth with insecure attachments to their family, and who lived in dysfunctional families, were more likely to abuse substances.

Solvent misuse is also highly correlated with family attachment and this factor plays a critical role in influencing age of onset of solvent misuse. Coleman, Charles, and Collins (2001) studied 78 children (aged 7-17) treated for solvent abuse by the federal government and found that the average age at which children began abusing solvents was 9.72 years. Seventy-four percent of the children relapsed after treatment, and all of the patients experienced poverty, violence and witnessed their parents misusing substances. Children who were particularly vulnerable to relapse sniffed solvents immediately before entering treatment, and were hospitalized during treatment. Smart (1997) confirmed the findings of De Wit, Embree, and De Wit, and provided a case study of some children from an Inuit community who became hooked on solvents at an early age, and promptly entered a cycle of poverty, ill health, violence and further substance abuse. Witt (1998) argued that this cycle would continue to be unbroken until solvent abuse programs incorporated First Nations and Inuit teachings; without pride in their culture, young people would continue to punish themselves for being part of a cultural group that has been subordinated by a colonizer.

The literature on fetal alcohol syndrome/effect (FAS/E) provides an equally bleak picture of substance abuse amongst First Nations and Inuit youth (Harris, McKay, & Osborn, 1995; Kowlessar, 1997; Williams & Gloster, 1999; Loewen, 2000). Kowlessar (1997) used a cross-sectional survey to study FAS in 178 children (aged 5-15 years). He conducted interviews with birth mothers of children with FAS, reviewed the birth records of the children, had a clinical geneticist examine the dysmorphology of the youth, and

asked a retired teacher to administer a battery of psycho-educational tests to the research subjects. He found that FAS led to decreased weight, height, head circumference, palpebral fissure lengths (the opening between upper and lower eyelid) and mid-face hyperplasia (incomplete or underdeveloped tissue in the middle of the face). Harris, McKay and Osborn (1995) conducted a case study of three children with FAS/E and found that they had developed autism in addition to the alcohol-related syndrome.

While Kowlessar (1997) and Harris, McKay and Osborn (1995) focused on the physical effects of FAS, Loewen (2000) studied the socio-epidemiological aspects of the disorder. He used semi-structured interviews with a grandmother, her daughter, and her granddaughter to investigate the impacts of the intergenerational trauma related to residential school on substance misuse. He also found that FAS/E led to maladaptive behaviours like lying, a lack of concern for others, and a desire to act outside social norms, and that the effects of FAS/E grew more devastating in each successive generation. Moreover, because the grandmother never healed from the trauma she experienced residential schools, she passed that unresolved trauma on to her daughter, who in turn passed on pain to a granddaughter. Time did not heal this wound; it made it worse as each generation faced successive traumas based on the unresolved pain and grief of residential schools.

Other authors research potential ties between social factors and substance abuse in First Nations youth (Kirmayer, Brass, & Tait, 2001; Thibeault, 2002; Kirmayer, Simpson, & Cargo, 2003). A literature review conducted by Kirmayer, Simpson, & Cargo (2003) outlined several studies showing that colonialism had created many of the mental health issues experienced by First Nations youth (depression, substance abuse, cultural anomie, etc.). Substance abuse treatment programs should not simply treat addictions; they had to

engage in political action that alleviated the social conditions contributing to substance abuse problems.

Norton, Rockman, Malan, & Brian (1995) investigated links between panic attacks, suicide attempts, and substance abuse and found that Aboriginal substance abusers in northern Ontario communities commonly had panic attacks, and would attempt suicide within four weeks of the attack. When the research subjects were asked what triggered the panic attacks, and the sense of hopelessness that led to suicide, unemployment was identified as the most common cause of the initial panic attack. Thibeault (2002), in a literature review, cited several studies that detailed how economic and environmental factors contributed to Inuit well-being, while a similar study by Kirmayer, Brass and Tait (2000) showed the social origins of mental health in First Nation communities. However, the lack of quantitative data in these studies limited the strength of their conclusions, and much of the data overlooked the possibility that trauma, not social factors, were the key determinants of substance abuse. Perhaps oppression, combined with trauma, was the most likely source of a substance abuse problem.

Data from the Canadian Incident Study on Reported Child Abuse and Neglect suggests that substance misuse, poverty and inadequate housing play key roles in predisposing Aboriginal families and their children for contact with child welfare authorities. This suggests that substance misuse programming should be more closely correlated with child welfare interventions (Trocme, Knoke and Blackstock, 2003)

Clearly, more quantitative and qualitative research is necessary to clarify this issue.

Cross-sectional studies of substance users, their trauma history, and their socio-economic status need to be undertaken, along with rigorous interviews with treatment participants, service providers and Elders, field observations from studies of treatment programs, and a critical analysis of the existing literature could all contribute to the study of this problem.

Treatment

Research on treatment efficacy is significantly needed – especially evaluation studies that incorporate control groups so as to better understand the direct impacts of differing treatment designs. This is particularly critical to determine the respective efficacy of culturally based versus non culturally based interventions. In addition, there is a terrific need for youth based studies that consider the special developmental factors associated with adolescents.

The following summarizes the available research on a myriad of treatment methodologies:

Henley (2002) conducted semi-structured interviews, analyzed websites, reviewed the publications of Alcoholics Anonymous, and examined studies that defined "Aboriginality." He concluded that the Alcoholics Anonymous program was applicable to Aboriginal teachings. Contrarily, Morrisseau (1998) passionately criticized such programs, and found that youth in general despised twelve step programs. Chanteloup (2002) also found that 12 step programs were symptomatic of oppression -- the programs blamed individuals for their failure to abstain from drugs and alcohol, and did little to address the *drunken Indian* stereotype that caused pain for so many First Nations and Inuit youth.

Other authors researched culturally based forms of treatment (Dolan, 1995; Wiebe & Huebert, 1996; Parker, 1999; Borrows, 2001; Hudson & Taylor-Henley, 2001).

Dolan (1995) studied the cultural differences between First Nations healing traditions and non-Aboriginal treatment programs. He surveyed 54 Native youth in Cape Breton,

and found that 57% of the children saw the Aboriginal counsellor once, or never at all. However, 82% of them did not want to see the non-Aboriginal school counsellor. However, the fact that nearly 60% of the children were not interested in seeing any counsellor, Aboriginal or non-Aboriginal, indicated that both counselling systems were largely ineffective. The students stated that they wanted helping professionals to validate their cultural identity, personal and substance abuse counselling, academic support, and improved access to counselling. Dolan also found less counselling was provided in provincial/territorial schools than in First Nation based educational facilities. Furthermore, Dolan noted that the collective approach to healing in First Nations was often preferred to the individualistic healing approach of urban schools.

Other researchers investigated the counselling strategies that could bridge the cultural gap, and allow off-reserve youth to attend educational facilities, but remain linked to their traditional teachings (Cloutier, 1997; Australian Centre for Equity Through Education, 1998; Halas, 1999; Evans, 2001). The Australian Centre for Equity Through Education (1998) studied the school system in Saskatchewan, and found that strong ties were necessary between the schools and social services to reduce substance abuse -- if a problem was identified early enough, both sectors could intervene and provide needed assistance. However, this system might not work for youth who did not identify with mainstream education, and who may feel that they were being forced to adapt to mainstream society.

A review of the literature itself provided no consensus on whether or not to combine various forms of treatment. The components of an Aboriginal treatment program varied from Nation to Nation, although there were some similarities. Most traditional healing programs offered a sweat lodge ceremony (Benton Benai, 1988; Bruchac, 1993), sharing circles (Hart, 1996, 2002), traditional storytelling groups (Hart; 2002; Duran & Duran,

1995), and workshops on drumming, singing, traditional arts and crafts and language (Brant, 1990; Morrissette, McKenzie, & Morrissette, 1993; Monture-Angus, 1995; Nabigon & Mawhiney, 1996; Graveline, 1998; Morrissette, 1998; Monture-Angus, 1999; Poonwassie & Charter, 2001; Hill, 2002). However, Iroquois Nations have often substituted sweat lodges in favour of longhouse ceremonies (Myers, Mitchell, Buck, & Thomas, 1984; Thomas & Boyle, 1994). Western nations, in Alberta and British Columbia, also perform ghost dance or sun dance ceremonies (Peat, 1994; Zitkala, 2001) that are not typically practiced further east.

Despite regional variations in the traditional activities offered to Aboriginal communities, most of these programs provide a chance for Aboriginal people to recover together in community, and an opportunity to learn about the Aboriginal view of history that was subordinated by the process of colonization (Duran & Duran, 1995). These same teachings also promoted a balance between mind, body, spirit and emotions, and it was thought that if a person had achieved wellness in all four of these aspects of themselves, then would have achieved a balance that could also help their community to heal (Bopp, Bopp, Brown, & Lane, 1984; Benton-Benai, 1988).

Many other scholars also showed that it was possible to respect traditional Aboriginal values, while sharing power between a worker and their clients (Minor, 1992; Garrett & Garrett, 1994; Herring, 1994; Garwood, 1995; Wade, 1995; Hart, 1996; McCormick, 1996; Angell, 2000). Minor (1992) described the teachings of Inuit culture, and the value of interdependence in their culture. Hart (1996) found that the value of interdependence was also present in Aboriginal sharing circles. Though clients and workers participated, all group members were seen as equal, a distribution of power shared amongst the First Nations of British Columbia (McCormick, 1996). Angell (2000) found that strengthening family relationships helped to build cultural resilience in Aboriginal people, yet many Aboriginal people grow up away from their family, due to forced adoptions, and therefore

do not have family relationships to develop -- the value of interdependence in various First Nation communities would allow people torn from their biological parents to find an extended family.

The tension about how to characterize healing, and Aboriginal identity, was prevalent in the literature. Just as one researcher found that the acceptance of traditional ways defined the identity of an Aboriginal person, another scholar postulated that that traditional teachings could be modernized, thus changing the traditional view of what it meant to be Aboriginal. For example, Hill (2002) found that a traditional healing program, combined with reality therapy, would help the people of Six Nations recover from addiction. Yet, directly challenging a client's behaviour, an action that is at the basis of reality therapy, would violate the Aboriginal ethic of non-interference and cause many Aboriginal clients to leave therapy programs, permanently (Goodtracks, 1973; Brant, 1990; Morrisseau, 1998; McCormick, 1997; Weaver, 2002).

In short, most studies seemed to suggest that many First Nations youth experience substance abuse issues, due to intergenerational trauma (Loewen, 2000), poverty (Kirmayer, Brass, & Tait, 2000), FAS/E (Kowlessar, 1997), sexual/physical abuse (Jacobs & Gill 2002) and poor familial relationships, yet no clear solutions to these problems were presented. Furthermore, too few studies by Aboriginal authors were conducted. Witt (1998) suggested that culturally specific treatment programs be developed to treat substance abuse in Inuit communities. Dolan (1995) found that Aboriginal youth in Nova Scotia felt alienated from non-Native counsellors and would rarely see, see Aboriginal counsellors. Although Aboriginal youth expressed a preference for seeing an Aboriginal counsellor, 60% of the youth surveyed did not want to see a counsellor of any kind. The idea of a traditional approach to healing seemed to be more inviting for the youth, but Dolan was unable to ascertain why urban Aboriginal youth did not frequently access traditional healing programs that were available to them.

Aboriginal researchers could both identify what Aboriginal treatment programs should look like (Benton Benai, 1988; Brant, 1990; Morrissette, McKenzie, & Morrissette, Duran & Duran, 1995; Hart, 1996, 2002), and work with youth to identify the barriers they face to accessing cultural teachings. For example, youth may have noticed that the culturally appropriate healing programs were often offered by non-Aboriginal school boards, which were historically associated with efforts to assimilate First Nations and Inuit youth, indicating the programming may be compromised by Eurocentric values. The literature on traditional healing also points out many definitions of healing, and does not provide a clear definition of Aboriginal identity, so perhaps First Nations and Inuit youth could be reluctant to pursue traditional teachings because of a perceived tension between cultural teachers, especially in urban environments. Without rigorous qualitative data, and/or reliable, valid quantitative studies to investigate these questions, this information will remain hidden, and the voices of the youth affected by terrible social woes will continue to be unheard.

Policy

In short, there is no coordinated federal policies explicitly designed to address substance misuse for First Nations youth, nor do existing programs specifically address the Convention on the Rights of the Child. The federal government has commissioned policy discussion papers about alcohol/drug use (Stout & Kipling, 1999), and Canada has also implemented some policies that address related issues (Canada, 1995; Canada, 2000a, b; Chenier, 2001). There are also examples of where First Nations have developed their own drug/alcohol policies for young people (Lauzon, Gregoire, Glicksman, McKay, & Douglas, 1998; Narbonne-Fortin, Rylett, Maniowabi, Douglas, & Glicksman, 2001).

Stout and Kipling (1999) provided a literature review that identifies major gaps in the substance misuse and addictions literature (e.g., little literature was available on the exploitation of First Nations and Inuit youth in pornography, or on gambling, HIV rates, street gangs, cocaine and heroin abuse, Inuit parenting, and homelessness). They also recommended greater funding for the Native Child and Family Services Program created by the federal government, so that health strategies for FAS/E, Sudden Infant Death Syndrome (SIDS), Aboriginal pre and post natal care, and the Aboriginal Head Start program could be developed more fully, and fully incorporate traditional First Nations and Inuit values into such policies and programming.

Chenier (2001) discussed the public policy on substance abuse for Canada as a whole, and found that some policies clearly defined the legal and illegal uses of tobacco, alcohol and narcotics (e.g. Bill C-7), yet the policies concerning substance abuse treatment were vague, and often non-existent. Such policies suggested that the federal government was more concerned about letting Canadians know when and where they could be criminally prosecuted for substance abuse, than with informing Canadians about the prevention, or treatment, the problem. Chenier also made little reference to First Nations and Inuit issues, except to say that solvent abuse programs were desperately need in the north (Chenier, 2001:10).

In fairness, the federal government has recognized the existence of substance abuse problems in First Nations and Inuit communities, and has worked with some communities to address the issue. Yet, there have been few policies implemented that require the government to be helpful; rather, they have reacted to pressure from First Nations communities. For example, Canada drafted separate policy agendas with the Inuit and the Assembly of First Nations (Canada, 2000 a, b), and those policy agendas led to funding to investigate substance abuse amongst First Nations and Inuit youth, yet no

policies were created as a result of the research. The federal government committed to helping First Nations and Inuit communities to govern their own health care systems (Canada, 2000 a, b), so it could be argued that it is not Canada's position to create substance abuse policies in First Nation and Inuit communities, thus potentially relinquishing Canada's responsibility to develop respectful and culturally appropriate policy. However, many First Nations have not been given the opportunity to control their own health services including substance misuse programs and thus Aboriginal youth in those communities often have no access to culturally based treatment service.

The Federal government does sponsor a range of substance misuse programs such as Young Canada Works, the Urban Multipurpose Aboriginal Youth Centres (UMAYC), Heritage Canada, National Native Alcohol and Drug Abuse Program (NNADAP), Aboriginal Head Start and the First Nations Child and Family Services Program. Healing societies, HIV/AIDS societies, magazines, swimming programs, cultural education centres, and FAS/E community mobilization projects have all been funded by these bodies. An evaluation of UMACY showed that since the creation of the initiative in 1997, it had distributed \$100 million of funding over a five year period (1998-2003), supporting 850 projects across Canada, primarily targeting Aboriginal youth between the ages of 15-24, living off-reserve in communities with populations of 1000 or more (Canada, 2003). While the project funding was welcomed by First Nations and Inuit youth, the report recommended that further capacity building be undertaken so that young people could lead the projects themselves, and it was also suggested that the funding should be longer term, so that more ambitious community healing programs could be developed. An evaluation of NNADAP (Greyeyes, Glover, Kaye, Casaway, Kyba, and Linklater, 2001: 4) showed that a large existing work force existed to provide culturally appropriate solutions to substance abuse, which was one of the major health concerns

among First Nations. It was also found that more communities needed to combine treatment programs with prevention programs in order to reduce substance abuse rates.

In response to the growing issue of substance misuse some First Nations and Inuit communities have created their own drug/alcohol policies. Some First Nations simply prohibit alcohol/drug use (Lauzon, Gregoire, Glicksman, McKay, & Douglas, 1998; Narbonne-Fortin, Rylett, Manitowabi, Douglas, & Glicksman, 2001), yet they do not always provide guidelines for treatment, or prevention. Others have developed alcohol control policies. For example, Narbonne-Fortin, Rylett, Manitowabi, Douglas, and Glicksman (2001) studied Wikwemikong's alcohol-control policies. Rather than prohibit alcohol, like some other First Nations, the community allowed alcohol use, but provided education about responsible drinking, drunk driving, and provided safe rides home for intoxicated people leaving public events where alcohol was served. The community was able to reduce drunken driving accidents because people no longer had to leave reserve to consume alcohol, and because they knew where to turn for a safe ride home. However, the policy analysis did not describe the effect on youth substance abuse. Lauzon, Gregoire, Glicksman, McKay, and Douglas (1998) studied a similar policy in Mattagami First Nation, and found that alcohol management policies, as opposed to alcohol prohibition policies, were very successful in reducing alcohol related violence. Because public events were managed by trained servers, drinkers would be calmed before fights broke out, whereas before, when people drank unsupervised in their homes, there might not have been a sober person present to quell any brewing anger. However, this study also did not report statistics on youth substance abuse, and would have benefited from such quantitative data.

Summary

The Canadian Council on Substance Abuse (CCSA indicates:

There is currently little clear information describing substance use problems among Canadian Aboriginal peoples. Statistics on violent death (including suicide, homicide, poisoning/overdose, and accidents and drowning) provide some indication, and as a population, Aboriginal peoples have rates of violent death much greater than the Canadian population as a whole. Aboriginal adolescent suicide rates are much higher than the national adolescent rate. It appears that Fatal Alcohol Spectrum Disorders (FASD) is much more prevalent among Aboriginal people. Use of solvents for intoxication among children in some Aboriginal communities is a serious concern. In some remote Indigenous communities, gasoline sniffing, primarily by young people, is said to have contributed to a systematic breakdown of community and family relationships. Among Aboriginal people in Canada's territories, indications are that while a smaller percentage identify themselves as drinkers than their non-Aboriginal counterparts, those that do drink are more likely to drink heavily. There are indications that tobacco and injecting drug use are also particular concerns among Aboriginal populations, with, for example, one in five Indigenous street youth in seven major Canadian cities reporting they had injected drugs. (CCSA, 2004)

There is insufficient information to know if programming complies with the expectations contained in Article 30 of the CRC respecting cultural rights. which states: "In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language" (United Nations, 1989). However, there is clearly substantial room for improvement in Canada's implementation of Article 33 – current services are not universally available, tend to be uncoordinated and do not always consider the unique needs of adolescents.

Furthermore, there is a critical need for research to inform the development of such programs.

There is also no information available to determine how many youth specific detox and treatment services are available and how accessible they are to First Nations youth.

Reports of youth having to attend adult programs are not unusual but the extent of this problem is not known.

The available that great suffering currently exists amongst First Nations youth and children, while traditional teachings demonstrate the resilience of Aboriginal peoples. It appears that the federal government is concerned about the issue of substance abuse, especially solvent misuse, yet their efforts to treat the problem have been insufficient. The government has not kept reliable, valid statistics on substance abuse in Aboriginal communities to inform resource allocation and program development. In addition, while the number of available addiction workers, and program funding, has increased, prevention programs and efforts to alleviate poverty, a major cause of substance abuse, have not increased. First Nations substance abuse is tied to socio-economic concerns, colonization, family violence, and intergenerational trauma. Efforts to reduce substance abuse in First Nations communities will continue to be less than effective until all substance abuse programs are integrated within a sustainable community driven and developed development framework.

Recommendations

1. The Government of Canada, in maintaining its commitment to Article 33 and Article 30 of the CRC, must create in partnership with Aboriginal communities

- and organizations, a national policy targeting substance misuse among Aboriginal children and youth and their families.
2. The Government of Canada, through long-term funding initiatives, must promote and adequately funds culturally based Aboriginal drug detox programs, treatment programs and after care programs that are specifically designed to meet the needs of Aboriginal youth their families.
 3. In light of the scarcity of information regarding Aboriginal substance misuse among children and youth, the Government of Canada support further disaggregated data collection in order to better identify the scope and nature of the substance misuse within Aboriginal communities.
 4. Cross-sectional studies of substance users, their trauma history, and their socio-economic status need to be undertaken, along with rigorous interviews with treatment participants, service providers and Elders, field observations from studies of treatment programs, and a critical analysis of the existing literature could all contribute to the understanding and targeted response to substance misuse.
 5. Consistent with other sections of this report, affirming self government, redressing socio-economic gaps and inadequate funding for First Nations child and family service agencies to provide prevention and least disruptive measures are also needed in order to help prevent the stress that contributes to substance misuse amongst Aboriginal young peoples.
 6. First Nations child and family service agencies and Aboriginal and provincial child welfare agencies should be supported to better coordinate their services with substance misuse programs for both adults and youth.
 7. Further studies should be undertaken in order to inform the development of substance misuse prevention and response programs for children less than 12 years of age – particularly for solvent abuse.

8. Funding for culturally based evaluation frameworks need to be provided to measure the efficacy of both culturally based and non culturally based substance misuse programs provided to Aboriginal youth.

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CHAPTER FOUR: EDUCATION

Introduction

Childhood is the foundational stage of life. Within the family, the child acquires language, develops trust, becomes aware of self and others, establishes bonds with family members, and develops intellectual and social skills and values. This important foundation prepares the child to enter society's formal system of education, the other distinct context in which the child must function. During this important early stage of life, the child's intellectual, spiritual, physical and emotional capacities must be developed and his or her special gifts identified and nurtured. (Royal Commission on Aboriginal Peoples, Volume 3, Chapter 5, S.3)

For Aboriginal peoples, education was a process of life long learning. The process of knowledge was extremely valued in Aboriginal societies. In fact, young people would train their entire lives until they earned the status of an Elder and only then were they considered capable of teaching children. This contrasts with the relatively short course to a Bachelor of Education that qualifies teachers today and it also emphasizes the important roles mentorship and example played in traditional forms of child education. Teachers were not just in the classroom – Mother Earth was an esteemed teacher, as were the oral histories passed down through the generations; all community members were expected to share their knowledge and gifts for the benefit of the entire community – the whole world was a classroom.

Beginning in the 1870s, the Government of Canada placed Aboriginal children in residential schools in order to assimilate them into Euro-western society. These schools separated children from their traditional teachers and debased cultural forms of knowledge – emphasizing instead a trade school education that heavily proselytized the

Christian faiths. The schools failed on every level including their goal of educating Aboriginal children. Research conducted by Barman, Hebert and McCaskill (1986) found that at least 60% of children attending residential schools did not receive more than a grade 3 education. The deaths, abuse, neglect, servitude and the attack on traditional knowledge and language all served to shape the views of Aboriginal people toward the non-Aboriginal school system. The first of the residential schools began closing in the 1940s with the last one closing in 1996. As the federal government shut down the schools, both the provinces and territories stepped in to education Aboriginal young people or the federal government funded on reserve communities to operate schools using provincial/territorial curriculum.

Aboriginal children and youth experience school drop out rates of over 70% nation-wide. This staggering statistic is reflective of the significant socio-economic and political pressures that Aboriginal children and youth face, coupled with the limited progress on developing culturally based and relevant education programs. The Royal Commission on Aboriginal Peoples (1996) tabled significant recommendations for improvement to the education system and although there has been some marginal progress, much more is required.

This chapter will examine the efforts of the Government of Canada to observe the United Nations Convention on the Rights of the Child (CRC) as it relates to the education of First Nations youth. First, data and research on the education of First Nations youth will be reviewed. Second, the policies that Canada has created to address the formal and

informal cultural development of Aboriginal youth will be critically analyzed. Finally, the same frameworks will be re-examined to see if they meet the guidelines of the CRC and recommendations will be made to improve the educational system.

The United Nations Convention on the Rights of the Child

Article 28 States Parties recognize the right of the child to education and with a view to achieving this right progressively on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, makes them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop out rates.
 2. States Parties shall take all appropriate measures to ensure the school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
 3. States parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing Countries.

Article 29 State Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

- (c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he/she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples. ethnic, national and religious groups and persons of indigenous origin;
 - (e) The development of respect for the natural environment.
2. States parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end and having regard to the relevant of other international instruments, States parties shall in particular:
- (a) Provide for a minimum age or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and the conditions of employment;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 30

In those States which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

What We Know about the Education of First Nations Children and Youth

Drop out or Push out?

Although there has been some progress in supporting Aboriginal young people in school, the drop out rates are so high that they compel the question of whether Aboriginal peoples are walking away from school or if the school system has walked away from Aboriginal peoples. According to data provided by the Department of Indian and Northern Affairs Canada (2002) “of the 7,063 students [Status Indians on reserve] who

were enrolled in Grade 12 or 13 [Grade 13 applies in Ontario only], approximately 30.7% graduated in 2000-2001” (Canada, 2002:34).

There are several key themes amongst the research exploring the lack of educational success for Aboriginal students: 1) the impact of socio-economic pressures; 2) the need for cultural knowledge to be a cornerstone of learning; and, 3) the impacts of racism and discrimination.

Brady (1996) found that socioeconomic factors, as opposed to cultural differences, contributed to a high Aboriginal student dropout rate. Non-Aboriginal children who experienced poverty were dropping out at rates similar to Aboriginal students.

Davis, Anderson, and Jamal (2001) found a blend of factors influenced educational success – cultural as well as problems endemic to the education content and system itself. The researchers surveyed administrators of geographically isolated schools in northern Labrador, Nunavut, northern Saskatchewan, and northern British Columbia. Education in the Nunavut and Saskatchewan schools was affected by the weather, and local hunting and fishing seasons. The communities outside of Nunavut reported problems with lack of space, high dropout rates, lack of Inuit/First Nation instructors, high rates of staff turnover, political interference, high rates of foetal alcohol syndrome, and community substance abuse. However, five Inuit communities in Labrador had strong links to their communities and had many academically successful students. Inuit political and health

organizations had done strong advocacy work, and the early Moravian missionaries in the community had respect Aboriginal culture and promoted Aboriginal language literacy.

Other authors cited a lack of respect for the student's Aboriginal cultures as a reason for dropping out (Bosacki, 1995; Olsen, 1994; Steinhauer, 1996), indicating that both socioeconomic concerns and cultural factors were part of an Aboriginal student's decision to drop out (Schwartz & Ball, 2001). Olson (1994) postulated that cultural differences about the definition of literacy were leading to persistent findings of low levels of literacy in elementary school-aged Aboriginal children. When writing was taken as a graphic means of preserving and communicating information, as opposed to a structured form that had to follow certain grammatical structures, Aboriginal students were found to be exceptionally literate, thus avoiding the stigma of being labelled as illiterate, and being told that their own forms of communication were less important than English grammar and writing forms. Steinhauer (1996) investigated the cultural differences between Aboriginal students, and non-Aboriginal teachers, and found that their concepts of time, conflict resolution, and respect differed, which led to some classroom problems, unless the non-Aboriginal teacher was able to learn about Aboriginal cultural practices and adjust his or her teaching style accordingly.

Bosacki (1995) found that when teachers were not able to utilize Aboriginal educational methods in public elementary schools, Aboriginal children attending those schools developed a negative self-concept. Other studies of anti-dropout programs have found that students were leaving school due to financial hardship, family obligations, feelings of

alienation, or parenting responsibilities. Aboriginal students were more likely than other students to have children themselves and thus were also more likely to experience child care problems. Recommendations to address these issues included individual counselling services and culturally appropriate services be offered to the students, although these recommendations overlooked his finding that financial hardships were increasing student dropout rates, in addition to personal troubles.

Education and Children with Disabilities

Castleden (2002) provided a cautionary case study of a deaf boy in an isolated northern Canadian Dene community who was sent away to a residential school because of a lack of culturally relevant services in the North. The study also showed how the child's departure devastated his home community. However, Crowchief-McHugh and Yellowhorne-Breaker (2000) provided a case study of Eagle, an Aboriginal deaf boy who was able to remain in his Alberta area community. He was considered a gift that showed an appreciation of life, and received help from both Aboriginal and non-Aboriginal sources, yet he lived on a well-funded reserve. As Castleden (2002) noted, many communities do want to help their children, and consider them a gift, but are unable to provide services due to insufficient funding from the federal government. Mayer and Akamatsu (1999) critically analyzed the literature on deaf education, and pointed out that some Aboriginal people had traditional forms of sign language that were different from American Sign Language. Their research revealed a controversy about which form of sign language to teach Aboriginal children.

Halas and Hanson (2001) also provided a critical analysis of educational practices for disabled Aboriginal students through the case study of an Aboriginal boy with severe emotional and behaviour disorders. A white, middle class physical education teacher helped the child. The mentor did not focus on the medical aspects of the boy's pain, but rather looked at how his depression and problem behaviour had been constructed through discourse and discursive practices, and was able to develop a new narrative in which the boy resisted oppression via exercise in gym class. Halas (1998) also identified physical exercise, and the development of a healthy body, as a form of resistance helped students in an adolescent substance abuse treatment program graduate from the program.

The Value of Cultural Ways of Knowing and Being

The Royal Commission on Aboriginal Peoples (1996) described the critical role that cultural knowledge could play in supporting Aboriginal children in the school system and cites the Akwesasne science program as one example of where cultural knowledge has been placed at the core of education instead of being viewed as a supplement to Western knowledge. The school describes its way of teaching in the following excerpt:

At Akwesasne, we are using the Mohawk Thanksgiving Address, which has been recited for centuries. It acknowledges and expresses appreciation for the natural world and the duties that are fulfilled in order to maintain existence. This forms the basis of the science curriculum design and embraces the Mohawk concept of the relatedness of all creation while exploring the internal and external environments of all living things. The Aboriginal concept of 'ecology' is examined and compared to the dominant culture theories. (RCAP, Volume 3, Chapter 5, Innovations in Curriculum)

This important model blends the best of what Aboriginal and non Aboriginal systems of knowledge have without compromising or relegating either to a place of submission. It is

consistent with the recommendations made at the Day of General Discussion on the Rights of Indigenous Peoples encouraging bilingual education which partners indigenous and non indigenous knowledge on equal footing. The problem is that the model at Akwesasne is the exception rather than the rule. Like many other social programs, the federal government continues to fund education on the basis of population count and thus small communities are not provided the resources needed to develop such progressive and culturally based programs.

Additional funding provided by the federal government will help young children receive a more culturally based education via the Aboriginal Head Start program. Reynolds (1998) explained how the Tungasuvvingat Inuit Head Start Program in Ottawa emphasized retention of the Inuit culture and language in its curriculum activities and materials. Dunning (2000) studied 100 Aboriginal Head Start Programs, offered Canada-wide, and showed how the initiatives brought together parents, communities and Elders to preserve Aboriginal cultures. Cox (2002) studied numerous models of early childhood education, both Aboriginal and non Aboriginal, like Parents as Teachers, Montessori education, Waldorf/Steiner schools, Aboriginal Head Start, and the First Nations and Inuit Child Care Initiative, and found that as culturally appropriate educational methods have become available to Aboriginal people, Aboriginal people have had greater access to determinants of health.

Many First Nations and Inuit communities have used educational programming to describe their own worldviews, and to demonstrate differences from mainstream Canadian society (Cohen, 2001; Kirkpatrick, 2000; Sterling, 2002). This is particularly

important in reflecting concepts that are expressed or prioritized differently than in Euro-western cultures. For example, Kirkpatrick (2000) found that the traditional culture of the Stlelesht tribe had no word for art, because everything was art. In other words, "traditional art education" would encourage a holistic understanding of the environment and culture thus promoting cultural revitalization. Cohen (2001) described the spider's web as a model for indigenous education and community transformation, grounded in Okanogan philosophy. The web symbolized extended family and community, a "web of community" that encouraged language revitalization, cultural maintenance, and educational planning and assessment. Sterling (2002) described how a grandmother taught fish trap building by actually building one while telling a story. The case study pointed to the value of role-modeling, storytelling, and hands-on experience in transformative education.

Additionally, Ward (1993) interviewed 44 Canadian Aboriginal and non-Aboriginal first and second graders, and found that Aboriginal children were more likely to write for a purpose, more able to reflect on the writing process, and more likely to mention extended family as an important personal audience. Crook (2000) studied the process of writing, and suggested that it allowed Aboriginal teen women to explore the cultural, economic and institutional pressures on them. Williams (2002) described how hockey, one of the favourite sports of dominant Canadian society, was used as the subject of a CD ROM that taught Ojibway to youth. In other words, an important aspect of non-Aboriginal society was used as an incentive for young people to learn about their Aboriginal culture.

The literature suggested that learning about the dominant society did not necessarily promote assimilation, as long as the youth were allowed to use English to critique the political and historical aspects of colonialism (Burns, 1998; Cooke-Dallin, Rosborough, & Underwood, 2000; Haig-Brown, 2000). However, combining traditional Aboriginal teachings and non-Aboriginal educational methods was not always completely successful. Okuma (2000) conducted a participant observation study of the Nisga'a people in northwest British Columbia, and found that while the Nisga'a had successfully added cultural teachings into their children's academic schooling, the youngsters were still required to follow a non-Aboriginal provincially prescribed educational program, which limited the time for Nisga'a language and cultural lessons.

Affirming Elders as Teachers

... Prior to the arrival of Europeans, Canada Aboriginals had their own highly successful systems of education. The Elders are the most knowledgeable people in Aboriginal societies, yet their learning has been through informal practices and is therefore unrecognized by the dominant culture. Aboriginal people want their children to learn everything that formal education has to offer, as well as their own culture and ways of doing things. The work of Elders must be incorporated into the practices of the formal educational system so that it contributes to the acquisition of credit in formal courses. Obstacles to Elders' formal participation in formal education must be identified and overcome. Burns (1998:1)

Other authors echoed Burns' recommendation that Elders be involved in education such as: Cooke-Dallin, Rosborough, & Underwood, 2000; Harrison, 2002; Wastasecoot & Sellers, 2001. Cooke-Dallin, Rosborough, and Underwood (2000) found that child and youth care worker training for First Nations students was enhanced when a British Columbia employed Elders were employed as instructors. Wastasecoot and Sellers

(2001) similarly discovered that Elder involvement in a Winnipeg area environmental protection and resource management program greatly enhanced the learning experience. Harrison (2002) studied an alliance between young activists and Elders, noted that the partnership had led to a revitalization of the Secwepemc language, environment resources, and an in affirming self government.

However, Elders were not the only source of traditional knowledge. Haig-Brown (2000) provided a case study of the "Pedagogy of the Land" (POL) project. The program took place on an isolated island in a large northern lake, and had students attend two summer courses while participating in an intervening research project. POL emphasized that education was a community responsibility, and that anyone more experienced in a particular knowledge than another had the potential to be that person's teacher.

Curriculum

Curriculum is not just the structure of knowledge it often embodies what is considered to be legitimate knowledge. Too often, Euro-western school curriculum has ignored or debased Aboriginal knowledge or relegated it to elective status versus integrating it along side Euro-western knowledge. As the RCAP Commissioners noted, there is a critical need for culturally based curriculum to be taught not only to Aboriginal students but to their non Aboriginal counterparts as well. In this, "bilingual education" the possibility of respectful co-existence between Aboriginal and non Aboriginal peoples becomes possible and the world is further enriched by embracing Aboriginal ways of knowing and being.

These recommendations are consistent with research that affirms Aboriginal culturally based curricula (Berger, 2002; Gordon, 1999; Hamilton, 2003; Peacock & Wisuri, 2002;

Stiffarm, 1998). Berger interviewed 28 educators in five communities in Kivalliq region, Nunavut. Most participants were southern Canadians, and they reported that community input into the Euro-Canadian school system was rarely solicited, and few schools explicitly incorporated Inuit curricula. They called for community ownership of schools, indigenous teachers, cross-cultural orientation for non-Inuit teachers, and development of bilingual culturally sensitive curricula and materials. Stiffarm (1998) provided a collection of essays describing the educational use of writing circles, Elder-run language classes, Aboriginal medicinal plants, modeling, healing circles, traditional parenting, storytelling, and indigenous science. Peacock and Wisuri (2002) developed a curriculum for the Ojibway, and it incorporated the Ojibway creation story, instruction about cultural values, and ways to restore harmony and balance to the world.

As Hamilton (2003) found, supporting the proliferation of culturally based curricula and sharing it with non Aboriginal students has become very necessary if negative stereotypes are to be erased and replaced with respectful knowledge and understanding. Hamilton (2003) interviewed five directors of Ontario summer camps, and found that three camps exposed children to stereotypes of indigenous peoples and to cultural appropriation, even though all five directors espoused a desire to educate campers about indigenous cultures. However, Gordon (1999) described a bush camp in British Columbia, held by Elders and based on traditional teachings. The week-long camp offered Aboriginal youth the opportunity to reconnect with the land and the cultural heritage it embodied. Outdoor education could successfully promote the revival of indigenous culture, so long as the curricula were designed by traditional teachers.

Post Secondary

Post-secondary education, designed in a similar fashion, could also revitalize First Nation cultures. First Nations University of Canada (formerly the Saskatchewan Indian Federated College) was founded in May 1976 to serve the academic, cultural and spiritual needs of indigenous students. Since then, over 2,500 students have been granted degrees, while approximately 1,200 students enrol on an annual basis (First Nations University of Canada, 2004). Ten academic departments have offered a variety of programs and courses, including community based and distance education programs. The university has also developed programs in consultation with First Nation communities who identified areas requiring more Aboriginal practitioners, like dentistry, post-RN nursing programs, Masters programs in Arts and Science, a First Nations Master in Business Administration and a Master of Aboriginal Social Work Program in Aboriginal Therapy (First Nations University, 2004). Goulet (1998) studied the teacher education program at the school, and found that it was successfully training culturally appropriate educators for First Nation schools.

There are other examples of where universities and colleges have incorporated Aboriginal curricula into their faculties or into streams of education such as Bachelor of Social Work degrees with a specialization in working with Aboriginal peoples. Although this is a good start, these initiatives often fall short of the RCAP vision which looked to put Aboriginal ways of knowing and being on equal footing with Euro-western knowledge. Aboriginal components of many fields of study are too often not integrated into the main curriculum.

There is also a shortage of Aboriginal faculty – especially in tenured positions. This is due in part to the fact that relatively fewer Aboriginal youth achieve the academic success needed to gain entry into university. Even those who do graduate face a host of disproportionate risks associated with being an Aboriginal person in Canada (i.e: poverty, racism, social exclusion, debasement of cultural knowledge, etc.) that impact on educational success. A research and analysis project of 1996 demographic data on Aboriginal post-secondary education outcomes finds that 37% of registered Indians in Canada attained "some post-secondary" education, while the non-Aboriginal population in Canada rates at 51%. Only 3% of registered Indians have obtained university degrees compared to 14% of non-Aboriginal Canadians. Secondary school completion rates are similarly skewed with 63% of registered Indians completing high school while 79% of non-Aboriginals obtain such a degree. This gap is greatest between the ages of 15-24, where 30% differences between rates of completion between these two populations is observed. Also, only 36% of registered Indians completed university degrees once enrolled compared to 64% of non-Aboriginal university attendees. But this data does show that registered Indians are more likely to continue to upgrade their post-secondary education as they get older. They are truly lifelong learners. These pursuits, however, are more likely to be non-university in nature (Canada, 2000).

In sum, although there are greater numbers of First Nations peoples seeking post secondary degrees their overall success rates are disproportionately lower than other students and thus further investment in social and cultural supports are needed whilst at the same times post secondary institutions must re-evaluate their systems of validating knowledge (particularly Aboriginal knowledge) and removing unnecessary institutional barriers to success. This does not mean lowering the academic standards for Aboriginal learners – they are just as capable as other students but it does mean ensuring those standards and the supports to achieve those standards are reflective of their identity as

Aboriginal peoples. Recent reports indicate that the Government of Canada may introduce an age cap for educational funding for Status Indian students – meaning that learners in their mid 30's would not be eligible for educational benefits. Implementing barriers such as this just as there seems to be some promise of significant improvement seem to be misguided.

Supporting Parental Involvement in Education

Most researchers found that parental involvement in their child's education resulted in greater educational success (Ashford, 1997; Haig-Brown, 1998; McKenna & Williams, 1998; Smith, 1999; Rozon, 2001; Streelasky, 2001). McKenna and Williams (1998) found that First Nations, striving to achieve self-determination, were better able to gain control of their school boards by involving parents in the education of their children. Streelasky (2001) provided a case study of a Saskatchewan pre-kindergarten program serving poor urban Aboriginal families. Parents were asked to fill a box with books on a topic of interest to their child and themselves, and were invited into the classroom to read with their children. The program facilitated friendship and respect between the teacher and families. Ashford (1997) studied school violence in British Columbia, at a predominantly white school where anti-Aboriginal racism was prevalent. Parents, community leaders, and school staff met to create a role-playing program to reduce the violence -- drama was congruent with Aboriginal storytelling as tool for conflict resolution, a fact that the non-Aboriginal staff and community would not have been aware of if they had not consulted Aboriginal parents.

Other authors suggested ways that First Nations parents, and communities could unite to use education as a form of emancipation (Chisholm, 1994; Corbiere, 2000; Institute for Child Rights and Development, 2001; Murray, 2001). Corbiere (2000) found that the

standardized Ontario curriculum interrupted the transmission of knowledge from Elder to child, omitted indigenous perspectives on history, presented indigenous world views as irrational and unscientific, and did not use indigenous languages to instruct First Nations children. Chisholm noted that while education had historically been used by Canada to eradicate First Nations culture a revitalized education system that was developed and delivered by First Nations peoples could serve to help adolescents resist oppression.

Summary

Taken as a whole, the literature suggested that school failures and dropouts could be reduced by providing: (1) financial support; (2) preparatory programs; (3) personal support services; (4) child care services; (5) culturally relevant, student- controlled curriculum design; (6) culturally relevant instructors; (7) culturally appropriate instructional methods; (8) opportunities to socialize with other students; (9) access to First Nations Elders; (10) access to practicum settings; (11) flexible program delivery; (12) community based program delivery, and (13) informal support from other community members and family members (Bosacki, 1995; Olsen, 1994; Schwartz & Ball, 2001; Steinhauer, 1996).

Finding the right balance of culturally Aboriginal and non-Aboriginal cultural content in school curricula is critical at all levels of the education system. Researchers have cautioned educators about including too much non-Aboriginal culture and language lessons in Aboriginal-developed curricula (Louis & Taylor, 2001; Ruttan, 2000; Sachdev, 1998; Spada & Lightbown, 2002; Taylor & Wright, 1998; Ward, 1996; Wright & Taylor, 1995). Louis and Taylor (2001). Spada and Lightbown (2002) and Taylor and Wright (1998) all found that speakers of Inuttitut had to be continually taught their language, or else their mastery of their Inuit tongue would decrease as they were forced to learn

English and French. Wright and Taylor (1995) also found that learning Inuttitut at an early age increased the personal and collective self-esteem of minority students.

The Institute for Child Rights and Development (2001) and Lowe (2001) recommended that international treaties, like the Convention on the Rights of the Child, be used to force Canada to develop new educational frameworks for indigenous children. However, an independent monitoring body overseen by Aboriginal peoples is required in order to ensure that Canada fully implements all international and domestic instruments which afford educational protections and support to indigenous peoples – including the Convention on the Rights of the Child.

Policy

The Royal Commission on Aboriginal Peoples provided the following recommendations to the federal government to improve educational outcomes for Aboriginal children and youth:

3.5.4

Aboriginal, provincial and territorial governments act promptly to reach agreements for mutual recognition of programs provided by their respective educational institutions so as to facilitate the transfer of students between educational systems while protecting the integrity of cultural dimensions of Aboriginal education

3.5.5

Federal, provincial and territorial governments collaborate with Aboriginal governments, organizations and educators to develop or continue developing innovative curricula that reflect Aboriginal cultures and community realities, for delivery

- (a) at all grade levels of elementary and secondary schools;
- (b) in schools operating under Aboriginal control; and
- (c) in schools under provincial or territorial jurisdiction.

In addition to these recommendations, numerous research papers have also provided key recommendations to governments and educators (Battiste, 2002; Breaker & Kawaguchi, 2002; Elijah, 2002; Hurton, 2002; Kavanagh, 2002; Denis & Hampton, 2002). For example, Hurton (2002) reviewed First Nations special education policies, and recommended that all First Nations regions that did not have a special education policy should be given the resources to develop that policy. Furthermore, special training should be provided to teachers so that they could address disabilities in culturally-appropriate ways.

Denis and Hampton (2002) found that most non Aboriginal Canadians denied the existence of racism in their country, and examined racism as a discourse and discursive practice. Race was a social construct, and racism led to verbal abuse, psychological abuse, internalized oppression, social marginalization/isolation, a lack of adequate professional supports, and rules and procedures that facilitated failure. The authors recommended that educational policies should acknowledge that racism against Aboriginal people is a problem, and that educational institutions should be accountable and responsive to accusations of racism. All school staff and students should be given anti-racist education, and educational curricula should be critical of privileging any groups while defining some groups as "others". When school boards dichotomized students into privileged and oppressed groups, they perpetuated racism. This recommendation should be taken with caution though, because many Aboriginal nations self-identify as the "other". Simply put, if they were not different from other Canadians, what culture would they have left to preserve?

Kavanagh (2002) developed a policy about parental and community involvement, and provided 10 recommendations: (1) Canada should work in partnership with First Nations to allow those communities to encourage parental involvement in schooling; (2) the

government must support initiatives that reflect local goals and needs, and be prepared to offer a diverse range of programs; (3) childcare options should be well-funded so that parents can be more involved in school and home learning activities; (4) students should be given consistent support from early childhood education to grade 12; (5) funding for programs should be coordinated by many agencies working in partnership at the local level; (6) meeting spaces for parents and the community should be included in new school buildings; (7) barriers to adult education programs should be removed to increase the confidence of parents hoping to assist their children and schools; (8) increase representation of First Nations parents on First Nations school boards; (9) a variety of mechanisms to increase First Nations control of education and parental participation in decision-making should be put in place, and (10) partnerships should be developed with First Nations to measure the success of the education system.

Elijah (2002) discussed policies concerning language and cultural revitalization. She provided five recommendations: (1) the Government of Canada must enact legislation which protected, revitalized, maintained and promoted the use of ancestral Aboriginal languages; (2) all forms of education (preschool, elementary, secondary and post-secondary) must be offered in ancestral Aboriginal languages, in education systems and institutions controlled by Aboriginal people; (3) these schools must be staffed by properly trained teachers, with culturally appropriate text books, teaching methods, innovative technology and sufficient funding for well-maintained buildings and equipment; (4) the language and culture of all language communities must be the subject of study and research at university level; and (5) the legislation must identify the Government of Canada as the duty holder and include a statutory provision for the appropriation of sufficient funds to undertake all necessary actions.

Breaker and Kawaguchi (2002) examined the funding and infrastructure of First Nations and Inuit education, and made numerous recommendations, many of which were provided by the authors cited above. However, Breaker and Kawaguchi (2002) also found that school staff should be well-paid, and should never be paid less than non-Aboriginal teachers and educational support staff. Furthermore, all First Nations schools should offer a hot lunch and breakfast program for both students and parents, in light of the Aboriginal value of feasting. In addition, the funding for education should be separated from general band revenues and directed to First Nation Education authorities. Finally, a national body should be created to help protect First Nations education rights, and to serve as a resource for community development on First Nations.

Finally, Battiste (2002) reviewed the literature studying indigenous pedagogy and knowledge revitalization/preservation. She developed twenty-four recommendations, many of which were echoed by Kavanagh (2002) and Elijah (2002). However, Battiste (2002) also found that research and innovations in classroom work should be encouraged; the publication of Aboriginal resources should be encouraged; First Nations arts should be fostered; and that a network of indigenous education scholars be created, and funded, by the federal government. She also recommended that the Government of Canada should confer Master degrees to deserving Elders in recognition of their mastery of traditional knowledge, language and spirituality. This designation would not only recognize and validate indigenous knowledge itself it would be an important signal to send to Aboriginal young people about the value of traditional knowledge. However, while this policy would require the federal government to recognize the validity of indigenous knowledge, it would also maintain a level of the federal government's subordination of First Nations communities -- the designation of Master of Arts could

only be given by the *Government of Canada*, albeit with a recommendation from a First Nation.

Policy Implementation

In 2002-2003, the government spent \$1,045,000,000 on elementary/secondary schools in First Nations, yet none of that money was allocated for Strengthened Aboriginal Governance, a new fiscal relationship, or a renewed partnership with First Nations and Inuit people (Indian and Northern Affairs Canada, 2003). Hurton (2002) also found that most First Nations did not have a special education policy, nor did they have the capacity to develop one. Breaker and Kawaguchi (2002) noted that research in First Nation education was extensive, yet primarily anecdotal in nature. Moreover, studies related to funding and infrastructure also continually described the capacity building needed, and the lack of resources available to create the capacity.

The Auditor General of Canada released the following comments regarding the First Nations education policy of the Government of Canada in 2000:

4.1 Indian and Northern Affairs Canada cannot demonstrate that it meets its stated objective to assist First Nations students living on reserves in achieving their educational needs and aspirations. For example, the Department does not have the necessary assurance that First Nations students are receiving culturally appropriate education. Moreover, the progress in closing the education gap for Indian students living on reserves has been unacceptably slow. At the current rate of progress, it will take over 20 years for them to reach parity in academic achievement with other Canadians.

4.2 To obtain assurance and effectively discharge its responsibilities, the Department needs to resolve several major issues. These include the need to articulate its role in education, to develop and use appropriate performance measures and to improve operational performance. In addressing these issues, the Department will need to further take into account the cultural and special needs of Indian students as well as socio-economic factors that can affect success in education.

4.3 The situation is complex and urgent, and the urgency will increase as more demands are placed on education as a result of an increasing population on reserves, and changes in technology and in provincial education programs upon which the Department relies. Although the Department has identified or started several projects for education reform, it must still respond with significant action to resolve these issues. (Auditor General of Canada, 2000: Main Points)

Elijah (2002) lists a dozen policy papers, created by federal or international bodies, and detailed how clear, focused recommendations for educational reform have gone largely ignored since the National Indian Brotherhood wrote about education in 1972.

Elijah (2002) reiterated the findings of the Royal Commission on Aboriginal Peoples, a document that critiqued Canada's mishandling of Aboriginal education, and provided dozens of recommendations to improve the system, most of which have been not been implemented.

As the federal government works with First Nations peoples to support the education of First Nations children on reserve, there must be concordant efforts to modify provincial/territorial curricula to promote cross cultural understanding in public schools off reserves. Denis and Hampton (2002) found that persists in Canada's educational system, and that many Aboriginal people learn to hate themselves and their own culture while participating in non-Aboriginal schooling.

While the federal government is to be acknowledged for its recent increased investment in First Nations education, as the Auditor General (2000) notes it is critical that those efforts be expanded and are sustained if there is to be a significant improvement in the numbers of First Nations children and youth enjoying educational success.

Recommendations

1. Recognition and support of indigenous systems of knowledge and the rights of indigenous peoples to structure, teach and merit students are important. This

transference of knowledge would affirm indigenous knowledge on equal footing to euro-western based knowledge and allow for its long term sustainability.

2. Full implementation of outstanding recommendations made by The Royal Commission on Aboriginal Peoples (1996), Elijah (2002), Hutton (2002), Denis & Hampton (2002) and others. Funding will have to be allocated to capacity building activities that lead to Aboriginal self-government.
3. Canada has already acknowledged the distinctness of Aboriginal peoples yet it has had difficulty formally erecting structures to support cultural identity and languages. Policies and legislation must be developed that require the Government of Canada to fund First Nations education adequately to ensure: teachers are trained in culturally appropriate methods, safe buildings and grounds for schools, quality culturally based curricula, libraries, innovative classroom technology, and evaluation frameworks. Such programs should emphasize the importance of involving parents, Elders and children into one educational community to revitalize and preserve Aboriginal languages, culture and knowledge.
4. Increased and equitable services for children with disabilities and special needs must be prioritized in order to ensure all children can enjoy a quality education that respects their rights under the Convention on the Rights of the Child.
5. Consistent with Article 30 of the Convention on the Rights of the Child, focused investment must be made to preserve First Nations languages and the respective dialects of each language group. Indigenous language programs should be made available throughout the educational continuum including in post secondary institutions.

6. Consistent with the recommendations made in the Convention on the Rights of the Child Indigenous Day of General Discussion (2003), “bilingual education” is needed where Aboriginal and non Aboriginal children and youth benefit from learning about the cultures, histories, languages, lived experiences and contributions of Aboriginal peoples and non Aboriginal residents of Canada and abroad. In keeping with Article 29 of the CRC, the teaching of knowledge across cultures promotes understanding, respect between Aboriginal and non-Aboriginal Canadians providing a better opportunity for living in respectful coexistence.
7. It is also critical that Canada establish an independent monitoring body for the Convention on the Rights of the Child and other international treaty body instruments to support the implementation of the States commitments.
8. Consistent with the recommendations of the Auditor General of Canada, INAC must clarify its role in education ensuring proper coordination with the provinces and territories.

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CHAPTER FIVE: YOUTH SUICIDE

Introduction

Youth suicide is an indication of the lack of validation and hope that young people feel in their world. The fact that First Nations youth in Canada are at such substantially higher risk for suicide than other youth calls on all of us to address the messages and realities of hopelessness that surround too many First Nations youth.

As Chandler and Lalonde (2003) indicates reducing youth suicide amongst Aboriginal peoples will require more than the development of information programs – it will require a deliberate and focused commitment to support First Nations self governance. This chapter will explore data and research relevant to youth suicide and then examine policies that have been designed and implemented to address these concerns. Recommendations will be discussed.

United Nations Convention on the Rights of the Child Articles

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. State Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 30

In those States which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

What we Know: Youth Suicide Amongst First Nations Youth

The most recent national data, collected for the *Statistical Profile on Health of First Nations in Canada*, examined the health status and conditions of First Nations people on reserve in Canada. The report shows that in 1999, suicide composed 38% of all deaths in First Nations youth (aged 10 to 19) and 23% of all deaths in young adults (aged 20 to 44) (Health Canada, 2003a). In 1999, the First Nations suicide rate was 27.9 deaths per 100,000, 2.1 times the Canadian population's suicide rate, which was 13.2 deaths per 100,000 people (Health Canada, 2003a).

Beyond this latter study it seems that no national data has been collected on Aboriginal youth suicide since 1993. *Unintentional and Intentional Injury Profile for Aboriginal People in Canada, 1990-1999* presents suicide data for the First Nations population, citing a scarcity of data for Inuit peoples. The report shows that in the period 1991-1993, 20.7% of deaths in females and 26.3% in males were due to suicide (Health Canada, 2001). During the 1989-1993 period, First Nations males across Canada experienced a suicide rate that was 2.6 times higher than other Canadian males, while First Nations females had a rate 4 times higher than Canadian females (Health Canada, 2001). The report explains that the gap between First Nations and other Canadians was largest among youth (aged 15 to 24). The First Nations youth suicide rate for males was 5 times higher than Canadian males and almost 8 times higher in First Nations females than Canadian females (Health Canada, 2001). Many Aboriginal communities report that suicides tend to occur in clusters in specific areas or time periods. For example, "in the Sioux Lookout Zone in the period 1992-1995, the suicide rate in First Nations males 10-19 years of age

was over 50 times higher than in their Canadian counterparts” (Health Canada, 2001, p 13). Regional data vary in terms of the quality of the data and the degree of desegregation of data. What is clear is that there are variations. For example, citing the Nishnawbe-Aski Nation Youth Forum on Suicide, 1996 publication entitled *Horizons of Hope: An Empowering Journey* the levels of youth suicide among this community in northern Ontario increased dramatically over the 1986-1995 period. In 1986 there were 5 suicides and in 1995 there were 25 suicides among youth; an alarming 400 percent increase over the ten-year period.

No matter how you measure the experience, too many Aboriginal young people are considering or attempting suicide or grieving the loss of their peers and community members from suicide. The *Unintentional and Intentional Injury Profile for Aboriginal People in Canada, 1990-1999* explores some of the factors that contribute to the high suicide rates amongst Aboriginal youth. The report found that high suicide rates are interdependent with various community characteristics such as high levels of overcrowding in housing, more single-parent led families, few Elders, lower average income and lower average education levels (Health Canada, 2001). The report *Acting on What We Know: Preventing Youth Suicide in First Nations* expanded the conversation on what factors exacerbate suicide risk and protective factors in the general population, most of which apply to First Nations communities.¹⁶ The following factors increase propensity for youth suicide: being male, previous suicide attempt, violence victimization, violence perpetration, alcohol use, marijuana use, school problems, mood disorder, social

isolation, poverty, and unemployment (Health Canada, 2003b, p47). The report also identifies a range of specific risk factors that affect First Nations communities due to their history, social circumstances and challenges.¹⁷ The report outlines the following examples: economic marginalization, “relative misery”¹⁸, rapid culture change and cultural discontinuity¹⁹, forced assimilation, forced relocation, residential school experience (early separation and loss, forced assimilation, denigration of culture, exposure to violence and abuse), and clustering effects due to the close ties and identification among youth in small communities²⁰ (Health Canada, 2001b, p 47-48).

Michael Chandler and Christopher Lalonde have done some excellent research to identify protective factors influencing rates of youth suicide in First Nations communities in British Columbia (1998, 2003). The data was collected among BC’s 196 First Nations Indian Bands. For the age group 15-24 years over a five-year period (1987-1992), the BC First Nations youth had 108.4 suicides per 100,000 population, while during the same period non-Aboriginal youth had 24.0 suicides per 100,000. The research shows, however, that this rate is not standard across First Nations communities in BC. Chandler and Lalonde collapsed the large group of 196 Indian Bands into 29 Tribal Councils within the province and found that the suicide rates vary dramatically. Rates varied from a low of zero in 6 tribal councils to as high as 633 suicides per 100,000. Chandler and Lalonde also examined suicide rates by language groups. Classifying 11 language

¹⁶ The report cites the following authors for this information: Barney, 2001; Borowsky et al., 1999; 2001; Cleary, 2000; Hawton et al., 2001; Houston et al., 2001; Kirmayer, 1994; Lester, 1997; Santa Mina & Gallup, 1998.

¹⁷ The report cites the following authors for this information: Borowsky et al., 1999, 2001; Kirmayer, 1994; Kirmayer et al., 2000; Lester, 1997; Novins, et al., 1999; Malone et al., 2000.

¹⁸ Barber, 2001.

¹⁹ Chandler & Lalonde, 1998.

groups, the rates ranged from zero to 208.3 suicides per 100,000. Chandler and Lalonde also uncovered a clear relationship between First Nations youth suicide and community control in particular areas: self government, land claims, education, health, cultural facilities and police and fire services. The research illustrates that communities without any of these “protective” factors have significantly higher youth suicide rates as compared to communities that have them. For example, communities with zero protective factors had 138 suicides per 100,000 whereas communities with all six factors had 2 suicides per 100,000 (Chandler and Lalonde, 1998).

The Royal Commission on Aboriginal Peoples (1995) produced an extensive report on suicide, *Choosing Life: Special Report on Suicide among Aboriginal Peoples*. The Commission noted the life stage of adolescence presents unique challenges to Aboriginal peoples which may contribute to their increased vulnerability. The Commission pointed to two major areas that present difficult challenges to Aboriginal youth: identity issues and family issues. Although these two factors are endemic to the experience of adolescence for all youth, the continued marginalization of Aboriginal peoples intensifies the experience of these issues for Aboriginal young people. For example, forming a positive self identity can be problematic for Aboriginal youth as there continues to be pervasive misrepresentation and neglect of Aboriginal cultures, languages, histories and contexts in school settings and in the media (RCAP, *Choosing Life*, 1995). Too many Aboriginal youth grow up hearing messages that fail to affirm their self identity as a distinct person who is part of a distinct and valued community.

²⁰ Wissow et al., 2001.

The majority of these reports confirm that more research is needed to appropriately understand the issue of youth suicide in First Nations communities accounting for intra-generational and gender differences. The federal government and research bodies alike acknowledge that in order to construct effective prevention strategies more research must be done. It would seem from the available data that youth suicide among First Nations populations is shockingly high yet little remains to be done to address this issue as a national crisis.

Policy

Recommendations from reports like *Choosing Life: Special Report on Suicide among Aboriginal Peoples* urge communities and the federal government to increase what we know about suicide prevention in Aboriginal populations. Developing effective and integrated holistic health care at national, regional, and local levels; and supporting youth identity, resilience, and culture have also been recommended. The federal government has specifically been encouraged to resolve the federal-provincial jurisdictional issues which fetter effective responses to youth suicide; resolve the issue of self-government since it underlines all other issues affecting Aboriginal people; and recognize the responsibility to invest in culturally based youth suicide resources (RCAP, *Choosing Life*, 1995:108). *Choosing Life* also includes a range of recommendations from Aboriginal communities that have developed effective responses to youth suicide. Communities such as those that had the protective factors cited by Chandler and Lalonde have already succeeded in reducing the youth suicide rate to levels that are lower than mainstream children and youth. These success stories need to be shared, and more importantly the

conditions that make them possible need to be identified and made available – both in terms of information and adequate resources.

Although Aboriginal youth suicide, and suicide among the general Aboriginal populations, continues to exist at crisis levels, there has been little critical or immediate action from the federal government to tackle the issue. Suicide has been classified by most health and social service organizations as a mental health issue with little attention paid to the etiological drivers of youth suicide identified by Chandler and Lalonde (1998). At present, there is no national mental health mandate for First Nations. “Because there is no mandate, it follows that there are no comprehensive policies or national mental health programs” (Health Canada, 2003b). There are, however, federal programs and organizations that are charged with dealing with First Nations mental health at their own discretion. The mandate of the First Nations and Inuit Health Branch (FNIHB) includes mental health services. According to Health Canada (2003b) the four FNIHB funding streams for mental-health related services are: (i) Brighter Futures Initiative (BFI), (ii) Building Healthy Communities (BHC), (iii) National Native Alcohol and Drug Abuse Program (NNADAP), and (iv) Non-Insured Health Benefits Program – Crisis Intervention/Mental Health Counselling (NIHB). A variety of mental health services for Aboriginal peoples are provided through one or more of these programs. Yet within this structure of Aboriginal health services there exists some serious problems when attempting to deal with youth suicide.

Acting on What We Know: Preventing Youth Suicide in First Nations outlines a variety of problems with existing programs. For example, coverage of basic mental health services for First Nations appears to be inadequate; while some types of services are provided, others are not. Communities in crisis as a result of completed and attempted suicides are the target groups of NIHB mental health crisis intervention yet a variety of concerns exist regarding this program. The following is a select number of issues raised in the report:

- According to the Interim Program Directive, NIHB funds may be accessed by specific communities in crisis situations or at high risk, but it is not known to what extent and with what frequency these resources are utilized for this purpose.
- The number of counselling sessions available per client varies by region and in some cases, there have been reductions imposed on the maximum number of sessions that a client would be funded to receive.
- Some clients may feel that the counselling they do receive is not culturally sensitive or culturally relevant.
- Youth in particular may feel that they are unable to ‘relate to’ the counsellors available to them thereby affecting their ability to establish a therapeutic alliance and/or to comply with counselling.
- There is regional variation on how the NIHB directive is interpreted which is related to what services are delivered; for example, the directive implies that funding is available for individuals and communities in at-risk, crisis situations. This tends to benefit the communities with the greatest capability to access these sources of funding and services and is a barrier to the provision of better-integrated services. (Health Canada, 2003b, pp 65-67)

The report also points out that FNIHB has not taken steps to identify communities at high risk for suicides. “Overall, the Branch has been reactive, through belated responses to crises based on media coverage, rather than proactively identifying problems at an earlier stage. The current situation is that crises usually become widely known through media coverage and this in turn spurs efforts to repair a longstanding situation, often with short-term interventions directed exclusively to the crisis and not its underlying social structural causes” (Health Canada, 2003b, p69).

One example of reactionary government mobilization is the Intergovernmental Committee on Youth Suicide (IGC). In October 2000, a number of federal and provincial ministry representatives were asked by Nishnawbe Aski Nation (NAN) to a meeting to address the critical youth suicide situation in Wapekeka First Nation. During the same period the Coroner's recommendations from the Sakanee Inquest became available, and the Coroner requested that the ministries and organizations named in the report respond by February 2001. These two events, along with pressure from Tikinagan Child and Family Services about the lack of child and youth mental health services in the Sioux Lookout Region, resulted in the formation of the Intergovernmental Committee on Youth Suicide (IGC, 2004). The ICYS is focused on planning/supporting a number of actions related to the Sakanee Inquest recommendations and is dedicated to work with NAN on issues of youth suicide. The future of the IGC will be focused on issues related to systemic change, government and community policies and priorities (IGC, 2004). This example illustrates how a community had to demand attention beyond the designated resources and funding that it had access to. Yet how can we expect every community that is in crisis to make such demands and successfully bend the ear of the government? Policy should reflect the reality of the population it is designed to help. A national First Nations mental health policy must be developed in order to address the realities of communities experiencing high levels of suicide, youth and otherwise.

Acting on What We Know: Preventing Youth Suicide in First Nations points to the funding disparities that seem to plague Aboriginal youth suicide programs. The use of a

per-capita funding formula (“same policy approach” for BF and BHC funding) means that funding is formula-driven rather than needs-driven. “One consequence of this “same policy approach” is that it enables communities with lower suicide rates to fund “primary prevention” activities such as health promotion workshops, while communities with high rates of suicide are required to use this funding for “tertiary” level prevention, i.e. suicide post-vention” (Health Canada, 2003b, p 70).

In a report entitled *Who’s Doing What*, the National Aboriginal Health Organization (NAHO) outlines research, services and programs that may influence Aboriginal health policy. According to the report the Assembly of First Nations (AFN) has placed mental health as a priority. From the AFN’s perspective, government needs to commit resources for community-based suicide prevention and intervention programs, including more resources for regional training and will continue to pressure the government to make suicide in Aboriginal communities a priority (NAHO, 2002). The report goes on to examine policy and initiatives in British Columbia, Alberta, Saskatchewan, Ontario, Nunavut, New Brunswick and Manitoba.

Policy Implementation

Although ministries of health may not have designated Aboriginal youth suicide policies some provinces are making progress on the issue. For example, the Government of Nunavut held a workshop in March 2003: *Best Practices in Suicide Prevention and the Evaluation of Suicide Prevention Programs in the Arctic*. From the workshop emerged a series of recommendations aimed at developing culturally appropriate programs. Entitled “Actionable Recommendations”, they included culturally appropriate prevention (i.e. a

culturally appropriate screening tool for Inuit, school curriculum that encourages discussion of emotion, programs available in Inuktitut, cultural activities), culturally appropriate intervention (i.e. adequate training), culturally appropriate post-vention (i.e. conduct culturally sensitive and culturally appropriate research into the causes of suicide), and cooperation around the Arctic (Henderson, 2003). It will be interesting over the next couple of years to see if these recommendations are implemented.

In British Columbia between May 1999 and June 2000, seven communities – Powell River, Prince Rupert, Quesnel, Revelstoke, Richmond, the Stikine Region and Williams Lake – participated as demonstration sites for a suicide prevention initiative (Hinbest, 2001). The “*Putting Best Practices into Action*” project was funded by the Ministry for Children and Families (MCF) and coordinated by the Suicide Prevention Information and Resources Centre (SPIRC), of the Mental Health Evaluation and Community Consultation Unit (MHECCU), in the Department of Psychiatry at the University of British Columbia (UBC). “The project’s broad goal was to identify planning and communication requirements, local leadership characteristics, community-level partnership, and infrastructure needs that best facilitate a comprehensive and community-wide approach to youth suicide prevention” (Hinbest, 2001, iii). The project was very successful and illustrated that communities are capable of developing and implementing their own prevention strategies given adequate resources and training (Hinbest, 2001). Although it is too early to uncover the impact of this project it certainly provided communities with tools and skills to tackle youth suicide head on.

In the Five-Year Strategic Plan: 2002-2007, the Institute of Aboriginal Peoples' Health (CIHR-IAPH) – under the auspices of the Canadian Institute of Health Research (CIHR) – has been leading an advanced research agenda in Aboriginal health. Although the research on children and youth does not include an examination of suicide, the National Network for Aboriginal Mental Health Research does include suicide as one of its research aims (CIHR, 2001). Hopefully this project, once completed, will underline the crisis nature of youth suicide and suicide in the general Aboriginal population, forcing the government to act to develop a national mental health policy.

Recommendations

1. The entire approach to Aboriginal youth suicide, prevention, research and funding needs to become much more holistic – integrating issues of self determination, equality of service access and culturally based approaches.
2. Further research that builds upon the promising findings of Chandler and Lalonde (1998) must be conducted in order to uncover etiological drivers of suicide in Aboriginal communities. This would require disaggregating data and identification of best practices in the area which have been designed and implemented by Aboriginal peoples.
3. Funds must be provided to First Nations communities so that they can design, implement and evaluate their own best solutions in youth suicide prevention and response.

4. The Federal government needs to examine all of its policies regarding Aboriginal peoples and implement the policy recommendations that have been made over the last ten years from studies such as RCAP, AFN, Health Canada, INAC etc.
5. The issue of Aboriginal youth suicide needs to be regarded as a national problem and given priority in setting national health and well being priorities.
6. Redressing issues of imbedded structural and personal racism and discrimination facing Aboriginal peoples in Canadian society needs to be prioritized.
7. Aboriginal youth suicide needs to be highlighted in Aboriginal and non Aboriginal publications, media and reports such as *The Progress of Canada's Children* by the Canadian Council on Social Development in order to foster greater public awareness and understanding.
8. National strategies need to include the voice and lived experience of Aboriginal children and youth if suicide is ever going to make a political impression. Indeed, in a report entitled *Turning Points: Canadians from coast to coast set a new course for healthy child and youth development* the Aboriginal participants who were present in the draft process believed that the national goals for children and youth did not reflect the reality of Aboriginal populations. As a result, “the view that was most often expressed in the review process was that Aboriginal groups and leaders should develop their own vision of healthy child and youth goals for Aboriginal young people” (Health Canada, 1997, p6).
9. None of the literature examined for this report pointed to a rights-based framework, nor did the literature examine the UNCRC implications for Aboriginal youth suicide and the obvious responsibility that the Canadian

government has to protecting Aboriginal youth. Aboriginal youth suicide is a human rights issue and must be treated as such. When Canada ratified the CRC the government made two declarations relevant to Article 30. The first one was labelled a “statement of understanding”:

It is the understanding of the Government of Canada that, in matters relating to Aboriginal peoples of Canada, the fulfillment of its responsibilities under Article 4²¹ of the Convention must take into account the provisions of Article 30. In particular, in assessing what measures are appropriate to implement the rights recognized in the Convention for Aboriginal children, due regard must be paid to not denying their right, in community with other members of their group, to enjoy their own culture, to profess and practice their religion and to use their own language. (UNICEF, 2002: 457)

The other statement is a reservation in which Canada reserved the right not to apply the provisions of Article 21 of the Convention, which pertains to adoption, “to the extent that they may be inconsistent with customary forms of care among Aboriginal peoples in Canada” (Leblanc, 1995: 106-107). According to Leblanc (1995) these conditions of ratification are intended to benefit indigenous children, and no other party to the Convention objected to them. Thus Canada pledged to care specifically for Aboriginal children, appreciating that the historical ramifications of colonization, assimilation and integration and the cultural differences that exist between Aboriginal communities and mainstream society in caring for children.

²¹ Article 4: “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social

Although Canada has provided some focused investments in the area of youth suicide – clearly there is much more to be done. These efforts should be guided by the Convention on the Rights of the Child and incorporate the views of young people themselves in designing solutions that best respond to their needs.

and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation” (CRC, 1989).

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CHAPTER SIX: ACCIDENTAL INJURY

Introduction

Accidental injuries are one of the leading causes of death and hospitalization of Aboriginal peoples. Although there is a need for additional disaggregated data to inform policy responses to prevent and respond to accidental injury, the existing data demonstrates that Aboriginal children and youth experiences injury at a far greater rate than the rest of the Canadian population. Poverty, inadequate housing, heightened exposure to environmental hazards (both toxins and under-developed community infrastructures) and remoteness are all contributing factors.

This chapter reviews the existing data on accidental injury and death relevant to the experiences of First Nations children and youth whilst identifying relevant policy solutions and the status of the implementation of said policies.

United Nations Convention of the Rights of the Child Articles

Article 24: Subsection 2

- e) To ensure all segments of society, in particular parents and children, are informed and have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast feeding, hygiene, environmental sanitation and the prevention of accidents.
- f) To develop preventative health care, guidance for parents and family planning education and services.

Article 27: Subsection 1

States parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

Article 30

In those States which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

What we Know: First Nations Children and Accidental Injury

First Nations infants die from injuries at almost four times the rate as their non Aboriginal counterparts (63 versus 17 per 100,000.) This rate increases as the child becomes a toddler and has increased mobility and interface with his/her environment -First Nations preschoolers the rate is five times greater (83 versus 15 per 100,000.) Youth experience death by injury at more than three times the Canadian rate (176 versus 48 per 100,000) (Canadian Institute of Child Health, 1994).

The First Nations and Inuit Regional Health Survey (FNIRHS) found that broken bones or fractures were the most frequently reported injury (13% overall), followed by serious head injury (4%), serious burn (3%), near drowning (3%), and frostbite or hypothermia (2%) (Health Canada, 1999). The FNIRHS also found that injuries are a major cause of morbidity and mortality among children and youth generally. Yet the FNIRHS points out that uncovering data on death due to accidental injury and on accidental injuries in general is complicated by the way data is collected in different health care situations “Unfortunately, information about injuries experienced by Canada’s young people generally focuses on rates of hospitalization due to injury. Since children and youth who experience injuries are not necessarily hospitalized, this precludes a useful comparison” (Health Canada, 1999, p20). Furthermore, the study recommends further research to

identify the drivers of the over-representation of First Nations children and youth in accidental injury and death cases. This recommendation appeared to be followed through as Health Canada commissioned a study shortly after the FNIRHS to explore this matter. The *Unintentional and Intentional Injury Profile for Aboriginal People in Canada* (2001a) presents data for the total Aboriginal population, and then specifically for First Nations population, citing a scarcity of data for Inuit peoples. The report does not define the term “First Nations”. The report deconstructs the high rates of accidental injury among Aboriginal peoples and presents some specific statistics on children and youth. Referring to data from the Canadian Institute of Child Health, the report found that the injury death rate among First Nations infants was almost 4 times higher than in the total Canadian population (63 versus 17 per 100,000). It was more than 5 times higher in preschoolers (83 versus 15 per 100,000), and more than 3 times higher in teenagers between the ages of 15 and 19 (176 versus 48 per 100,000).²²

Motor vehicle accidents (MVA) tend to be the leading cause of injury death, followed by drowning, accidental poisoning and death from fire/flames. The report explains that Aboriginal people are at a higher risk for MVAs due to the greater distance they need to drive to participate in daily and weekly activities, increased use of higher risk vehicles such as all-terrain vehicles and snowmobiles, and a limited range of emergency response services and decreased response time in rural or remote areas.

²² Canadian Institute of Child Health. 1994. Aboriginal children. In *The Health of Canada's Children: A CICH Profile*. 2nd Edition. Ottawa: The Institute, 131-48.

Local conditions can also influence rates of vehicle accidents and pedestrian accidents. In a report prepared by IM-PACT, three quarters of the First Nations communities surveyed have no paved roads, inconsistent safety procedures, overcrowding on school buses, problematic inspection and maintenance of the vehicles, improper driver training, increased need to operate vehicles in reverse due to road design, the regular practice of crossing busy roadways, and poor snow clearing on waiting areas.²³

According to Health Canada (2001a) drowning is another area in which children are overrepresented. Nationally, in 1996, Aboriginal toddlers (under age 5) had a drowning rate 15 times higher than others. The report cites the proximity of many Aboriginal communities to rivers and lakes as a contributing factor. The problem is particularly acute for communities located in northern areas where access to swimming lessons and training in lifesaving methods is limited. Additionally, water temperatures in northern waters tend to be lower thus increasing the likelihood of hypothermia related deaths.²⁴ Rates of use of flotation devices also play a role, for example, only 6% of Aboriginal drowning victims in 1996 had worn a flotation device. “Moreover, about two thirds (64%) of the drowning victims age 15 or older had a blood alcohol level above the legal limit, versus about one quarter (27%) of their non-Aboriginal counterparts” (Health Canada, 2001a ,p4).

²³ IM-PACT Safety Issues. School Bus Safety. *School Bus Safety In Aboriginal Communities in Manitoba – Executive Summary*. www.im-pact.mb.ca/school_bus.html

²⁴ Cited: “Alcohol ‘on board’, man overboard – boating facilities in Canada”. *Canadian Medical Association Journal* August 11, 1998; 159(3): 259-60.

Fire and flame injuries in Aboriginal populations can be attributed to a higher cigarette smoking rate, wood frame house construction and low presence of smoke detectors (Health Canada, 2001a). “Almost one third (31%) of all fire deaths in the Aboriginal population are in children between the ages of 1 and 14, compared to an average of 16% in the total Canadian population, a finding that may be partly explained by the higher proportion of children in the Aboriginal population.”²⁵ The only information provided regarding injuries in children includes fire deaths and injuries. In 1999 there were 12 fire deaths and 11 fire injuries; in 2000 there were 7 fire deaths and 3 fire injuries; and in 2001 there were 2 fire deaths and 1 fire injury. Although these numbers show a declining trend the numbers from the previous 10 years are inconsistent, showing increases and decreases throughout.

Regrettably, most data collected on accidental injuries in the Aboriginal population does not delineate along age distributions. For example, the Department of Indian Affairs and Northern Development (INAC) *Basic Departmental Data; 2002* provides recent information on accidental injuries but little on children and youth.²⁶ In 1999, there were 3,638 more cases of death due to injury and poisoning for First Nations than for the rest of Canadians. Furthermore, Potential Years of Life Lost caused by injury and poisoning was 4,909 in First Nations populations compared to 1,271 in the remaining Canadian population in 1999.

²⁵ Cited: McFarlane, P. “New approaches to injury prevention.” In The National Indian & Inuit Community Health Representatives Organization, *In Touch* Winter 1997; 7(3).
www.total.net/~niichro/Injury/Injury5.html

²⁶ The data collected for this report reflects “Status” Indians under the Indian Act.

The most recent national data, collected for the *Statistical Profile on Health of First Nations in Canada*, examined the health status and conditions of First Nations peoples resident on reserve in Canada. The report stipulates that the most common cause of death in First Nations people aged 1 to 44 was injury and poisoning, with deaths of children under 10 being primarily unintentional (Health Canada, 2003). Indeed the rate of injury and poisoning First Nations deaths in 1999 was 107.2 per 100,000. The leading causes of death in First Nations by age group are as follows:

Age 1 to 9:	Fire and Flames	26%
	Motor Vehicle Accidents	24%
	Other Injuries	24%
	Other	26%
Age 10 to 19:	Suicide and Self Inflicted Injury	38%
	Motor Vehicle Accidents	30%
	Drowning and Submersion	10%
	Other	23%
Age 20 to 44	Suicide and Self Inflicted Injury	23%
	Motor Vehicle Traffic Accidents	15%
	Homicide	7%
	Accidental Poisoning by Drugs	6%
	Drowning and Submersion	5%
	Other	43%

Health Canada, 2003, p 30

In comparing age standardized leading causes of death in First Nations and other Canadians the Canadian rate for injury and poisoning is 42.2 per 100,000 versus 123.9 per 100,000 for First Nations, 1999. The First Nations rate is 3 times the Canadian rate, a slight improvement from the 3.8 times difference reported in the period 1991 to 1993 (Health Canada, 2003).

Information on accidental injury for the Inuit population was extremely difficult to locate. As Health Canada points out, “currently, little Inuit-specific health data are extracted from administrative systems and no health data are routinely collected or forwarded to Health Canada’s First Nations and Inuit Health Branch” (2003, p54). The report cites a study of mortality in the Inuit of Nunavik which found 55% of men and 27 % of women dying from injuries.²⁷

The following table delineates the death rates due to injury and poisoning by cause for the time period of 1979 -1993. The positive trend has been toward a reduction of deaths across all dimensions except youth suicide however, it is important to acknowledge that even in this improved state Aboriginal young people are experiencing significant and disproportionate risk for injury .

Death Rates* Due to Injury & Poisoning by Cause ²⁸
First Nations, Three-Year Averages, 1979 - 1993

Category of Injury/Poisoning	1979 - 1981	1982 - 1984	1985 - 1987	1988 - 1990	1991 - 1993
Motor Vehicle	66.8	46.4	62.6	46.3	40.5
Suicide	38.2	35.8	36.6	32.7	38.0
Other	66.2	53.2	34.7	34.8	30.3
Poisoning/OD*	6.9	7.2	9.3	10.8	16.5
Drowning	27.3	17.3	14.5	12.6	11.8
Fire	18.3	17.1	13.0	10.3	10.2
Falls	8.1	7.1	5.2	6.3	4.6
Firearms	10.6	5.6	6.0	3.3	2.3

²⁷ Cited: Hodgins, S. 1997. *Health and what affects it in Nunavik: how is the situation changing?* Kuujjuak: Nuanvik Regional Board of Health and Social Services.

²⁸ Health Canada. www.hc-sc.gc.ca/fnihb-dgspni/fnihb/cp/ipc/statistics.htm

Policy

There is no national policy directed at preventing or responding to accidental injury affecting Aboriginal children and youth, or in the Aboriginal population in general. The most recent health policy directive comes from the Health Canada's *Health Canada Estimates: A Report on Plans and Priorities* (2001). The report presents a variety of health objectives, provides a description of the objective and outlines the planned result and related activities. Health Canada's stated vision for First Nations and Inuit Health is "Sustainable health services and programs for First Nations and Inuit communities and people that address health inequalities and disease threats so that they may attain a level of health comparable with that of other Canadians, within a context of First Nations and Inuit autonomy and control, and in collaboration with the provinces and territories" (Health Canada, 2001b, p72). In order to achieve this, Health Canada committed to undertake the following actions:

- I. Health initiatives that improve the health status of the First Nations and Inuit peoples and that enhance mental wellness.
- II. Increased awareness of health issues that will improve the development and good health of First Nations and Inuit children and their families.
- III. Long-range strategies to address sustainability of the First Nations and Inuit health services and programs.
- IV. Shared accountability and increased control by First Nations and Inuit over program resources and management (Health Canada, 2001b, pp72-77).

Some of the related activities that Health Canada planned to initiate are:

- Develop programs and policies that lead to improved health of First Nations and Inuit children
- Improve surveillance indicators, including those for communicable diseases, vaccinations and populations denominator; streamline data collection; and broaden the core set of surveillance indicators with the additional reporting of

chronic conditions such as diabetes, cancer and arthritis (Health Canada, 2001b, pp72-77).

Although the policy directive makes reference to children and youth, as well as acknowledging the disparities in health between Aboriginal peoples and Canadians it does not mention accidental injury or injury prevention as a priority. Furthermore, the directive limits attention to children to references to Aboriginal Head Start, the Canada Prenatal Nutrition Program and Fetal Alcohol Syndrome (Health Canada, 2001b).

Although these programs are important, they do not respond to accidental injury directly nor do they service the whole continuum of Aboriginal children and youth.

Encouragingly, a paper prepared for Strategic Policy, Planning and Analysis Directorate, First Nations and Inuit Health Branch did mention that injury prevention strategies are needed to address the extremely high rates of injury-related morbidity and mortality within First Nations communities (Dion Stout & Kipling, 1999). However, we were unable to locate any evidence that a national strategy on injury prevention has not been adopted or developed.

Health Canada's First Nations and Inuit Health Branch is mandated to "ensure the availability of, or access to, health services for First Nations and Inuit communities; assist First Nations and Inuit communities address health barriers, disease threats, and attain health levels comparable to other Canadians living in similar locations; and build strong partnerships with First Nations and Inuit to improve the health system" (Health Canada, 2001c). The current priorities of FNIHB are to be cost-effective, transfer health resources to First Nations and Inuit control and establish a renewed relationship with First Nations

and Inuit people (Health Canada, 2001c). Children and youth are not mentioned as a priority of the department.

Policy Implementation

Although FNIHB is committed to “assist First Nations and Inuit communities address health barriers”, such as accidental injuries, there is no national policy for injury prevention nor are there earmarked funds for comprehensive injury prevention programs. Moreover, communities that receive money from FNIHB are not given designated funds to operate accidental injury surveillance or educational programs. In the absence of a national commitment to support Aboriginal peoples who work in the area of injury prevention in developing comprehensive injury prevention strategies progress in redressing this problem will be slow.

The National First Nations and Inuit Injury Prevention Working Group (NFNIIPWG) is one such group that deserves more focused investment and support. This group, which is supported by First Nations and Inuit Health Branch, meets three times a year in Ottawa and is mandated to provide a ‘national voice’ to direct: (a) the development and promotion of a national framework for injury prevention and control, which is culturally relevant to First Nations and Inuit populations; and (b) ongoing work on injury prevention (NFNIIPWG, 2000). The following describes some of the NFNIIPWG activities:

To date, many of our activities have focused on: increasing awareness about the injury problem among our own people; developing culturally appropriate resources; and developing basic injury prevention skills among community-

based practitioners. The current impact of these efforts is starting to emerge in the form of community-based and provincial/territorial level initiatives. Activities at all levels continue to be critical to building capacity to act on injury. It is important to note that these activities and their subsequent impact are not uniform across First Nations and Inuit (NFNIIPWG, 2000).

Health Canada is also sponsoring a national conference in June, 2004; the first of its kind. The National Aboriginal Injury Conference; Towards Community Action on Aboriginal Injuries is a four day event that hopes to bring awareness to the issue of accidental injuries and formulate the foundation of a national strategic policy on injuries in First Nations and Inuit populations. Unfortunately, the conference is not specifically focusing on children and youth, providing only one workshop on child safety.

In a report entitled *Who's Doing What*, the National Aboriginal Health Organization (NAHO) outlines research, services and programs that may influence Aboriginal health policy. The Canadian Institutes of Health Research (CIHR) Institute of Aboriginal Peoples' Health (IAPH) addresses the special health needs of Aboriginal Peoples through research in a variety of areas, including injury prevention. IAPH also supports strategic initiatives and has tendered Request for Proposals in four areas, including for prevention of accidents and injury: to examine primary preventative measures to eliminate or reduce the incidence of unintentional accident and injury (NAHO, 2002). It will be interesting to see what comes out of this project. The NAHO report also highlights the Assembly of First Nations commitment to children's health and injury. AFN is committed to the development of an injury prevention framework and has been working to create a policy framework on the issue (NAHO, 2002). In its review of provincial activities NAHO uncovered that of the provinces surveyed, not one of them placed Aboriginal children and

youth accidental injury as a health priority: British Columbia, Alberta, Saskatchewan, Ontario, Nunavut and New Brunswick (NAHO, 2002).

The Lakeland Aboriginal Injury Control Liaison Project is currently underway, received funding from the Health Innovation Fund in Alberta for a five year period: April 2002-March 2005. This project, focusing primarily on the region's Métis Settlements, has developed an Action Plan based on injury priorities and data and will be implemented in the three year period. The identified injury priorities are as follows:

- Safety of Elders and Falls
- Use of Child Restraints in Motor Vehicles
- Use of Seat Belts
- Suicide Prevention Awareness
- Use of Bicycle Helmets
- ATV and Snowmobile Safety
- Poisoning and Prescription Drug Use

As these policy initiatives indicate, some positive work is underway to redress accidental injury and death of Aboriginal children and youth however the overall movement has experienced ebbs in support from government and the resources to design and implement a comprehensive injury prevention and response program which would identify and redress the etiological causes of accidental injury.

Recommendations

1. A survey of the literature reveals a dearth of disaggregated statistical data and research that are consistent across jurisdictions and complete. Moreover, some statistics do not separate “intentional” and “unintentional” accidents and poisoning, making it very difficult to see a clear picture.

2. Critical data much be collected at a national level, comparing not only Aboriginal peoples with Canadians but efforts must be made to examine differences within different cultural groups, such as First Nations, Inuit and Métis peoples.

Additionally, disaggregating the data beyond the major cultural groups to detect differences amongst communities would be helpful to inform community based solutions.

3. The federal government must work with Aboriginal experts to develop and implement a comprehensive national Aboriginal injury policy that acknowledges that Aboriginal children, live as part of his/her family and community and the environment – all of which impact on their propensity to experience accidental death or injury.

The national strategy must account for community differences and affirm community members as being in the best position to implement their own best solutions. Additionally, prevention programs and investment in redressing existing environmental risks must be provided. Too often – prevention is seen as a discretionary expenditures but as one report points out the costs of not preventing injuries can be astronomical “unintentional injuries alone cost Canadians \$8.7 billion or \$300 for every citizen in 1995 in terms of the direct cost of treatment (hospital care, physician services, prescription drugs and rehabilitation) as well as the indirect costs to society from lost productivity” (Health Canada, 2001a, p1). So prevention makes sense economically and more importantly is essential to ensuring Aboriginal children and youth are safe and well.

4. Similar to other areas, this issue requires a holistic interdependent response that connects self government, community infrastructure and specific injury prevention strategies. These solutions must be community based and informed by research that is not only relevant to the cultural and community context but also is integrated into the continuum of child and youth programming.

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CHAPTER SEVEN: CHILD WELFARE

Introduction

Colonial policies of government aimed at the assimilation and eradication of Indian peoples in Canada have historically focused on Aboriginal children and youth. The residential schools operated by the federal government in partnership with Christian churches were at the center of the assimilation program targeted to Aboriginal children. Beginning in the 1870s, Indian children aged 5 to 15 years were removed from their families and placed in, often distant, residential schools. These poorly constructed schools intended to “kill the Indian” (Milloy, 1999: P.xv) by banning all aspects of indigenous culture and separating children from their parental and community systems of care. Abuse and neglect were rampant and reports to Canada of preventable deaths in the schools were prolific (Bennett and Blackstock, 2002; RCAP, 1996). It was not unusual for so many children to die in the schools that graveyards needed to be constructed. There were many examples of courageous people, such as Dr. P. H. Bryce who spoke publicly about the preventable deaths from disease in 1907, only to be fired by the Department of Indian Affairs. The gross inappropriateness and inadequacy of the Government of Canada’s response to these reports were outstanding. In one case, Indian Affairs received a report that children in a residential school were freezing to death after running away from the school to escape profound abuse. Indian Affairs response was to recommend that survival training be provided – no attempt was made to stop the abuse from happening (RCAP, 1996; Milloy, 1999).

Although the schools began closing in the 1940s, the last one did not close until 1996 – five years after Canada signed the United Nations Convention on the Rights of the Child and 48 years after Canada signed the Universal Declaration of Human Rights.

Residential schools had a profound effect on disrupting child care knowledge and practices and introduced multi-generational dysfunction as community members tried to cope with the trauma often with little or no resources (RCAP, 1996).

Provincial and territorial governments began providing child welfare services to on reserve communities in the 1950s. Although this step held the promise of assisting Aboriginal families to care for their children – the reverse happened as by the 1960's non Aboriginal social workers devoid of any cultural understanding conducted mass removals of children in what became termed the 60's scoop. Many of these children were placed in non Aboriginal foster homes or adopted out into non Aboriginal families (Bennett and Blackstock, 2002).

Social work has progressed since the 1960's with the further incorporation of Aboriginal streams of social work in university education and the devolution of child welfare services to Aboriginal communities but little has been done to address the etiological drivers that resulted in so many Aboriginal children being removed in the first place – lack of family supports, poverty, inadequate housing, limited cultural services and the slow walk to affirming self government. There has also been inadequate attention given to exploring the lessons learned from colonization. For example, what were the values and beliefs that underscored the 60's scoop and are they evident in social work practice today? The lack of redress of these factors coupled with inequitable access of First Nations families to child and family supports has resulted in a situation today where there are three times as many Aboriginal children in child welfare care as there was at the height of residential school operations in the 1940s.

It is not possible to know how many of these children and youth are placed in programs which would respect their cultural rights pursuant to Article 30 of the UNCRC as few

provinces collect data on cultural placement match. However, a report completed by the Children's Commissioner of British Columbia in 1998 found that only 2.5% of Aboriginal children were placed in Aboriginal foster homes despite a statutory requirement to give preference to extended family and culturally based placements. In light of this history, the institutionalization of Aboriginal children is a profound concern for Aboriginal peoples. The following summary reviews the relevant data on Aboriginal children in institutional care and examines the efforts of Canada to observe the United Nations Convention on the Rights of the Child (CRC) respecting children in child protection services. First, academic research on the experiences of First Nations children, youth and families with child welfare will be reviewed, to illustrate the problems they, and their service providers (First Nations Child and Family Service Agencies and provincial/territorial governments), are experiencing. Second, the policies that have been developed, often in partnership with Canada, to address these problems will be critically analyzed. Finally, the same policies will be examined to see if they meet the guidelines of the CRC and have been implemented.

United Nations Convention on the Rights of the Child

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 27

4. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development
5. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capabilities, the conditions of living necessary for the child's development.
6. States Parties, in accordance with national conditions and within their means, take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Article 30

In those States which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of; any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

What we Know: First Nations Children and the Child Welfare System

Number of Aboriginal children in care

Although it is not possible to provide precise national data on the numbers of Aboriginal children in child welfare placements as provinces and territories have differing data collection systems, the best estimate is that Aboriginal children compose 30-40% of all children in care in Canada. This drastic over representation is even more concerning as Department of Indian Affairs and Northern Development year end data for children in care indicate a 71.5% increase in the number of Status Indian children on reserve being placed in child welfare between 1995-2001 (McKenzie, 2002). This means that by 2001 there were over 8,787 Status Indian children resident on reserve in child welfare care

spending an annual total of 2,322,100 days in foster care and 324,920 days in institutional forms of care (McKenzie, 2002). Furthermore, the population of Status Indian children (aged 14 years and younger) actually decreased by 1% between 1996 and 2001 (Statistics Canada, 2001) and thus can not account for this drastic increase in children in care. As will be noted later in this chapter, the lack of in home family supports for children at risk and inequitable service access have been identified by First Nations child and family service agencies and the Department of Indian Affairs as important factors.

Although there have been discussions amongst provincial/territorial child welfare directors to improve data collection little progress has been made in developing a reliable national data base that describes the experiences of Aboriginal children and families receiving care from non Aboriginal child welfare authorities off reserve. Furthermore there is no national data on the nature and extent of services provided to families whose children have been placed in child welfare care in order to redress the risk factors that originally resulted in the child's removal.

The 1998 Canadian Incidence Study of Reported Child Maltreatment (CIS-98)

Despite the large numbers of Aboriginal children in child welfare care there was no national data set that described their experiences when they come into contact with the child welfare system prior to 1998. The 1998 Canadian Incidence Study of Reported Child Maltreatment (CIS-98) was the first national study to include the experiences of Aboriginal children in the child welfare system. The study asked social workers to collect data on families and children who were reported to child welfare authorities for a

three month period in 1998. The data set includes family socio-economic data, child and family functioning indicators as well as information on types of maltreatment, and case disposition. The study does not include cases of maltreatment that were not reported to child welfare authorities or cases investigated by the police alone (i.e: child abused by a stranger.)

Secondary analysis of the data describing the experience of Aboriginal families found:

- two thirds of substantiated cases of child maltreatment involved First Nations families living on or off reserve.
- Neglect was twice as likely to be the primary form of maltreatment in Aboriginal families as compared to their non-Aboriginal counterparts
- Social workers noted that Aboriginal families were much more likely to live in poverty, experience multiple moves and experience substance misuse
(Blackstock, Trocme and Bennett, 2004: In press).

As the researchers noted the over representation of Aboriginal children in care is symptomatic of the over representation of Aboriginal children at each key decision making point:

At every decision point Aboriginal children are over represented: investigations are more likely to be substantiated (50% vs. 38%), cases are more likely to be kept open for on-going services (55% vs. 42%), and children are more likely to be placed in some type of formal or informal out of home care (29% vs. 12%). Findings suggest the development of neglect intervention programs that include poverty reduction and substance misuse components. (Blackstock, Trocme and Bennett, 2004: In press)

Researchers were interested in why neglect was twice as likely to be reported as the primary form of maltreatment for Aboriginal children and thus they conducted a second study that unpacked some of the factors related to neglect. The researchers found that if they controlled for poverty, substance misuse and multiple moves, Aboriginal children should not be over represented in the child welfare system. Recommendations were made to better incorporate child welfare responses with poverty eradication strategies, substance misuse programs and housing strategies (Trocme, Knoke, and Blackstock, 2004).

Researchers at the Centre of Excellence for Child Welfare are currently conducting a comparative analysis of the experiences of Aboriginal children on and off reserve. Preliminary results indicate significant differences between these populations and a full research report will be released later this year. In addition, a second cycle of data collection is currently underway which includes an expanded number of Aboriginal children and their families – this data will be available for secondary analysis early in 2005.

First Nations Child and Family Service Agencies

As provincial and territorial child welfare practices were proving vastly inadequate and First Nations communities wanted to assert their responsibility to care for their own children, First Nations child and family service agencies started to develop in the 1980s. These agencies, are funded by the federal government (for on reserve services) according to a national funding formula known as Directive 20-1 which is administered by the Department of Indian Affairs and Northern Development and receive their statutory

authority through the provincial governments. The delegated model then, allows First Nations to manage and deliver child welfare services but not to design them – that continues to be done by provincial/territorial child welfare authorities.

The Auditor General of Canada (1998) cited the disconnect between the funding and the jurisdiction as resulting in inequity of services to Status Indian children in Canada:

14.76 Arrangements [funding arrangements] vary by province, and in some provinces Indians are not entitled to a whole range of services that may be available to Indians in another province. In Saskatchewan, for example, no preventive services, which Indians view as the most valuable, are available to Indians because they are not part of that province's service package. This is a direct result of federal recognition of provincial jurisdiction and of adhering to provincial standards for child welfare. In addition, because Child Welfare agreements with individual bands within a province vary, all bands in that province may not be entitled to the same range of services or the same level of funding. (Auditor General of Canada, 1998: Section 14.76)

Although the Directive, which was implemented in the late 1980s, was intended to ensure comparability of services with other Canadians – the disregard for the scope and content of provincial legislation in the formula perpetuated inequity of services in many provinces. As a response to concerns expressed by First Nations child and family service agencies regarding the inequity of service and the lack of emphasis on prevention services, the Department of Indian Affairs agreed to review Directive 20-1 in 1999. The Department of Indian Affairs and Northern Development entered into a partnership with the Assembly of First Nations to conduct the review which concluded in June of 2000. The resulting report entitled *First Nations Child and Family Services Joint National Policy Review* (National Policy Review- NPR) found that the federal government currently funds FNCFSAs an average of 22% less than their provincial counterparts. Moreover, the review found that Directive 20-1 did not provide sufficient emphasis on supporting children at risk of maltreatment to stay safely in their homes. Seventeen

recommendations were made to improve the formula including a substantial investment of new dollars to support children at risk to stay safely in their families and to augment services to special needs children. As will be noted later, despite the fact that child welfare costs are increasing at 6% per year, there has been no increase in funding for First Nations child and family service agencies since 1995.

In terms of services to First Nations children off reserve, funding is provided by the provincial and territorial governments. As First Nations and Aboriginal agencies are beginning to provide child welfare services off reserve in some areas, funding formulas that adequately account for the distinct cultural contexts, degree of existing infrastructure and the impacts of colonization on children and families need further development.

The most promising model of off reserve service delivery is the Aboriginal Justice Inquiry Child Welfare Initiative in Manitoba (Aboriginal Justice Inquiry Child Welfare Initiative, 2001) Under this initiative, the Government of Manitoba in partnership with First Nations and Métis governments have developed a province wide service delivery system where Aboriginal clients, regardless of their place of residency can choose which culturally based child welfare agency they wish to receive services from. This positive initiative is well underway and families will soon begin receiving services from their chosen child welfare authority (First Nations Child and Family Caring Society of Canada, 2003). There are also several off reserve child welfare agencies that provide child welfare services to all Aboriginal people or Métis peoples off reserve – these are primarily located in British Columbia and Ontario.

Currently there is no template for the development of funding formulas for Aboriginal agencies off reserve that reflect the rights enshrined in the Convention of the Rights of the Child nor is their consistency in the availability of culturally based services for Aboriginal children throughout Canada .

Aboriginal Social Work within Euro-western Legislation

The following section provides an overview of existing publications on Aboriginal child welfare, however, it is important to emphasize that First Nations child and family service agencies are required by law to use provincial legislation and regulations –meaning that they must base their service delivery on provincial legislation that enshrines Euro-western value systems. Truly culturally based services will not be possible until Aboriginal child welfare laws are recognized and supported. As Cornell and Kalt (2000) emphasize, the higher the degree of self determination in First Nations the higher degree of sustained socio-economic outcomes in First Nations communities.

McKenzie (1997) evaluated a child and family service in a Manitoba First Nations community, using multiple focus group interviews, and a data consultation stage to involve community residents in the description of the child welfare context in different communities. His data echoed the results of an earlier study by McKenzie, Seidl, and Bone (1995), which used a participatory research process in eight Manitoba First Nations. Important differences were found in each community between the causality of child welfare problems, the definition of key child welfare concepts, and the place of cultural values and practices in intervention. Yet, all of the communities expressed views of good child welfare practice that were similar to mainstream society, even though some of the Aboriginal cultural values and practices they described contradicted the non-Aboriginal child welfare practices, like focusing on the problems of an individual family, rather than the entire community.

Hodgson (1993) and Basnett (1995) provided examples of First Nation and Inuit controlled family services that promoted self-government and the rights of children.

Hodgson (1993) studied First Nation leadership of child welfare services in the Yukon town of Pelly Crossing. In late 1991, four children were apprehended because their parents had left them home alone while they went out drinking. The parents were given the chance to have their case heard by a First Nation justice council, or the territorial justice system. The Aboriginal council was chosen, and the parents, a social worker, and the council were able to work out an acceptable solution. While other cases were not as successful, Hodgson noted that this innovation in the administration of child welfare services increased tribal empowerment and self-government.

Gilman (1998) used questionnaires and open-ended questions to survey 32 non-Aboriginal child protection workers, and 26 Aboriginal workers. The Aboriginal workers were more likely to employ less intrusive interventions than Aboriginal workers, and hoped that the legislative time constraints that set maximum amounts of time that children can remain in care could be increased so that more time could be spent strengthening Aboriginal families. The need for increased time also concords with the reduced access to services that plagues many Aboriginal communities. – so in the face of limited resources more time is needed to provide families a real chance to safely care for their children. This issue is becoming more critical as increasing numbers of provinces are amending their child welfare legislation to set maximum amounts of time that children can remain in care before being reunited with family or becoming permanent wards of the state. Many Aboriginal social work practitioners fear that these decreasing time frames fail to account for the substantive inequality in service access faced by Aboriginal peoples and the multidimensional impacts of colonization which could result in even larger numbers of Aboriginal children being removed permanently from their families.

Their concerns are affirmed by research that indicates that Aboriginal social workers are often more attuned to community situations. Basnett (1995), in a case study of the Nuu-Chah-Nulth Tribal Council's control of their child welfare services, found that the experience, commitment and knowledge of First Nations social worker's substantially mitigated the pervasive effects of racism and colonialism.

Walmsley (2002) explored how Euro-western culture influences social workers practice with Aboriginal clients. Walmsley conducted semi-structured interviews with 19 child protection practitioners in British Columbia, selected via snowball sampling. The study included Aboriginal and non-Aboriginal workers, and indicated that social context was a powerful influence on practitioners' representations of practice. The workers were often unsure how to balance Aboriginal cultural values with provincial legislation. Parents' residential school experience was identified as the most significant factor that explained the incapacity to parent, but only Aboriginal practitioners interpreted this fact as a consequence of colonization suggesting a need for increased training for non-Aboriginal social workers and an incorporation of the colonial impacts into child maltreatment assessment frameworks.

Sterling-Collins (2000) used a qualitative case study of a British Columbia Aboriginal social work training program which was developed and delivered in 1998. This bi-cultural curriculum was developed to help workers provide culturally-sensitive Aboriginal child protection services, while respecting BC provincial legislation concerning child welfare services. The training program was delivered by the province – with very mixed results until in 1999, The Caring for First Nations Children Society (CFNCS), a provincial non profit organization, worked with First Nations in British Columbia to further develop the curriculum and design a training delivery model that incorporated cultural competencies and was hosted by First Nations or Aboriginal

communities. The program has now trained over 400 social workers and participant feedback often affirms the enhanced relevancy that culturally based training has in preparing them to work respectfully for Aboriginal families. This training is only available in British Columbia and although other regions have various forms of training programs this is by far the most comprehensive. As there is increasing evidence that culturally based social work training better prepares social workers to work effectively with Aboriginal families there is a substantial need to build on successful models of culturally based training such as that offered by CFNCS to ensure they are available nationally. Furthermore, universities and colleges should coordinate their efforts to ensure that training programs such as this can be recognized for academic credit.

However, the literature contained several gaps. Too few studies by Aboriginal authors were available, as were studies conducted in Aboriginal languages. Literacy in Aboriginal languages is low in First Nations communities -- only 19% of all First Nations and Inuit people speak their original language (Statistics Canada, 2001). Longitudinal studies to explore the experiences of children in care and their families is required as is further research exploring the etiological drivers that contribute to the over representation of Aboriginal children and youth in care. There is also a dearth of qualitative research describing the experiences of Aboriginal youth and families coming into the child welfare system.

Better descriptions of “best practices” in Aboriginal child welfare and the conditions that support that best practice are needed as are culturally competent program evaluation frameworks. Exploration of interdisciplinary and holistic approaches that bring child welfare, substance misuse, poverty eradication and housing together to support families will make a substantial contribution. Finally although some authors did illustrate the devastating effect of child welfare involvement on communities (Kline, 1994; Fournier &

Crey, 1997; Swift, 1999) there is a need for additional research so that this research can inform practice thus reducing some of the negative impacts of child welfare practice.

There is also a substantial lack of disaggregated data that respects the diversity of First Nations, Métis and Inuit peoples and explores differences between the impact of services provided by First Nations child and family service agencies versus the provincial child welfare system. Research that negates the unique experiences of Aboriginal peoples and contexts is not only increasingly irrelevant it supports the homogenization of Aboriginal cultures.

In summary, Research indicates that First Nations who are developing their own child welfare services should strategically integrate those aspects of non Aboriginal policy and practice that concord versus conflict with their culture and vision of self-government (Hodgson, 1993; Basnett, 1995; Anderson, 1998, Cornell and Kalt, 2000).

Discriminatory funding regimes that afford First Nations children and the First Nations child and family service agencies that provide them with culturally based services less than what is available to other Canadian children must end and be replaced by funding arrangements that are sufficiently flexible and resources to ensure quality culturally based service (MacDonald and Ladd, 2000). Furthermore, as the CIS -98 data suggests, interdisciplinary response frameworks are required that integrate housing, income security and substance misuse with child welfare responses.

Without a commitment to these aspects, there will be insufficient progress in developing child welfare systems that support Aboriginal children, youth and families (Gotowiec & Beiser, 1993, 1994; Timpson, 1995; Palmer & Cooke, 1996; Dion, Gotowiec, & Beiser, 1998) and keeping Aboriginal children in their homes.

Policy

In regions where First Nations Child and Family Service Agencies do not exist or are not providing services off reserve, Aboriginal children and families are serviced by mainstream child protection services. This is also true of First Nations that have child populations of less than 251 children and thus do not qualify for funding for their own child welfare services. There is almost no information that describes the experiences or policy frameworks impacting these children. This is an area in critical need of further study – especially given the increasing numbers of First Nations children resident off reserve.

As described earlier, First Nations child and family service agencies serving on reserve residents must operate pursuant to provincial child welfare legislation, however, the federal government provides the funding. However, there is no connection between the federal funding formula, known as Directive 20-1, and provincial legislation. This means that there is no way of ensuring that First Nations child and family service agencies are provided with the resources needed to fully implement provincial child welfare legislation and ensure equity of service (MacDonald & Ladd, 2000; MacDonald, 1999; Auditor General of Canada, 1988).

In 2000, Indian and Northern Affairs Canada (INAC), in partnership with the Assembly of First Nations (AFN), conducted a review of the national funding policy for First Nations Child and Family Services known as Directive 20-1 (MacDonald and Ladd, 2000). The review found significant gaps in the funding formula and provided 17 recommendations for improvements. Funding was particularly inadequate with regard to

services intended to ameliorate risk to children and allow them to stay safely in their homes (least disruptive measures). Least disruptive measures (also known as targeted prevention services) are required directly or indirectly by every child welfare statute as progressive social work acknowledges that every effort should be made to support children to safely stay at home before considering removal and placement in foster care (Shangreaux and Blackstock, 2004; First Nations Child and Family Caring Society 2003b.) Overall funding for First Nations children receiving child welfare services on reserve was 22% less per child than the average provincial agency based on 1999 dollars (MacDonald and Ladd, 2000). INAC documents obtained through access to information not only acknowledge that increased funding for least disruptive measures services would reduce the numbers of First Nations children in child welfare care these documents confirm that the current level of funding provided by INAC are insufficient for FNCFS to meet their statutory obligations – particularly with regard to least disruptive measures (INAC, 2002.) To date no new money has been identified to redress the funding inequity and enhance least disruptive services. Although we can not directly account for the impacts this long delay in redressing this inequity has had on children –we do know that the numbers of Status Indian children in care is continuing to climb unabated. In addition, the implementation of the National Policy Review recommendations was specifically mentioned in a review by the Saskatchewan Children’s Advocate in 2003 into the life threatening non accidental injury of a 20 month old First Nations boy, known as Baby Andy, in Saskatchewan who had recently been returned to his families care by a First Nations Child and Family Service Agency:

There are striking similarities between the systems issues raised in the Baby Andy review and those identified in the National Policy Review. The

recommendations in the National Policy Review provide a blueprint for addressing the funding and capacity issues that were identified in the Baby Andy review (Saskatchewan Community Resources and Employment and Montreal Lake Child and Family Services Inc., 2003: P.8).

Although it is impossible to say whether the full implementation of the National Policy Review recommendations would have prevented the tragic injury to Baby Andy, it would have at least provided his family and the agency workers who were caring for him the best chance to make different choices.

It is disturbing that despite Canada's expressed regret for its role in residential schools, that a sustained pattern of under funding services to First Nations children and youth resident on reserve continues. It is also regrettable that INAC headquarters has only allocated two full time staff members to oversee the care of 9,000 First Nations children and youth (resident on reserve), the funding of First Nations child and family service agencies and to work on the implementation of the National Policy Review.

This lack of funding, coupled with a dearth of voluntary sector supports, municipal supports on reserves and substantially higher risk for child maltreatment yield an absolutely untenable situation for First Nations children and families. In this context, the rise in the numbers of Status Indian children in care is not surprising. It is however, very distressing, especially as there has been no new funding allocated to First Nations child and family service agencies since the review was completed in 2000 in spite of the fact that Canada has reported four successive surplus budgets.

Summary

This acknowledged funding inequity appears to not uphold Article 2 of the CRC and fetters the fulfillment of Article 30 in that First Nations children and youth experience discrimination as their service providers are inadequately funded and First Nations communities do not receive the resources needed to keep children safely in their family homes and within their cultural communities. The underinvestment in family based care of children in Directive 20-1 does not appear to concord with Articles 2 and 5 of the CRC.

Furthermore, the lack of universal access to culturally based child welfare services for children and families off reserve raises questions regarding the compliance with Article 30 of the CRC. Promising models such as the Aboriginal Justice Inquiry Child Welfare Initiative should be seriously considered as other provinces and territories work with Aboriginal peoples to design child welfare systems that best meet their distinct needs.

As the Royal Commission on Aboriginal Peoples (1996) has observed, increasing funding to equitable levels would not on its own be enough to restore the well being of Aboriginal children and families. Implementation of self government that restores sustained socio-economic well being are absolutely required to redress the poverty, poor housing and substance misuse that underlie many child welfare concerns in Aboriginal communities (Trocme, Knoke and Blackstock, 2003.) This need is further emphasized by the work of Kirmayer, Simpson and Cargo (2003) who conducted a literature review of First Nations and Inuit mental health promotion strategies, and found that the residential school system, out-adoption and government centralized bureaucratic control had created high rates of social problems, demoralization, depression, substance abuse, and suicide rates in many Aboriginal communities. The social origins of mental health problems in

First Nation/Inuit communities demanded social and political solutions (Brant, 1994; Duran & Duran 1995, Mussell 1993; RCAP 1996; Waldram, 1995).

The National Aboriginal Youth Strategy (Canada, 1999) recognized the problems described above, and recommended that healing strategies emphasizing collectivism, as opposed to individualism, be implemented. The same strategy suggested that Aboriginal leaders and federal/provincial governments should create a broad joint policy mechanism that would prevent the fragmentation of First Nations and Inuit communities. Funding for programs created by this mechanism would not be based on competition, but rather on network building. Aboriginal communities work together towards consensus-based decisions, especially where services for children, youth, and families are concerned (Leslie and Storey, 2002). By asking them to cooperate to build their funding, as opposed to battling each other for limited funding by writing better proposals than rival organizations, the policy recognized the importance of collectivism, and subverted the individualistic pursuit of program moneys, which was more consistent with a Eurocentric, capitalist society.

Canada's Second Report on the Convention of the Rights of the Child (Canada, 2001) listed several other examples of youth-oriented programs. The government claimed that 1950s *Inherent Right Policy* recognized the right of Aboriginal peoples to govern themselves in key areas of responsibility, and that *Gathering Strength: Canada's Aboriginal Action Plan* sought to strengthen Aboriginal governments, people and economies. The Gathering Strength framework led to a public apology by Canada, acknowledging the historic injustices encountered by Aboriginal people, and the creation of the Aboriginal Head Start Program, to help young children become familiar with their traditional culture.

While the Aboriginal Head Start Program has been welcomed in many First Nations and Inuit communities, it is a targeted program for children 0-6 and is not universally available nor was it designed to be a least disruptive measure for children experiencing child maltreatment.

Canada entered a reservation to Article 21 of the Convention on the Rights of the Child upon ratification of the CRC. Canada reserved the right not to apply the provisions of Article 21 of the Convention, which pertains to adoption, stating “to the extent that they may be inconsistent with customary forms of care among Aboriginal peoples in Canada” (Leblanc, 1995: 106-7). The reservation recognized customary forms of care among Aboriginal peoples in Canada, such as custom adoption, yet Blackstock and Bennett (2003) have found that an alarming number of First Nations and Inuit children are adopted outside of their home communities, in spite of this provision. When non-Aboriginal social workers did not understand Aboriginal teachings about collectivism and interdependence, they set them aside or failed to provide families of origin with sufficient levels of support to care for their own children. Furthermore, First Nations child and family service agencies are not provided adequate funding by the federal government to support culturally based adoption programs despite the demonstrated success of pilot projects such as Yellowhead Tribal Services Custom Adoption Program.

The Federal Government did increase funding for family violence prevention projects on reserves. Unfortunately, this money was not available to off-reserve people, nor was core funding offered so that the projects could become long-term programs. Family violence emergency centres were also opened, but they did not directly address the core social problems that were creating the violence in the first place. The *Brighter Futures Initiative* and *Building Healthy Communities* programs increased funding for childhood injury prevention, youth activities, solvent abuse treatment and prenatal nutrition, yet

again, the funding was allocated for short-term projects, not stable, on-going programming. Moreover, since July, 1998, a National Child Benefit has been offered to all Canadian children in low income families, but this funding is means based, which means that it has to be applied for, perpetuating the stigma of poverty, and the image of Aboriginal people as drains on the tax dollars of Canadians. It is also subject to provincial claw backs – especially for families who are on social assistance in that some provinces will cut families off social assistance when their child tax benefit exceeds what would be provided on social assistance. In this situation, the child tax benefit becomes a social assistance benefit instead of an enhanced benefit intended to build on family income to support their care of children. It is also questionable that the child tax benefit decreases as children get older – as most of us know feeding and caring for teenagers often increases, versus decreases, in cost. Although these programs are positive there definitely is room for improvement as many Aboriginal people continue to experience dire social problems (Canada, 2001).

Aboriginal organizations should not be required to compete with each other for meager, and, in the case of child welfare inequitable, funding -- they should be allowed to co-exist as distinct peoples receiving a fair share of the available resources in recognition of the value of interdependence in First Nations and Inuit communities (Leslie and Storey, 2002). This will require the full implementation of the recommendations of the Joint National Policy Review on First Nations Child and Family Services (MacDonald and Ladd, 2000) as well as the related recommendations of the Royal Commission on Aboriginal Peoples (1996). Additionally, funding should be provided to First Nations and other Aboriginal communities to develop and operate their own custom adoption and restorative justice programs.

Aboriginal organizations should also exist outside of the aegis of provincial and federal governments, or else the values of the dominant society are more readily enforced than Aboriginal values (Hodgson, 1993; Basnett, 1995; Anderson, 1998). Moreover, funding short-term projects encouraged a reactionary approach that treated social problems after they had devastated a community, rather than a proactive approach that prevented them. Core funding that was not provided on an ad hoc basis must be offered, so that First Nation/Inuit people could develop long-term interventions and combine resources from health care, policing and education to prevent family violence, substance abuse, and suicide (Leslie and Storey, 2002). Finally, the Canadian Medical Association (2002) recommended "that the federal government adopt a comprehensive strategy for improving the health of Aboriginal peoples that involves a partnership among governments, non-governmental organizations, universities and Aboriginal communities" (CMA, 2002: 1315) and that land claims and self determination issues be settled expeditiously. A deliberate, country-wide endeavour must be conducted to help each First Nation community achieve self-determination by settling land claims, properly funding treatment and prevention programs, reducing unemployment, building safe, affordable housing, and developing traditional frameworks for governance. Such endeavours would substantially enhance the well-being of First Nations and Inuit youth, who would then be able to live in a proud self-governing community that was partnered with Canada, one of the world's most prosperous countries (Royal Commission on Aboriginal Peoples, 1996). While the federal government has addressed some of these issues, the various programs created by existing policies are not clearly linked, even though they are funded by similar government agencies like Heritage Canada and Indian Affairs and Northern Development Canada. Without a unified, well-funded and well-structured strategy that affirms First Nations and Inuit control of their own communities, the efforts to heal such communities will continue to fail.

Recommendations

1. The Government of Canada must fully implement the recommendations made in the Joint National Policy Review, with priority to redressing the 22% discrepancy between First Nations child welfare agencies and their provincial counterparts. The implementation of these recommendations remains outstanding four years after the completion of the review – this is unacceptable.
2. There must be additional research to describe the experiences of First Nations children and families who come into contact with the child welfare system – this should include longitudinal research, research that compares outcomes for children who are served by Aboriginal child welfare agencies and mainstream agencies, and further research to identify the etiological drivers of the over-representation of Aboriginal children in the child welfare system.
3. Standards of care for Aboriginal children on reserve or Aboriginal children off reserve receiving services from the provinces and territories must be developed in tandem with Aboriginal peoples in order to ensure quality culturally based care. This must include an adequate range of culturally based primary, secondary and tertiary prevention services as well as sufficient resources to ensure that Aboriginal children who are removed are placed in Aboriginal foster homes.
4. Provincial and territorial governments should work with First Nations child and family service agencies to develop national data collection strategies that describe the experiences of First Nations children and families – these data collection strategies should be owned and operated by First Nations.
5. Statistics Canada should amend its current definition of a child which includes children aged 14 years and younger to be 18 years and younger consistent with the Convention on the Rights of the Child.
6. Adequate resources must be provided to allow for the development of interdisciplinary and culturally based neglect intervention programs that include

- programs to redress substance misuse, poverty and inadequate housing. This would necessarily require that the federal and provincial/territorial governments review current funding regimes to ensure adequate levels of funding and flexibility in funding arrangements to work across disciplines
7. Core funding must be made available to Aboriginal organizations, on and off reserve, seeking to develop and administer culturally based long-term family interventions; short term funding is not an appropriate solution to redress the multi-generational impacts of colonization.
 8. First Nations child and family service programs must receive support to conduct research and program evaluations at a national, provincial and agency level.
 9. Accountability processes for the Federal government need to be established – there is currently no independent body such as an Ombudsperson who can ensure Canada is meeting its obligations in its own policies regarding First Nations children and youth.
 10. First Nations social work curricula must be integrated into school of social work training across Canada – and no longer be relegated to elective status.
 11. Sufficient and sustained resources must be made universally available to First Nations wishing to develop, implement, and evaluate their own custom adoption programs.
 12. The Government of Canada must respectfully realize Aboriginal peoples' inherent right to self-government.
 13. Mentorship programs for First Nations young people should be established to not only affirm their ability to contribute as well as enhance their learning and development but to also prepare them to assume the responsibility of designing, implementing and evaluating culturally based child welfare programs in the future.

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CHAPTER EIGHT: SEXUAL EXPLOITATION

Introduction

This chapter examines the efforts of the Government of Canada to observe the United Nations Convention on the Rights of the Child (CRC) as it relates to the sexual exploitation and trafficking of First Nations youth. First, academic research on the topic will be reviewed. Second, the policies that Canada has created to address sexual exploitation of Aboriginal youth will be reviewed and the status of the implementation of said policies will be identified.

There is a significant need for information that describes the range of sexual exploitation experienced by Aboriginal young people. The available research tends to focus on prostitution with very little attention given to the myriad of other sexually exploitive practices such as child pornography or sexual exploitation through the internet. Even for research on prostitution, however, it must be noted that “there was a paucity of research that specifically examined the issues related to Aboriginal youth involvement in prostitution [or sexual exploitation]...” (Bittle, 2002: 27) even though this population is over-represented in the youth prostitution population (Committee for Sexually exploited youth in the CRD, 1997; Federal/Provincial/Territorial Working Group on Prostitution, 1998).

The consequences of sexual exploitation are devastating – and, as research shows, includes death resulting from abuse and sexually transmitted disease. Yet little is known

about the experiences of these young people or how best to respond to their multiple needs.

United Nations Convention on the Rights of the Child Articles

Article 30

In those States which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

What we Know: Sexual Exploitation and First Nations Children

Save the Children Canada (2000) employed two Aboriginal young women, Cherry Kingsley and Melanie Mark, to conduct the most comprehensive consultation with Aboriginal youth on sexual exploitation. The study consulted 150 Aboriginal children and youth in 22 communities across Canada, consisting of major cities, smaller communities, and rural areas. Focus groups were used to collect data, but before the groups took place, the researchers spent a few days “hanging out” with the youth to build trust and to acquaint themselves with the community. The focus groups were tape recorded and questionnaires were distributed to Aboriginal youth who were unable or unwilling to attend the group sessions. The researchers found that commercial sexual exploitation was not a lifestyle choice made by disadvantaged, trouble youth – it was child abuse. To combat the problem, they asked the federal government to conduct a series of national and regional round tables, in the form of Aboriginal talking circles, to find innovative community-based solutions that would eradicate this problem.

Involvement of Aboriginal peoples who had experienced sexual exploitation was seen to

be important as they could understand first hand the experiences of other youth.

Recommendations included the creation of ten pilot projects which would be designed, implemented, and monitored by Aboriginal victims of child exploitation- veterans of the sex trade would understand the needs of youth and children in similar positions.

Furthermore, a national youth network would provide support for youth leaving the sex trades, and to youth who were about to enter the trade, in an effort to steer them away from the exploitative lifestyle. Finally, a national awareness campaign would help to facilitate local, regional and national action against child exploitation. The Native Urban Youth Association (2002) also recommended that safer, affordable housing should be built for Aboriginal youth, and housing that was offered in conjunction with therapy and drug/alcohol treatment – if youth had easy access to food, shelter, clothing, drug/alcohol treatment and education, they would have fewer reasons to be involved in the sex trade.

However, there were numerous risk factors that needed to be addressed to prevent the sexual exploitation of Aboriginal youth (Save the Children Canada, 2000). Gender was a significant indicator of entry into the sex trades – 70-80% of youth in the sex trade were girls, while the remainders were boys, transgender and transsexual individuals. Other qualities that predicted involvement in the child sex trade were: (1) low self-esteem – the average age of entry into the profession was 14 years; they had a history of poor school attendance, often due to racism in the educational system; (2) a history of physical, sexual, and/or emotional abuse; (3) a history of running away from home and/or care institutions in an effort to find safe accommodations; (4) few job opportunities; (5) a history of homelessness and/or nomadic lifestyle; (6) a culture and family that were

fragmented by colonization; (7) a lack of role models and Elders to guide them in their time of need; (8) over-representation in the judicial system; and (9) exposure to a barrage of images from non-Aboriginal media, portraying Aboriginal people as embittered special interest groups causing problems for Canadians, or as helpless, victimized objects of pity that had to receive special attention from the government before they killed themselves.

The Native Urban Youth Association (2002) added that johns were rarely given punishments that fit the crimes of soliciting sex from minors. Razack (1998) noted that Aboriginal prostitutes were objectified, meaning that the severity of crimes against them was overlooked, and young, exploited sex trade workers faced the same objectification. Moreover, the youth also commonly went through three stages of involvement in the sex trade – drift, transition and professional (Save the Children Canada, 2000). Drift occurred as the moved from abuse and/or casual sex to the first act of prostitution. Transition saw the youth alternating between soliciting and a more conventional life.

Finally, youth associated entirely with others in the sex trade, where they were accepted for who and what they were. Such was the attraction of the sex trade – it was a community where some people felt welcomed, and the fact that many johns liked to be dominated gave the youth a sense of control and excitement, even though the same trade paradoxically created a constant level of fear and anxiety (Save the Children Canada, 2000). Pimps could recruit prostitutes with seduction via gifts, promises and emotional manipulation. They also isolated the recruits from other support networks; and used violence and intimidation to bully the recruits into joining the sex trade (Native Urban Youth Association, 2002).

The Save the Children Canada study contributed significantly to the body of knowledge on sexually exploited youth. This study is particularly important given the over representation of Aboriginal youth in the sex trade identified by authors such as Schissel and Fedec (1999). These researchers studied 401 young offenders from Regina and Saskatoon and found that Aboriginal youth were extremely over-represented in the sex trade. A strong link between self-destructive behaviour and the sex trade was found, and many teenaged prostitutes had a history of acute sexual and physical victimization.

Rutman, Durie, Lundquist, and Jackson (1999) researched the nature and extent of the sex trade by interviewing eight informants in five B.C. First Nation communities (Nanaimo, Prince George, Prince Rupert, Vancouver and Victoria). A semi-structured interview schedule was used, and Aboriginal people conducted interviews, mostly by telephone. The authors found that the average age of sexually exploited youth was 15, although some were as young as 11. Most of the exploited youth were female, although some male youth were also being exploited. The researchers identified several factors that placed youth at increased risk to enter the sex trade: childhood sexual and/or physical abuse; the use of drugs/alcohol to numb emotional pain; running away from home; generational poverty; familial substance abuse; lack of self-esteem; disconnection from culture and community; and a paucity of Aboriginal youth programs on reserves and in urban areas. The authors recommended that more addiction treatment resources should be created for Aboriginal youth and, consistent with CRC principle of youth participation, the researchers identified that Aboriginal young people should be involved in the design and of delivery of a multi-sectoral continuum of service. Furthermore,

researchers emphasized the importance of reconnecting Aboriginal youth to their culture and creating a circle of support for sexually exploited Aboriginal young people.

The Criminal Intelligence Service Canada (2003) found that sexual exploitation of children included child pornography, child prostitution and child sex tourism. The development of technology such as digital and web cameras, and camera phones presented new challenges for law enforcement as adult offenders hid behind the anonymity of digital communication and could share files with other offenders world wide. Canada's criminal code was recently amended to define groups of three or more people who traded pornography to be considered a criminal organization, and thus open for harsher criminal penalties. However, in recent years, Internet sites which charge for child pornography have developed attracting profit motivated offenders.

The emotional, physical, spiritual and cognitive impacts of sexual exploitation can not be overstated. As Sinclair (1993) noted, these devastating consequences can include HIV/AIDS. This report found that most young Aboriginal prostitutes, male and female, were not using condoms because the men who patronize them wanted to have unprotected sex, which contributed to a high rate of HIV transmission in street workers. Given the drastic impacts of sexual exploitation on Aboriginal young people, and young people in general, there is a critical need for additional research and culturally based prevention and intervention programs. The need for this support is becoming even more important as the Criminal Intelligence Service Canada (2003) predicted a rise in the rates of child/youth sexual exploitation as the trade becomes profitable. Participatory action

research needs to be conducted immediately. Reports by Save the Children Canada (2000) and the Native Urban Youth Association (2002) did an excellent job of respecting the voice of Aboriginal young people who had been, or were, victims of sexual exploitation and they provided clear recommendations of how to prevent child exploitation, yet direct policy and legislative reform has mostly addressed criminal issues (Criminal Intelligence Service Canada, 2003).

Article 34 of the Convention on the Rights of the Child, adopted by Canada in 1991, requires the government to protect the child from all forms of sexual exploitation and sexual abuse including any unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; and the exploitative use of children in pornographic performances and materials. Although increasing sentences for purveyors of child pornography or child sex tourism is a positive step in recognizing the seriousness of the crime and punishing those responsible, there is a critical need to redress the numerous social factors contributing to a young prostitute's entry into the sex trade (Native Urban Youth Association, 2002; Razack, 1998; Schissel & Fedec, 1999; Save the Children Canada, 2000; Rutman, Durie, Lundquist, & Jackson, 1999; Sinclair, 1993).

Additional research, policies and programs are needed to prevent the sexual exploitation of Aboriginal young people and in providing all supports necessary to those who have experienced sexual exploitation. Youth should be involved in all phases of policy and program development and a specific emphasis should be on involving young people who

have experienced sexual exploitation out of respect for their knowledge and as an investment in their skill and knowledge development. (Bittle, 2002; Rutman, Durie, Lundquist and Jackson, 1999; Save the Children Canada, 2000; Native Urban Youth Association, 2002).

Policy

The Second World Congress against Commercial Sexual Exploitation of Children (CSEC) held in December of 2001 called on state parties to reaffirm commitments made in Stockholm in 1996 to prioritize action to address sexual exploitation of young people. Canada was among those countries participating in CSEC to review existing programs and establish strategic directions to redress the issue both domestically and internationally. ECPAT International, an organization that assists countries with setting domestic action plans in this area, reports that Canada has failed to implement a national plan of action against the commercial sexual exploitation of children. The reason given by the federal government is that Canada is a federalist state and provinces hold jurisdiction in this area – thus the federal government can not develop the plan (ECPAT, 2004). This response is inconsistent with the CRC which requires that states take all actions necessary to redress sexual exploitation – as the Committee on the Rights of the Child observed in its concluding remarks to Canada in 2003 – federalism should not be viewed as an insurmountable barrier in implementing the Convention.

The federal government, however, has begun some policy initiatives to prevent the sexual exploitation of Aboriginal children. They developed a National Plan of Action for a World Fit for Children (Canada, 2003b) that called for the development of a First Nations, Métis and Inuit working group that would establish a National Aboriginal Strategy to reduce the number of abused Aboriginal children; the promotion of “trust” between Aboriginal young people and the police; the creation of affordable housing for youth; and the conduction of a national awareness campaign calling attention to the sexual exploitation of children. Yet, asking national groups of First Nations and Inuit people to find ways for Aboriginal youth and non-Aboriginal police forces to co-exist would not increase the capacity of Aboriginal police forces to patrol sex crimes on reserves. This oversight could force Aboriginal Nations to rely on non-Aboriginal police services to enforce laws in their own communities, thus undermining the capacity for self-government.

In fact, the plan could do much to limit Aboriginal self-determination, a freedom that the federal government itself pledged to provide to First Nations in the Inherent Rights Policy of 1995. For example, Bill C-27 was amended to facilitate the prosecution and apprehension of Canadians exploiting children, and creating special protection for children testifying against pimps and customers. Bill C-51 gave police more tools to gather evidence against people who exploit children for sex. While these amendments provided legal deterrents for potential customers of youth in the sex trade, legislation did not describe Aboriginal people as members of sovereign First Nations, but rather as

citizens of Canada – the government had used a concern for children to perpetuate colonialism.

As of 2004, no policies specifically for First Nations and Inuit communities have been developed, outside of a promised National Strategy that was still in development. The RCMP National Youth Strategy was created in 1999 to prevent youth crime and youth victimization through social development and building sustainable communities and community wellness, yet most of that money was designated for non-Aboriginal communities. The same problems have affected several Family Violence Initiatives, and a National Strategy on Community Safety and Crime Prevention that were created to make communities safer for children (Canada, 2003b).

Policy Implementation

Statistics indicated that initiatives such as the Family Violence Initiative and the National Strategy on Community Safety and Crime Prevention may have reduced youth crime. In 2001, 85,640 cases were heard in youth court, as opposed to 97,161 in 1997. Fifty-nine homicide cases were heard in 1997, while 31 were heard in 2001. Sexual assault charges between 1997 and 2001 dropped from 1210 to 1103, although drug trafficking charges increased in the same time span, rising from 1,497 cases in 1997 to 2,000 cases in 2001 (Statistics Canada, 2003a). Yet, these statistics did not include charges laid against Aboriginal prostitutes, nor did they aggregate data for Aboriginal and non-Aboriginal offenders.

Moreover, this data excluded several disturbing health statistics related to the child sex trade. Sex trade workers reported high rates of post traumatic stress disorder, perceived powerlessness, depression, bipolar disorder, and schizophrenia; alcohol related deaths and drug-induced deaths were both eight times higher for Status Indians than for other Canadians; Registered Indians had 206.9 deaths per 100,000 people due to violence and accidents, as opposed to 63.3 per 100,000 Canadians; three times more Status Indians died from HIV/AIDS than all non-Aboriginal women in Canada in urban areas; and finally, the life expectancy of Native peoples is often 15 years less than non-Aboriginal people (Save the Children Canada, 2000: 22).

In other words, First Nations and Inuit people in Canada continue to suffer from increased levels of sexual exploitation. Although it was encouraging when the federal government recently acknowledged the existence of the sex trade amongst Aboriginal youth, it did not develop a national strategy to reduce the sexual exploitation of Aboriginal people, even though the problem has been significant for over two decades (Bittle, 2002). This lack of a policy violated Article 19(1) of the Convention on the Rights of the Child which stated that: “Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child” (United Nations, 1989).

As noted earlier, Canada has failed to develop a National Plan of Action for the Implementation for the Agenda for Action Against the Commercial Sexual Exploitation of Children.

Recommendations

1. Consistent with the Second World Congress against Commercial Sexual Exploitation of Children, Canada – with the cooperation of Aboriginal governments as well as the provinces and territories should develop a national plan of action on sexual exploitation that addresses both domestic and international situations.
2. None of the sexual exploitation policy frameworks suggested by the government have addressed language preservation, in violation of Article 30 and 19(d) which preserved minority language rights, and the right to have a traditional language available in the mass media, respectively
3. The existing policy frameworks have also ignored racism. Convention Article 2 noted that States "... shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members." Article 17(b) stated that parties shall encourage international co-operation in the production, exchange and dissemination of ... information [that promotes social, spiritual and moral well-being and physical and mental health] and material from a diversity of cultural, national and international

sources.” However, Save the Children Canada (2000) and the Native Urban Youth Association (2002) both found that Aboriginal youth were hounded by a barrage of images from non-Aboriginal media, portraying Aboriginal people as embittered special interest groups causing problems for Canadians, or as helpless, victimized objects of pity that had to receive special attention from the government before they killed themselves. Such information has been far more available than data about the strength shown by Aboriginal people worldwide.

4. Simply put, the Government of Canada has failed to meet the guidelines of the Convention on the Rights of the Child, as it related to the sexual exploitation of Aboriginal children. There is hope that culturally appropriate measures will be developed in partnership with First Nations and Inuit communities very soon, however, there is also the strong risk that this partnership could subvert Canada's stated efforts to allow First Nations to govern themselves. Sexually exploited children should not be used as tools of colonialism, nor should they be ignored for decades by a government that has created many of the social problems that lead the same youth to the sex trades.

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CHAPTER NINE: YOUTH JUSTICE

Introduction

As with many other indicators of community and childhood well-being, Aboriginal children and youth are overrepresented in the justice system. This overrepresentation is a cause of much concern in communities desperately trying to keep their families together and safe. The statistics regarding First Nations, Métis and Inuit arrest, detainment, and incarceration rates are horrifying. There is little research to identify the reasons for such high rates, however the fact that so many Aboriginal experience poor well-being across a myriad of indicators including poverty, substance misuse, sexual exploitation, lack of education and justice issues would seem to be contributing factors. Studies are frequently counting the same children, yet no links between these indicators are ever discussed or researched.

No one, be they Aboriginal or non-Aboriginal, should feel helpless in the face of the such over over-representation in the youth justice system. But with the rates so high for some Aboriginal communities, that is exactly what is happening. Aboriginal young people need to feel that they have recourse, that their voices are being heard, and that they can trust the system. This is increasingly important given the rising numbers of young Aboriginal people.

This chapter explores the current data regarding Aboriginal youth justice and juxtaposes that against current policy decisions the federal and provincial governments have in place in order to deal with Aboriginal youth justice. These policies are then questioned for

their effectiveness or lack thereof. The rising rates and increasing overrepresentation of Aboriginal youth in the justice system seems to point to a failing of current policies and programs, calling for a re-examination of the theory behind such decisions and initiatives.

United Nations Convention on the Rights of the Child Articles

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 30

In those States which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by person below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best

interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

What we Know: First Nations Youth in the Justice System

Various Canadian studies indicate that Aboriginal youth are overrepresented at every level within the criminal justice process. The CRC stipulates that children and youth cannot be discriminated against due to their “race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status” (Article 2). Yet Aboriginal youth are disproportionately present throughout the justice system. Although there is little research available regarding the causal etiological drivers of such over representation - we cannot assume that Aboriginal youth are simply more criminal than their non-Aboriginal peers. Research points to many possibilities, citing high levels of poverty and unemployment, inappropriate housing, lack of education and experience in the child welfare system (Statistics Canada, 2001; National Council of Welfare, 2000).

The most recent statistics have been compiled by the Department of Justice Canada in a report entitled *A One-Day Snapshot of Aboriginal Youth in Custody Across Canada*. For the purposes of this report the term “Aboriginal” is defined under the *1996 Census Dictionary – Final Edition*: those person who reported identifying with at least one Aboriginal group – North American Indian, Métis, or Inuit – and/or those who reported being a Treaty Indian or a Registered Indian as defined by the *Indian Act of Canada*

and/or who were members of an Indian Band or First Nation.²⁹ More than three quarters (78%) of the Aboriginal youth in custody on Snapshot day were First Nations/North American Indian, while 17% were Métis, 3% were Inuit and 2% were Inuvialuit. Of the youth who reported First Nations/North American Indian origin, 90% were Status Indians (Department of Justice, 2001). The report received data from 10 provinces and 3 territories for 1,148 Aboriginal youth in custody (open, secure or remand) on a designated day in 2000, known as Snapshot day (Department of Justice, 2001). According to the 1996 Census, there are 95,120 Aboriginal youth between 12 and 17 years of age living in Canada, accounting for approximately 3.9% of all youth in Canada. In other words Aboriginal youth represent 3.9% of all youth in Canada between the ages of 12 and 17 years old.³⁰

The findings of this report are shocking and illustrate that Aboriginal youth are indeed overrepresented throughout the justice system in Canada. Ontario had the largest proportion of Aboriginal youth in custody (24%), followed by Saskatchewan (23%) and Manitoba (23%). It is important to remember that Aboriginal youth account for only 3.9% of all youth in Canada. Prince Edward Island, New Brunswick, Newfoundland, Nova Scotia and Nunavut had the smallest proportion of Aboriginal youth in custody on Snapshot day, all at a rate of 1% or less (Department of Justice, 2001). The total operational capacity of the facilities included in the Snapshot was 5,797. Aboriginal youth included in the Snapshot occupied one fifth (20%) of the total number of beds

²⁹ Statistics Canada. (1999). *1996 Census Dictionary – Final Edition*. (Cat. No. 92-351-UIE). Ottawa ON. 5-8.

³⁰ This number represents the national average: it does vary from province to province and territory to territory.

within the participating facilities.³¹ The report also looked at custodial facilities to determine at which level of incarceration Aboriginal youth tended to be. The custodial facilities included were secure custody, open custody or remand. Similar proportions of Aboriginal youth in custody on Snapshot day were in secure and open custody (42% and 40%, respectively), while 27% were on remand³² (Department of Justice, 2001). Across Canada on Snapshot day, 8 in 10 Aboriginal youth (82%) in custody were male. The largest proportion of Aboriginal youth was between 16 and 17 years of age (52%), followed by those between 14 and 15 years of age (29%), 18 years of age and older (16%), and 12-13 years old (4%). The median age was 16 (Department of Justice, 2001).

The report notes that under the most serious offence (MSO) the largest proportion of Aboriginal youth in open or secure custody was found guilty of a property offence (48%), followed by offences against the person (38%), other *Criminal Code* offences (11%), Federal and Provincial Statutes (2%) and drug offences (1%). Of those found guilty of an offence against the person, 27% were convicted for robbery, while 20% were convicted for assault, and 19% were convicted for assault with a weapon/causing bodily harm. More male (52%) than female (31%) Aboriginal youth were convicted of property-related offences, yet more female than male Aboriginal youth were convicted of an offence against the person (45% versus 36%). Moreover, females were more likely than males to have a most serious offence in the “other *Criminal Code*” category; females at 19% and males at 10% (Department of Justice, 2001).

³¹ The report notes that researchers were unable to calculate the total number of permanent beds in each jurisdiction because facilities without Aboriginal youth on Snapshot day did not participate in the study.

³² The report notes that the total equals more than 100% because some youth were serving combination sentences (e.g. secure custody and remand).

Other reports have found similar trends in the overrepresentation of Aboriginal youth in the justice system. In a report prepared by Statistics Canada for the Canadian Centre for Justice Statistics Profile Series, based on 1998-1999 data, Aboriginal youth were overrepresented in every area within the justice system. Aboriginal youth admissions made up 26% of the total admissions to remand while Aboriginal youth made up only 7% of youth in those jurisdictions. The most disproportionate representation was evident in the western provinces. In Manitoba, for example, 69% of youth remand admissions were Aboriginal, while accounting for only 16% of Manitoba's youth population. In Alberta, 33% of youth remand admissions were Aboriginal, compared to 6% of the youth population. This unbalanced picture is similar in both open and closed custody. Aboriginal youth accounted for 23% in both secure and open custody and were 7.5 times more likely than their non-Aboriginal peers to be admitted to secure custody and 5.7 times more likely to be admitted to open custody (Statistics Canada, 2001).

We view the disproportionate representation of Aboriginal youth in the justice system is itself an obvious violation of the CRC. Article 37 stipulates that custody must be a last resort for all youth charged with criminal acts yet Aboriginal youth continue to be placed in custody at extremely high rates. The *Report of the Aboriginal Justice Inquiry of Manitoba* found that Aboriginal young offenders received open custody sentences that were, on average, twice as long (242 days versus 109 days) as those given to non-Aboriginal young offenders (Hamilton and Sinclair, 1991). Yet Article 37 stipulates that youth should be held for the "shortest appropriate period of time" (UNCRC, 1989). It is

not “appropriate” to consistently sentence Aboriginal youth to more time in custody than their non-Aboriginal peers; this is a direct violation.

Policy

The available data regarding Aboriginal youth in the justice system is somewhat dated as Canada recently introduced a new piece of youth justice legislation in April of 2003, replacing the *Young Offenders Act*, which many criticized as a harsh and unforgiving act. The *Youth Criminal Justice Act* (YCJA) was developed to address the following areas: increased federal funding to the provinces and territories; crime prevention efforts; effective programs; innovative approaches; research; public education; partnership with other sectors, such as education, child welfare and mental health; improvements to Aboriginal communities; and appropriate implementation by provinces and territories (Department of Justice, 2002). Moreover, the Preamble of the act acknowledges Canada’s commitment of the CRC: “Young persons have rights and freedoms, including those set out in the United Nations Convention on the Rights of the Child” (Department of Justice, 2002).

The YCJA does, however, leave two large concerns for Aboriginal youth entering or who are already in the justice system: best interests of the child (Article 3) and children of minorities or indigenous peoples (Article 30). The Society of Child and Youth of British Columbia (SCYBC) produced *Compliance of Canada’s Youth Criminal Justice Act with the UN Convention on the Rights of the Child* (2002) and discussed both the best interest of the child and rights of indigenous children and youth. Regarding the best interests of

the child, the Article 3(1) states that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration” (UNCRC, 1989). The YCJA, as the report points out, neglects to mention consideration of the young person’s best interests in its principles under section 3. Yet in 1995 as the report notes, Canada was aware that, as stated by the Committee on the Rights of Child, “principles relating to the best interest of the child and prohibition of discrimination in relation to children should be incorporated into domestic law, and it should be possible to invoke them before the courts” (UNICEF, 1998: 43). The report explains that the new legislation does improve on the *Young Offenders Act* by significantly expanding the section 3 principles and including statements consistent with the young person’s best interests. However, sections of the Act that may have a significant impact on a young person are silent with respect to best interests (SCYBC, 2002). These include: when to use extrajudicial sanctions (section 10(2)); sentencing principles (section 38(2)); determination of whether a young person will serve an adult sentence (section 72(1)); publication ban (section 75(3)); determination of the appropriate level of custody and supervision (section 85(5)); and when to release a young person from custody into conditional supervision (section 96(1)). “In contrast to Article 3 of the Convention, which requires that the child’s best interests be a *primary* consideration in all actions concerning children, these sections of the Act do not even require that best interests be *a* consideration” (SCYBC, 2002: 6).

The principles of the YCJA include that “measures taken against young persons who commit offences ... should respect gender, ethnic, cultural and linguistic differences and respond to the needs of aboriginal young persons and young persons with special requirements (section 3(1)(c)(iv)). The SCYBC report explains that YCJA compliance with Article 30³³ and its own section 3 “will depend on how the Act is implemented and, in this instance, whether federal and provincial governments establish special programs and alternative legal measures to respond to the distinct needs of aboriginal young persons and those of other cultures” (SCYBC, 2002: 16). Under the CRC, Canada must take these steps to extend rights and protection to Aboriginal youth entering the justice system. The sentencing principles of the YCJA also specifically require consideration of the circumstances of Aboriginal youth, under section 38(2)(d): “all available sanctions other than custody that are reasonable in the circumstances should be considered for all young persons, with particular attention to the circumstances of aboriginal young persons.” This amendment was included in an attempt to address the overrepresentation of Aboriginal youth in the justice system and to recognize that many Aboriginal youth are living in exceptionally difficult circumstances, with different approaches to criminal justice. “The success of this provision in meeting its aim will depend on how the courts interpret it and the availability and appropriateness of sanctions other than custody” (SCYBC, 2002: 16).

³³ Article 30: “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.”

Furthermore, since the legislation was not developed specifically by First Nations and Inuit communities, for use in those communities, it was unlikely to successfully promote Aboriginal cultural values -- non-Aboriginal legal practitioners very often agree to use Aboriginal healing methods when a non-violent crime was committed, but "serious" crimes were treated by the non-Aboriginal penal system (Timpson, 1995).

Other federal policy initiatives include the Aboriginal Justice Strategy (AJS) and the Youth Justice Renewal Initiative. The objectives of the AJS are to “support Aboriginal communities as they take greater responsibility for the administration of justice; to help reduce crime and incarceration rates in the communities.

Recommendations

1. Disaggregated and longitudinal data that explores the etiological drivers that lead to the over representation of First Nations young people in the justice system needs to be developed.
2. Further investment is needed to assist First Nations to design, implement and evaluate youth justice programs that include the perspectives of First Nations young people.
3. Like in other chapters, socio-economic inequities must be redressed if significant progress is to be made on reducing the numbers of Aboriginal young people coming into contact with the criminal justice system.
4. Research on best practices in alternative youth justice programs in Aboriginal communities are required in order to inform progressive policy.

5. Culturally based training for all involved in the design and administration of the justice system is required to ensure that structural racism within the justice system is identified and responded to.
6. Implementation of the recommendations made by the Royal Commission on Aboriginal Peoples.

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CONCLUSION

Thirteen years after Canada signed the Convention on the Right of the Child, First Nations children are much more likely to be poor, experience accidental death and injury, suicide sexual exploitation, have poor educational success and to be cared for by the child welfare or justice systems instead of their families. They move from their communities into urban centers away from their families and cultural groups because of the lack of opportunity and services that comes from years of government neglect of First Nations children and families resident on reserve and the slow progress in implementing the recommendations of the Royal Commission on Aboriginal Peoples (1996.) Once in the urban centres, they struggle to meet basic needs - now with the added pressure of not having access to significant family or cultural supports. Although Aboriginal organizations in urban centers make a substantial contribution to support Aboriginal peoples off reserve they can not do it alone or on the basis of the limited pool of resources that are currently available. There must be significantly more coordinated effort between Aboriginal, Federal, Provincial/Territorial governments and organizations to ensure a continuum of culturally based supports for children, youth and families resident on and off reserves that is adequately resourced.

If compliance with the non-discrimination provisions of the Convention on the Rights of the Child means ensuring indigenous children do not face disproportionate risk – Canada fails on every account. More importantly, as Canada reported four successive surplus budgets and fails to act on policy solutions that could substantively improve the well being of Aboriginal children and families -Canada fails Aboriginal children and youth.

The problem is even more critical given the pervasive and extreme nature of the risks and the fact that policy solutions often exist but have not been implemented. Even where there is clear evidence of inequality – the federal government has not always taken action to redress it. For example, the situation of the lack of funding for the statutory range of services provided to abused and neglected children to help them remain safely at home. This range of services, known as least disruptive measures are required by provincial child welfare statutes and the Department of Indian Affairs and Northern Development has known for four years that the level of funding they provide does not allow First Nations child and family service agencies to meet these statutory requirements (MacDonald & Ladd, 2000) – yet up until today no new money has been allocated to redress this. The most concerning part is that this discrimination occurs at a time when the Government of Canada has reported four successive surplus budgets. It is difficult to imagine what rationalization is sufficient to support this degree of discrimination against Aboriginal children and youth.

This report highlights areas of concern in which the Canadian government must address glaring inadequacies in both funding, policy and service provision. Specific recommendations have been made to address these concerns which are meant to comply with articles in the Convention on the Rights of the Child. Throughout these chapters several key themes are apparent:

1. Aboriginal peoples must be affirmed as being in the best position to make, and implement solutions, for Aboriginal children, youth and families.

2. Government must take immediate action to redress glaring inequalities and significant over representation of risk for Aboriginal children and youth – regardless of their place of residency.
3. There is a critical need for disaggregated data that reflects the diverse experiences amongst and between First Nations, Métis and Inuit peoples.
4. There is a critical need for funding to develop and implement both national and community based strategies which provide holistic support to First Nations children, youth and families.
5. Jurisdictional disputes must be resolved – they can no longer be legitimized as a way of denying or delaying services to Aboriginal children, youth and families nor should they be normalized as just the way business is done. As is the case with good business – if the strategy is flawed -FIX IT!
6. Sustainable self government agreements must be achieved through an authentic recommitment by Canada to the treaty process and to ensuring existing treaties are fully respected. Without this type of commitment – generations of First Nations young people will continue to face risks not experienced by other Canadians.
7. As the population of First Nations peoples is increasingly composed of Aboriginal young people, there must be sustainable investment in their capacity in leadership, policy development, program implementation and research. This means interpreting the CRC in a way that truly engages the gifts of Aboriginal young peoples whilst creating linkages of support with Aboriginal adults.

8. There must be an independent monitoring body for the Convention on the Rights of the Child that is operated by and for Aboriginal peoples.
9. Systems to redress collective rights violations of children and youth in Canada require development.
10. Public education is required to ensure Canadians and citizens worldwide understand the diverse and rich contributions of indigenous communities as well as their historic and contemporary experiences. This will not only promote respectful coexistence it offers the opportunity for non-Aboriginal peoples to be respectfully involved in implementing solutions for children, youth and families designed by Aboriginal peoples.

By affirming and building upon the strengths of First Nations governments and organizations as well as implementing the policy solutions that have already developed, the Government of Canada can go a long way to ensuring that rights enshrined in the Convention on the Rights of the Child are upheld for all First Nations children, youth and families. Its efforts, however, must not end there – Canada must reach out to Inuit and Métis governments to support them in implementing their own best solutions for their children and families. Through this type of sincere and sustained resolve, Canada could be respected as a bastion of Human Rights abroad and, without contradiction, at home as well.