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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

**Joint written statement* submitted by the International Indian Treaty Council, the
International Organization of Indigenous Resources Development, the Union of
British Columbia Indian Chiefs and the Native Women’s Association of Canada, non-
governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[2 March 2007]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

No other consideration takes higher precedence or is more central to the identity and survival of Indigenous Peoples than the physical, cultural and spiritual safety, health and well-being of our children¹.

We are taught that our foremost responsibility is to safeguard and protect them as the most vulnerable members of our communities. We are instructed by our elders that the actions and decisions we take today must be based on our consideration of the well being, needs and survival of the children seven generations into the future.

For this reason, we very much welcome the Special Event in this session of the Human Rights Council focused on Violence against Children. We sincerely hope that this special emphasis indicates that the Rights of the Child will remain a central priority of this Council in its ongoing work.

We therefore appreciate the opportunity to make a small contribution to the discussion of the vital matters under consideration during this event, including the human rights of children in armed conflict. Many Indigenous children are affected by armed conflicts, as well as other forms of military activities including weapons testing and forced relocations related to militarization of Indigenous Peoples lands in many countries around the world.

We are also concerned with other forms of human rights violations and abuses being carried out against Indigenous children, in both developed and developing countries. We note that in some cases these are occurring in the world's wealthiest countries, including those currently not engaged in situations of armed conflict as it is usually defined. In such countries, Indigenous children are still the victims of legally sanctioned removals from their communities as well as violence and even death as a result of state-sponsored programs and policies.

We also believe that although the Universal Periodic Review process of Human Rights Council member states is not yet in place and functioning, it is important to recall the commitment of member states to undergo special scrutiny and to live up to the highest human rights standards as members of this Council.

We therefore take the opportunity to draw the attention of the United Nations Human Rights Council to the ongoing violations, which include disproportionate levels of removal from their communities as well as exposure to violence and death, of Indigenous children in Canada under the state-controlled foster care custody program.

Indigenous Peoples, State and religious authorities of Canada are finally coming to terms with the inter-generational trauma caused by Canada's forced removal program affecting many thousands of Indigenous children in past generations. Under this policy, Indigenous Children were often removed from their families at a very young age, in many cases for a period of several years. Families and parents that refused to cooperate were subject to legal penalties, including fines and incarceration.

Large numbers of the survivors of residential schools report that they were subjected to forcible hair cutting and were forbidden to speak their native languages. In many cases

¹ The Confederacy of Treaty Six First Nations shares the views expressed in this statement.

they were severely punished for doing so, even though most children spoke no other language when they were placed in these schools. In many cases, the trauma of forced removal from their original families, communities and cultures was accompanied by rampant physical, emotional and sexual abuse by residential school teachers and administrators, including members of the clergy.

The last government residential school closed in 1996, but the effects of this child-removal policy continue to this day. Currently in Canada, monetary settlement agreements are being reached in several provinces to compensate these children, now adults and elders, and to address the lingering and widespread social, cultural and emotional impacts.

Today, the systematic removal of Indigenous children from their families and communities continues in the form of the Canadian Governments' foster care program. In fact, there are more Indigenous children now in custody in Canada than at any time during the residential school era. At the current time, the Canadian government estimates that one in every eighteen Indigenous children in Canada is in state-sponsored foster care custody.

The Confederacy of Treaty Six First Nations representing 18 First Nations in Alberta Canada, reports that the Canadian government provides adequate funds for prevention and early intervention program to non-Indigenous provincial agencies in order to help those families to stay intact. However, it does not by policy provide the same level of funding for First Nations Child and Family Service Agencies to support Indigenous families identified as high risk to keep their children in the home. In fact, so called "maintenance" funds from the government are provided to agencies dealing with First Nations families only if the child is actually removed from the home and living in foster care.

The results, according to the Confederacy, is a "two tier" child welfare system in Canada, one which supports non-Indigenous families to stay intact, and which encourages Indigenous children to be removed from their homes. Studies have shown that many of the "high risk" factors identified by the government as causes for Indigenous children to be considered for removal from their homes are directly related to poverty, including "lack of basic needs" and poor housing.

High proportions of the Indigenous families considered to be "at risk" also have adult members who are survivors of the residential school child-removals, perpetuating the inter-generational trauma and cultural alienation of new generations of children. The forcible removal of children from their communities or "group" is a well-recognized and well-defined violation of international human rights law, including Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and various provisions in the Convention on the Rights of the Child

Another directly-related concern is the ongoing numbers of deaths and injuries of Indigenous children in the governmental foster care custody, including many babies and children with physical and mental disabilities. Indigenous NGO's in Canada report that these deaths have not been adequately investigated and no effective solutions have been proposed to date.

Many Indigenous leaders in Canada, as well as many who work directly with Indigenous children, youth and families at the community level, believe that the well-documented disproportionately high rates of suicide and incarceration of Indigenous youth in that country are directly related to the factors described above, which undermine cultural identity and the community integrity from generation to generation. According to a report

issued in 1995 by the *Royal Commission on Aboriginal Peoples*, the rate of suicide among Native youth is five to six times higher than the Canadian average.

The relationship between cultural integrity and youth suicide has also been documented. A 1998 study by Glen Coulthard, University of Alberta, Canada titled "*Colonization, Indian policy, suicide and Aboriginal peoples*" found that Native communities which have retained some of their historical identity and remained partly isolated from the government's acculturation processes tend to have lower suicide rates.

We appreciate the opportunity to address these issues of grave concern for Indigenous Peoples of Canada. We thank this Council for whatever response it can make. Our hopes and prayers are for all the children of the world who are suffering from abuse, hunger, violence, neglect, war and trauma. We appreciate your recognition that not only in the so-called developing world are children in urgent need of the immediate attention of this Council.

In closing, we offer the words of Sitting Bull, a great Hunkpapa chief from the North America Continent: "Let us put our minds together and see what life we can make for our children"

For all our relations.
