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United Nations Permanent Forum on Indigenous Issues Seventh Session

New York, April 21 to May 2, 2008

Joint Intervention Submitted by the Flying Eagle Woman Fund and the Foundation Rigoberta Menchu Tum

Agenda Item 8, Ongoing Priorities, Themes and Follow-up (a) Indigenous Children and Youth

Presented by: Maehki El – Issa

Thank You Madame Chair.

The removal of children from their communities or "group" is a well-recognized and well-defined violation of international human rights law, and violates articles 7, 8, 10, 12 and other articles of the UN Declaration on the Rights of Indigenous Peoples. We are very concerned with the widespread human rights violations against Indigenous children and youth as a result of legally sanctioned removals from their homes communities through state-sponsored foster care and youth incarceration programs and policies in the United States and Canada.

Decades upon decades of disproportionate detainment and incarceration of the Indigenous youth of North America has resulted in intergenerational trauma, extreme rates of alcohol and drug abuse, suicide and violence.

Today in the United States the detainment and incarceration of Indigenous youth has also resulted in economic gain for county and state detention and correctional facilities. A daily per diem rate given to detention centers and correctional facilities serves as an incentive to continue the existing disparities of arrest, detention and incarceration of Indigenous youth.

Detained and incarcerated Indigenous youth are removed from their family, cultures and tribal communities, living in virtual isolation, often hundreds or even thousands of miles from home, parents, grandparents and spiritual resources.

They are often subjected to forced hair cutting and removal of cultural and spiritual items. Juvenile detention centers and correctional facilities are on a large scale denying Indigenous youth equal access to their spiritual practices and freedom of religion, including the Sweat Lodge, Pipe Ceremonies and Talking Circles. These cleansing and purification ceremonies are very important for Indigenous youth to receive instructions that lead to recovery and healing and maintain the cultural ties and identity with their communities.

In the United States, Indigenous youth are less than 2% of the population yet they are 15- 20% of the population of incarcerated youth. 30% serve their maximum sentence compared to 8% for other groups. 60% run away from state

sanctioned placements post release. And they experience a 65% recidivism rate.

In Canada, government and religious authorities have admitted to the ongoing inter-generational trauma caused by the forced removal program of thousands of Indigenous children in past generations. Indigenous Children were removed from their families at a very young age, in many cases for a period of several years and placed in residential schools. Families that refused to cooperate were subject to fines and incarceration.

Today, the Canadian residential schools are closed, but the systematic removal of Indigenous children from their families and communities continues through the Canadian Governments' foster care program. At the current time, the Canadian government estimates that one in every eighteen Indigenous children in Canada is in state-sponsored foster care custody, more than at any time during the residential school era. Indigenous organizations in Canada estimate that more than 27,000 children are in state foster care custody. They also report high rates of deaths and injuries of Indigenous children in the governmental foster care custody, including many babies and children with physical and mental disabilities, and that these deaths have not been adequately investigated.

The rate of Indigenous children and youth currently incarcerated or under punitive detention is also highly disproportionate in Canada. In some facilities it is reported that almost 100% of the youth and children in custody are Indigenous.

Many Indigenous leaders in Canada, as well as many who work directly with Indigenous children, youth and families, believe that the high rates of suicide and incarceration of Indigenous youth in that country are directly related to these factors. A 1995 report by the *Royal Commission on Aboriginal Peoples* reported that the suicide among Native youth is five to six times higher than the Canadian average.

In closing Madame Chair, we urge the UN Permanent Forum to make the issue of Indigenous children under state detention and custody in North America and other regions a high priority for follow up study, research and action. We recommend that the UNPFII organize an expert seminar in the next year on this issue and invite Indigenous Peoples and states from all regions to submit information as well as proposals, model programs and effective measures to address this appalling situation, which can then be compiled and presented at the next UNPFII session.

Thank you.