



National Association
of Friendship Centres
Association nationale
des centres d'amitié

Implementing UN DRIP in concert with the UN Convention of the Rights of the Child for the benefit of Urban Indigenous Children in Canada

National Association of Friendship Centres Input for the Expert Mechanism on the Rights of Indigenous People into its 2021 Study about "The Rights of the Indigenous Child under United Nations Declaration on the Rights of Indigenous Peoples".

275 MacLaren Street
Ottawa, Ontario K2P 0L9
(613) 563-4844, toll free: (877) 563-4844
nafc.ca

In Friendship.

SUBMISSION TO:

United Nations

**Office of the High Commissioner for Human Rights
(OHCHR)**

**Expert Mechanism on the Rights of Indigenous Peoples
(EMRIP)**

Expert Mr. Belkacern Lounes
Expert Mr. Binota Moy Dhamai
Expert Ms. Laila Vars
Expert Ms. Kristen Carpenter
Expert Ms. Megan Davis
Expert Mr. Rodion Sulyandziga

DATE:

February 28, 2021

PURPOSE:

To provide input from the National Association of Friendship Centres (NAFC) in reference to Canada's urban Indigenous peoples (First Nations, Inuit and Métis) into EMRIP's study on "The rights of the Indigenous child under the UN Declaration on the Rights of Indigenous Peoples."

SUMMARY:

Please find enclosed perspectives regarding the rights of First Nations, Inuit and Métis (FNIM) children living within diverse urban Indigenous populations in Canada; including how NAFC's urban Indigenous Friendship Centre infrastructure and networks build socio-economic prosperity among urban Indigenous Canadians and implement the *United Nations Declaration on the Rights of Indigenous Peoples* (UN DRIP) as well as the *Convention on the Rights of the Child* (CRC).

Table of Contents

Introduction.....	1
Advancing the rights of Indigenous children within UN DRIP must contain specific considerations for urban-based Indigenous children	5
Indigenous children and youth are the majority of the Indigenous population and the Indigenous population is largely urban	7
Some Explanations for the Urbanization of Indigenous People in Canada	8
Jurisdictional Wrangling between Federal and Provincial governments in Canada prevent Indigenous children from realizing their rights	9
Systemic discrimination negatively affects urban Indigenous children	10
IMPLEMENTING UN DRIP AND THE CONVENTION ON THE RIGHTS OF THE CHILD IN CANADA TO SUPPORT URBAN INDIGENOUS CHILDREN	12
Mobilizing Indigenous children’s rights through Indigenous civil society organizations	16
Education.....	18
CONCLUSION	20

Introduction

- 1 Dear Experts of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), namely, Ms. Kristen Carpenter (United States of America), Mr. Belkacem Lounes (Algeria), Ms. Megan Davis (Australia), Mr. Rodion Sulyandziga (Russian Federation), Mr. Binota Moy Dhamai (Bangladesh), and Ms. Laila Vars (Norway);¹ thank you reviewing and considering this National Association of Friendship Centres (NAFC) submission to your 2021 study on the rights of the Indigenous child under the *UN Declaration on the Rights of Indigenous Peoples*.²
- 2 This submission is written by the NAFC which draws upon the knowledge and expertise of our over 100 member urban Indigenous community centres in Canada known as Friendship Centres who serve millions of urban Indigenous children, youth and families in Canada; and is written in reference to your 2021 Concept Note from the United Nations Office of the High Commissioner for Human Rights (OHCHR), as posted your EMRIP website; and pursuant to the Human Rights Council resolution 33/25 from 2019.³ We have high hopes that our NAFC submission can help to inform the EMRIP's study on the rights of the Indigenous child under UN DRIP.⁴
- 3 The main premise of this submission is to provide urban Indigenous perspectives to inform your study. There is an urgent and pressing need to ensure that all Indigenous children, regardless of residency, are able to fully appreciate their rights both as Indigenous peoples and as children through the implementation of UN DRIP with consideration to the CRC in Canada. This must inevitably include the domestic implementation of UN DRIP; as well as more robust implementation of the *Convention on the Rights of the Child* (CRC) with a greater understanding of Indigenous children's realities.⁵
- 4 Domestic Canadian implementation of UN DRIP is still in progress. In Canada, Bill C-15: *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* is currently making its way through Canadian parliament, but its outcome remains unknown.

¹ United Nations Office of the High Commissioner for Human Rights. *Current Experts in the Expert Mechanism of Indigenous Peoples*. Accessed online on February 21, 2021 at:

<https://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/Membership.aspx>

² Expert Mechanism on the Rights of Indigenous Peoples. *Expert Mechanism on the Rights of Indigenous Peoples Study on "The Rights of the Indigenous child under the UN Declaration on the Rights of Indigenous Peoples". Concept Note*. Accessed online on February 21, 2021 at: <https://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/StudyRightsIndigenousChild.aspx>

³ United Nations. A/HRC/RES/33/25. Accessed online on February 21, 2021 at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/224/16/PDF/G1622416.pdf?OpenElement>

⁴ *Supra* note 2.

⁵ Truth and Reconciliation Commission of Canada. *Truth and Reconciliation Commission of Canada: Calls to Action*. Accessed online on February 21, 2021 at: http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf [TRC Calls to Action]

- 5 An urgent and pressing need exists to do UN DRIP implementation work in Canada, and particular considerations need to be made for urban Indigenous populations. It is especially important for Indigenous children, and particularly those who are engaged in the child welfare system in Canada to have access to their families, lands, cultures, and languages. Any Indigenous child ought to receive culturally relevant programs and services offered by Indigenous owned and operated entities, whether they reside within their respective Indigenous community or an urban setting.
- 6 NAFC specifically advocates at federal State levels and with appropriate federal government departments for continued and enhanced funding for urban programming for FNIM children, youth and families in Canada. NAFC member Provincial/Territorial Associations (PTAs) do similar advocacy with Provincial and Territorial tables in Canada. NAFC asserts that there remains a need for permanent and increased funding for programming and services in all service areas that reach urban Indigenous children.⁶
- 7 Indigenous people in Canada report that “maintaining strong cultural ties is an integral part of how they managed the transition into city life”.⁷ Friendship Centres offer a wide variety of services for families and are seen as “‘key resources’ for urban Aboriginal families when accessing child welfare services”.⁸
- 8 The NAFC is a network of urban Indigenous civil society organizations (i.e. not an Indigenous - First Nation, Métis, or Inuit - government) that are mechanisms by which UN DRIP and CRC are implemented daily to support urban Indigenous children, youth and families in Canada using both international human rights instruments and the Indigenous-led domestic advocacy.
- 9 In light of EMRIP’s concept note, article 21 of UN DRIP is a particular focus for this NAFC submission on behalf of urban Indigenous peoples in Canada. Article 21 states that, “1. *Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.*” And “2. *States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic*

⁶ “Friendship Centre infrastructure” refers to over 100 physical urban Indigenous spaces located in urban settings across Canada where the National Association of Friendship Centres’ regional offices and spaces offers urban Indigenous programs and services to FNIM peoples in Canada. For more information on Friendship Centres (FCs) please visit NAFC’s website at www.nafc.ca

⁷ Tungasuvvingat Inuit, “National Urban Inuit Community Dialogue” (2016), online: <<http://tungasuvvingatinuit.ca/wp-content/uploads/2017/06/National-Urban-Inuit-Community-Dialogue-EN.pdf>> at 3 [National Urban Inuit Community Dialogue].

⁸ Patsy McKinney et al. (2018) Urban Aboriginal Families with Children in Care: Understanding the Experiences and Needs of Parents Living in Fredericton and Halifax. UAKN final report November 2018. Online: <https://uakn.org/wp-content/uploads/2015/05/UAKN-Atlantic-Final-Paper_Urban-Aboriginal-Families-with-Children-in-Care_2018.pdf> at 6 [Urban Aboriginal Families with Children in Care].

and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.”⁹

- 10 The NAFC models an example of how UN DRIP and CRC can be implemented and advanced in Canada through Indigenous civil society organizations (i.e. Indigenous owned and operated non-profit organizations and charities) in addition to Indigenous governments. NAFC’s member network provides culturally safe, relevant, and appropriate spaces Indigenous peoples across Canada and specifically help urban Indigenous children, youth and families to access their human, Indigenous and children’s rights and achieve success in numerous UN DRIP articles. This work includes the improvement of urban Indigenous economic and social conditions in Canada through education and job readiness training, vocational training and retraining, and information and navigation to access important housing, sheltering, sanitation, health and social security information and services at FCs. These supports, and more, create safer, healthier and more culturally relevant urban communities for Indigenous children.
- 11 The rights and needs listed in UN DRIP’s article 21 are absolutely necessary to strengthen Indigenous-driven social institutions, such as Friendship Centres.¹⁰ NAFC’s member network improves the quality of life and creates and maintains support systems for urban Indigenous children, their peers, families, and communities in culturally relevant, safe, and wrap around ways. Further, Friendship Centres, as an Indigenous civil society network relies on its federated network to maintain a standard of quality, trustworthiness, and notability. In this way, Indigenous peoples across Canada recognize Friendship Centres as somewhat of a “brand” of Indigenous programming available broadly throughout the State and have come to rely on its broad supports as a natural and expected support available to Indigenous people in urban settings.
- 12 Friendship Centres reach communities and Indigenous children through programs and services offered by urban Indigenous FCs across Canada. This includes programs and services for urban Indigenous children who find themselves within the child welfare system, who are homeless/ or between-homes, and/or urban Indigenous children and youth needing urban Indigenous supports to access information and their rights to health, education, employment and social services that are culturally appropriate as outlined by UN DRIP and CRC.
- 13 To paint a more detailed picture of our reach in Canada, the NAFC is a network of over 100-member local Friendship Centres (FCs) and Provincial/Territorial Associations (PTAs) across Canada. The NAFC aids urban Indigenous (FNIM) people living in cities, rural, remote, northern and large urban environments. In Canada, FCs are Canada’s most significant urban Indigenous service delivery infrastructure located outside an

⁹ UN DRIP at Article 21.

¹⁰ *Ibid.*

Indigenous reservation or self-governing Indigenous community in Canada. NAFC, through FCs, provides culturally enhanced programs and services to urban Indigenous people.

- 14 NAFC-member FCs collectively reached approximately 9,456,000 points of service in 2020; where FCs provided support and resources for FNIM and non-Indigenous community members through a vast array of programs and services across Canada. FCs provide critical wrap-around supports in childcare, job creation, employment and training, social economy, justice, holistic health, housing/shelter, anti-violence/violence prevention, and education (including early childhood education) across Canada. This list of supports is non-exhaustive and every year FCs continue to innovate, evolve and grow. The collective work of NAFC reaches millions of points of contact from year-to-year and across Canada to support urban Indigenous children, youth and families.
- 15 In many Indigenous urban communities in Canada, FCs are a lifeline providing much-needed culturally safe support structures that are not available anywhere else. NAFC utilizes its unique network of urban Indigenous FCs and PTAs to work towards closing the socio-economic gap that is still apparent between Indigenous and non-Indigenous people in Canada; and this gap has been referenced by UN DRIP. NAFC works daily with FCs and its hard-working urban Indigenous staff to empower urban Indigenous peoples to be a part of closing the socio-economic gap between Indigenous and non-Indigenous children and families in Canada. FCs empower and employ urban Indigenous peoples to be a part of implementing real changes recommended by UN DRIP. NAFC also supports FCs and urban Indigenous communities through broader national and international advocacy work to stabilize and increase funding, infrastructure, urban Indigenous programming as well as access to service delivery for urban Indigenous peoples across Canada's vast and culturally diverse landscape.¹¹
- 16 There is no comprehensive national action plan to eliminate discrimination against urban Indigenous children, youth and families in Canada. The NAFC knows in its experience working directly with urban Indigenous children, youth and families that, most of the time, urban Indigenous peoples are piecing together what is available to access supports within an overwhelming system of service delivery in order to survive; and the larger Canadian system is not always culturally safe for urban Indigenous children, youth and families. For example, Canadian supports outside of Indigenous communities may be seen as immediately harmful to an Indigenous person because it is associated with Canada's history of removing culture and Indigenous children through a legislated system of racism. Today, in Canada, we are still repairing our system to promote UN DRIP implementation that fully considers and takes into account the valid experiences of urban Indigenous children, youth and families. The various supports for urban Indigenous children existing now often still includes the

¹¹ NAFC reports publicly and nationally to its members on its national website at: www.nafc.ca

'promise' for the 'future' of implementation of legislation, policies and urban Indigenous programming and services to support reconciliation and the elimination of systemic racism and discrimination against urban Indigenous children in Canada. NAFC utilizes its national position to advocate on behalf of urban Indigenous children, youth and families to remove racism and discrimination from within Canada's governing system now and permanently. Further, funding for urban Indigenous children, youth and families programming and services should be made permanent in Canada; rather than just a governmental policy whim for only five or ten years.

17 Article 5 of UN DRIP states, "Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State."¹² FCs are an expression of such social and cultural institutions, developed, maintained and advanced by Indigenous peoples, not as Nation collectives, but as collectives of Indigenous individuals from different Nations coming together to provide for each other within diverse urban environments.

18 Thank you for accepting this NAFC submission on behalf of urban Indigenous children in Canada.

Advancing the rights of Indigenous children within UN DRIP must contain specific considerations for urban-based Indigenous children

19 The urban Indigenous population is growing four times faster than the non-Indigenous urban population (43% between 2006 and 2016 compared with 5% of the general population), and is younger than the general population.

20 Indigenous urbanization has been increasing in Canada since at least the 1950s and has not slowed down. This urbanization ought to cause States, decision makers, legislators, service providers and legal practitioners to better reflect where Indigenous children, youth and families "belong," live, work, access health care, create social supports, and thrive. Urban Indigenous people within urban settings in Canada ought to be able to access their rights as Indigenous peoples regardless of residency and free of any and all forms of racism and discrimination or fear of discrimination – especially children.¹³

21 Indigenous people make up 4.9% of the total population in Canada, a number that is steadily increasing year-over-year. The average age of Indigenous people living in

¹² UN DRIP at Article 5.

¹³ *Ibid.*

Canada is younger than that of the general population,¹⁴ a fact that has been attributed to both high fertility and high mortality rates, resulting in a large proportion of Indigenous children and youth living in Canada.¹⁵ Children make up 33% of the Inuit population, 29.2% of the First Nations population, and 22.3% of the Métis population. One in four of these children are under the age of 15.¹⁶

- 22 Further, the urban Indigenous population continues to grow. Indigenous children in Canada mostly live in urban settings.¹⁷ Across Canada, 55.8% of First Nations people with registered or treaty Indian status live off-reserve,¹⁸ while 62.6% of Métis live in a metropolitan area with a population greater than 30,000,¹⁹ and 27% of Inuit live outside of Inuit Nunangat.^{20,21} Depending on the city, province, or territory, these figures can be much higher; for example, in British Columbia, the figure is around 78%²² while in Ontario, 85.5% of First Nation, Metis, and Inuit people live in urban or rural areas.²³ Given this, there is a clear need to ensure that policy and legislation reflects urban-specific approaches.
- 23 There are many socio-economic indicators that influence an Indigenous person's ability to remain in their community, including housing conditions in rural and northern environments, food insecurity, lack of educational and economic opportunities, and poor access to medical care.²⁴ Violence, lack of acceptance for Two-Spirit and LGBTQ+ individuals, as well as decades of legislated violence against Indigenous women have also resulted in many Indigenous people forced to move to urban areas.²⁵
- 24 In terms of family structure, Indigenous children often live with larger families than do non-Indigenous children and they are more likely to live with a single parent or in

¹⁴ Statistics Canada, "National Indigenous Peoples Day...by the numbers" (2018) online:

<https://www.statcan.gc.ca/eng/dai/smr08/2018/smr08_225_2018> at "population" [National Indigenous Peoples Day].

¹⁵ National Indigenous Peoples Day, *supra* note 14, at "population" and "what's next"

¹⁶ National Indigenous Peoples Day, *supra* note 14, at "children and youth".

¹⁷ While there are numerous definitions for "urban," in this document, we refer to any community that is not on-reserve, on a Métis settlement, or within Inuit Nunangat. Generally, speaking we consider any Indigenous (that is First Nations, Métis or Inuit) person who is living in a city, town, rural or remote community of over 1000 population as "urban."

¹⁸ Statistics Canada, "Census in Brief: The housing conditions of Aboriginal people in Canada" (October 2017), online: <<https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016021/98-200-x2016021-eng.cfm>> [[Housing conditions](#)].

¹⁹ Statistics Canada, "Census in Brief: The housing conditions of Aboriginal people in Canada" (October 2017), online: <<https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016021/98-200-x2016021-eng.cfm>> [[Housing conditions](#)].

²⁰ *Inuit Nunangat* refers to traditional Inuit lands that include Nunavut, Nunavik, Nunatsiavut, and the Inuvialuit Settlement Region of the Northwest Territories.

²¹ Statistics Canada, "Census in Brief: The housing conditions of Aboriginal people in Canada" (October 2017), online: <<https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016021/98-200-x2016021-eng.cfm>> [[Housing conditions](#)].

²² Government of British Columbia, "Urban and Off-Reserve Indigenous People", online:

<<https://www2.gov.bc.ca/gov/content/governments/indigenous-people/supporting-communities/urban-off-reserve-aboriginal-people>>

²³ Government of Ontario, "The Urban Indigenous Action Plan" (April 2018), online: <<https://www.ontario.ca/page/urban-indigenous-action-plan>>

²⁴ National Urban Inuit Community Dialogue, *supra* note **Error! Bookmark not defined.** at 3.

²⁵ "Two-Spirit" is a translation of the Anishinaabemowin term *niizh manidoowag*. Though not every LGBTQ+ Indigenous person identifies with the term, some use it rather than or in addition to identifying as LGBTQ+.

foster care.²⁶ The family home often includes grandparents or other extended family members in addition to siblings and parents. 34% of Indigenous children under the age of five live in a single-parent home, compared with 13% of the non-Indigenous population. First Nations children are more likely (38.9%) than Inuit (26.5%) or Métis (25.5%) children to live with a lone parent.²⁷

- 25 Due to systemic discrimination and the legacy of colonialism, Indigenous people are more likely to live in substandard housing, which can pose different risks to children's health in terms of susceptibility to "a number of physical illnesses and mental health issues".²⁸ 14.4% of First Nations off-reserve, 27% of Inuit, and 11.9% of Métis children under the age of 15 live in homes that require major repairs. Only 6.6% of non-Indigenous children live in the same conditions.²⁹ Further, nearly one third of First Nations (31.1%), half of Inuit (49.2%), and over 10% of Métis (12.3%) children under 15 do not live in adequately-sized homes for the size and composition of the family.³⁰

Indigenous children and youth are the majority of the Indigenous population and the Indigenous population is largely urban

- 26 Indigenous youth in Canada are the fastest growing demographic according to Statistics Canada. The median age of Indigenous youth in Canada is 27 years old; as compared to 40 years old for the rest of Canada. Indigenous youth in Canada are a strong resource for Canada's economy and cultural prosperity and their voices should inform the implementation of UN DRIP and CRC in Canada as we move forward with this important work.³¹

- 27 The urban Indigenous population in Canada is diverse and urban Indigenous children, youth and families have a right, as described by UN DRIP and CRC, to know and exercise cultural knowledge, languages and practices in day-to-day life regardless of residency. "Indigenous peoples in Canada belong to diverse and distinct nations and are an increasingly young population. Although Indigenous communities differ in language, culture, and geographical location, they often share similar political and social histories that have had many negative intergenerational effects on the current generation. Unless the situation changes for the better for Indigenous people, specifically Indigenous young people, these intergenerational effects will continue deep into the future."³²

²⁶ Regine Halseth and Margo Greenwood, "Indigenous Early Childhood Development in Canada: Current state of knowledge and future directions" (2019) National Collaborating Centre for Aboriginal Health, online: <<https://www.nccah-ccnsa.ca/docs/health/RPT-ECD-PHAC-Greenwood-Halseth-EN.pdf>> at 12 [Indigenous Early Childhood Development].

²⁷ *Ibid* at 12.

²⁸ Indigenous Early Childhood Development, *supra* note 10 at 14.

²⁹ Indigenous Early Childhood Development, *supra* note 10 at 14.

³⁰ Indigenous Early Childhood Development, *supra* note 10 at 14.

³¹ *Ibid*; Statistics Canada (2010) in *The Philanthropist* at 104.

³² Jocelyn Formsma. *The Philanthropist*. (2013) Volume 25.2 at 103.

Some Explanations for the Urbanization of Indigenous People in Canada

- 28 There are many reasons why Indigenous people in Canada are in urban settings. In some situations, urban Indigenous peoples have been *de facto* pushed out of their Indigenous communities due to a lack of infrastructure or program and service supports; where colonization has disrupted Indigenous governing systems as described by RCAP. For example, many urban Indigenous people find themselves in urban settings to seek education, safety, food security, employment, housing, safe drinking water, healthcare and/or sustainable investments not available in their home Indigenous communities.
- 29 In other situations, urban Indigenous peoples have been born and raised in urban settings, cities, and rural towns. In these situations, the city is home and Indigenous peoples in this situation have varying degrees of connection with their home FNMI community or government.
- 30 Another reason urbanization is often due to the child welfare system in Canada. Indigenous peoples in Canada have a long and harmful legacy with the child welfare system. Since at least the 1960s, Indigenous children have been removed from their family and community homes and placed within out of home and out of community foster care or have been adopted out- largely within urban settings and thereby disrupting Indigenous children's connection with their Indigenous families, Nations, and communities. There is currently a class action lawsuit against Canada for the children taken during what is known as the "Sixties Scoop" wherein numerous Indigenous children were taken en masse between the 1950s-1980s.³³ The legacy continues until today wherein many experts deem the situation as the "Millennial Scoop." Many Indigenous children "age out" of the child welfare system and stay in urban settings due to the institutional disruption to their own Indigenous families, cultures, and communities.
- 31 In Canada, 3% of Indigenous children under the age of five live in foster care compared with only 0.2% of non-Indigenous children. First Nations children are more likely (3.8%), Inuit children (2.2%) more likely and Métis children (1.3%) more likely to live in foster care; and Indigenous children account for one half of all children in foster care overall in Canada before the age of four. The needs of urban Indigenous children within the child welfare system in Canada and in foster care in Canada vary across the provinces. A common concern is that Indigenous children are overrepresented within the child welfare system; and that they are not receiving culturally safe care and services. A majority, 66% of Indigenous children in foster care do not live with an Indigenous family; and the Canadian child welfare system in Canada "has been likened to the Indian Residential School System, as it causes children to become disconnected from their culture, internalize stigma, and cultivates trauma". The child welfare

³³ Sixties Scoop Class Action. Online:<sixtiesscoopsettlement.info>

system in Canada has been described by Indigenous people as intrusive and culturally inappropriate due to “fundamentally incongruent ideas between Indigenous and Canadian child welfare practices.”³⁴

- 32 Additionally, and unfortunately, urban Indigenous children, youth and families who have themselves, or have family members who have become incarcerated in Canada also end up needing supports to survive and rehabilitate into society in culturally safe and productive ways. This includes reconnection to Indigenous cultures and teachings as punitive systems in Canada also exacerbate colonial harms among Indigenous peoples with higher rates of Indigenous peoples in Canadian prisons than the rest of the population.³⁵ “Although Indigenous adults represent only about 3% of the adult population in Canada, they are overrepresented in admissions to provincial and territorial correctional services; in 2015-2016, they accounted for 26% of admissions (Statistics Canada 2016). Among women, 38% of those admitted to provincial and territorial sentenced custody were Indigenous, while the comparable figure for men was 26% of admissions identified as Indigenous (ibid.). In the federal correctional services, Indigenous women accounted for 31% of female admissions to sentenced custody, while Indigenous men accounted for 23% of admissions“. The NAFC supports prevention and, also, cultural programs for Indigenous youth who have found themselves within the criminal justice system in Canada to reconnect with culture and rehabilitate.
- 33 All the above reasons for Indigenous urbanization in Canada stem from colonization and the early introduction of racism and governmental policies to disrupt and remove Indigenous peoples from their lands and Indigenous cultures from peoples within Canada.

Jurisdictional Wrangling between Federal and Provincial governments in Canada prevent Indigenous children from realizing their rights

- 34 Urban Indigenous children in Canada in urban settings often face additional barriers accessing to culturally safe programs and services, media, or languages that consider their best interests as both Indigenous peoples and as children. As a federation, Canada and its Provinces have created jurisdictional discrepancies with governmental funding and provision of services which leaves some urban Indigenous children and families to navigate at least two levels of government when accessing services, sometimes crucial and lifesaving services.
- 35 Canada has recognized the discrimination that can occur with jurisdictional wrangling with the Provinces, specifically in healthcare settings. Jordan’s Principle. was

³⁴ NAFC Alternative Submission at 10.

³⁵ Government of Canada. *Spotlight on Gladue: Challenges, Experiences, and Possibilities in Canada’s Criminal Justice System*. 2. *Statistical Overview on the Overrepresentation of Indigenous Persons in the Canadian Correctional System and Legislative Reforms to Address the Problem*. Accessed online on February 21, 2021 at: <https://www.justice.gc.ca/eng/rp-pr/jr/gladue/p2.html>

introduced after a long and ongoing legal battle launched by the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations in 2007.³⁶ Due to these legal wins, and passing of legislation, Jordan's Principle is now in place to reduce jurisdictional barriers when Indigenous children are seeking programs and services. Jordan's Principle kicks in to prevent a situation where an Indigenous child might be placed in limbo within various levels of governmental funding while seeking healthcare in Canada. Although the supports now exist, Indigenous families often still need guidance and support to be able to know about and be able to access these supports available under Jordan's Principle. Indigenous governments in Canada often will have a health navigator role to assist families. The NAFC is still seeking support to be able to expand the number of Jordan's Principle workers across Canada that can assist urban Indigenous families be able to navigate the available supports and, if appropriate, be able to provide them in a culturally-relevant manner.³⁷

36 There still exists a need to expand Jordan's Principle-like approaches for all age groups of Indigenous people in all sectors (including justice and education). Urban Indigenous civil society organizations like Friendship Centres are a critically important point of contact for urban Indigenous children to learn about their rights and access them in a timely and culturally-relevant manner.

37 Friendship Centres are a model for the provision of culturally safe spaces for youth and families afflicted by unemployment, violence, racism, discrimination, the child welfare system, the youth criminal justice system, homelessness, and poverty to seek information and supports in Canada's urban settings. FCs also serve to provide those urban Indigenous children, youth and families in need of greater cultural connections, programs and services a place to be and to network with other Indigenous families (an act that was once substantively illegal in Canada; and directly illegal in terms of cultural practice until the civil rights movement). Friendship Centres have health and wellness hubs and shelter programs as well as food hamper programs to support urban Indigenous families seeking employment, training, healthcare and education. There is also critical cultural programming with urban Indigenous FCs including cultural gatherings, games, sports, music and dancing available to overcome adversity; which is so necessary for urban Indigenous children, youth and families to uphold their rights.

Systemic discrimination negatively affects urban Indigenous children

38 Systemic discrimination and colonialism in Canada have left Indigenous people more likely to be discriminated against than non-Indigenous Canadians in urban settings.

³⁶ First Nations Child and Family Caring Society. *I am a Witness: Tribunal Timeline and Documents*. Accessed online on February 21, 2021 at: <https://fncaringsociety.com/i-am-witness-tribunal-timeline-and-documents> See FNCFCS's website for more information, including a timeline of this Indigenous organization's work with the Canadian Human Rights Tribunal and around obtaining compensation for victims of the Canadian government's underfunding of the child welfare system in Canada.

³⁷ Indigenous Services Canada. *Jordan's Principle*. Accessed online on February 21, 2021 at: <https://www.sac-isc.gc.ca/eng/1568396042341/1568396159824> [Jordan's Principle]

Statistics show, for example, that substandard housing affects the health and wellness of Indigenous children in Canada detrimentally. For example, physical illness and mental health issues can stem from substandard housing, and, in Canada, 14.4% of First Nations in urban and rural settings (off First Nations reservations), 27% Inuit and 11.9% of Métis children under the age of 15 live in homes that require major repairs in Canada; whereas, only 6% of non-Indigenous children in Canada live in similar poor conditions. Nearly one third of First Nations (31.1%), half of Inuit (49.2%) and over 10% of Métis children under 15 do not live in adequately-sized homes for the size and composition of the family.³⁸ Poverty continues to afflict urban Indigenous children and families in Canada today; and this poverty is exacerbated uniquely by the above-mentioned jurisdictional barriers.³⁹

39 The NAFC has been able to lead the COVID-19 response for urban Indigenous peoples in Canada along with community partners and healthcare workers through its FC infrastructure and network. Friendship Centres have been an important infrastructure resource for the hiring of Indigenous staff, to access healthcare and housing, Indigenous language translators, employment training, and for urban Indigenous peoples to access programs and services information across Canada through program navigators and community resource referrals. This work has recently included critical information about accessing COVID-19 vaccinations and information for urban Indigenous people and Elders.⁴⁰ In this way, through cultural spaces and the provision of advocacy and information in Canada, the NAFC's FCs and national policy office have contributed to the reduction of coronavirus in Canada; and will continue to support the rollout of COVID-19 vaccinations in Canada until the urban Indigenous population is free of the harmful effects of the COVID-19 pandemic including social isolation and illness requiring access to food security, social supports, primary healthcare, medical transportation and traditional Indigenous medicines.

40 A recent example of racism in the healthcare setting is the recent unnecessary death and mistreatment of an Indigenous woman, Joyce Echaquan. Joyce was the mother of 5 children. She bravely livestreamed her racist mistreatment at the hands of health care workers and ultimately died. The media leaked video footage of very abusive commentary that was made to the late Joyce Echaquan within the province of Quebec in Canada in 2020 while seeking healthcare. On September 28, 2020, Joyce, a 37-year-old Atikamekw woman and mother of seven died in Centre hospitalier de Lanaudiere in Joliette, Quebec amidst horrendous and degrading commentary and treatment from healthcare workers.

41 In response to this tragedy and racism in healthcare, the NAFC hosted an online *Urban Indigenous Forum: Addressing Systemic Racism in Healthcare* to raise awareness

³⁸ *Supra* note 19.

³⁹ See Jordan's Principle.

⁴⁰ For more information on NAFC's COVID-19 response please visit NAFC's website: <https://www.nafc.ca/en/resources-research/covid-19>; and <https://www.nafc.ca/en/news-media>

about the urban Indigenous experiences in accessing rights to healthcare in Canada. The NAFC strives to ensure its programming eliminates the sort of extreme racism that Joyce experienced in Canada. The NAFC's programming aims to empower and instill confidence in today's urban Indigenous children and youth to take part and engage with Canada's healthcare system fully and without fear of racism or discrimination after witnesses Joyce's degradation.⁴¹

42 Many Indigenous people have to transport between remote, rural, northern and Indigenous communities to urban centres for healthcare and this experience can be frightening due to the lingering effects of colonialism in Canada. The NAFC asserts that urban Indigenous children, youth and families in Canada should never have to experience or fear racist commentary while seeking healthcare as racism based on race or any matter is unacceptable under every Canadian law.⁴²

IMPLEMENTING UN DRIP AND THE CONVENTION ON THE RIGHTS OF THE CHILD IN CANADA TO SUPPORT URBAN INDIGENOUS CHILDREN

43 Canada ratified the Convention on the Rights of the Child (CRC) in 1991, and while the overarching priority of the Convention is the safety and well-being of all children as individuals and collectively within their communities, the United Nations Committee on the Rights of the Child has specified in its past reports that Indigenous children's rights have often been "obscured by other issues of broader concern to Indigenous peoples".⁴³ As such, the Committee asserted that special attention must be given to ensure that the best interests of the child are not neglected in favour of the best interests of the group.⁴⁴

44 Access to quality education, health, and child welfare systems for Indigenous children and families increases healthy child development but such systems are often underfunded, inadequate, or non-existent.⁴⁵ Racism and discrimination within systems also contribute to a lack of access to essential services for urban Indigenous populations.⁴⁶ There have been multiple policies, directives, and laws introduced since the UNCRC was ratified, but despite this, many of the commitments outlined in the UNCRC and other legally binding documents are not met in Canada today.

⁴¹ National Association of Friendship Centres. *Urban Indigenous Forum: Addressing Systemic Racism in Healthcare*. Accessed online on February 21, 2021 at: <https://www.nafc.ca/en/news-media>

⁴² *Ibid.*

⁴³ Committee on the Rights of the Child 'General Comment 11' (2009), CRC/C/GC/11 at 1 [General Comment 11].

⁴⁴ *Ibid.*

⁴⁵ Regine Halseth and Margo Greenwood, "Indigenous Early Childhood Development in Canada: Current state of knowledge and future directions" (2019) National Collaborating Centre for Aboriginal Health, online: <<https://www.nccah-ccnsa.ca/docs/health/RPT-ECD-PHAC-Greenwood-Halseth-EN.pdf>> at 18 [Indigenous Early Childhood Development].

⁴⁶ Regine Halseth and Margo Greenwood, "Indigenous Early Childhood Development in Canada: Current state of knowledge and future directions" (2019) National Collaborating Centre for Aboriginal Health, online: <<https://www.nccah-ccnsa.ca/docs/health/RPT-ECD-PHAC-Greenwood-Halseth-EN.pdf>> at 18 [Indigenous Early Childhood Development].

- 45 In Canada's past reports to the UN Committee on the Rights of the Child, it has not mentioned specific strategies to ensure that urban Indigenous children are able to realize their full rights.
- 46 Canada cites consultation with "select civil society organizations and Indigenous groups"⁴⁷ in drafting their reports to the UN Committee on the Rights of the Child, but the NAFC was not included in any of these conversations, nor, to our knowledge, was any other urban Indigenous civil society organization. Further, much of Canada's reports for this review rely on provincial initiatives rather than the work being done at the federal level. No substantive socio-economic indicators for children are listed.
- 47 Though Canada cites Federal, Provincial, and Territorial governments implementing strategies on a range of socio-economic issues (such as gender-based violence, housing and homelessness, poverty reduction and early learning and childcare),⁴⁸ there is currently no comprehensive national strategy with a focus on the needs and experiences of urban Indigenous children. There is also no urban Indigenous focus for early learning and childcare, something that is sorely needed and not alluded to in the section of Canada's report on Early Childhood Education and Care.⁴⁹
- 48 The recently enacted Bill C-92 (*An Act Respecting First Nations First Nations, Inuit and Métis children, youth and families*) does not contain urban-specific considerations and is without data collection or funding provisions. Additionally omitted from Canada's account related to "independent monitoring and child-friendly reporting mechanisms"⁵⁰ is that the province of Ontario recently dissolved its office of the child advocate, and those services are now provided by an ombudsman with a significantly reduced mandate and no investigative powers.
- 49 Indigenous people, communities, and non-governmental bodies continue to call on the Government of Canada to address these inequalities. In 2015, 238 local hearings in 77 communities culminated in the Truth and Reconciliation Commission of Canada's 95 Calls to Action. In total, the Commission collected nearly 7,000 statements from survivors, families and communities about the Indian Residential School System.⁵¹ which the Canadian Government has committed to implementing. This includes five child welfare-focused Calls to Action, nearly all of which have yet to see progress.⁵²

⁴⁷ Canada, *Canada's Fifth and Sixth Reports on the Convention on the Rights of the Child* (CRC/C/CAN/5-6/6640), para. 3 at 1

⁴⁸ Ibid. para. 7 at 2.

⁴⁹ Ibid. para. 155 at p. 37

⁵⁰ Ibid at 7

⁵¹ The Indian Residential School System was an assimilationist institution implemented by the Government of Canada in 1876 and saw approximately 30% of Indigenous children forcibly removed from their families and communities and placed in the schools, which were administered by Christian churches. Within the system, abuse, torture, starvation, assault, and death were commonplace; families were not permitted to visit; and generations were not able to learn their language and cultural teachings. The system is recognized as the root of many issues still impacting Indigenous communities today, including alcoholism and substance abuse, PTSD, and suicide.

⁵² Ian Mosby, "Truth and Reconciliation Commission Calls to Action: A 2019 Status Update" (December 2019) Yellowhead Institute, online: <<https://yellowheadinstitute.org/wp-content/uploads/2019/12/trc-2019-calls-to-action-status-update-final.pdf>>

- 50 Notably, the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls was released in June 2019, and calls on the government to meaningfully address its ongoing colonial understandings, for recognizing inherent rights, and respect for Indigenous values, philosophies, and knowledge systems. Emotional, physical, and cultural safety for children, at all stages of their development, was foregrounded as a huge part of ending the perpetuation of violence against Indigenous women and Two-Spirit people in Canada.
- 51 The broad legal frameworks that surround both Indigenous rights (as outlined in the UN DRIP) and children’s rights (as outlined in the CRC) do not allow these sets of rights to refer to each other, nor do they connect in any meaningful way. Although the two documents make reference to each other’s rights and many articles in each document say similar things, there are no cases in Canada, or anywhere in the world for that matter, that have analyzed both documents in relation to one another. Decision makers need to get better at analyzing these two sets of rights in relation to one another and at connecting them in thoughtful decisions.
- 52 Canada has a mixed record of upholding children’s rights in Canada. Although Canada has signed onto the Convention on the Rights of the Child (CRC) and has included some principles from the CRC into Canadian law, such as the Best Interests of the Child (BIOC) principle, it still fails in progressively adopting articles or increasing their role from the CRC into Canadian law. The United Nations Committee on the CRC noted its concern that Canada had an absence of comprehensive legislation that covers the full scope of the CRC in national law, which results in fragmented and inconsistent implementation of children’s rights across Canada.⁵³
- 53 The CRC outlines three broad categories of rights: provision (of services and care), protection (preventing harm), and participation (expressing an opinion).⁵⁴ Generally, a child is defined as anyone under the age of 18 years, but Canadian federal and provincial law sometimes outline different ages for different purposes, depending on the purpose of the law.⁵⁵ There are four principles that guide the interpretation of the CRC: 1) The BIOC should be a “primary consideration in all decisions that affect children”; 2) The rights of children should be respected and protected without discrimination; 3) All children have the “inherent right to life, survival and optimum development”; and 4) Children have the right to participate, “...express their views and have those views considered in all matters that affect them.”⁵⁶

⁵³ UNCRC, 61st Sess, UN Doc CRC/C/CAN/3-4 (2012) para 10.

⁵⁴ P 4, Rights of the Child: Protection and the United Nations Convention on the Rights of the Child, a guide for people who work for or with children and youth, Canadian Coalition for the Rights of Children, 2002, Ottawa, online: <<http://rightsofchildren.ca/wp-content/uploads/protect.pdf>>

⁵⁵ *Convention on the Rights of the Child*, 20 November 1989, A/RES/44/25 article 1

⁵⁶ Cdn Coalition Rights of Children Handout page 8

- 54 The *Canadian Foundation for Children, Youth and the Law v Canada*, commonly referred to as the “spanking reference”, is one of Canada’s leading children’s rights cases that just so happened to rule against children. In this case, the Supreme Court of Canada (SCC) decided whether section 43 (s.43) of the *Criminal Code*⁵⁷ violated sections 7, 12 and 15(1) of the *Canadian Charter of Rights and Freedoms*⁵⁸. The majority ruled that s.43 does not violate the *Charter* with three separate dissents. The SCC ruled that parents, those acting in the place of parents, and teachers were able to use force on a child within a reasonable limit. The case also ruled that the BIOC is not a principle of fundamental justice, should be only one of many considerations in the administration of justice, and does not trump all other concerns.⁵⁹
- 55 All BIOC frameworks should include special considerations for Indigenous children in accordance with their rights as outlined in the UN DRIP and CRC and any other rights that a child has as a member of his or her community. If no BIOC framework exists, then decision makers should still conduct a BIOC analysis using both the CRC and the UN DRIP as guidelines.
- 56 In both cases, the relevant articles should be drawn upon based on the facts of the case. The decision maker then should conduct a cross-comparison of affected right to see if there are any conflicting or competing rights. Any conflicting or competing rights should be balanced in relation to each other to prevent outright infringement.
- 57 The child should be at the centre of all BIOC analyses. Their right to participate should not be infringed without good reason. The child’s perspective should be reflected in all decisions. If the child’s input cannot be ascertained, then there should be mention of the efforts made to ascertain the child’s input and the reasons why it could not be included.
- 58 Of course, if there are Indigenous models brought forward by the child, his/her family or the community, then they should be considered. This framework is important to determine the baseline rights that a child must have. This test does not have to be a tedious process and once decision makers, including law makers and legal practitioners, are more familiar with the articles in each of the documents, the determinations will become quicker and easier. The main point is to ensure that all of the rights to which an Indigenous child has access are considered and weighed accordingly. It is not up to parents, service providers or courts to pick and choose which rights should be considered or given more weight over others.

⁵⁷ *Criminal Code*, RSC 1985, c C-46, s234 [*Criminal Code*]

⁵⁸ Part I of the *Constitution Act 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11 [*Charter*]

⁵⁹ *Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General)*, 2004 SCC 4. 1 SCR 76.[*CFCYL v. Canada*] para10.

Mobilizing Indigenous children's rights through Indigenous civil society organizations

- 59 The NAFC has submitted a budget proposal to Canada during its regular budgeting cycle recommending that the government provide much needed supports for urban Indigenous peoples to equitably recover from the COVID-19 pandemic; including increased and longer-term funding for adequate supports for urban Indigenous children.
- 60 COVID-19 has increased the instance of violence in the home, increase in opioid overdoses, and has created uncertainty in employment and food security for many urban Indigenous homes. The NAFC has advocated that dedicated resources towards a national urban Indigenous children's framework to ensure a continuity of services, specific urban Indigenous children's programming that is outside of child care (including before and after school programming, Indigenous languages, on-the-land initiatives, and youth development). If we are to ensure that we have future generations of Indigenous peoples who are able to advocate for their rights as Indigenous peoples, we must ensure that the rights of Indigenous children are upheld regardless of their residency.
- 61 In addition, there is a need, in Canada, to create a comprehensive urban Indigenous strategy (inclusive of the urban Indigenous children's framework) to remove discrimination and racism from programs and services used by urban Indigenous peoples. To date, this strategy is non-existent. As referenced above, urban Indigenous children are a fast-growing segment of the Canadian population comprising more than half of the Indigenous population in Canada. However, there is currently no comprehensive national policy, program or legislative scheme that adequately considers how to permanently remove discrimination from the health, social, child welfare and educational settings in Canada today as it affects Indigenous Children.⁶⁰
- 62 Comprehensive support for urban Indigenous children and families largely remains a discretionary Canadian government practice rather than a stable and/or legislated financial policy or law. The NAFC supports the domestic Canadian implementation of UN DRIP in ways that may improve financial security and eliminate both the socio-economic gap experienced between Indigenous and non-Indigenous peoples in Canada.
- 63 Canada has Indigenous-led national surveys implementing the principles of OCAP (ownership, control, access and possession) of Indigenous data. A 2016 national Indigenous-led survey called *The National Report of the First Nations Regional Early Childhood, Education and Employment Survey* collected information on Indigenous children and youth in Canada and the statistics outline the socio-economic gap being

⁶⁰ NAFC Alternative Submission at 4-7.

experienced by Indigenous children in Canada as compared to others within the Canadian population. This cross-sectional survey is designed to measure the status of early childhood development, education, and employment among First Nations children, youth and adults living in First Nations reserves and Northern communities across Canada. Several age-specific versions of the survey measures children aged 0-5 and 6-11 years old, youth aged 12-17 years old and adults aged 18 and older. The survey is published through the First Nations Information Governance Centre (FNIGC) and data collection occurred between November 2013 to May 2015 with about 70% of the target population achieved representing a total of 20,428 surveys (9428 adults, 3842 youth and 7158 children) across 243 First Nations communities in Canada.⁶¹

64 This Indigenous regional health data in Canada indicates that achievements of Indigenous children within Canada's systems of health, education, employment and social services and Indigenous children's experiences within the child welfare system needs improvement to permanently reconcile Canada's Indigenous relations for a brighter and more equitable future.

65 A recent look at Indigenous regional health survey data in Canada has outlined the importance of maintaining traditional wellness among the urban Indigenous child in Canada with some statistics. In the province of British Columbia, a report called, *First Nations Regional Health Survey Phase 3 (2015-17), BC Provincial Report*, from a self-governing Indigenous health body called the First Nations Health Authority, has outlined how Indigenous peoples (First Nations) achieve traditional wellness through connections to Indigenous families and communities in Canada.⁶² Indigenous people in Canada have maintained a strong connection to the land since time immemorial despite colonization and residential schools as referenced in the TRC Calls to Action. It is through Indigenous traditional practices such as "cultures and teachings [to] express their shared connection to the land through their traditional languages, foods, art, activities and medicines" that helps Indigenous peoples, including children and youth, to connect to the world.

66 This traditional wellness described by the Indigenous health survey data above inevitably increases successes and achievements in the Canadian educational, health sectors for urban Indigenous children too. However, there remains a discouraging gap that still persists in the provision of this programming within urban settings in Canada. That means that when urban Indigenous children find themselves seeking social services, health and educational services and/or within the child welfare system in Canada (which they do at higher rates than other Canadian children due to colonialism); there is a gap in accessing health and traditional wellness.

⁶¹ First Nations Information Governance Centre. *The National Report of the First Nations Regional Early Childhood, Education, and Employment Survey*. (2016) Accessed online on February 21, 2021 at: <https://fnigc.ca/what-we-do/research-and-information/our-surveys/> [FNREES]

⁶² First Nations Health Authority. *First Nations Regional Health Survey Phase 3 (2015-17), BC Provincial Report* at 19. Accessed on February 12, 2021 at: <https://www.fnha.ca/Documents/FNHA-First-Nations-Regional-Health-Survey-Phase-3-2015-2017-BC-Provincial-Report.pdf>

67 Key findings of the BC provincial report referenced above include national Indigenous statistics through Indigenous Regional Health Survey data that have found that 71% of children living in Indigenous communities (not urban communities) eat traditional foods in recent years. It also found that grandparents, parents and school teachers are important sources of learning about culture for Indigenous children with grandparents and parents having higher cultural interactions with children and youth; whereas school teachers reach younger children at 61% and adolescents at only 37%. Outside school hours, only 25% of Indigenous children participate in traditional activities such as singing, drumming, or dancing at least once per week. The NAFC is concerned about filling in the gap to ensure that urban Indigenous children, whether they are involved in the child welfare system, a health or educational system, and regardless of where they live in Canada, can, for example, eat traditional foods in urban settings so they do not lose connections to their Indigenous cultures and teachings.

Urban Indigenous children’s access to education and language in Canada

68 The Convention on the Rights of the Child specifically protects the right of Indigenous children, in conjunction with their communities, to “enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language”.⁶³ This right is understood to be both an individually-held right as well as a communal right, recognizing the importance of collective values and traditions in Indigenous cultures. The committee on the Rights of the Child “notes that the right to exercise cultural rights among Indigenous peoples may be closely associated with the use of traditional territory and the use of its resources”. Importantly, Article 30 is recognized to be a positive-rights framework, therefore Canada is obligated to ensure that Indigenous children’s right to culture, religion, and language is protected and allowed to flourish.⁶⁴ The practice and use of Indigenous culture and language contributes to a positive self-identity, as well as the revitalization of culture and languages to future generations. Some scholars report that deepening traditional knowledge helps youth become “a whole human being”.⁶⁵

69 Indigenous people living in urban settings must navigate Western systems and institutions while working to build and maintain cultural connections, including through language learning and transmission. Unfortunately, two-thirds of the approximately 90 Indigenous languages used in Canada are endangered, severely endangered, or critically endangered. This is a direct result of intentional language erasure through the Indian Residential School System and other assimilationist

⁶³ UNCRC, *supra* note 26 **Error! Bookmark not defined.** at Art 30.

⁶⁴ Committee on the Rights of the Child ‘General Comment 11’ (2009), CRC/C/GC/11 at 4 [General Comment 11].

⁶⁵ Angela Mashford-Pringle, “Early Learning for Aboriginal Children: Past, Present and Future and an Exploration of the Aboriginal Head Start Urban and Northern Communities Program in Ontario” (2012) *First Peoples Child and Family Review* 7(1) 127-140 at 136 [Early Learning for Aboriginal Children].

policies and legislation, which have impacted Inuit, Métis, and First Nations communities in distinct ways.

- 70 Currently, over half of Inuit children between the ages of 0 and 14 could carry on a conversation in an Indigenous language, compared with only 15.8% of similarly aged First Nations children and 1% of Métis children.⁶⁶ Despite this, more than 90% of families report a desire to “learn and use the culture and language that [was] taught in their homes”.⁶⁷ Parents do not always speak an Indigenous language which can make cultural knowledge transfers more challenging. Additionally, families living in poverty may have greater difficulties accessing materials, experiences, and services that promote healthy child development.⁶⁸
- 71 Urban Indigenous children in Canada should always be included and considered and their human, Indigenous, and children’s rights as Indigenous children within Canada should be protected and promoted. The NAFC advocates at all levels of the Canadian government within the NAFC’s discussions, advocacy and policy-making efforts on behalf of urban Indigenous children in Canada on an ongoing basis for the promotion and protection of urban Indigenous children’s rights in Canada.
- 72 Between 2017 and 2020, the federal government committed nearly \$90 million dollars to Indigenous language revitalization, as well as a further \$334 million over five years on “‘preserving, promoting, and revitalizing’ Indigenous languages”.⁶⁹ However, this funding and the accompanying legislation (Bill C-91, now ascended to law) was criticized for not adequately addressing Inuit-specific needs,⁷⁰ for not dedicating specific funding for community-led initiatives for language recovery and revitalization, and for failing to create accountability measures for Indigenous people.⁷¹ It is unclear the extent to which urban-based Indigenous people and organizations were engaged to draft the legislation. NAFC provided testimony and submitted a proposal to provide urban-specific input, but this has not yet occurred.
- 73 Indigenous children’s rights in Canada should be protected; especially through urban Indigenous programs and services that can address gaps in service delivery and cultural connections to Indigenous communities that have been disrupted by colonization, racism and systemic discrimination, Canada’s past residential schools system, and the current child welfare system. Article 30 of the *Convention on the Rights of the Child* asserts that “In those States in which ethnic, religious or linguistic minorities or persons of Indigenous origin exist, a child belonging to such a minority

⁶⁶ Indigenous Early Childhood Development, *supra* note 10 at 15.

⁶⁷ Early Learning for Aboriginal Children, *supra* note 36 at 136.

⁶⁸ Indigenous Early Childhood Development, *supra* note 10 at 15.

⁶⁹ Chantelle Bellrichard, “Budget’s Indigenous languages funding ‘insufficient’ to support revitalization work, says B.C. advocate”, (March 2019), online: < <https://www.cbc.ca/news/indigenous/indigenous-languages-budget-funding-1.5066806>>.

⁷⁰ Justin Brake, “Canada unveils Indigenous Languages bill to fanfare, criticism” (2019) APTN National News, online <https://aptnnews.ca/2019/02/05/canada-unveils-indigenous-languages-bill-to-fanfare-criticism/>

⁷¹ Karihwakeron Tim Thompson, “Strengthening The Indigenous Languages Act – Bill C-91” (2019) *Yellowhead Institute*, online: <https://yellowheadinstitute.org/2019/02/27/strengthening-the-billc-61/#1543339751407-745e47e8-6d44>

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.”⁷²

CONCLUSION

- 74 Indigenous children deserve the full benefit of both Indigenous and Children’s rights. These sets of rights ought to work in full concert with each other and mutually reinforce each other for the benefit of all Indigenous children regardless of residency.
- 75 The NAFC thanks EMRIP for its consideration of this submission on behalf of urban Indigenous children in Canada and the NAFC hopes the information above is helpful and informative for UN DRIP implementation studies linked to the United Nations. The NAFC is open to communication and ongoing international advocacy efforts and is easily available to all EMRIP experts, partners and the United Nations as detailed on its public website www.nafc.ca

⁷² CRC at Article 30.