

Information sheet for Youth Justice Workers:

When working with First Nations, Inuit and Métis girls you need to consider the following...

As a result of colonization, First Nations, Inuit and Métis girls face extreme inequality in Canadian society, including poverty, child welfare apprehension, and extreme levels of male violence. There are three times more First Nations children in state care than there were in the height of the residential schools. The fact that so many First Nations, Inuit and Métis children are in state care not only mirrors the horrors of the residential school days when family bonds were ruptured and children dislocated, but also sets up the next generation for institutionalization in other systems, from jails to hospitals to psychiatric wards.

There is an urgent need to address the context of inequality and intergenerational legacies of residential school in which First Nations, Inuit and Métis women/girls conflicts with the law take place. In particular, more attention must be paid to the continuum of violence and poverty that leaves First Nations, Inuit and Métis girls unprotected, victimized and criminalized.

First Nations, Inuit and Métis girls are the fastest growing population in youth custody today.

Aboriginal girls are disproportionately criminalized in Canada.

In 2008-2009, 44% of all girls in sentenced youth custody were Aboriginal; this is shocking considering Aboriginal youth account for less than 6% of the population of the country. Many of the girls in prison today are the children and grandchildren of survivors of residential schools, the 60's Scoop, and more recent child welfare systems.

Mothers in Prison: Continuing the Cycle

In 2011, Aboriginal women represented just fewer than 4% of women in Canada, yet accounted for 34% of all women in federal penitentiaries. In provincial jails, where the vast majority of women are sentenced, the numbers are even more disturbing: In Saskatchewan and Manitoba for example, Aboriginal women make up 87 and 83% of the female inmate population respectively. Many of these women are mothers. When mothers are incarcerated, their children are often apprehended by child welfare agencies. These apprehensions amount to a continuation of the residential school cycle of removing children from First Nations, Inuit and Métis families, communities, and cultures. Two thirds of Aboriginal women in prison are single mother families. Incarcerating these mothers condemns a new generation to the child welfare and youth criminal justice systems.

Minor charges lead to long-term Imprisonment

The criminal justice system often targets Aboriginal girls, from a young age. They are often first arrested for relatively minor charges, including public

disturbance, shoplifting, and minor aggression, only to be subsequently imprisoned for administrative offences including 'failure to comply' with breach of bail or probation conditions. Girls' probation and bail conditions are often so unrealistic and stringent that they are impossible to comply with and thus girls are set up to fail. Girls can spend their entire youth cycling in and out of prisons due to minor charges.

A study of 500 criminalized youth in BC found that amongst the Aboriginal girls¹:

- 97% had left home early to live on their own, on the streets, or in foster care
- 82% of the girls had been in foster care at some point
- On average, the girls had lived in 13 different places (for more than three months) and reported childhood trauma including physical abuse (80%) sexual abuse (65%), mental health issues in the family (30%), and also a high rate of addictions in the family
- 80% of the girls reported a very early introduction to hard drug use themselves
- a smaller proportion of Aboriginal than non-Aboriginal girls were incarcerated for a violent offence (34% vs. 42%)
- Aboriginal girls were less likely than non-Aboriginal Métis girls to be in custody for violent offences, but over their life time, they spent more time in custody than non-Aboriginal girls.

Committing to Reconciliation is Key

The criminal justice system is tied to colonization in Canada and the lens through which First Nations, Inuit and Métis women/Peoples are sentenced and criminalized remains one tainted by historically unjust relationships. Rights based reconciliation must recognize the principle of self determination and restore Aboriginal decision making in matters such as justice.

Reconciliation and the Right to self-determination

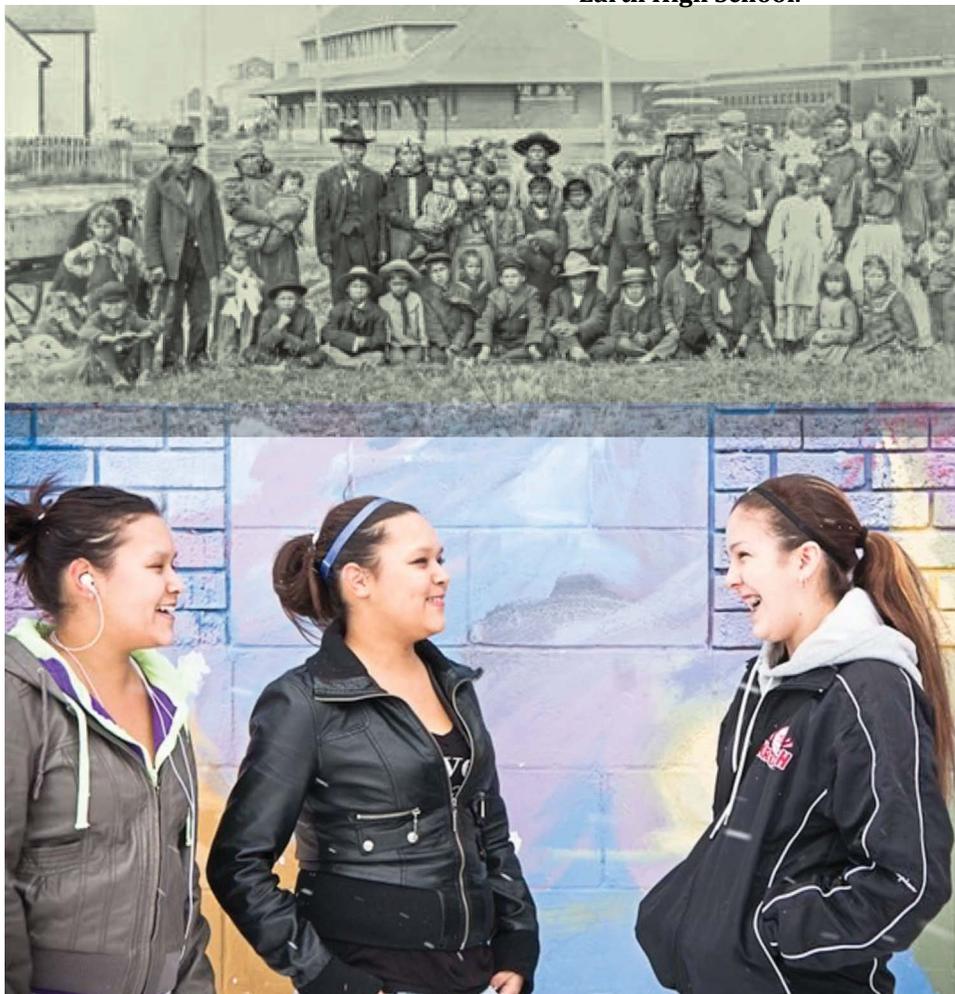
Section 35 (1) of the *Constitution Act* recognizes and affirms existing Aboriginal and treaty rights; and has been interpreted as the inherent right to self-government and those practices which have been integral to the distinct natures of Aboriginal cultures prior to colonization.

Internationally, it is also recognized that:

“Indigenous Peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in cases where they exist, juridical systems or customs, in accordance with international human rights systems.”

– United Nations Declaration on the Rights of Indigenous Peoples. (Article 34)

Images from: “They came for the Children,” p. 16. Truth and Reconciliation Commission. and Pathways to Reconciliation youth video - Children of the Earth High School.



Addressing cultural and gender-based discrimination in the criminal justice system

Over the years there have been numerous studies addressing the shortcomings of the criminal justice system in relation to women and girls in custody in Canada.

Questions for discussion:

- A. What are some of their most urgent recommendations which have yet to be implemented? What are the obstacles?
- B. How should human rights adherence or non-compliance be monitored and addressed?
- C. What is your vision for the ideal alternative to prison program for Aboriginal young women and girls? How can Aboriginal/ non-Aboriginal alliances support this idea?

Gender-based Aboriginal diversion programs can contribute in an important way to an inclusive vision of healing, justice, increased public safety and reconciliation over the long term in Canada.

Test your knowledge:

G. Which of the following statements is false?

1. In 2008-2009, 44% of all girls in sentenced youth custody in Canada were Aboriginal
2. First Nations, Inuit and Métis girls face extreme inequality in Canadian society, including poverty, child welfare apprehension, and extreme levels of male violence
3. Aboriginal girls are more likely than non-Aboriginal girls to be in custody for violent offences
4. A large number of Aboriginal girls in custody report a history of family breakdown, as well as physical and sexual abuse.
5. More girls in Canada are sentenced to custody for administrative offences including 'failure to comply', breach of bail or probation conditions than for violent offences.

¹Raymond R. Corrado and Irwin M. Cohen. A needs profile of serious and/or violent Aboriginal youth in prison. School of Criminology, Simon Fraser University

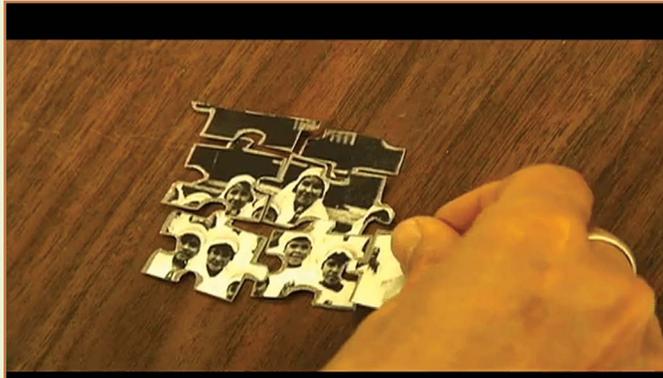
²TRC Interim Report page 5

³All examples documented by Justice for Girls during advocacy, outreach sessions, and research over a period of 10 years.

⁴They Came for the Children, page 69
Maria Campbell also page 38

⁵They Came for the Children, page 50 ,
39-40

Children of the Earth/NWAC Pathways to Reconciliation video, 2012



Pathways to Reconciliation - Native Women's Association of Canada

by Pat Mainville-Mousseau 4 days 21 hours ago

This video was created in partnership between Children of the Earth High School in Winnipeg, Manitoba and the Native Women's Association of Canada. The intent was for young aboriginal females to use art and video as a medium to share what residential schools, intergenerational effects, and reconciliation means to them.

Watch it online at:

<https://vimeo.com/41314890>

http://www.youtube.com/watch?v=Z_42YZFjJAc

Britannia Outreach/NWAC Compassion for Grandmothers video, 2012



Look for it on: www.nwac.ca
and on YouTube under its title.