

BC Aboriginal Child Care Society

708 – 100 Park Royal South
West Vancouver, BC V7T 1A2
Telephone: (604) 913-9128 Facsimile: (604) 913-9129

**The Human Rights of Indigenous Children in Canada:
Comments prepared by BC ACCS for Canada's Report to the UN
Committee, Convention on the Rights of the Child**

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The Human Rights of Indigenous children in Canada: Comments prepared for Canada to consider in preparing the Report to the UN Committee, Convention on the Rights of the Child

The following comments on Canada's compliance, or lack thereof, with the obligations it assumed with respect to Indigenous children's human rights were prepared in response to a request by Heritage Canada for input on issues to be covered by Canada in its third implementation report to the United Nations Committee on the Rights of the Child. Canada ratified the Convention on the Rights of the Child in 1991 and is now required to provide a progress report every five years.

BC ACCS

The BC Aboriginal Child Care Society (BC ACCS) is a federally-registered charity and provincially-registered non-profit society that helped 58 Indigenous communities in British Columbia to create more than 800 child care spaces between 1995 and 1999 through the federally-funded First Nations and Inuit Child Care Initiative (FNICCI). The scope of our work currently includes providing research, advocacy, and program development for early learning and child care (ELCC) in Aboriginal communities. We also operate two Head Start programs in the most economically disadvantaged areas of Vancouver. Through this work we support Indigenous early learning and child care programs in British Columbia to develop and maintain culturally and linguistically rich early childhood experiences for Indigenous children and families. Our Board of Directors and staff collectively have more than forty years of involvement in provincial and national policy tables and consultation processes regarding the rights, needs and services offered to Indigenous children.

Delays in Implementation

We, like other non-governmental organizations (NGOs) involved in fostering and protecting children's issues and rights, are very concerned by Canada's delay in implementing legislation and policies in support of Articles of the Convention on the Rights of the Child (CRC) respecting Indigenous children. We, therefore, wish to take this opportunity to urge Canada to conduct an in-depth review of its implementation of Indigenous children's Convention rights during the October 2003 to December 2007 reporting period for its 3rd (January 2009) Report to the UN Committee on the Rights of the Child. As it engages in that process, we wish to emphasize the critical importance of integrating Article 30 in all of Canada's implementation efforts. It is within the construct of Article 30 that we present the following specific issues that we urge you to consider and include in Canada's forthcoming report.

For our comments, we have chosen to focus on the following group of Articles that we believe are the most relevant to Indigenous ELCC and the mandate of BC ACCS although many of the Convention's Articles have implications for the survival, health and well-being of Indigenous children

Article 2: Non-discrimination

Comment: According to the Convention, Indigenous children are entitled to the same basic human rights as other children and have additional rights, as recognized in Article 30. However, because the Convention, valuable as it is, is based primarily on individual rights and freedoms and not collective rights and on mainstream ELCC theories, practices and outcomes, some provisions of the Convention may not be entirely consistent with the collective, cultural and linguistic rights of Indigenous children.

In Canada, the historical realities of colonization, the appropriation of the lands and natural resources of Indigenous Peoples, and the displacement of Indigenous cultures, languages, and child-rearing practices have been acknowledged to some extent by government apologies relating to past events. This acknowledgement of has not, however, been recognized or translated into government ELCC policies that can help to offset the damaging effects of past policies on today's children and families. The consequence is that indigenous child care and early learning practitioners are required to abide by early childhood theories, care-giving and educational practices, programs and services that reflect primarily mainstream values, views and approaches and deny our own. Canada needs to support new, Indigenous-determined approaches to the care, education and development of Indigenous children and expand programs such as the Aboriginal and First Nations Head Start Programs which are well-regarded in Indigenous communities.

Recommendation: BC ACCS urges Canada to:

- Consult with Indigenous communities to achieve consensus on any national action plans intended to implement the terms of the Convention to prevent the re-colonization of Indigenous children; and
- Report the outcomes of such consultation, including any identified solutions, to the UN Committee in its January 2009 report.

Article 4: Implementation of Rights

Comment: Article 4 is a key Article for many child advocates given that it addresses the important issue of Canada's commitment to the Convention and its performance in implementing children's Convention rights. We share the concerns of other NGOs that Canada is not doing everything it can to implement the rights contained in the Convention. Although recent Government initiatives are important, necessary and welcome, they are simply inadequate particularly when considered in the context of what must be done to achieve the vision of children's health, education and well-being that is identified in the Convention and in international and national action plans arising from the Convention, including Canada's *A World Fit for Children* and *A Canada Fit for Children*. As a result of our experience and assessment of Canada's performance in the implementation of the Convention and action plan, we urge Canada to review closely and to report on any plans/activities and resources specifically targeted to the creation of an independent monitoring body to ensure that Indigenous children's rights are implemented and respected within the spirit and intent of the Convention.

Recommendation: We understand that the UN Committee is preparing, in collaboration with Indigenous Peoples, a “General Comment” on the rights of Indigenous children. BC ACCS therefore recommends that Canada adopt and ratify the Comment, once it has been finalized, and use the document to guide its efforts and collaboration with Indigenous leaders, service providers, Early Childhood educators, parents/families, Elders and children in the development of a coordinated framework and action plan for supporting the care, education and full development of Indigenous children in Canada.

Article 23: Disabled Children

Comment: Article 23 is considered to be “the leading principle” for the implementation of the Convention provisions relating to children with disabilities. Article 23 is supported by Article 2, which requires Canada to take appropriate measures to prevent all forms of discrimination, including discrimination on the grounds of disability. According to General Comment No 9 (2006) of the Committee, disability is specifically included in Article 2 because of the high vulnerability of children with disabilities and the likelihood of multiple discrimination.¹ Since multiple discrimination increases the vulnerability of certain groups such as “Indigenous girls with disabilities”, the Article outlines measures for the prevention and elimination of all forms of discrimination against children with disabilities. Taking a broad view of disability, the Committee also notes that “Poverty is both a cause and a consequence of disability.”

Canadian government action on the multiple and largely hidden discrimination suffered by Indigenous children with disabilities had only begun to be addressed through specific ad hoc provincial/ territorial initiatives such as FASD initiatives. Unfortunately, such ongoing federal and provincial initiatives do not recognize the structural causes of poverty affecting Indigenous families, thus, efforts to assist children with disabilities may be undermined by other policies and cutbacks in social, employment, housing, education and health programs..

Need for Integration and Coordination of Existing Programs

An almost complete lack of coordination between the federal and provincial governments in ELCC programs for Indigenous children results in overlapping efforts and large gaps in services. The ongoing confusion is compounded when responsibility for programs is shifted, as it often is, from one Department or Ministry to the next. This is a particular problem in the Province of BC which is inclined to making frequent shifts or re-organizations in the Ministry for Children and Families, Education and Health. We have frequently been informed by caregivers that parents and families may not seek services because they are discouraged by the uncertainty and the complexity surrounding the changing funding rules and regulations relating to resources for Indigenous children with disabilities. An additional barrier for Indigenous children is created when Indigenous families move from rural, remote on-reserve locations to urban centres to access better services, resources, employment or housing. Since there is poor integration of on and off reserve services, their children with special needs can and

¹ Committee on the Rights of the Child, Forty-third session, Geneva, 11-29 September 2006, General Comment No 9 (2006) The Rights of Children with Disabilities.

do fall between the cracks. Making a bad situation worse, parents and families are often reluctant to have their child diagnosed or “labelled” as “special needs” fearing that their “special needs” children may be taken into government care. This fear and reluctance to seek a diagnosis that prevents children from accessing special care even where it is available is the result of long-standing mistrust of Government and service providers arising from the long history of child removals through the residential school, child welfare and youth justice systems.

Number of Indigenous Special Needs Children

However disability is defined², the high proportion of Indigenous children in Canada with “high-profile” disorders such as Fetal Alcohol Spectrum Disorder (FASD) is not disputed although the exact numbers are unknown and estimates vary widely. Governments have responded to the high incidence of FASD in the Indigenous population to some extent. The number of Indigenous children with other disabilities and special needs that require extra resources to ensure their dignity, self-reliance and social inclusion is not known or indeed the subject of much speculation. The evidence is that it is very high. Based on information provided in focus groups with health, education, and social work professionals making educated guesses about the number of “special needs” preschool children in several northern BC Indigenous communities in 2006, BC ACCS estimates that the number varies between 1/3 to 1/2 of all Indigenous children in the north, depending on the community. In remote and northern communities, lack of funding and the many barriers to accessing health and resources for Indigenous children with disabilities exacerbates other challenges created by fear and mistrust. As Professor Jessica Ball and others have recently noted, and from our own work with communities, available resources are also unequally allocated.³ Because competitive RFP processes are most often used by Governments to procure services when new funding becomes available, it is often the communities that have more resources and are better organized that are most successful in accessing new programs. In other words, the funding systems are “capacity rewarding” rather than “capacity building”.

Unclear Responsibilities

Reviewing the range of government programs for special needs children, the Centre of Excellence for Children and Adolescents with Special Needs (CECASN) recently concluded that “jurisdictional reviews...reveal wide variation in the functional organization and delivery of services and supports” and that apart from Ontario, BC and Quebec “it is not clear where the responsibility for children with special needs, or children in general, lies or if that responsibility lies anywhere at all”.⁴ From our vantage point as an Indigenous ELCC organization in BC, we find that the same situation also applies to Indigenous children with special needs and their families in BC.

² UNCHR notes in its 2006 *General Comment No 9* that there are various definitions of disability.

³ Ball, Jessica (2008) Promoting Equity and Dignity for Aboriginal Children in Canada. IRPP Choices, Vol1, no.7. June 2008

⁴ Centre of Excellence for Children and Adolescents with Special Needs (2008). Training Courses and Programs provided by Canadian Public Post-Secondary Institutions Through Distance Education for Early Childhood Educators, Educational Assistants and Special Educators: *Focus on Special Needs within Aboriginal Communities*.p.76.

Indigenous Children in Care

The UN Committee has expressed concerns about the high number of children with disabilities placed in institutions where they may be even more vulnerable to neglect or abuse. Effective, accessible, community-based and culturally-safe services are the alternative to institutionalization, which should be a measure of last resort. The Convention also supports consulting with children, including children with additional support needs, when decisions need to be made about their well-being.

Training, Recruitment and Retention

The recruitment, retention and training of staff for Indigenous child care and early learning settings and especially of staff with "special needs" certification and experience are major challenges and urgent priorities for Indigenous communities. Including children with special needs in under-resourced and understaffed child care settings is also linked to extra stress for staff, which may mean a higher staff turnover. The CECASN report identifies a need for culturally appropriate distance education for special needs certification for early childhood educators. We agree that culturally appropriate distance education has great potential for improving special needs education. However, the infrastructure and support necessary are often lacking in Indigenous communities. For example, as recent BC ACCS research shows, many early childhood educators (ECEs) in BC do not have ready access to a computer and/or high speed internet and have none or little free time, either at work or at home and have challenges in balancing work/family responsibilities. We also found in our research that very few ECEs working in Indigenous communities participated in distance education. Recently-certified early childhood educators said that they experienced a significant level of stress because of the amount of responsibility placed on them and the lack of support and mentoring. They also reported that they often feel that their work is undervalued and that they are poorly paid.

Need for Transparency in Indigenous ELCC Program Funding

There is a need for increased transparency in government program funding reports, a need that is intensified by the complexity of Federal/Provincial/Territorial financing arrangements. Because the federal Government devolves funding for many Indigenous health, social and ELCC programs to provincial governments, it is exceedingly difficult to track how much is actually spent, where and when on special needs Indigenous children. And, although the reporting of expenditures on Canadian Indigenous programs has always been labyrinthine, it appears to be getting even more difficult in the past three years to get a clear understanding of budgets and actual expenditures.

More alarming is that a 2008 Treasury Board report notes that all Federal Government departments are required to generate "savings" that can be applied to government priorities.⁵ Given that programs for Indigenous children with disabilities/special needs are already inadequate, fragmented and under-funded, any cutbacks to current funding would put Canada in blatant contravention of the

⁵ Treasury Board of Canada Secretariat (2008) *Estimates. 2008-09 Reports on Plans and Priorities and The Government of Canada Action Plan to Reform the Administration of Grant and Contribution Agreements*. Ottawa, Ont.

Convention on the Rights of the Child. Unfortunately, we do not see any evidence that programs for Indigenous children with disabilities are currently a federal priority but it is our fervent hope that Canada will now decide that it must take action to address Indigenous children's Convention rights.

"Jordan's Principle" is one mechanism that has recently been implemented to address the jurisdictional complexities affecting First Nations children with special needs but, although the Governments of Canada and BC are to be commended for honouring this Principle, mechanisms have not been established to monitor and report on the performance of the Principle.

Recommendation: BC ACCS recommends that Canada report on:

- The total amount of spending on Indigenous children with disabilities, disaggregated for specific programming initiatives (i.e., FASD), ages of children receiving services (i.e., the early years, school-age and youth), and for First Nations, Inuit and Métis children;
- Plans, goals and activities to increase the amount of Government spending on Indigenous children with disabilities, disaggregated as above;
- Plans, goals and activities to ensure that all relevant Federal Government Departments and federal agencies (such as the Public Health Agency of Canada) implement "Jordan's Principle"; and
- Plans, goals and activities that ensure that all Provincial and Territorial Governments, within the realities of the federal system and Federal/Provincial/Territorial funding arrangements, implement "Jordan's Principle" in their jurisdictions, and include any plans and activities to systematically monitor the successful implementation of Jordan's Principle by Canadian Governments.

Article 27: Standard of Living

Comment: Most Indigenous children in Canada live in poverty and throughout the last decade all Canadian governments have acknowledged in various documents, particularly those related to the Social Union Agreement, the "gap in life chances" between Indigenous and other Canadian children. At the beginning of this decade, all levels of government agreed to expand and enhance early childhood development/ early learning initiatives to address the gap in life chances; however, the expansion of these initiatives has not continued since 2006 when a new Federal government was elected with different priorities for ELCC and related initiatives of the previous government. As noted previously, services for children with additional support needs are minimal and largely non-existent in rural and remote communities and the quality of their lives and their human potential is diminished.

Evidence from the *BC Atlas of Child Development* indicates that BC communities with a high proportion of Indigenous children consistently fall into its "vulnerable" category of risk across the five developmental subscales of the early development

instrument (EDI) that the *Atlas* uses.⁶ The developmental subscales of the EDI include physical, social, emotional, language-cognitive, and general knowledge-communication. Although the EDI is limited in that it does not take into account Indigenous values of child development or consider the cultural assets or needs of Indigenous children, it does have significant implications for the need based on socio-economic factors for enhanced early childhood education and care supports for Indigenous children. The *Atlas* does make explicit connections between the low socio-economic status of communities with a high proportion of Indigenous children, and those children's developmental vulnerability. As such, it is imperative that Canada's report to the UN Committee describe current efforts and plans to address the realities of systemic poverty and the low socio-economic status of Indigenous communities.

Children in Care

The placing of Indigenous children in institutions away from their communities could well be described as a Canadian tradition. From the end of the 19th Century throughout most of the 20th century, Indigenous children were taken away from their families and communities and placed in church-run residential schools. Today, as one consequence of the turmoil so created and of the omnipresent poverty and lack of access to needed care and resources, they continue to be taken into government care in very large numbers and placed in a number of different foster care settings or in group homes or institutions with often grim long term results. In BC, in 2008, over 50% of the children in care are Indigenous according to the Representative for Children and Youth, although they are about 8% of the population of children in the province. Special needs children are overly represented in the number of children in care. A high level of mistrust of government intentions by Indigenous families is often a consequence, with implications for children and families needing family support, child protection, special needs and/or other services.

As recognized by the OECD and others, child poverty is one of the most important challenges policymakers confront in efforts to enhance the health, well-being and learning of young children. As is widely acknowledged, including in the OECD *Starting Strong* report addressing child poverty is a way of both meeting the broader goal of social equity and of developing good early childhood policies. Reducing child and family poverty is, in fact, a precondition for successful early childhood development because, although ECEC services by themselves can mitigate and reduce the negative effects of social and economic disadvantage, the continuing high level of child and family poverty undermines these efforts and is an impediment to increased educational achievement.

Recommendation: Recognizing the challenges of child poverty to the healthy development of Indigenous children, BC ACCS recommends that Canada report on:

- Plans/activities and resources/benefits, specifically targeted to First Nations, Inuit and Métis children and families, to reduce/eliminate child

⁶ BC Atlas of Child Development. (2006) *British Columbia ECD Mapping Portal, Aboriginal Mapping*. Vancouver, BC: UBC

and family poverty as a strategy to ensure the healthy development of children;

- Plans/activities and resources, specifically targeted to First Nations, Inuit and Métis children, to mitigate the impact of child and family poverty over a shorter, more immediate term;
- Plans/activities and resources/benefits, specifically targeted to First Nations, Inuit and Métis children, to ensure universal availability, access and affordability of child care and early childhood development and early learning programs and services;
- Canada's total annual spending on children in the early years, including information on the annual financing of the existing array of specific programs, services and benefits for children birth to six years of age, disaggregated for First Nations, Inuit and Métis children;
- Plans/activities, disaggregated for First Nations, Inuit and Métis children, to increase Canada's spending on children in the early years, and shown as a proportion of Canada's GDP and social spending.

Article 29: Aims of education

Comment: Given BC ACCS's mandate for the early years, our comments on this Article are focused on early learning for children from birth to six years of age.

BC ACCS acknowledges that spending commitments were made by the Federal Government during the period 2002-2006 to enhance Indigenous children's learning and supports through the expansion of programs such as the Community Action Program for Children (CAPC), Canada Prenatal Nutrition Program (CPNP), Aboriginal Head Start (both Urban and Northern Initiative and On-Reserve Programs) and other services and programs. These initiatives represented for us a sincere commitment from government to support the health, learning and development needs of Indigenous children and the recognition of Article 24 regarding health service provision. However, we wish to draw attention to the glaring reality that, despite the increased support during that period, Indigenous children have not made great progress in achieving equity with other Canadian children and indeed the gap in educational attainment has increased.

We are also concerned that although Canada had budgeted a particular sum to support Aboriginal Head Start On-Reserve programs during the years 2003-2006, expenditures of funding to programs as forecast consistently were not made. Yet, as Professor Jessica Ball estimates in a 2008 paper only 10% of all Canadian indigenous children currently have access to Head Start programs. Recommendations have been made to Health Canada (2008) that coverage should be increased to 25%.^{7/8}

Aboriginal Head Start with its six-component framework is unique in that it supports the linguistic and cultural values of the community, provides flexibility

⁷ Ball, Jessica (2008) Promoting Equity and Dignity for Aboriginal Children in Canada. IRPP Choices, Vol1, no.7. June 2008

⁸ Leitch, Kelly (2008) *Reaching for the Top: A Report by the Advisor on Healthy Children and Youth*. Ottawa: Health Canada.

and autonomy to communities and service providers, and engages families and communities in the education and care of their children. It is an invaluable community-based program for providing early learning opportunities for Indigenous children. However, the continuing inconsistent, insufficient, fragmented, and unfulfilled program funding commitments during the 2003-07 reporting period does not facilitate the goals or realize the vision of this program. Despite being positively evaluated significant enhancement and expansion has not taken place⁹.

The lack of adequate policy and funding support for Indigenous child-specific ELCC programs in Canada also draws attention to another major child right's issue identified in the literature that finds that Indigenous children continue to have their Article 29 rights to education violated due to accessibility issues. Rae, for example, finds that systemic poverty, transportation barriers, the cultural appropriateness and sustainability/viability of programs continue to prevent Indigenous children from realizing fully their Article 29 rights to education¹⁰. Rae concludes that access to culturally and linguistically safe education and care experiences can contribute to the overall health and well-being of Indigenous children. It is our position that the lack of such services ensures that vulnerable Indigenous children will be forced to participate in non-Indigenous *ELCC* programs and that this represents a direct violation of Indigenous children's rights under Articles 30, 29, 27, 24, 23, 4 and 2.

ELCC programs that foster the continuity of cultural and linguistic identity uphold the integrity of a holistic culturally-safe framework for Indigenous children's health and well-being. In this way, education and care experiences are grounded in a framework inclusive of the following: land and environment; the historical, political, economic and social context; the social determinants of health; Indigenous community well-being; and access to health services. It is our position that policy and program implementation during the reporting period of 2003-07, did not adequately support the rights of Indigenous children to education and care experiences that facilitate a holistic, culturally-safe framework for health and well being. As Indigenous scholar Professor Margo Greenwood explains, Indigenous knowledge is inherently connected to land, traditional territory, and Indigenous people's spiritual connectedness to the earth.¹¹

As the fastest growing demographic in Canada, Indigenous children represent a high needs category for integrated, sustainable, viable, culturally and linguistically rich early childhood education and care experiences.¹² Without a comprehensive, sustainable, long-term framework, developed through intra-Governmental and inter-Governmental partnerships with First Nations Governments and other Indigenous Peoples' Leadership, the Convention-recognized rights of Indigenous children to their own cultural and linguistic expression, as well as education aimed

⁹ Leitch, Kelly (2008) *Reaching for the Top: A Report by the Advisor on Healthy Children and Youth*. Ottawa, Ont.: Health Canada.

¹⁰ Rae, J. (2006) *Indigenous Children: Rights and Reality*. A report on Indigenous children and the UN Convention on the Rights of the Child. Ottawa, On: First Nations Child and Family caring society.

¹¹ Greenwood, Margo & de Leeuw, S. (2007) Teachings from the Land: Indigenous people, our health, our land and our children. *Canadian Journal of Native Education*. Vol.30 (1), 48-53

¹² Statistics Canada, (2008) *Aboriginal Peoples, 2006 Census*, Ottawa, On: Author.

at developing their personality, talents, and abilities to the fullest extent, will not be achieved.

Recommendation: In its report to the UN Committee, we urge Canada to consider the reasons why, despite significant evidence and acknowledgement of the gaps in life chances between Indigenous children and their non-Indigenous counterparts, a program aimed at ‘closing the gap’ remains inconsistent in delivery across jurisdictions. It is our recommendation that Canada commit to ensuring that the Aboriginal Head Start Program be universally accessible to all Indigenous children in Canada within 5 years. We urge Canada to report any plans/activities to extend the Aboriginal Head Start Program to all Indigenous children in Canada within the next 5 years. It is our hope that, in its next report to the Committee, Canada will be able to report that all Indigenous children, regardless of residence or special need, have access to Aboriginal Head Start Programs.

It is our recommendation that policy, program funding and service provision must permit space for the transfer of Indigenous knowledge. The attendance of Indigenous children in non-Aboriginal ECEC programs due to the accessibility barriers identified earlier and the imposition of non-Indigenous knowledge, values and education frameworks which emphasize school-readiness targets, represent overt expressions of contemporary colonization. The participation of Indigenous children in programs not constructed within a holistic, culturally-safe health and well-being framework continue to violate their rights under the aforementioned Articles. We urge Canada to report on any plans/activities to give full effect to the Indigenous child’s Article 29 and 30 rights to effective, culturally-safe early learning and education to improve their academic performance in the context of their cultural and language development

Article 30 Children of minorities or Indigenous populations:

Comment: Article 30 of the Convention is a critical component of all policy and program implementation regarding Indigenous children in Canada. Article 30 specifically acknowledges the additional rights of Indigenous children to be supported by Indigenous knowledge and governance systems. As a resolution of by the Assembly of First Nations Special Chiefs’ Assembly affirmed in 2002, Indigenous knowledge systems uphold the rights of Indigenous children to “enjoy their own culture and ... language”. The Chiefs at the Special Assembly agreed that:

“We, the Original Peoples of this land, know the Creator put us here. The Creator gave us laws that govern our relationships to live in harmony with nature and mankind. The Laws of the Creator defined our rights and responsibilities. The Creator gave us our spiritual beliefs, our languages, our culture, and a place on Mother Earth which provided us with all our needs. We have maintained our Freedom, our Languages, and our Traditions from time immemorial. We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the land upon which we were placed. The Creator has given us the right to govern ourselves and the right to self-determination. The rights and

*responsibilities given to us by the Creator cannot be altered or taken away by any other Nation.*¹³

Article 30 reflects the internationally-recognized rights of Indigenous Peoples to self-determination in culture, language and self-government. It recognizes that Indigenous Peoples usually require protection from the homogenizing tendencies of nation-states; i.e., nation-states tend to use their “educational systems to forge nations with one language, history and culture”¹⁴. In addition to Article 30, various human rights instruments include protection for Indigenous Peoples and/or cultural minorities, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. National governments are expected to implement specific legislative, legal, administrative, economic and social measures to eliminate and prevent discrimination against Indigenous Peoples, to promote and protect their human rights, to improve their living circumstances, to promote harmony between Indigenous and non-Indigenous populations, and to maintain and develop their cultures and languages.

It is our position that since Canada does not possess a comprehensive legislative framework for ELCC for Indigenous children that in the absence of such a framework, current policy does not adequately address the care and educational rights of Indigenous children articulated in Articles 2, 4, 23, 24, 27, 29 and 30 of the CRC.

Recommendation: As an Indigenous Peoples NGO committed to fostering the care and education needs of Indigenous children ages birth to six years, and based on the rights of Indigenous children conveyed in Article 30 of the CRC, and our own Indigenous worldview, we urge Canada to share with the UN Committee its plans to implement policies that uphold the Convention-guaranteed rights of Indigenous children to education and care experiences that foster strong cultural and linguistic identity.

We further recommend, that Canada adopt the “General Comment” on the Rights of Indigenous Children, once it has been finalized, as a guide to Canada’s efforts and collaboration with Indigenous Peoples in the development of a coordinated framework and action plan for supporting the care, education and full development of Indigenous children in Canada based on the spirit and intent of Article 30.

¹³ Assembly of First Nations. (2002) *Resolution, January 1, 2002*. Special Chiefs’ Assembly.

¹⁴ Fact Sheet No.9 (Rev.1), *The Rights of Indigenous Peoples*, Office of the United Nations High Commissioner for Human Rights (OHCHR), Geneva, July 1997