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Letter from Shannen Koostachin and the students of Attawapiskat First Nation to Marie-Claude Côté-Villeneuve

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July 11, 2008

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**RE: Attawapiskat Children Seek Input into UN Report
on the Rights of the Child**

Dear Marie-Claude Côté-Villeneuve:

We are 13-year-old children from the Attawapiskat Cree First Nation. We live on the isolated, sub-Arctic lands of the James Bay coast in Ontario. Our first language is Cree. The nearest road to our community is 400 kms away. We are writing to request that the failure of the federal government to follow up on its repeated promises to the children of Attawapiskat to replace a school contaminated by a diesel leak with a safe school that supports learning be included in Canada's report to the Committee on the Rights of the Child (CRC) regarding Canada's implementation of the United Nations Convention on the Rights of the Child (UNCRC).

We intend to follow up this letter with a Shadow Report to the United Nations Committee on the Rights of the Child that will outline the systemic discrimination and negligence that we have suffered at the hands of the Federal government, through the Department of Indian and Northern Affairs (INAC). We will be working on this report with our partners in the provincial and national education and child rights fields.

These allies include but are not limited to: the Attawapiskat Education Authority, the Mushkegowuk Tribal Council, the Ontario Public School Boards Association, (members of the) Ontario Catholic School Board Association, Ontario English Catholic Teachers Association (OECTA), Ontario Secondary School Teachers Federation (OSSTF), Canadian Teachers Federation (CTF), various NGOs, plus students, principals and teachers from schools across Canada who have joined the fight to ensure that children in our community should have comparable rights to proper schooling and funding as are guaranteed by Canadian and provincial/ territorial laws to Non-Native children and ensured under the Convention on the Rights of the Child.

These organizations fully understand the legal responsibilities that exist for ensuring that governments provide adequate education resources in Canada. They will work with us to identify how we, as First Nation children, have been denied the basic rights taken for granted by other students in Canada. As we are within the jurisdiction of Ontario, we will make direct comparisons to the rights enjoyed by students under provincial school board authorities.

Our shadow report will look at the obligations of Canada under the United Nations Convention on the Rights of the Child and contrast these commitments with the massive and unnecessary inequities that are faced by Aboriginal children born on reserves due to federal government policies and decisions.

This report will come at a later date. For now, we felt it was important to send this introductory letter to let you know who we are and why we have made appeal to you.

We are known in Canada as “the Forgotten Children of Attawapiskat.” We are a generation of children that have never seen a real school. For nearly 30 years the school grounds and building of J.R. Nakogee Grade School has been poisoned by the largest diesel contamination leak in Ontario. This leak was caused when the Federal government was operating our school. By the time the leak was discovered, nearly 50,000 litres of diesel contamination had seeped into the earth under the school building and playground.

Between 1979 and 1990, the leak continued as the federal government did nothing to stop it. Children were getting sick. Teachers suffered headaches and some quit midway through the year. Numerous attempts were made to get INAC to take action. No money was put aside to clean up the school even though children as young as five were breathing carcinogen-laden benzene fumes on a daily basis.

We were very young then and didn't understand what was happening to us. Now we know better. We know that, in the Province of Ontario, there are very clear laws and regulations protecting students from health threats. Provincial school authorities have legal obligations to identify health risks and set timelines and action plans to address potential threats to health that might be raised in the context of a school environment.

And yet, none of those protections were applied to our school population. The federal government knew of the health threats we faced and yet, children and teachers were left in this toxic environment despite numerous requests from the community for help. Our health was put at risk because the policy of the federal government has been to spend as little money as possible on First Nation education issues.

In the year 2000, our frustrated parents pulled their children out of the school. We were put up in makeshift portables. At the time, our parents believed that this massive contamination, which had been caused under the watch of the federal government, would be cleaned up and we would be given a new school.

In 2000, Indian Affairs Minister Robert Nault promised the community that a new and safe school would be built. Nothing was done. This promise was repeated in 2005 by Indian Affairs Minister Andy Scott and in 2007 by the staff of Minister Jim Prentice.

Over that period of time, our elders provided INAC with every study they requested. Our Education Authority prepared financial plans, school plans and enrollment plans. Our elders worked in good faith, believing that the federal government would ensure that we were finally given what every other child in Ontario takes for granted.... a proper school. And yet, despite these years of promises and negotiations from the Federal government, nothing was done.

In the year 2001 the Education Authority asked that a complete comprehensive assessment of their school programs be carried out.

A group of external educational experts was contracted to do the work. Their report (a copy of which was provided to Indian Affairs) concluded:

“The temporary accommodations are acceptable as buildings, but totally unacceptable in terms of providing a broad inquiry-based, student-centered, integrated and seamless program... These teaching/ learning compromises are a great disservice to the students and teachers, and totally unacceptable in today's educational environment.”

In the meantime we grew up in makeshift portable classrooms where the fire doors jammed shut in the winter (because of shifting ground) and the windows remained jammed open. On January mornings we sat in classrooms with winter coats on to keep out the cold. We went through our grades with teachers who were frustrated by the lack of resources available to them. We grew up without knowing what it was like to have a real library, a proper gym, adequate computer labs or a common area so we could develop a proper school community.

The federal government routinely denied adequate funding to our students who had special needs despite the fact that, non-Native children are guaranteed by law adequate support resources.

And yet we put up with all of this because we believed that the government would keep its word to our community. We believed that a new school would one day be built.

In December 2007, the new Minister of Indian Affairs Chuck Strahl broke our hearts when he cancelled plans for our school. He simply walked away on years of negotiations. Written commitments that had been made by the federal government just a few months previous were ignored.¹ The government announced that it no longer had any plans to build a school in Attawapiskat and would not provide any timelines for when such a school would be built.

When we learned that the government had completely dropped our community from its list of priorities, we made the decision to continue to fight for a school. We decided to reach out to non-Native schools across Canada and ask them to help us pressure the government. We began a grassroots campaign with YouTube, Facebook and letter-writing. Over 100 schools have joined this campaign. Over 65,000 visitors have watched our YouTube videos. We have received the support of every major educational organization in Ontario and many others across Canada. We are thrilled by the support we have received from so many non-Native and Native students who are working with us to try and get a school built.

Our fight has gathered national attention. The *Toronto Star* wrote an editorial (March 11, 2008) condemning the government's disinterest in our situation.

1 July 30, 2007 letter from Bob Howsam, Director of Ontario region of INAC to Attawapiskat Education Authority "This acceptance will allow the new elementary school project in Attawapiskat to move forward to the next stage of development."

For eight years, children in Attawapiskat have been going to school in cramped portable classrooms after health concerns over decades-old diesel fuel contamination closed the local school.

In most parts of Canada, such appalling conditions would spark public outcry and quick government action. But in Attawapiskat, a remote First Nations reserve on Ontario's James Bay coast, parents and children are being told they will just have to wait for a new school.

"I just can't tell them right now when it is going to be built," says Indian Affairs Minister Chuck Strahl.

Strahl's lack of a sense of urgency on this file is troubling ... A government that has the money for tax breaks but not for rebuilding and repairing decaying aboriginal schools is a government with a wrong sense of priorities.

This past spring, our grade 8 class took the unprecedented step to go to Ottawa to personally plead with the Minister Chuck Strahl to live up to his obligation to build us a school. He told us he had no money. He told us he had other priorities. This did not make much sense as Canada has been running a 20 billion dollar surplus budget. We politely, but firmly told him that we didn't believe him. We didn't believe that a country as rich as Canada couldn't afford to build a school for children who had gone 8 years on a poisoned school ground.

We learned afterwards that during those 8 years, nearly \$579 million had been taken out of the federal government's Capital

Infrastructure Fund for building schools in First Nations and spent on other items — including lawyer's fees and management fees.²

Imagine all the schools that could have been built with this money! No non-Native community would ever have to worry that school projects might be cancelled because money was being moved to other areas. Policies that threaten one segment of the population in such an arbitrary manner are, by its very nature, discriminatory and unjustifiable. As we will show in our shadow report, every non-Native child is guaranteed transparent rights regarding classroom size, teacher-to-student ratios, capital project envelopes and special education funding. And yet our community has to live at the whims of the Department of Indian Affairs.

The inequity is made worse by the fact that the Federal government mandates our local education authority to meet the requirements of the provincial education curriculum, without making any commitments to provide comparable funding as is provided to provincially-funded schools. This blatant discrimination is not a function of the Indian Act. This is not something written into the treaty. This is simply an arbitrary policy of Indian Affairs that leaves children like us without adequate resources or protection.

The Ontario Secondary School Teachers Federation (OSSTF) has been one of the educational organizations that have been very vocal in denouncing the discrimination we are facing in Attawapiskat. In an April 2008 newsletter that went to every public high school

teacher in Ontario, they asked teachers to join our campaign for a school in Attawapiskat. The title of the article was, *"Education Is A Right Not A Privilege Unless You Are A First Nation Child."* They went on to say that "two standards of education exist in Canada and that a situation of Educational apartheid exists in Canada."

As you well know, the word "apartheid" describes deliberate and systemic discrimination based on race. The term "educational apartheid" was used in an editorial by the *Timmings Daily Press* (Editorial, January 26, 2008) to describe our situation:

"Apartheid is not a word to use lightly so when it's used in Canada, it's going to raise a few eyebrows and question how such a word with negative connotations could be used in a country that prides itself on being a multicultural network.

"... For more than eight years, students in the Northern community of Attawapiskat have been attending classes in portables since the J.R. Nakogee School was closed due to diesel fumes rising up from the ground the school was built on, causing sickness among the students.

"Year after year since the closure, the federal government has failed to provide the funding to build a new school leaving hundreds of students attending cold, drafty and deteriorating portables.... Canadians should hang their heads in shame for allowing such social situations on our First Nations to continue to go unanswered.

The students in Attawapiskat deserve better. They remain separate, remain unequal.

² "\$579 Million Shuffled From Native Projects," Toronto Star, June 9, 2008.

“It’s time to break down the walls of educational apartheid and treat the students as equals.”

This systemic discrimination is a breach of the key clauses of the UN Declaration of the Rights of the Child which Canada is a signatory to. This discrimination is made clear when we look at the massive discrepancies between the funding envelopes for non-Native students and reserve-based students. Further, the discrimination is institutionalized by the refusal of the federal government to set any clear or transparent goals and corresponding financial obligations to address the needs of isolated First Nation communities.

As we shall show in our shadow report, there are anywhere from 40 to 80 Aboriginal communities suffering from substandard school facilities, condemned school facilities or no school facilities. And yet the federal government will not come forward with a clear and transparent plan for addressing this terrible backlog.

The Ontario Public School Boards Association (with the backing of their 72 member School Boards) has challenged Minister Strahl on this point. In an April 28, 2008 press release, Trustee Grace Fox is quoted as saying, “All children have the right to quality education. The children of Attawapiskat have endured substandard conditions for too many years. It is high time for them to be a priority for this federal government and get the school they so desperately need.”

In fact, the OPSBA goes further in calling on the federal government to provide a public action plan to address the shameful backlog in education projects on First Nation territories all across Canada.

As will be shown in our follow-up shadow report, the failure of the federal government to provide a coherent plan and timeline for addressing issues like the Attawapiskat school crisis speaks to the failure of Canada to meet some of the most basic requirements under the UN Convention of the Child.

We will show how we have been routinely discriminated against in terms of funding for special education school funding formulas.

We will provide evidence of the appalling negligence of INAC regarding the diesel contamination of our school and compare how similar situations would have been handled in non-reserve schools.

We will provide the United Nations committee a picture of the inadequate resources provided to our Aboriginal students for computer training, trades and other opportunities. We will document the hopelessness that creeps into our children causing them to begin dropping out of school in Grade 5.

We will compare the refusal of INAC to set targets and timetables for addressing the backlog of school needs with the legal obligations of regional school boards and provincial education ministries to develop transparent goals for non-Native students.

But even more than a simple report, we look forward to meeting with the members of the committee. We want the committee to know how passionate we are to have a proper school built in our community. We simply refuse to give up on our younger brothers and sisters who should not go through what we have gone through.

Just this past spring, the federal government stood in the House of Commons to deliver a historic apology to the previous generation of First Nation children who had been mistreated and forced to attend the government's residential school systems. This was a historic moment for our people. We were pleased that the government had finally recognized the damage its policies did to generations of First Nation children.

And yet we are part of a new generation that is suffering from deliberate policies that limit our educational hopes and opportunities. We will note that there are other First Nations children across Canada who, like us, are getting far less educational support than other children. The apology from Canada needs to be acted upon.

We want the government to take responsibility for what is happening to the present generation of children.

When we met Minister Chuck Strahl in May 2008, we asked him to come to our community and walk a mile in our moccasins so he could understand the situation we are living in. He refused.

We would like to invite the UN members of the committee to visit Attawapiskat. We believe that when they see the situation faced by the children on the James Bay Coast they won't be able to turn away from us and say, as Mr. Strahl said, that they have other "priorities."

In conclusion, we are excited about participating in the UN's review of Canada's international obligations under the rights of the child.

Meegwetch,

Shannen Koostachin

Chris Kataquapit

Solomon Rae

Jonah Sutherland (on behalf of the students of Attawapiskat First Nation)

cc.

Grand Chief Phil Fontaine, Assembly of First Nations

Grand Chief Stan Beardy, Nishnabi Aski Nations

Grand Chief Stan Louttit, Mushkegowuk Tribal Council Chief

Theresa Hall, Attawapiskat First Nation

Charlie Angus, MP (Timmins-James Bay)

Ontario Public School Boards Association

Ontario Catholic School Boards Association Ontario

English Catholic Teachers Association

Ontario Secondary School Teachers Federation

Canadian Teachers Federation