

February 13, 2006

Attn: Hon. Stan Hagen
Minister
Ministry of Children & Family Development
PO Box 9721 Stn Prov Govt
Victoria, BC
V8W 9S2

Dear Mr. Hagen:

Re: Shackling of Youth Prisoners during Sweat Lodge Ceremony

We the undersigned are deeply concerned about the excessive and discriminatory use of mechanical leg restraints during the Sweat Lodge Ceremony at the Burnaby Youth Secure Custody Centre (BYSCC); a practice we consider racist and tantamount to abuses carried out in residential schools. This use of mechanical restraints not only exposes youth to risk of physical, emotional and spiritual damages, but also constitutes a violation of Constitutional and human rights and a continuation of colonial criminalization of Indigenous cultural and spiritual practices.

You will note that Section 13.03(1) of the *BYSCC Operations Manual* requires that prison staff apply one set of leg restraints to each prisoner participating in the Sweat Lodge Ceremony. Given that section 13.02 directs the Case Management Office to review and approve prisoner participation in the Ceremony, it is particularly excessive to then apply leg restraints to participants. Under this preliminary screening, surely those prisoners who pose a security threat would be exempted from the Ceremony.

The Sweat Lodge Ceremony is a sacred rite that has been practiced by First Nations Communities as a spiritual cleansing and purification for thousands of years. We have attached a statement about the significance of the Sweat Lodge Ceremony and the history of Indigenous prisoner's access to the ceremony within adult prisons. Indigenous young people's access to the Sweat Lodge Ceremony is not only a right under the *Child Family and Community Services Act* but more importantly an opportunity for healing, inspiration and to remedy some of the effects of colonization including cultural genocide.

The *UN Convention on the Rights of the Child* (Article 37) and the *Canadian Charter of Rights and Freedoms* (S. 12) guarantee young people freedom from cruel, inhumane, or torturous treatment/punishment within penal institutions. Pursuant to section 3(1)(c)(iv), the *Youth Criminal Justice Act*, "measures taken against young persons who commit offences should respect gender, ethnic, cultural and linguistic differences and respond to the needs of aboriginal young persons and of young persons with special requirements." Further, the Youth Custody Services mission statement articulates that youth must be provided a safe, secure and humane environment that responds to their needs.

A thorough review of youth correctional facilities in British Columbia is long overdue. It is clear that the use of shackles during the Sweat Lodge Ceremony at BYSCC is unjustified, inhumane, and discriminatory. This demands a change in both the practice of correctional officers and the BYSCC Operations Manual itself.

We call upon you to immediately instruct BYSCC staff to cease this abusive practice. It is also incumbent upon the Ministry of Children and Families to rewrite BYSCC policy to mandate that absolutely no use of physical and or mechanical restraint or force is ever used during the Sacred Sweat Lodge Ceremony. We have attached a policy revision that is necessary to address this very serious issue.

We would like to meet with you as soon as possible to discuss how the Ministry of Children & Family Development intends to rectify this human rights violation. We also ask that you send us correspondence indicating an immediate directive to the prison to cease and desist shackling youth prisoners during the Sacred Sweat Lodge Ceremony.

Sincerely,

Jerry Adams, Executive Director
Urban Native Youth Association

Annabel Webb, Advocate/Co-Founder
Justice for Girls

Dave Dennis, Vice President
United Native Nations

Kelly L'Hirondelle, Executive Director
Knowledgeable Aboriginal Youth Association