

FIRST NATIONS LEADERSHIP COUNCIL

News Release

January 19, 2021

Treatment Over Detention: Immediate Changes Required Regarding the Use of Involuntary Detentions for Youth under the Mental Health Act

(Xʷməθkʷəy̓əm (Musqueam), Sḵwx̱wú7mesh (Squamish) and səliłwətał (Tsleil-Waututh)/Vancouver, B.C.) The First Nations Leadership Council (FNLC) is shocked and disturbed by the findings released by the Representative for Children and Youth (RCY) this morning in her most recent report “*Detained: Rights of children and youth under the Mental Health Act*,” and is calling upon the provincial government to take immediate urgent action to ensure a comprehensive, community-based, and culturally safe system of care and legislative regime for children and youth requiring mental health services.

The RCY’s report found that the use of involuntary detentions for youth under the *Mental Health Act* rose by 162% over a nine-year period, while adult detentions have only risen by 57% over the same period of time. Availability of rights information and enforcement mechanisms for youth who are detained was found to be limited, if at all, and there were severe gaps in oversight and regulations to guide the use of restraint and confinement measures.

“To see the number of youth detained under the *Mental Health Act* increase by 162%, while at the same time having more than 2,500 of them waitlisted for community-based services is completely unacceptable,” stated Cheryl Casimer of the First Nations Summit Political Executive. “These statistics unfortunately are indicative of a system that is consistently failing our young people – creating a mental health crisis rather than resourcing a system of holistic wraparound care and early intervention. A drop in the bucket funding-wise is not enough. We demand an immediate redirection of resources to see young people supported by a community-based, and voluntary system of wellness and expect to see this reflected in the next budget.”

“I have significant concerns around the lack of data regarding the exact number of First Nations youth who are being involuntarily detained under this Act, especially with the Ministry of Health indicating they are disproportionately represented, and the blatant human rights violations that are being imposed upon these young people through the removal of their freedom and basic liberties,” stated Kukpi7 Judy Wilson, Secretary-Treasurer of the Union of BC Indian Chiefs. “Immediate action to align this dated legislation with the *Declaration Act on the Rights of Indigenous Peoples* must be undertaken, including provisions that ensure Indigenous communities are notified and involved in planning for our youth members and distinctions-based data regarding the number of involuntary admissions under the *Mental Health Act*.”

“Less than two months ago, former RCY Mary Ellen Turpel-Lafond released her report “*In Plain Sight*,” which looked at discrimination against Indigenous peoples in the healthcare system. Through her findings, we have clear evidence of a racist system that does not work for our people,” stated Regional Chief Terry Teegee of the BC Assembly of First Nations. “We once again call upon the provincial government to immediately implement all recommendations included in her report, and to work closely with First Nations in considering the recommendations put forward by this current RCY report, ensuring that any legislative and systemic reforms to the *Mental Health Act* are aligned with the *Declaration Act* priorities and directed by First Nations.”



BRITISH COLUMBIA
ASSEMBLY OF
FIRST NATIONS

1004 Landooz Rd.
Prince George, BC
V2K 5S3

Ph: 778-945-9910
Fx: 778-945-9916



FIRST
NATIONS
SUMMIT

1200-100 Park Royal South
West Vancouver, BC
V7T 1A2

Ph: 604-926-9903
Fx: 604-926-9923

Toll Free: 866-990-9939



UNION OF
BRITISH COLUMBIA
INDIAN CHIEFS

401 – 312 Main Street
Vancouver, BC
V6A 2T2

Ph: 604-684-0231
Fx: 604-684-5726

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The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC).

For further comment please contact:

Cheryl Casimer, First Nations Political Executive Member:
Annette Schroeter, BCAFN Communications Officer:
Ellena Neel, UBCIC Communications Director:

778-875-2157
778-281-1655
eneel@ubcic.bc.ca