



Do better for ^{P-773}
First Nations
children
because we
know better

Public Inquiry Commission

Quebec City, Quebec

Cindy Blackstock, PhD

September 4, 2018

Do better because we know better



- Is Child Welfare Failing?
- Do Gov'ts do better when they know better for First Nations kids? What about child welfare?
- What level of racial discrimination as fiscal policy toward children is acceptable?
- If reconciliation is upon us then why do so many good First Nations ideas for their kids get dismissed so easily?



ADDRESS REPLY TO THE
DEPUTY SUP'T GENERAL OF INDIAN AFFAIRS
OTTAWA

Ottawa, August 22nd, 1895.

Sir,

I have the honour to place herewith the copy of regulations relating to the education of Indian children, and to request you to have the goodness to furnish me at your early convenience with a form of warrant for the committal of an Indian child to an Industrial School, under Section 9 of the said Regulations. Our Agent has been instructed to give to the person in charge of the child whom it is proposed to commit the notice required by the aforesaid Section, and I should like if possible to be able to transmit the form of ~~affidavit~~ tomorrow.

Your obedient servant,

Acting Deputy Sup't General
of Indian Affairs.

A. Power, Esq.,

Acting Deputy Minister of Justice,

Ottawa.

Whereas the undersigned, Indian Agent, being satisfied that name of child, an Indian child between six and sixteen years of age, to wit, of or about the age of ___ years, has not been properly cared for or educated, or cared for and educated...it has been shown to the satisfaction of the undersigned that adequate provision is not being made, and will not be made for the care...

These are therefore to command and authorize you in her Majesty's name forthwith to search for and apprehend (the child)

Number of Nights First Nations Children in Canada spent away from their families between 1989-2017
That is 213,000 years of childhood

78,000,000

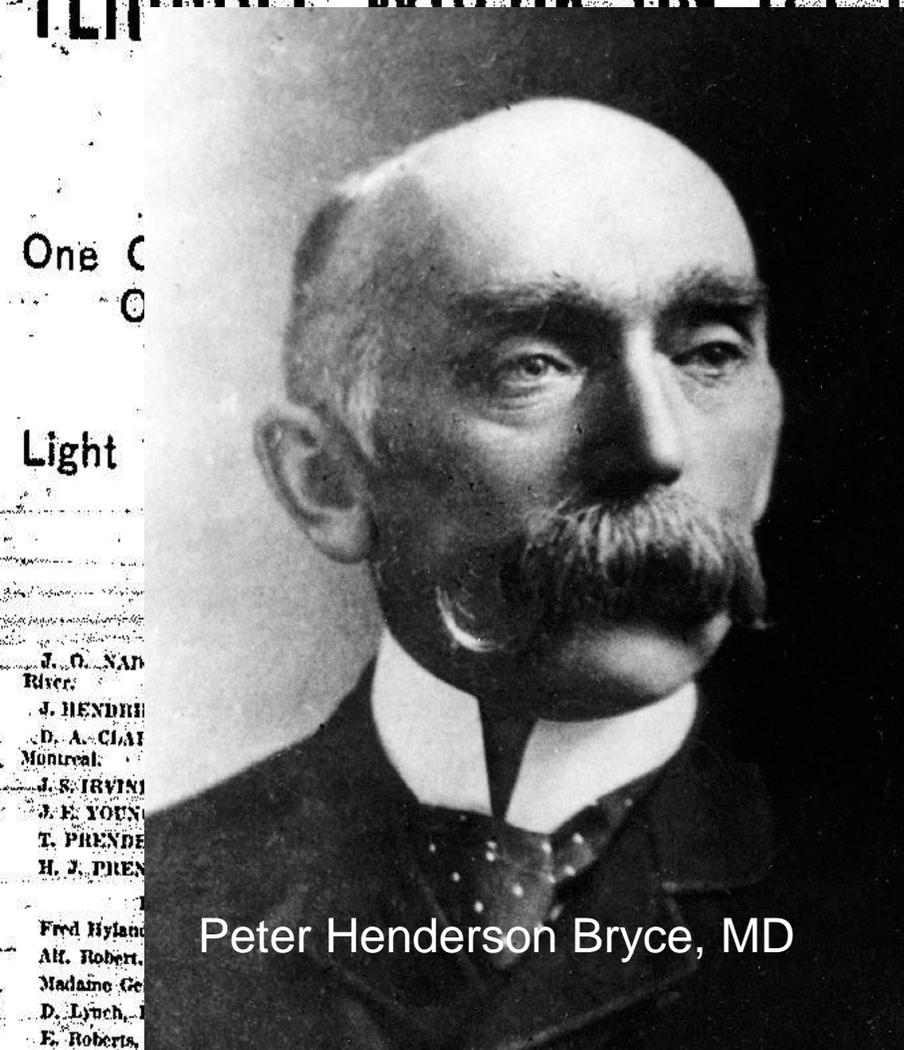
Quebec: 5,774,409
(1989-2017)

TERRIBLE WRECK ON C.P.R.

COMES OUT FOR

LOCAL BRIEFS

SCHOOLS AID WHITE PLAGUE



Peter Henderson Bryce, MD

“Suffice it to say that of the 1537 pupils reported upon, 25% are dead of one school with an absolutely accurate statement 69% of ex pupils are dead... Dr. Bryce’s description of the schools shows them to be veritable hotbeds for the propagation and spread of this disease.”

Startling Death Rolls Revealed.

AMONG INDIANS

Absolute Inattention To Bare Necessities of Health.

In his report upon the Indian boarding schools in Manitoba and the Northwest, Dr. P. H. Bryce, chief medical officer of the Indian department, emphasizes the absolute necessity for greater care in the selection of pupils and for sanitary precautions in the schools to prevent the spread of disease. During his recent tour of inspection Dr. Bryce instructed the principals of all the schools to report to Ottawa direct upon the past history and present condition of the health of the children who have been pupils at the schools.

Summarizing the statistical statement as obtained Dr. Bryce says, after glancing to the defective records of the schools: "It suffices for us to know however, that of a total of 1,537 pupils reported upon, nearly 25 per cent. are dead, of one school with an absolutely accurate statement, 69 per cent. of ex-pupils are dead, and that everywhere the almost-invariably cause of death given is tuberculosis."

One C
0

Light

- J. O. NAD
- River:
- J. HENDRI
- D. A. CLAI
- Montreal:
- J. S. IRVIN
- J. E. YOUN
- T. PRENDE
- H. J. PREN

- Fred Hyland
- Alt. Robert
- Madame Ge
- D. Lynch, J
- E. Roberts,
- M. Maloney, Mt. St. Patrick,
- E. McGilver, Irely.

losing his life in the wreck. He resided at 601 Gilmour street, and was the wreck, when in Laporte street, 1908, with reference to the skillful competition. As the winter is opening ample, which was the most important to our commercial interests and must business.

INDIAN RESIDENTIAL SCHOOLS

A research study of the child care programs
of nine residential schools in Saskatchewan

Prepared for:

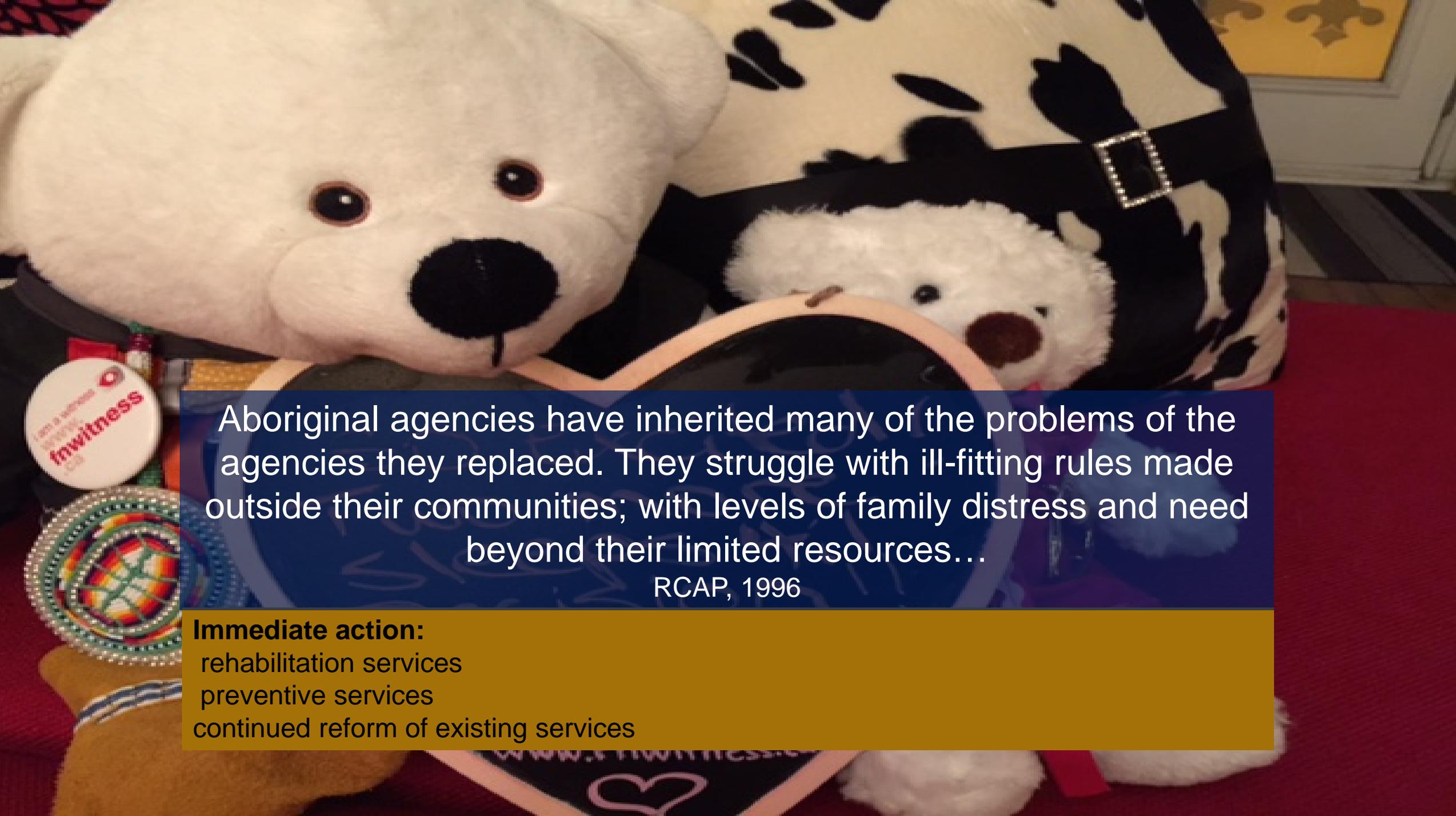
Department of Indian Affairs and Northern Development
Government of Canada
Ottawa

1967

Project Director: George Caldwell, M.S.W.

“Although 80 percent of admissions in the 8 residential schools were for child welfare reasons, there is no social work staff at any stage..(p.67)”

“Recommendation is that the agency will need to direct more resources and energy into services for children in their own homes and where alternative care is required, homes in the Indian community should be helped to provide this service.” (p. 149)



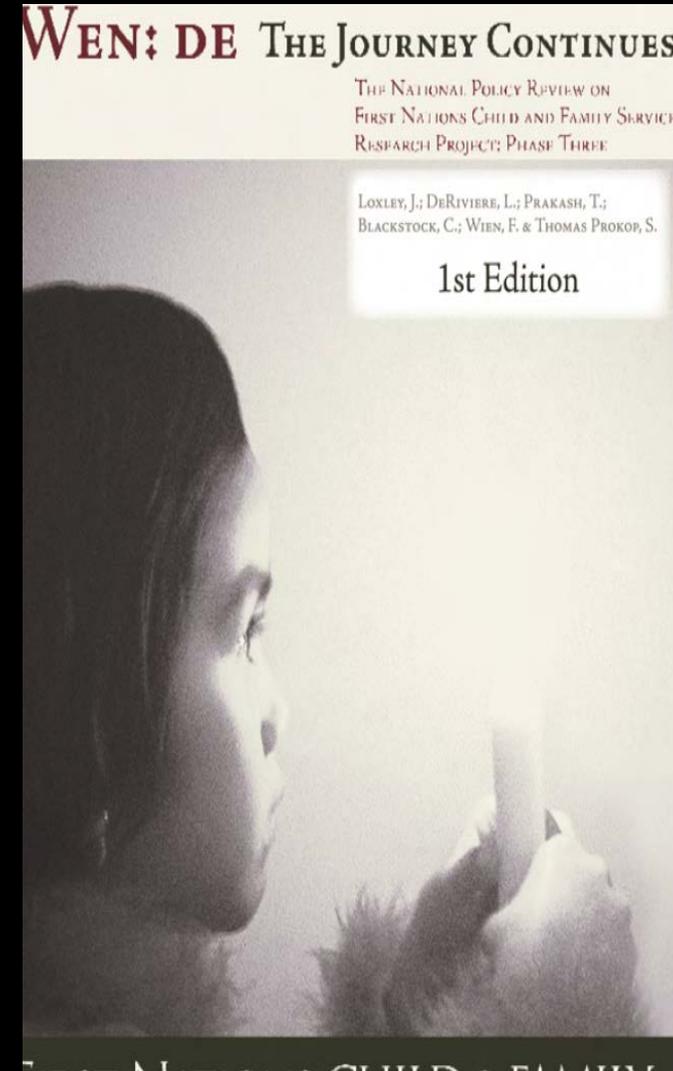
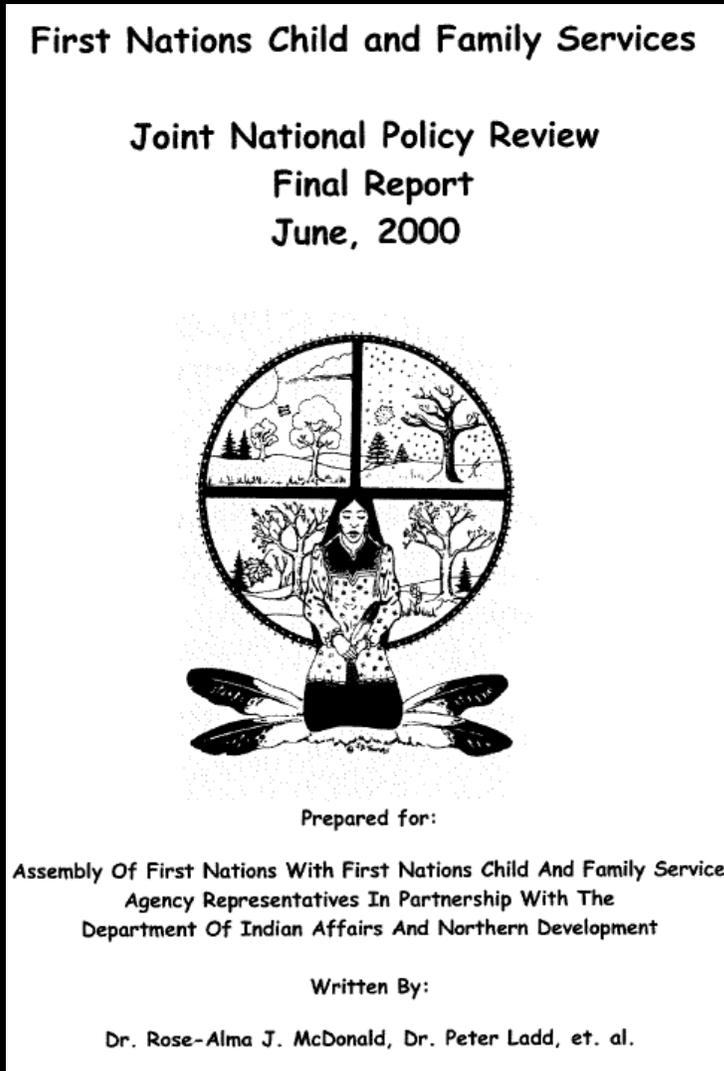
Aboriginal agencies have inherited many of the problems of the agencies they replaced. They struggle with ill-fitting rules made outside their communities; with levels of family distress and need beyond their limited resources...

RCAP, 1996

Immediate action:

- rehabilitation services
- preventive services
- continued reform of existing services

First Nations kids get 78 Cents on the dollar compared to Non-Indigenous Children



First Nations kids get 70 Cents on the dollar compared to Non-Indigenous Children

Two solutions developed with government and First Nations over 10 years: Federal Government failed to implement despite agreeing with findings

Eileen C. Donahoe, US Ambassador
UPR Intervention for Canada, 16th Session April 26, 2013

1

We recognize progress in initiatives to better support aboriginal groups.

2

However, we remain concerned by the disproportionate levels of poverty, violence and discrimination Aboriginal women and children face.

3

Recent statistics indicate that on a per child basis, federal funding for First Nations child and family services has fallen to less than 80 percent

4

of that provided by provincial and territorial governments for services in predominantly non-Aboriginal communities.”



World Health
Organization



Commission on
Social Determinants of Health

Closing the gap in a generation

Health equity through action on
the social determinants of health



Social Injustice is Killing on a Grand Scale

Margaret Chan, Director-General, WHO

PAHO Study on Inequity in the Americas to be
released on September 24, 2018

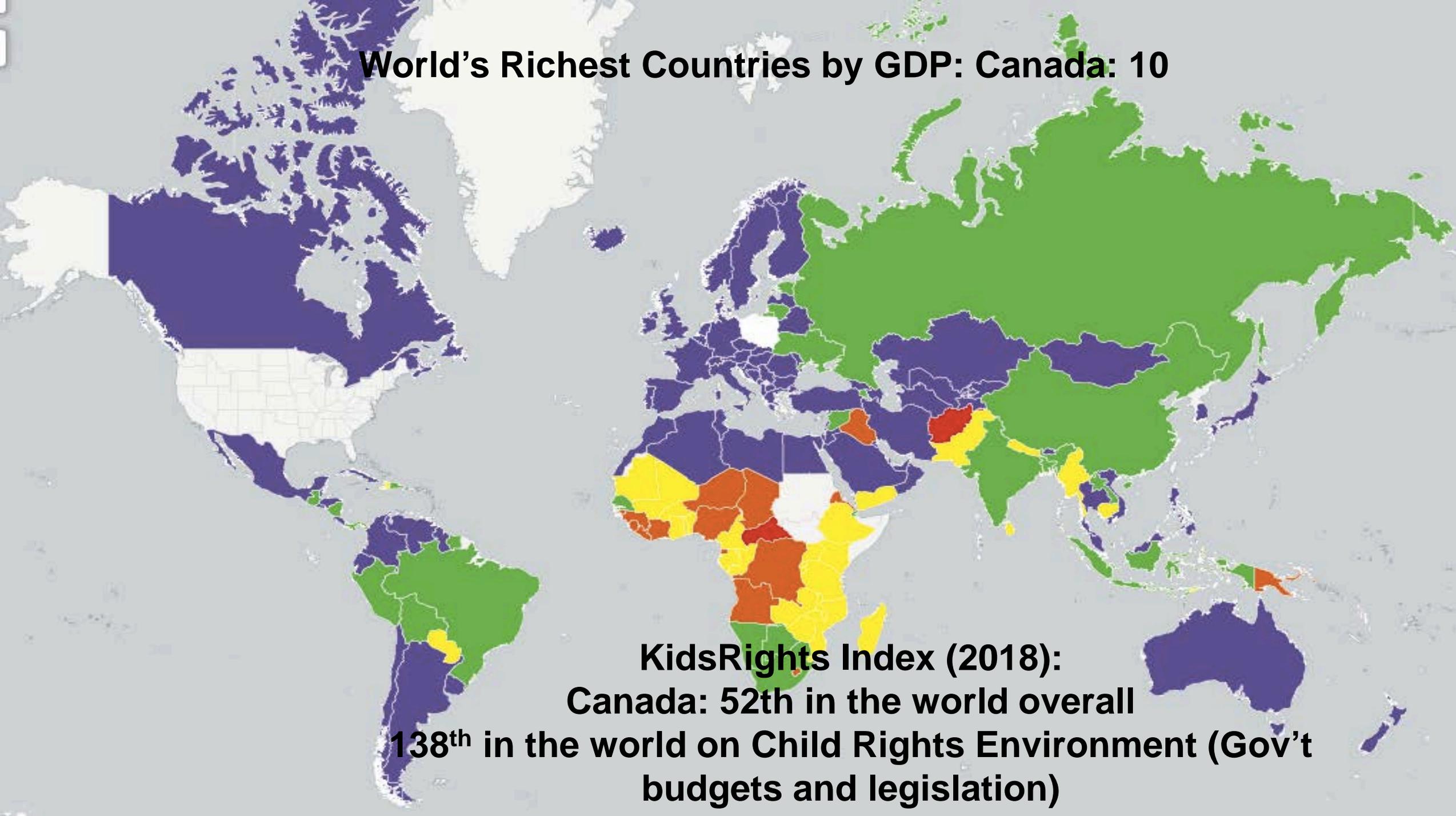
What can \$100.00 buy?



Longitudinal study of 13,065 found that just \$100.00 per year per family decreased the rates of substantiated (screened in) child welfare reports by 10 %

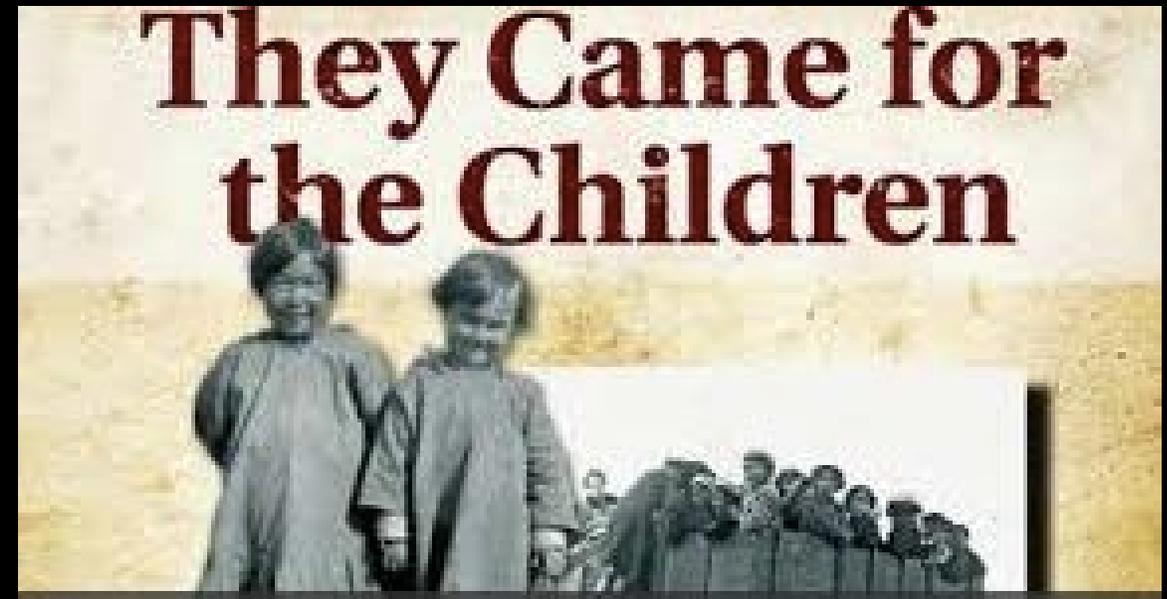
Cancian, Yang, Mi-Youn & Slack
(2013)

World's Richest Countries by GDP: Canada: 10



**KidsRights Index (2018):
Canada: 52th in the world overall
138th in the world on Child Rights Environment (Gov't
budgets and legislation)**

TRC Calls to Action:
1 Child Welfare
Equity; # 3 Jordan's
Principle; #6-12
Education





Complainants: First Nations Child and Family Caring Society (Caring Society) & Assembly of First Nations (AFN)
Respondent: Attorney General of Canada
Commission: Canadian Human Rights Commission
Interested Parties: Chiefs of Ontario & Amnesty International Canada (granted interested party status in September 2009)
NAN (granted interested party status in spring 2016- post-decision)

2016 CHRT 2

- **Similar to the Residential Schools era today, the fate and future of many First Nations children is still being determined by the government**, whether it is through the application of restrictive and inadequate funding formulas or through bilateral agreements with the provinces... (para. 426).
- Overall, the Panel finds AANDC's position **unreasonable, unconvincing and not supported by the preponderance of evidence** (para. 460).



i am a witness
www.
fnwitness
.ca

4 Non-compliance orders issued since January 2016

2016 CHRT 10

2016 CHRT 16

2017 CHRT 14

2018 CHRT 4

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Citation: 2017 CHRT 14
Date: May 26, 2017
File No.: T1340/7008

Between:

First Nations Child and Family Caring Society of Canada

- and -

Assembly of First Nations

Complainants

- and -

Canadian Human Rights Commission

Commission

- and -

Attorney General of Canada

(Representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

- and -

Chiefs of Ontario

- and -

Amnesty International

- and -

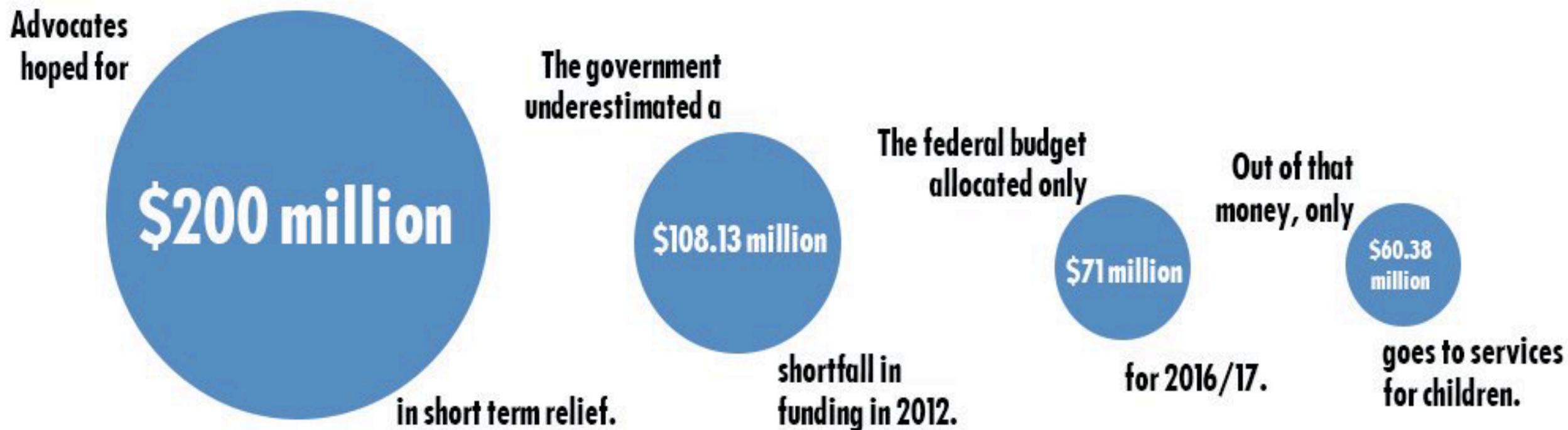
Nishnawbe Aski Nation

Interested Parties

Ruling

Members: Sophie Marchildon and Edward Lustig

The Canadian Human Rights Tribunal found that funding for First Nations child and family services was **discriminatory**. The federal government said there would be funding in the 2016 budget.



bcpovertyreduction.ca/rethinkinclusion 

2018 CHRT 4

Panel Orders Canada to:



- Pay prevention at actual cost
- Pay building repairs at actual cost
- Pay small agencies at actual cost
- Pay legal at actual cost
- Pay mental health and band representatives at actuals
- Allows First Nations to reach better agreements with Canada
- Tribunal holds jurisdiction until March 2019

Trudeau government announces \$1.4B in new funding for First Nation child welfare

National News | February 27, 2018 by APTN National News Attributed to: | Comments Off on Trudeau government announces \$1.4B in new funding for First Nation child welfare

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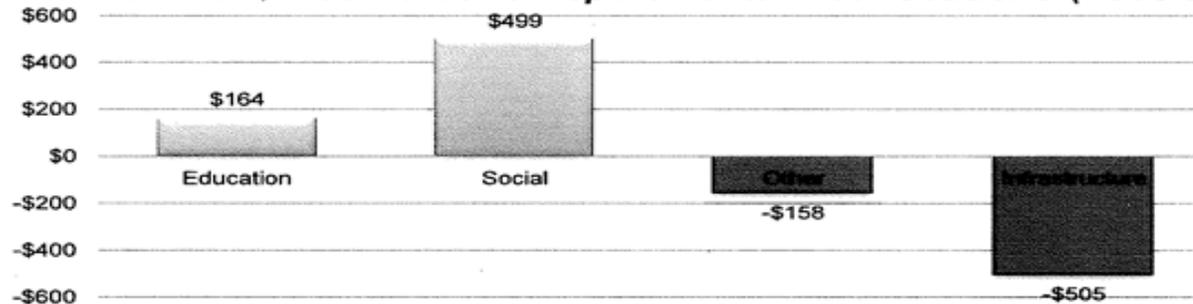
Federal Government announced 1.4 billion for First Nations Child Welfare over 5 years but none of it has been released.



Resulting Gap – Internal Reallocation

- Significant re-allocations from infrastructure to other programs have occurred over the past 6 years. For example, AANDC has re-allocated approximately \$505 million in Infrastructure dollars to Social, Education and other programs to try to fill the shortfall in these areas.
- Since Infrastructure was not able to cover off all of Social and Education needs in each year, other internal resources were used to cover off the remaining shortfall.
- This ongoing reallocation is putting pressure on an already strained Infrastructure program and has still not been enough to adequately meet the needs of Social and Education programs.

Millions of \$ - Cumulative Departmental Reallocations (2006 to 2012)*



**AANDC
reallocates over
½ billion to cover
shortfalls in social
and education**

*Throughout the presentation financial data pertains only to AANDC's allocations to First Nations and not expenditure decisions made by recipients once they have received program funds

**From 2006-2007 to 2011-2012

6

Of Budget 2016 amount transferred equals approximately 52 % of the planned education infrastructure funding over 5 years; 28% of planned spending on water; 69% of planned spending on housing; 187% of health infrastructure funding and double the allotted amounts for fire protection and disaster relief.

Canada's previous definitions were too narrow and thus discriminatory

Canada's non-compliance linked with the deaths of two girls

Applies to all First Nations children on and off reserve

Applies to all public services

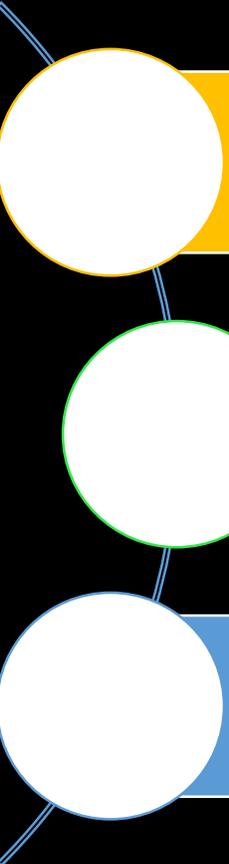
Substantive equity applies

Federal gov't has 48 hours to respond to cases

Administrative procedures or "case conferencing" cannot be used

Key Elements of Jordan's Principle

Next Steps in CHRT (Jurisdiction extended to March 2019)



Medium and long term reform

Compensation for Discrimination

Obstruction

Only 14.8% of BC First Nations received VS sector services (2001). First Nations in urban Areas Least likely to receive services

Overall, only seven of the 47 First Nations serviced by agencies participating in this survey reported having any engagement with the voluntary sector during the past year. This limited engagement would seem to indicate that the citizens of the 40 remaining First Nations did not receive services from the voluntary sector in 2001, since FNCFS agencies act as the primary service referral agents for children, youth, and families on-reserve. In fact, FNCFS agencies in urban areas were the *least likely* to report collaboration with the CYFSVS. This fact is important, because it debunks the notion that geographical distance is a significant barrier to relationship building between First Nations and the voluntary sector.

Spirit Bear and Children Make History





Spirit Bear Plan

End Inequalities in Public Services for First Nations Children, Youth and Families

First Nations children and families living on reserve and in the Territories receive public services funded by the federal government. Since confederation, these services have fallen significantly short of what other Canadians receive. This injustice needs to end and Spirit Bear's Plan will do just that.

Spirit Bear calls on:

(fncaringociety.com/spirit-bear-plan)

- 1 CANADA** to immediately comply with all rulings by the Canadian Human Rights Tribunal ordering it to immediately cease its discriminatory funding of First Nations child and family services. The orders further require Canada to fully and properly implement Jordan's Principle (www.jordansprinciple.ca).
- 2 PARLIAMENT** to ask the Parliamentary Budget Officer to publicly cost out the shortfalls in all federally funded public services provided to First Nations children, youth and families (education, health, water, child welfare, etc.) and propose solutions to fix it.
- 3 GOVERNMENT** to consult with First Nations to co-create a holistic Spirit Bear Plan to end all of the inequalities (with dates and confirmed investments) in a short period of time sensitive to children's best interests, development and distinct community needs.

Airlifting sick kids: Quebec to allow family member on plane

CHARLIE FIDELMAN, MONTREAL GAZETTE Updated: February 15, 2018



SHARE

Responding to mounting pressure from physicians, Indigenous leaders and child-advocacy groups, Quebec backed away from its controversial system of airlifting sick children to hospitals without their parents.



ADJUST

“What is obvious is that a parent should be allowed to accompany a child,” Health Minister Gaétan Barrette told the Montreal Gazette Thursday after touring a Challenger jet, the “hospital plane” used to take sick children from remote regions..



COMMENT

It’s not a matter of “changing our minds” but of having the right information about air regulations on passengers, Barrette said of a policy that has been in place since the 1970s despite many requests for change.

Since Quebec agreed to allow caregivers to accompany sick children on medical airlifts:

At least 6 children (approx. 50%) continue to arrive unaccompanied. Reasons are unclear.

Recommendations:

- 1) Quebec to publicly publish statistics on number of children who arrive unaccompanied and accompanied on medical airlifts.
- 2) Quebec to implement pediatric transport expert committee to guide implementation of the accompaniment policy without compromising clinical care.

Solutions

Spirit Bear Plan	The Spirit Bear Plan: Review why Government and Social Work does not do better when it knows better. Why do so many recommendations go unimplemented? Avoid using official procedure to mask inaction
Equity	Cost out all inequalities and work with First Nations to create comprehensive and public plan to address them in a timely manner. This must include deficits in publically funded voluntary sector services
CHRT	Take any and all action to ensure full federal compliance with the CHRT
Neglect	Change the definition of neglect to ensure it does not codify structural discrimination as parental deficit
Drivers of Disadvantage	Target the drivers (poverty, poor housing, mental health and trauma (i.e.: eliminate social assistance shelter claw backs when children in care)

Solutions

Jordan's Principle	Adopt Jordan's Principle in Quebec using the CHRT definition
Self-Determination	First Nations jurisdiction in children's services and ensure these services are sustainably and adequately resourced.
Hand to Hold	Collect data on all children who are medically transported and implement a pediatric transportation committee.
Reunite	Provide funding for family reunification and support services for 60's scoop and children who have aged out of care today

Canadian Human Rights Tribunal (CHRT) Decisions

January 26, 2016: 2016 CHRT 2

*First Nations Child and Family Caring Society of Canada et al. v.
Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*

Non Compliance Orders

April 26, 2016: 2016 CHRT 10

*First Nations Child and Family Caring Society of Canada et al. v. Attorney General
of Canada*

September 14, 2016: 2016 CHRT 16

*First Nations Child and Family Caring Society of Canada et al. v. Attorney General
of Canada*

May 26, 2017: 2017 CHRT 14

First Nations Child and Family Caring Society of Canada et al. v. Attorney General

February 1, 2018: 2018 CHRT 4

First Nations Child and Family Caring Society of Canada et al. v. Attorney General

7 FREE WAYS TO MAKE A DIFFERENCE

First Nations Child and Family Caring
Society of Canada
www.fncaringsociety.com
@Caringsociety



Jordan's Principle

