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# **Position Paper**

Our commitment to ensuring that First Nations, Inuit and Métis children and families live in safety, dignity and respect.



# About the Child Welfare League of Canada

The Child Welfare League of Canada (CWLC) is an alliance of organizations and individuals concerned with the well-being of children, youth, and families – especially those who have been subjected to adverse childhood experiences and trauma and who find themselves in the child welfare, youth justice, and/or health care system.

CWLC convenes leaders across sectors, including – governments; non-Indigenous and Indigenous child welfare agencies; mental health and addiction service providers; child and youth advocates; researchers; foster family associations; and those working with homeless youth and youth in the justice system. CWLC members operate under different jurisdictions, yet they share a common commitment to seeing more children grow up with their family, kin, and communities, and to securing better outcomes for those who are in care.

## Introduction

Survivors of residential schools and the 60s Scoop, and First Nations, Inuit and Métis youth continue to be vocal about their adverse experiences of being removed from their families and placed into the care of non-Indigenous families and institutions.

Through the National Inquiry into Missing and Murdered Indigenous Women and Girls, survivors and family members deepened our understanding of the root causes of violence against women and girls, linking early childhood trauma with incidents of violence throughout a person's lifetime. Their courage and testimonies, and the work of the Truth and Reconciliation Commission, have led governments and institutions to acknowledge Canada's history; to recognize the harms that have been done and that persist to this day; and to find new ways of relating to First Nations, Inuit, and Métis peoples.

The work of reconciliation and the securing of the fundamental rights of First Nations, Inuit and Métis children has only just begun. Despite the efforts deployed, there are more Indigenous children in care today than at the height of the residential school era. As Dr. Cindy Blackstock has often asserted, children only have one childhood – it is critical that we act now.

It is with this understanding in mind that CWLC has prepared a position paper to help guide our future actions and to provide clarity on our intention to promote reconciliation and champion the rights of First Nation, Inuit, Métis children regardless of their status or where they live in Canada.

## **Historical underpinnings of the overrepresentation of First Nations, Inuit and Métis children in care**

According to the 2016 Census, Indigenous children under the age of 14 represent 52.2 per cent of all children in foster care, despite only representing 7.7 per cent of children in Canada.[1] In 2011, they represented 48 per cent of all foster children in Canada. “The majority of Aboriginal foster children were First Nations (82%), while about 13% were Métis and 4% were Inuit.”[2]

There is a lack of data available for Inuit and Métis families, but we know that “compared to non-Indigenous families in the child protection system, First Nations families were:

- twice as likely to survive on social assistance, employment insurance, or have a limited income
- far less likely to have full time employment
- several times more likely to have substance misuse issues in the family
- dealing with increased levels of domestic violence
- facing social isolation with fewer social supports”[3]

Without historical context, today’s current situation in child welfare and youth justice, and the overrepresentation of First Nations, Inuit and Métis families living in poverty, can too easily be attributed to individual failures.

First Nations, Inuit and Métis peoples in Canada have traditional systems of culture, law and knowledge that ensured the protection of children for time immemorial. Colonization and its policies of assimilation had, and continue to have, a devastating impact on families. The federal policy of residential schools that sanctioned the removal of First Nations, Inuit and Métis children from the influence of their families, has been deemed cultural genocide by the Truth and Reconciliation Commission (TRC). For over 100 years, approximately 130 schools operated across Canada, removing some 150,000 First Nations, Métis, and Inuit children from their families and communities. The schools failed to provide students with the appropriate level of personal and emotional care needed during childhood and adolescence – often perpetrating physical, sexual, and mental abuse.[4] Thousands of children lost their lives. The TRC documented the many harms associated with residential schools, the first of which was the removal of children from their families.

The forcible removal of First Nations, Inuit and Métis children from their families and communities continued even as residential schools closed. Child welfare authorities apprehended large numbers of children from the 1960s to the 1980s and placed them in non-Indigenous homes, often without the knowledge or consent of families or communities. [5] This is known as the Sixties Scoop. As Raven Sinclair explains: “The white social worker, following on the heels of the missionary, the priest, and the Indian agent, was convinced that the only hope for the salvation of the Indian people lay in the removal of their children.”

The trauma associated with residential schools, the Sixties Scoop and the ongoing removal of First Nations, Inuit and Métis children has cascaded through generations; this experience of emotional neglect and abuse has devastating effects on children and families. Unless we take action now, another generation of children will grow up disconnected from their family, their kin, their community, their language and culture.

Fundamental reforms to child welfare systems are among the TRC's top calls to action. Restoring the rights of First Nations, Inuit and Métis to care for their children, families, and communities is at the heart of reconciliation in child welfare. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes the "right of Indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child"[6].

Yet, this inherent right is being undermined – gross inequities in funding and services deny First Nations, Inuit, and Métis families the opportunities provided to non-Indigenous families in Canada to safely care for their children. Funding is insufficient to address the most important needs, including prevention and family support.

In 2016, the Canadian Human Rights Tribunal ruled that the Government of Canada had racially discriminated against 163,000 First Nations children under section 2 of the Canadian

Human Rights Act, which states that "all individuals should have an opportunity equal with other individuals...without being hindered from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, and sexual orientation".[7] The Tribunal found that the First Nations Child and Family Services Program "had denied services to many First Nations children and families living on-reserve and resulted in adverse impacts for them" and that the Program's "two main funding mechanisms incentivized removing First Nations' children from their families".[8] The Government has yet to fully comply with the Tribunal's orders.

## **Why we can't wait [9]**

"Childhood experiences, both positive and negative, have a tremendous impact on future violence victimization and perpetration, and lifelong health and opportunity."[10] Research has identified a relationship between adverse childhood experiences and negative health and well-being outcomes across the life course. Fostering a sense of belonging for First Nations, Inuit and Métis children, through strong connections to their family, kin, and communities, as well as their culture and language, will help those who have lived through adverse experiences to heal. It will also improve their life outcomes and those of generations to come.

As a result of discriminatory policies and intergenerational trauma, many First Nations, Inuit and Métis children and families experience poverty, residential instability, a parental history of abuse or neglect, and exposure to violence or substance abuse

– all risk factors for childhood trauma.

First Nations, Inuit and Métis children and families experience poverty at a higher rate than any other population in Canada. Nearly 38 per cent of First Nations families, and 30 per cent of Indigenous families more broadly, live in poverty – a number likely underestimated because the census excludes households in the territories and on reserve.[11]

Families living in poverty are more likely to experience parenting stress and social isolation, and to have less access to programs and supports, also risk factors for adverse childhood experiences.

We must do more to support families who are struggling with basics like housing and food insecurity, and to help children who have experienced trauma to heal. Separation from family and community, and loss of culture and identity exacerbate the problem. “Separation has impacted children’s spirit and their sense of pride – of knowing who they are and where they belong,” says Tanya Talaga.[12] She draws on the words of Senator Murray Sinclair, who says that all children need to be raised to answer the great questions of life: Where do I come from? Where am I going? Why am I here? Who am I?

*All children, regardless of their social or economic background need to know the answers to these questions. They need to know who their ancestors are, who their heroes and their villains are. They need to know about their family’s traditions and cultures and the community that they are a part of. Our children must feel that they are loved and valued and worthy members of society who belong in the world exactly as they are.[13]*

Restoring the inherent rights of First Nations, Inuit, and Métis peoples to care for their children and families is essential to young people's sense of belonging.

Speaking at a forum on belonging, Senator Sinclair explained that “true belonging is when there are people around you who will help you when you need it – and you, in return, will help them.”[14]

The Child Welfare League of Canada wants First Nations, Inuit and Métis children, youth, and families to know that they belong. We know that reconciliation will benefit First Nations, Inuit, Métis, and non-Indigenous peoples, but that, as Senator Sinclair explains, “...we have a lot of history to overcome”.

## **From principles to action**

In 2005, CWLC took part in the Reconciliation: Looking Back, Reaching Forward – Indigenous Peoples and Child Welfare event, and committed to assuming an active and ongoing role in reconciliation.[15] We agreed that the path to reconciliation in child welfare ought to:

- Acknowledge the mistakes of the past, and establish a child welfare profession based on non-discriminatory values, social justice, and fundamental human rights;
- Set a foundation of open communication that affirms and supports Indigenous families and communities as the best caregivers for Indigenous children and youth;

- Respect the intrinsic right of Indigenous children, youth, and families to define their own cultural identity;
- Improve the quality of, and access to, services for all children, youth, and families to free the potential of each person;
- Build a united and mutually respectful system of child welfare capable of responding to the needs of all children and youth;
- Strengthen the ability of the child welfare profession to learn, ensuring past mistakes do not become tomorrow's destiny.

While we continue to support these ideals, we are forced to recognize that 14 years have passed and another generation of First Nations, Inuit and Métis children has grown up in a system that is not meeting their needs.

CWLC aspires for all children to thrive, to know that they are loved, and to have a strong sense of belonging. Moving forward, CWLC's guiding principles in approaching the work of reconciliation will be grounded in the Touchstones of Hope for Indigenous Children, Youth, and Families, a movement that engages First Nations, Inuit, Métis, and non-Indigenous peoples in the process of open exchange. This movement acknowledges the past and embraces new possibilities for the future, while also recognizing that First Nations, Inuit and Métis peoples are in the best position to make decisions regarding the care of their children.

## **The Child Welfare League commits to the following actions:**

1. We will be allies to the First Nations Child and Family Caring Society and to First Nations, Inuit and Métis organizations and leaders who are raising awareness and advocating for their rights.
2. We will support the First Nations Child and Family Caring Society's Spirit Bear Plan.[16]
3. We will support the self-determination of First Nations, Inuit and Métis peoples, including their right to establish, maintain, and lead their own organizations and systems to care for their children, families, and communities.
4. We will welcome the opportunity to support our members to work creatively, respectfully, and collaboratively within a reformed child welfare system that is under First Nations, Inuit, and Métis jurisdiction.
5. We will respect, listen to and honour the resilience of First Nations, Inuit and Métis children, youth, families, and Elders with lived experience of residential schools, the 60s Scoop, and those who are or have been in care.
6. We will advocate for First Nations, Inuit and Métis children, relying on the UN Declaration on the Rights of Indigenous Peoples, the UN Convention on the Rights of Children, and fundamental rights to guide our efforts.

7. We will engage non-Indigenous organizations working with children to move forward with reconciliation, so that First Nations, Inuit and Métis children live in safety, dignity, and respect.

8. We will affirm the right of every child to access public services on the same terms as other children and support the application of Jordan's Principle, including in child welfare.[17]

## Looking ahead

“A new model of [First Nations, Inuit and Métis] child welfare service delivery is required not to correct the historic wrongs of the past, not because Indigenous self-government demands it, nor because cost containment concerns require it. A new model is required because raising [First Nations, Inuit and Métis] children well, with equal regard for their dignity and rights, is a mission to which we are all called.”[18]

A new model must restore the inherent rights of First Nations, Inuit and Métis, and recognize and honour the strengths, wisdom, and resilience embedded in Indigenous ways of knowing and caring for children and families; such a model holds much promise for helping to transform mainstream child welfare systems to better meet the needs of all children in Canada.

To this, we are deeply committed.

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