

CANADA: RACIALLY DISCRIMINATING AGAINST FIRST NATIONS CHILDREN



Yellowhead Tribal Services Agency 11th National Conference
 First Nations Child and Family Caring Society of Canada
 May 18, 2010

INDICATORS OF WHEN STATES CONSCIOUSLY VIOLATE HUMAN RIGHTS

1. State knows about discrimination
2. Has solutions to deal with it
3. Has resources to deal with it
4. Chooses not to deal with discrimination
5. Fights to preserve the discriminatory behaviour

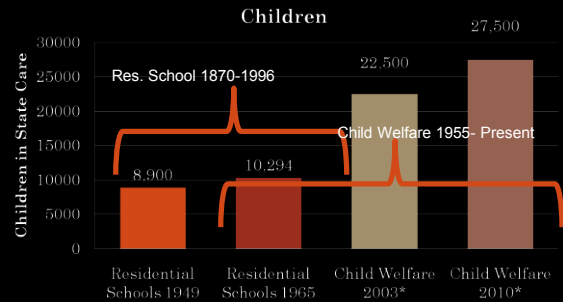


First Nations children must have an equal opportunity to grow up with their families, in their communities, in their culture.

No child should forego this opportunity because of poverty or inability to access basic services.

Assembly of First Nations, 2006

FIRST NATIONS IN STATE CARE IN CANADA



*estimates. FN children 6-8 more times likely to be in foster care (Auditor General of Canada, 2008)



We now recognize that, in separating children from their families, we undermined the ability of many to adequately parent their own children and sowed the seeds for generations to follow, and we apologize for having done this.

Prime Minister Stephen Harper, 2008



Category 3-those from families where a serious problem leading to neglect of children exists.

Residential schools admission categories, RCAP, 1996

WHAT CANADA KNEW

There can be no dispute: the churches and government did not, in any thoughtful fashion, care for the children they presumed to parent. While this is traceable to systemic problems, particularly the lack of financial resources, the persistence of those problems and the unrelieved neglect of children can only be explained in the context of another deficit-the lack of moral resources.

RCAP, Chapter 10, 1996

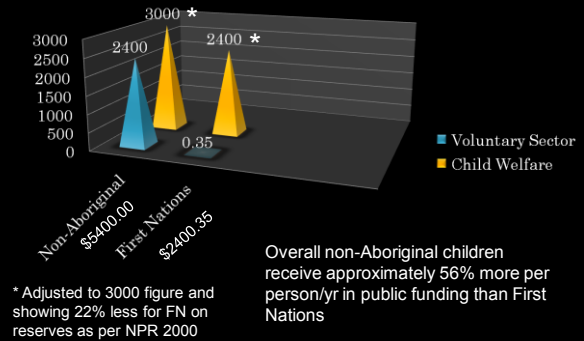


There are solutions: Poverty, poor housing and substance misuse all respond to services ... but Canada's gives First Nations children inequitable and inadequate resources to address the problem even though they have higher needs.

PROVINCIAL GOVERNMENTS FUNDS CHILD WELFARE SERVICES IN TWO WAYS

- Direct services – such as child protection workers and offices
- Government provides contracts/grants to voluntary sector organizations to deliver services to children and families.
- INAC does not calculate in the voluntary sector funding

COMPARISON OF PUBLIC FUNDING FOR NON-ABORIGINAL AND FIRST NATIONS



JORDAN'S PRINCIPLE



Where a jurisdictional dispute develops regarding services for a status Indian child and those services are otherwise available to Canadian children- the government of first contact pays for the service and figures out the jurisdictional dispute later.

Jordan's Principle applies to all government services – not just health care

JORDAN'S PRINCIPLE STATUS

- Four provinces have adopted J.P. although Manitoba and Saskatchewan only in limited form. Create a campaign to get it fully implemented in Sask!
- Canadian House of Commons passes Private Members Motion 296 in support of JP on December 12, 2007
- Federal government bureaucrats now trying to narrow Jordan's Principle to apply to children with complex medical needs only.
- Cited as a best practice by the United Nations Permanent Forum on Indigenous Issues expert committee on child and youth and invoked for children in Australia.



Help him make his dream come true
First Nations children on reserve receive 2 to 3 thousand dollars LESS a year for primary and secondary education than other children – no wonder only four in ten First Nations children graduate from high school



We worked with Canada for over 10 years with little progress. First Nations children still got less government services than other children in Canada because of who they were.



Canada knows their funding is inadequate:
 "Circumstances are dire. Inadequate resources may force individual [First Nations] agencies to close down"
 INAC access to information document

REPORTS DOCUMENTING INEQUITY AND TESTIMONY OF TOP INAC OFFICIAL IN 2010

- INAC and AFN National Policy Review (2000) FN children get 22 % less
- Not aware why it was commissioned and familiar with "parts of it"

"Not surprisingly the child welfare system is not well regarded by First Nations. It was, in many respects, viewed in the same way as residential school experience where First Nations children were lost to their families and communities" NPR recommendations need to be implemented

Baby Andy Report, 2003

WEN:DE REPORTS AND TESTIMONY OF TOP INAC OFFICIAL IN 2010

- INAC and AFN Wen:de Reports (2005) 109 million needed excl. Ontario and Territories
- All she knew is “they flowed from the National Policy Review

A fundamental change in the funding approach of First Nations Child and Family Service agencies is required in order to reverse the growth rate of children coming into care and in order for agencies to meet their mandated responsibilities.

INAC fact sheet on FN CFSA, 2007

AUDITOR GENERAL OF CANADA AND TESTIMONY OF TOP INAC OFFICIAL IN 2010

- Auditor General of Canada (May 2008) All INAC FNCFS funding inequitable (including enhanced)
- Not sure if AOG had concerns. “can’t remember off the top what those recommendations were”

Continuing to use a flawed funding formula means that FN child and family service agencies are often underfunded, and First Nations children and their families do not receive the services they need.

Standing Committee on Public Accounts, 2009

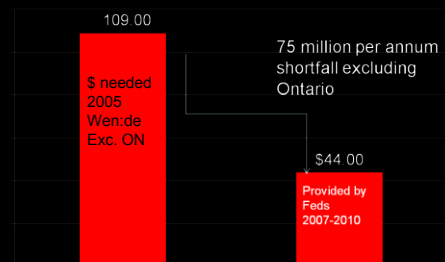
2010 AND THE INEQUALITIES CONTINUE



- *The province was not and is not prepared to renew a Tripartite Agreement on the basis of Directive 20-1 funding formula which it views as inconsistent with good social work practice.*

Child and youth advocate of NB, 2010

ENHANCED INAC FUNDING STILL INEQUITABLE





THE CANADIAN HUMAN RIGHTS TRIBUNAL ON FIRST NATIONS CHILD WELFARE

- Canadian Human Rights Tribunal started September 14, 2009
- Canada trying to derail the tribunal on legal technicalities
- Canada refuses mediation 4 times
- Canada takes inadequate measures to address the problem
- Canada fails to report the tribunal to the Human Rights Council or the UN CRC in periodic reviews

i am a witness
www.fnwitness.ca

IMPLICATIONS

- Canada avoids accountability for discrimination using legal loopholes
- Children continue to go into child welfare care unnecessarily
- Canada turns its back on the many UN human rights instruments it has signed and the Declaration on the Rights of Indigenous Peoples

OTHER FN CASES BEFORE THE CANADIAN HUMAN RIGHTS COMMISSION

- Mushkegwuk Council on under funding of policing. Service and comparator issues being raised by Canada
- Proposed case on under funding education

HAS CANADA LEARNED FROM RESIDENTIAL SCHOOLS?

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RCAP, Chapter 10, 1996

HOW YOU CAN HELP



- Sign up to be a witness!
- Ensure full implementation of Jordan's Principle
- Come to the tribunal

TAKE ACTION www.fnwitness.ca



www.fncaringsociety.com