

The First Nations Child & Family Caring Society

40 Years after the International Year of the Child

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**First Nations Child & Family
Caring Society of Canada**

www.fncaringsociety.com



The work of the Canadian Commission for the International Year of the Child and its 1979 report, “For Canada’s Children: A National Agenda for Action,” provides an agenda to frame future efforts for and with children in Canada. Certainly, if the recommendations from the report had been fully implemented, Canada could have made the historic step of ensuring equality for all. Instead, there is still a contemporary struggle for equality.

In 1979, Canada launched its “Indian Health Policy” recognizing the health disparities experienced by “Indian” peoples. It implemented a three-pronged approach including recognition of culture, inter-government coordination and addressing the underlying socio-economic conditions that contribute to the health gaps (Canada, 2014). The policy was supposed to signal widescale improvements but failed to reach its intended goal because of its moral blindness to the Canadian government’s ongoing operation of residential schools and failure to rectify the widespread inequalities in federally funded public services on reserve.

The First Nations Child & Family Caring Society of Canada (the Caring Society) was developed in 1999 to address the systemic inequalities undermining the success of families experiencing the multi-generational harms arising from residential schools which had closed only three years earlier. In addition, the Caring Society was charged with compiling culturally-based resources and program information on First Nations children in order to inform community-based interventions. This mandate fueled the Caring Society to develop an online database, a journal called the First Peoples Child & Family Review, and to work with the Canadian government and First Nations child welfare experts and knowledge holders to conduct two reviews of the federal government’s First Nations child and family services program.

The first review entitled the National Joint Policy Review was completed in 2000 and documented the shortfall in on-reserve child welfare funding at 22 per cent compared to off-reserve. The Wen:De reports were completed in 2005 and pegged the shortfall at about 30 per cent compared to what children received off-reserve. These deficits were particularly acute in the area of prevention and least disruptive measures which aim to address child welfare risks while the child is living at home. It was no wonder, then, that as of 2006, First Nations children were 12 times more likely to go into child welfare care than other children owing mainly to neglect fueled by poverty, poor housing and parental substance misuse.

While the Government of Canada accepted these reports, they failed to implement the most important recommendations to end the inequality and children continued to suffer. Therefore, on February 27, 2007, the Assembly of First Nations (AFN), a political organization representing First Nations in Canada, and the Caring Society, took the historic step of holding Canada accountable pursuant to the Canadian Human Rights Act for its treatment of First Nations children. The complaint alleged that the Government of Canada’s inequitable funding of First Nations child welfare and its failure to implement Jordan’s Principle was discriminatory.

Jordan's Principle is a child-first principle named in memory of Jordan River Anderson, a First Nations child from Norway House Cree Nation in Manitoba. Born in 1999 with complex medical needs, Jordan spent more than two years unnecessarily in hospital while the Province of Manitoba and the Government of Canada argued over who should pay for his at-home care. Jordan died in the hospital at the age of five years old, never having spent a day in his family home. In 2007, the House of Commons unanimously passed a private members motion supporting Jordan's Principle but the Government of Canada implemented it in a way that no child ever qualified for services.

On January 26, 2016, nine years after the human rights complaint was filed, the Canadian Human Rights Tribunal found that Canada is racially discriminating against 165,000 First Nations children by providing flawed and inequitable child welfare services and failing to implement Jordan's Principle to ensure equitable access to public services. In the ruling, the Canadian Human Rights Tribunal ordered Canada to immediately cease its discriminatory practices and immediately implement the full meaning and scope of Jordan's Principle. Unsatisfied with Canada's implementation of its orders, the Canadian Human Rights Tribunal has issued seven non-compliance orders against Canada since 2016.

The inequality that the Canadian Human Rights Tribunal outlined in its orders is further amplified for First Nations children by shortfalls in education funding, amongst other publicly funded sector supports. Many First Nations schools receive less funding per student than provincial and territorial schools. Many do not provide a safe and appropriate learning environment. Shannen Koostachin and her peers in Attawapiskat First Nation in Ontario experienced this when their only elementary school was closed due to diesel fuel contamination. The Government of Canada set up portables as a "temporary school" until a new one could be built. Nine years later, there was still no sign of a new school. Shannen and her peers launched the Attawapiskat School Campaign to reach out to students across Canada to stand in solidarity and write their elected officials to demand a new school for Attawapiskat. Thousands of children answered the call and a new school was finally built in 2014. Tragically, Shannen passed away in a car accident in 2010. With the support of her family, friends and community, Shannen's Dream was named in her memory and is a campaign to make sure all First Nations children across Canada have "safe and comfy" schools and receive a good quality education that makes them proud of who they are. As Shannen said, "School is a time for dreams, every kid deserves this."

Incremental equality for First Nations children does not work because it requires an acceptance of incremental discrimination. Jordan River Anderson and Shannen Koostachin, like all children, do not have incremental childhoods. There are innumerable children who have grown up waiting for justice. Canada must immediately comply with all Canadian Human Rights Tribunal rulings to ensure that all First Nations children have the same opportunity to grow up safe and healthy, and to achieve their dreams. The Caring Society calls on all caring Canadians to bear witness and fully support Jordan's Principle and Shannen's Dream.