

RECONCILIATION IN FIRST NATIONS CHILD WELFARE

Colonization: Implications for the well-being of First Nations children and youth

The earliest relationships between Indigenous¹ peoples and Europeans in Canada were often based on equality, friendship, learning, trade and autonomy. However, after a short time, the relationship shifted to a colonial base as European goals shifted from trade to settlement and resource expropriation (Royal Commission on Aboriginal Peoples, 1996). Colonialism became entrenched in Canadian society with the formation of the *Indian Act* and other colonial measures, and continues to be reflected in the models of child and family serving institutions. The legacy of colonization, including the residential school system, has had, and continues to have, harmful effects on the health, well-being and family support systems of First Nations children (Truth and Reconciliation Commission [TRC], 2015). The present day issues in First Nations child welfare cannot be understood in isolation; they are inextricably linked to larger structural factors related to colonization, including the legacy of Residential Schools (Sinha et al., 2011; TRC, 2015).



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One of the most prominent structural issues that affects First Nations child welfare in Canada is the current level of child poverty. In 2010, Canada's overall child poverty rate (as measured by household income) was 18%, while the poverty rate for First Nations children living on-reserve was 60% (MacDonald & Wilson, 2016, p. 5). Research on First Nations child poverty have linked the rates of poverty to colonial laws and policies that

take away land and economic self-sufficiency, and lead to further loss of language, culture and communities (Brittain & Blackstock, 2015). Due to structural and historical factors such as colonization, family poverty and chronic underfunding of services on reserves, First Nations children are vastly overrepresented in the child welfare system and experience significant gaps across the board in education and health outcomes (TRC, 2015).

¹ While the focus of this fact sheet is on First Nations peoples, the word Indigenous or Aboriginal will sometimes be used to refer to First Nations, Inuit and Métis peoples collectively.



With the TRC Final Report, a growing number of people are grasping the enormity of the harm inflicted in residential schools and the enduring effects that this colonial system has had on Indigenous peoples.

It is this reality that has motivated First Nations and non-Indigenous people to start movements for reconciliation in First Nations child welfare, particularly since these negative outcomes are in fact symptoms of underlying structural risks. These risks are not easily addressed by the existing child welfare systems, as mainstream services are not always culturally relevant to communities and often do not address the multi-generational impacts of colonization and residential schools (Blackstock, Loxley, Prakash, & Wien, 2005; Blackstock, Cross, George, Brown, & Formsma, 2006). The TRC (2015) includes reforms in child welfare among their top Calls to Action.

The Truth and Reconciliation Commission of Canada

From 2009-2015, the Truth and Reconciliation Commission of Canada (TRC) heard the statements of more than 6,000 witnesses and reviewed relevant historical documents in order to better understand the history and legacy of residential schools across Canada. The TRC focused on telling the truth about what happened to First Nations, Inuit and Métis children in residential schools in order to lay the foundation for reconciliation in the relationship between Indigenous and non-Indigenous people in Canada. The TRC Final Report presents their findings and includes 94 Calls to Action (TRC, 2015).²

The TRC (2015) documents the incredible death rates and abuses experienced by children who attended these schools. It also documents the intergenerational impacts experienced in Indigenous communities such as language loss, family separation, violence and substance use. With the TRC Final Report, a growing number of people are grasping the enormity of the harm inflicted in residential schools and the enduring effects that this colonial system has had on Indigenous peoples. At the same time, the TRC Calls to Action bring attention to the present-day inequities faced by Indigenous peoples in Canada that need to be addressed immediately as part of the reconciliation process. These Calls to Action are essential to the present

² A summary of the TRC's Calls to Action can be found at http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf

and future well-being and health of First Nations children and youth. The top TRC Calls to Action are in child welfare, education, language and culture, and health (TRC, 2015). For true reconciliation to happen in Canada, public awareness of the present-day inequities in child welfare is needed in order to bring people to action to address these issues and cease the harm being done to First Nations children and their families.

Inequities in First Nations child welfare

First Nations children in Canada are vastly overrepresented in out-of-home care (Sinha et al., 2011). This overrepresentation in the child welfare system means that First Nations children have a much higher chance of being separated from their families, communities and cultures than do their non-Indigenous counterparts (Sinha et al., 2011). The disparity is most pronounced in cases of neglect, which are often

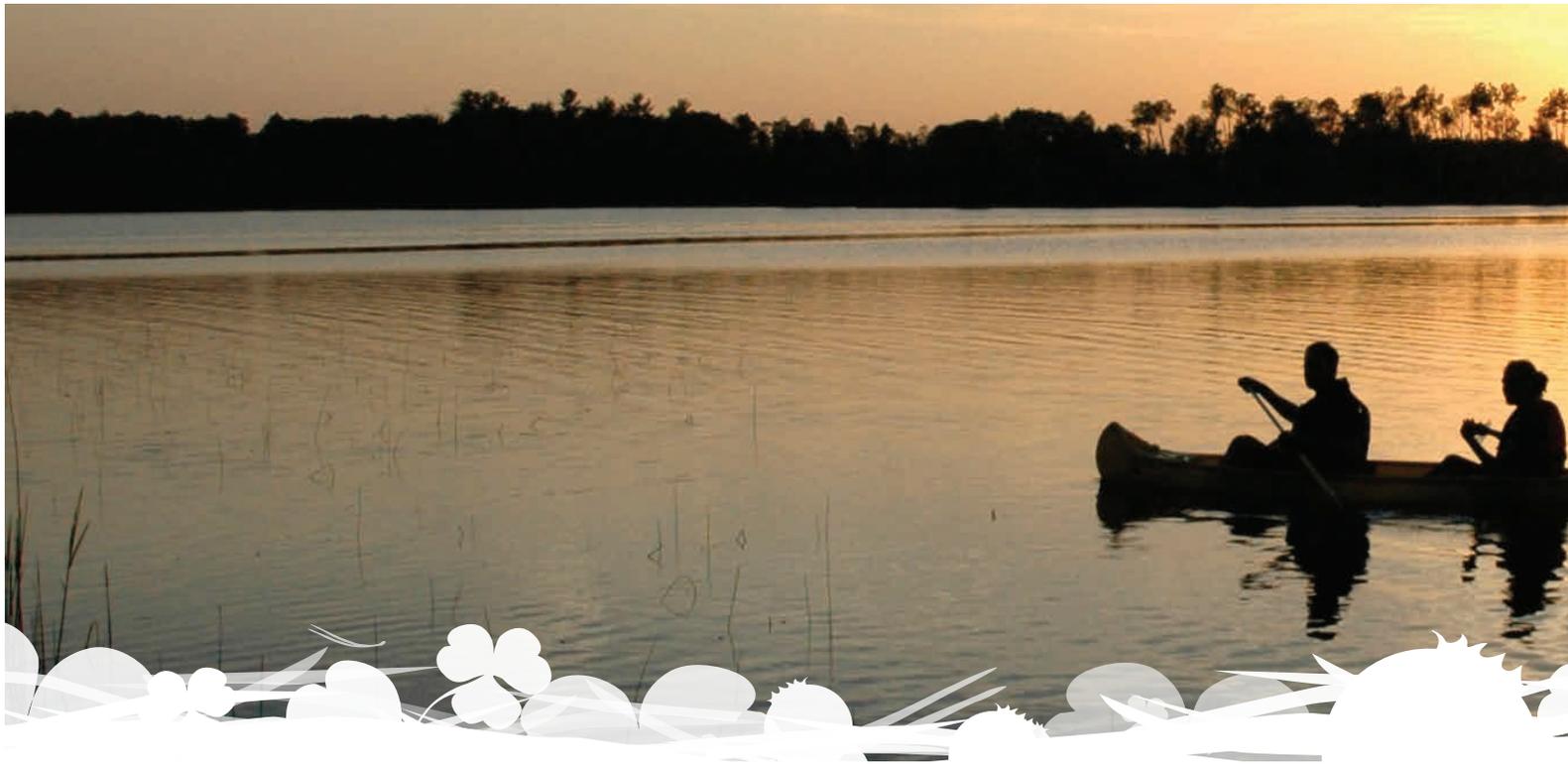
related to larger structural factors that affect the family such as poverty, poor housing and substance abuse (Trocmé et al., 2006). In addition to the overrepresentation in the child welfare system, many First Nations children in Canada currently face denials, delays and disruptions to desperately needed public services - including healthcare, education and early childhood services - that would not be experienced by a non-Indigenous child in Canada (Jordan's Principle Working Group, 2015).

The inequities in services provided to First Nations children are not new. Numerous reports and recommendations have been put forward over the years to address these inequities but the federal government has failed to act in a meaningful way to address these issues. In 2007, as a last resort, the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations filed a human rights complaint against the Canadian government (First Nations

Child and Family Caring Society [FNCFCFS], 2016a). On January 26, 2016, the Canadian Human Rights Tribunal (Tribunal) issued its decision which found that the Canadian government has, in fact, been discriminating against First Nations children by underfunding child welfare services on reserve and failing to implement Jordan's Principle for equitable access to public services (FNCFCFS et al v. Attorney General of Canada, 2016 CHRT 2). The Tribunal decision marks the first time in history that the Canadian government has been held accountable for its contemporary treatment of First Nations children (Assembly of First Nations, 2016).

This historic Canadian Human Rights Tribunal decision on First Nations child welfare is an important step for reconciliation, as the Tribunal is a legal body that has the ability to order binding remedies (Assembly of First Nations, 2016). However, the process is ongoing. As of December 2016, the government





COMMITMENT CULTURE KEEP FAMILIES TOGETHER TRUTH TELLING

has failed to properly implement Jordan's Principle and continues to discriminate against First Nations children by underfunding child welfare services on reserves. Since the January 2016 ruling, the Tribunal has released two additional compliance orders to push the government to make immediate changes for these children (FNCFCs et al v. Attorney General of Canada, 2016 CHRT 10; FNCFCs et al v. Attorney General of Canada, 2016 CHRT 16). The Tribunal decision and compliance orders clearly outline the steps that need to be taken to end discrimination against First Nations children, and also indicate that there is still much work to do in the process of reconciliation in child welfare.



What is reconciliation?

There are many different ways that reconciliation can be described and understood. In the Summary Report of the Truth and Reconciliation Commission of Canada, the Commissioners write:

[R]econciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior. (TRC, 2015, p. 6)

In line with this definition of reconciliation, the TRC outlines several Calls to Action that focus specifically on reconciliation in

child welfare. For example, the TRC Call to Action #1 stresses the importance of a wide-spread commitment to reduce the number of Indigenous children in care by developing the services and supports that keep families together (TRC, 2015). As part of the Calls to Action in child welfare, the TRC also calls upon child welfare workers to bring an understanding of the long-term impacts of residential schools as well as the strengths of Indigenous cultures to their work with children and families. The third Call to Action focuses on fully implementing Jordan's Principle, which is a child-first principle that ensures First Nations children are not left waiting for services that are available to other children in Canada because of payment disputes within and between federal and provincial governments (Jordan's Principle Working Group, 2015). These are examples of the actions that must



ACKNOWLEDGING RESTORING RELATING LEARNING RECONCILIATION

be taken in order to work towards reconciliation in child welfare - to build and maintain respectful relationships between Indigenous and non-Indigenous peoples and take actions that put First Nations children at the forefront.

In parallel to the reconciliation process used by the TRC, there are similar frameworks that can be used to guide the processes of reconciliation in various contexts. In 2005, Indigenous and non-Indigenous leaders in child welfare gathered in Niagara Falls to discuss “why reconciliation in child welfare was needed, what reconciliation can mean in the context of child welfare, and to identify key values (touchstones) to guide reconciliation in child welfare” (Blackstock et al., 2006, p. 5). The Touchstones of Hope conference participants identified the following key phases of reconciliation:

Truth telling – telling the story of child welfare as it has affected Indigenous children, youth and families

Acknowledging – learning from the past, seeing one another with new understanding, and recognizing the need to move forward on a new path

Restoring – doing what we can to redress the harm to ensure it does not happen again

Relating – working respectfully together to design, implement and monitor the new child welfare system (Blackstock et al., 2006).

The *Touchstones of Hope* principles for guiding the reconciliation process include culture and language, self-determination, structural interventions and a holistic approach (Blackstock et al., 2006). The

Touchstones movement supports community visions for healthy Indigenous children and guides communities through the process of reconciliation that is unique to their context (FNCFCFS, 2015).

This reconciliation framework was initially used to guide work with Indigenous children and families in child welfare, but the *Touchstones of Hope* principles have also been adapted for use in other disciplines, including reconciliation in the workplace. In order to broaden the scope of the *Touchstones of Hope* framework, the First Nations Child & Family Caring Society of Canada developed a general *Touchstones of Hope: Reconciliation in Canada* framework that can be used in diverse contexts to guide reconciliation (FNCFCFS, 2016b).



Increasing numbers of supporters are finding their own roles in reconciliation and are standing up to say that First Nations children deserve to have the same opportunities as their non-Indigenous peers to grow up safely at home, get a good education, be healthy and be proud of their cultures.

Steps towards reconciliation in First Nations child welfare

Despite the limited funding and resources for First Nations child welfare, First Nations child and family service agencies have worked diligently to support families with services that strengthen kin relationships, culture and community ties. For example, many First Nations child and family service agencies have pushed for the use of customary care/adoptions, approaches that more closely align with traditional ways of caring for children in their communities (di Tomasso & de Finney, 2015). Even with this progress, the restrictions of provincial child welfare laws and inequitable funding for First Nations child welfare services still make it very challenging for First Nations communities to care for their children in culturally appropriate ways (di Tomasso & de Finney, 2015). Policy changes must be made to ensure that children are receiving the care that they need in their communities, and it takes the efforts of a broad spectrum of people to make sure that this happens.

Caring people across Canada have been active participants in the reconciliation movement for First Nations children by following and supporting the Canadian Human Rights Tribunal case on First Nations child welfare and Jordan's Principle. Thousands of individuals and organizations have signed up to support the "I am a Witness" and "Jordan's Principle" campaigns to support equitable access to services for First Nations children in Canada (FNCFCs, 2016c). During the nine years of the human rights case, people of all ages were watching and sharing their opinions about the case. Many children and youth attended the Tribunal hearings with their schools and families to learn about the case and to decide for themselves if the government was treating First Nations children fairly. People of all ages and backgrounds are also active participants in annual reconciliation events, such as "Have a Heart Day" and "Our Dreams Matter Too," that raise awareness and support culturally based equity for First Nations children. Participants write letters and organize events and walks

to show their support for the rights of First Nations children (FNCFCs, 2016c).

With the release of the TRC Final Report and the 2016 ruling from the Canadian Human Rights Tribunal on First Nations child welfare and Jordan's Principle, Canada is at a critical point for reconciliation. Increasing numbers of supporters are finding their own roles in reconciliation and are standing up to say that First Nations children deserve to have the same opportunities as their non-Indigenous peers to grow up safely at home, get a good education, be healthy and be proud of their cultures. Reconciliation in First Nations child welfare is up to all of us. To learn more about how anyone can contribute to reconciliation, read about the "7 Free Ways to Make a Difference" at <https://fncaringociety.com/7-free-ways-make-difference>.



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