

# CANADA: RACIALLY DISCRIMINATING AGAINST FIRST NATIONS CHILDREN



United Nations Permanent Forum on Indigenous Peoples  
Cindy Blackstock, PhD, March 4, 2010  
First Nations Child and Family Caring Society of Canada

June 11, 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

Canada says that First Nations already have protections for human rights under the Canadian Human Rights Act so for this, and other reasons, there is no need to support the UN Declaration on the Rights of Indigenous Peoples

Minister Chuck Strahl,  
statement to the UN  
General Assembly (2009)

# SAMPLE UN INSTRUMENTS THAT PROTECT CHILDREN FROM DISCRIMINATION BY STATES

- UN Declaration on the Rights of Indigenous Peoples
- UN Convention on the Rights of the Child (UNCRC)
- UNCRC General Comment 11 on the rights of Indigenous children



# 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

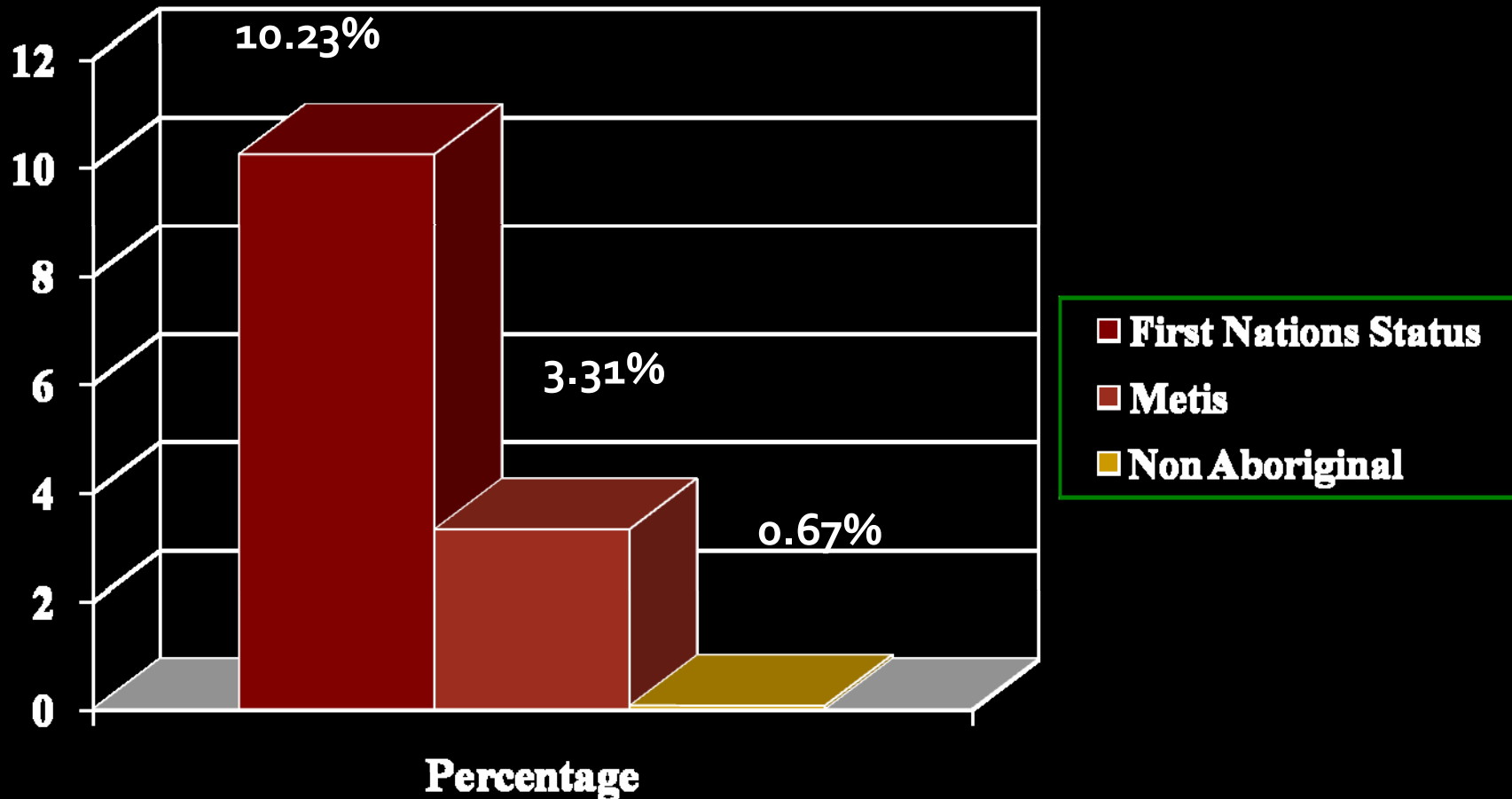
5.Fights to preserve the discriminatory behaviour



**Canada knows the problem:**

**There are more First Nations children in child welfare care today than at the height of residential schools**

# PROPORTION OF CHILDREN IN CARE BY CULTURAL GROUP

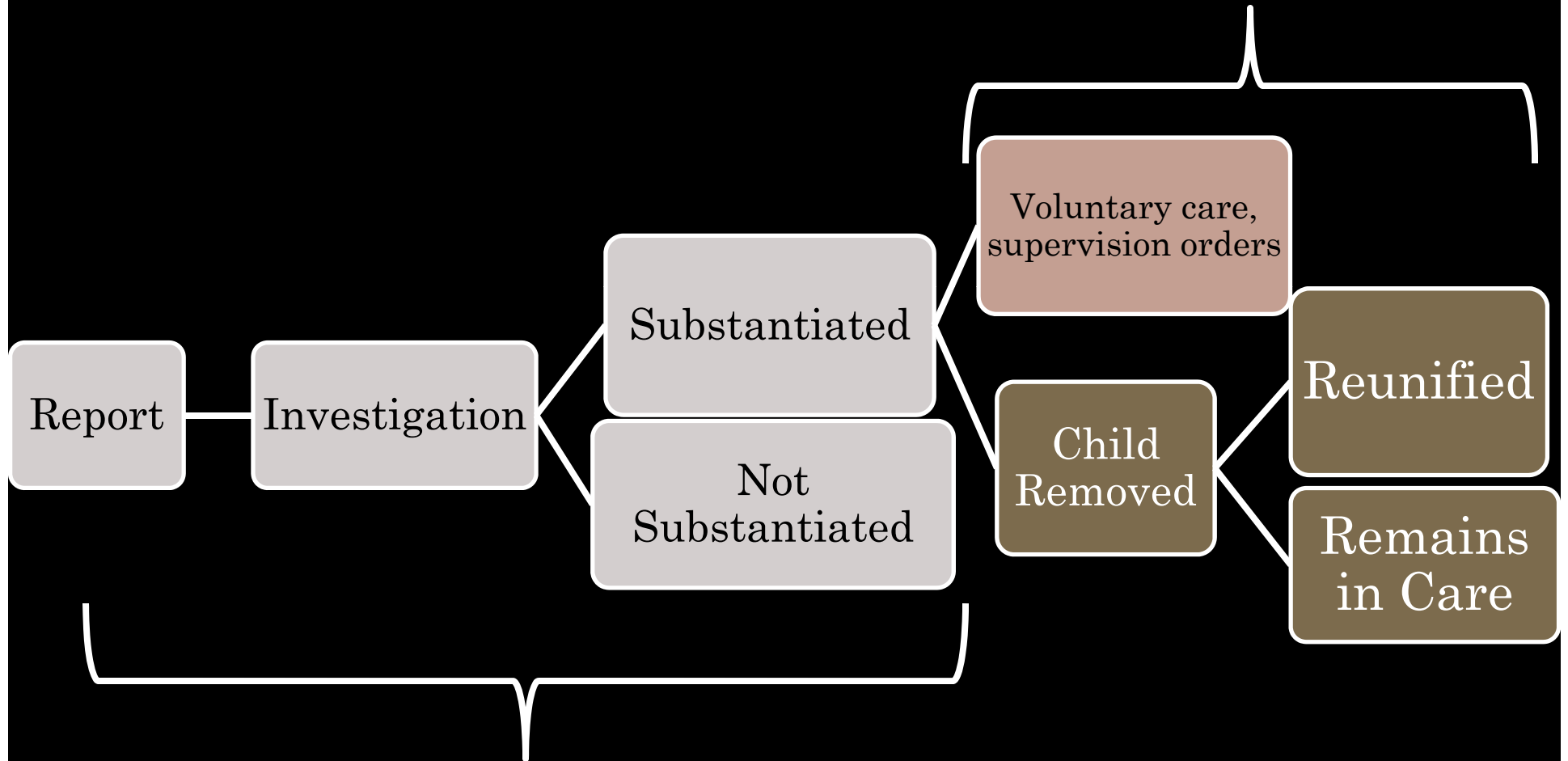


3 sample provinces

Wen:de we are coming to the light of day(2005)

# When Everything Matters (WEM) collects data on children who are removed.

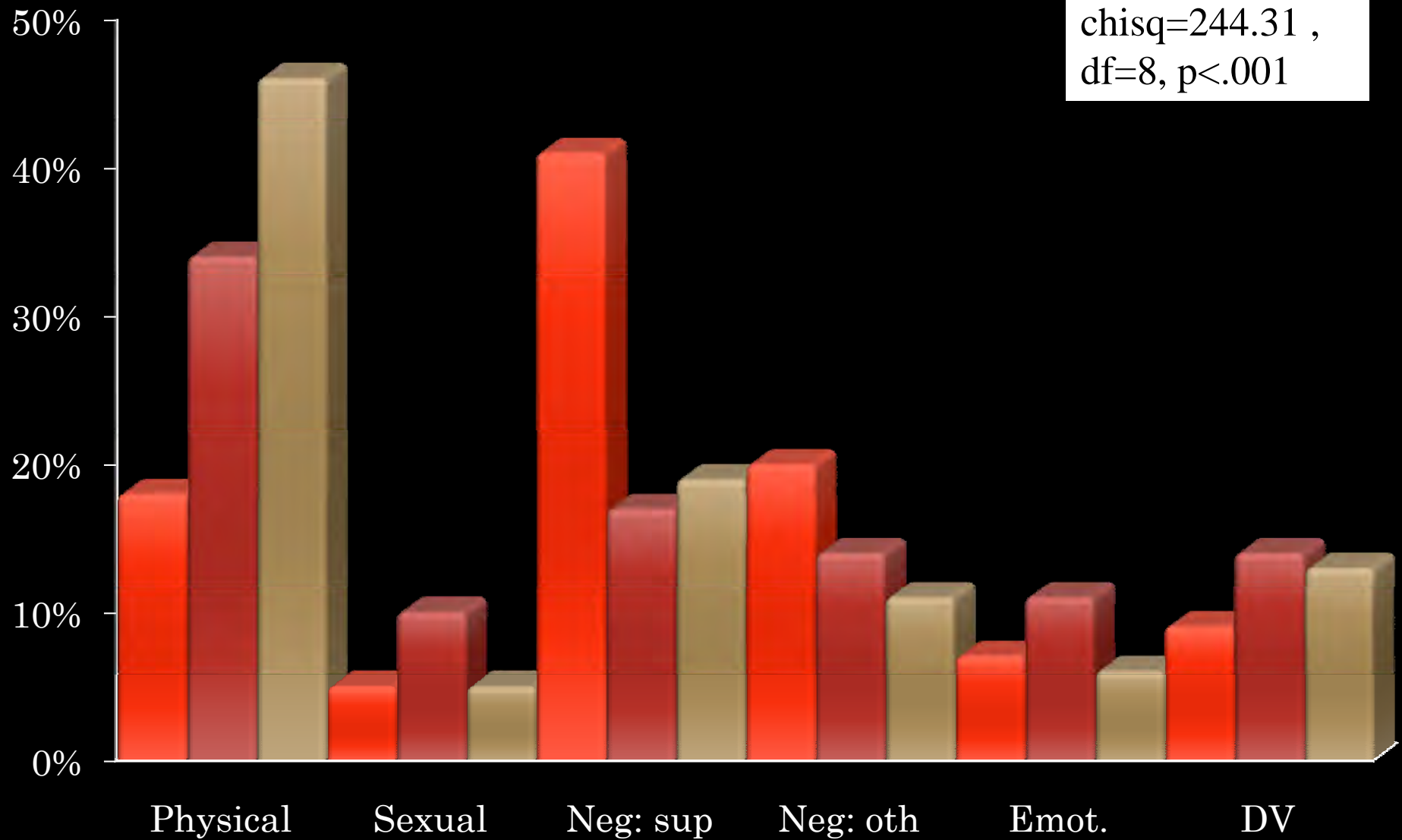
Does not include children placed in voluntary care or supervision orders



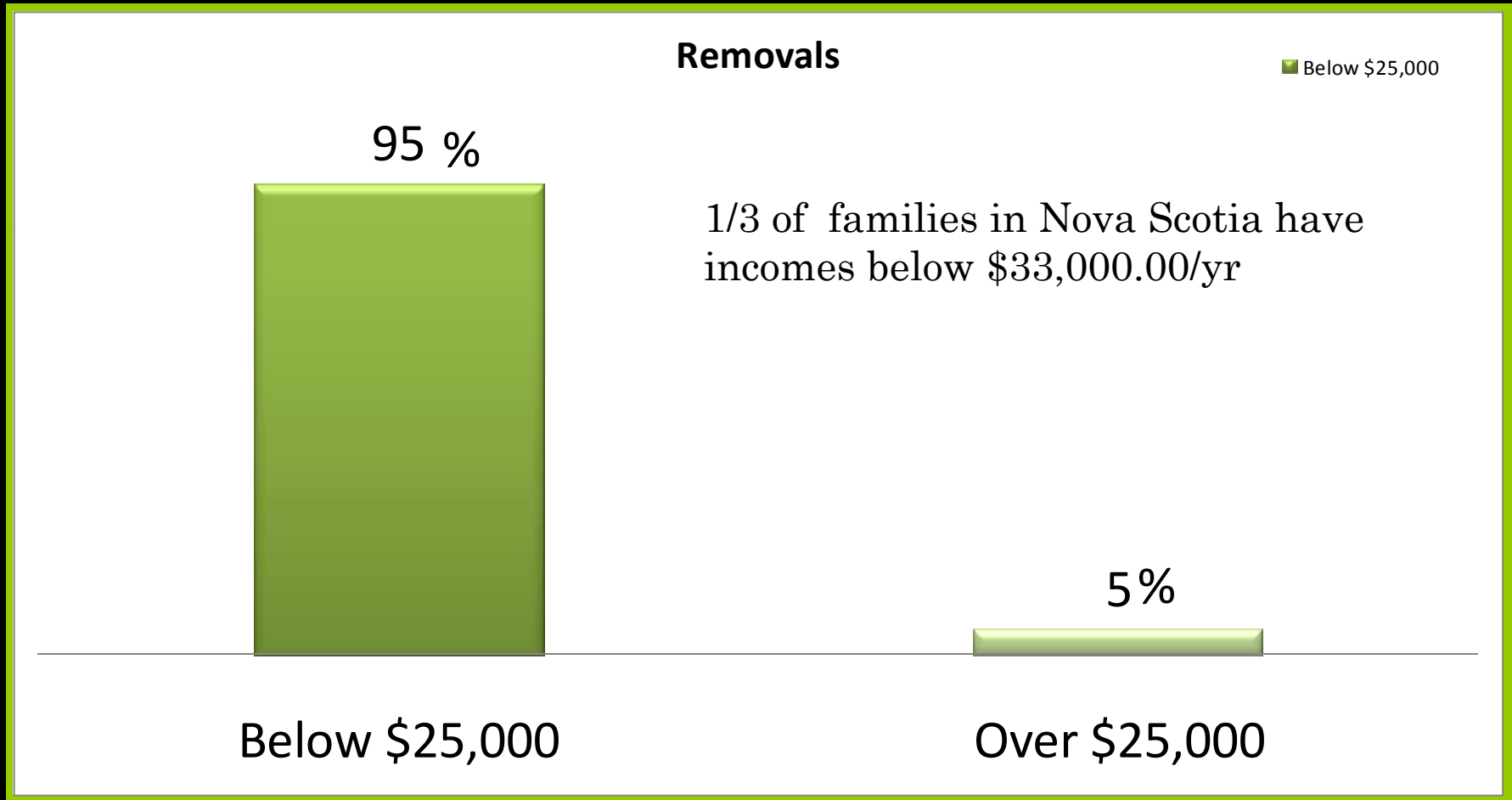
Canadian Incidence Study on Reported Child Abuse and Neglect (CIS)

(Trocme et. al., 2001; Trocme et al., 2006)

PRIMARY FORM OF MALTREATMENT BY ABORIGINAL STATUS FOR SUBSTANTIATED OR SUSPECTED MALTREATMENT 1998 CIS\* (N=3,159)



# WHY POVERTY MATTERS: ANNUAL FAMILY INCOMES IN CASES OF CHILD REMOVAL (NS)



Blackstock, 2009

First Nations children are not more likely to experience abuse – it is neglect that fuels overrepresentation related to...



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▶ May 6th,  
Summit  
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▶ Link to Canada  
AG Report





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.

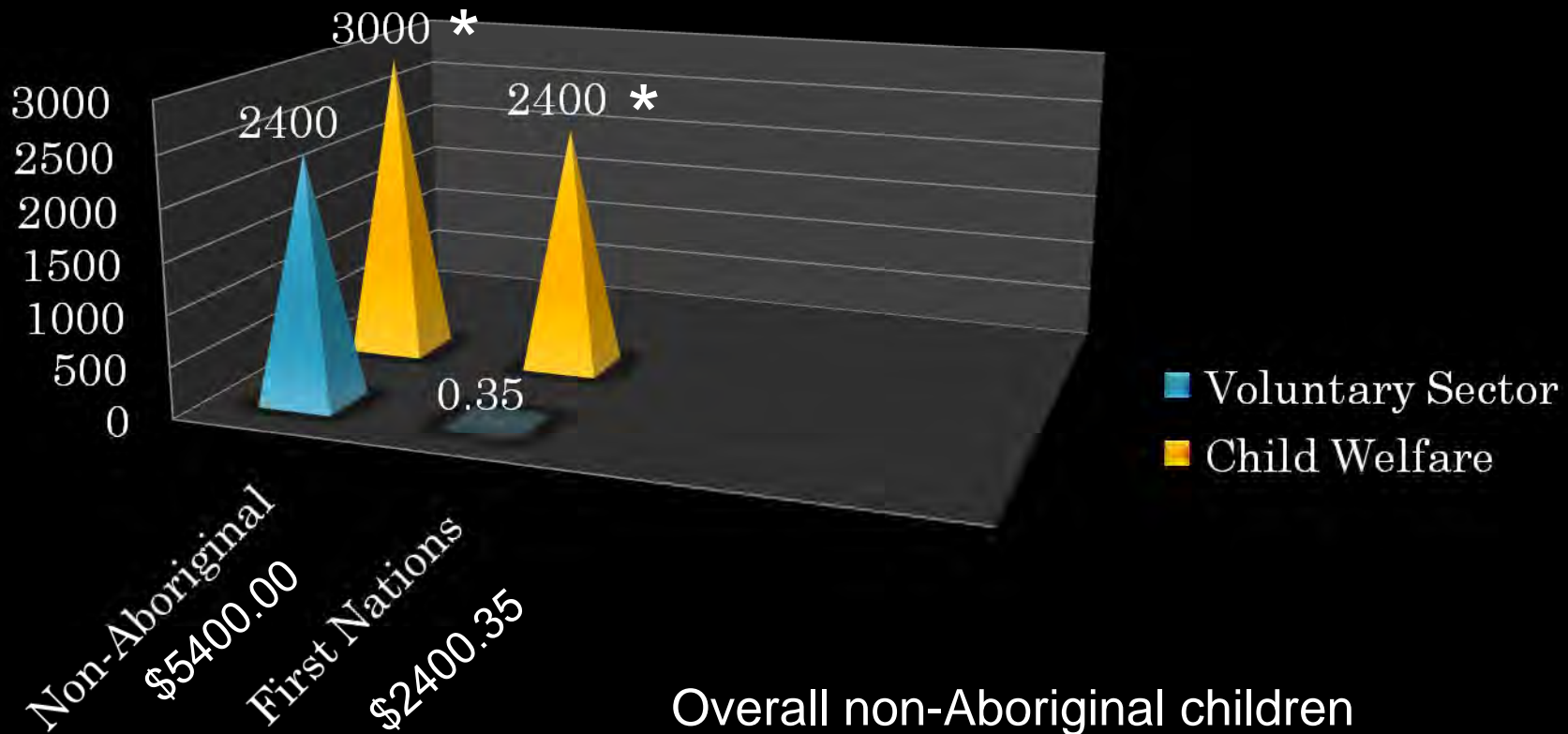
## PROVINCIAL GOVERNMENTS FUNDS CHILD WELFARE SERVICES IN TWO WAYS

- 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



First Nations children get at least 22% less for child welfare funding than other children and this is compounded by a lack of publically funded NGO services

# COMPARISON OF PUBLIC FUNDING FOR NON-ABORIGINAL AND FIRST NATIONS



\* Adjusted to 3000 figure and showing 22% less for FN on reserves as per NPR 2000

Overall non-Aboriginal children receive approximately 56% more per person/yr in public funding than First Nations



**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**



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



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.

# 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



# 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



# YOU CAN MAKE A WORLD OF DIFFERENCE

- Watch – sign up to witness the tribunal at [www.fnwitness.ca](http://www.fnwitness.ca)
- Appoint a UN observer to the tribunal to prepare a report for the international community



# GENERAL COMMENT 11 IMPLEMENTATION

- Presentation at Inter-agency support group meeting to raise awareness and encourage implementation
- UNPFII to convene a working group to monitor implementation of General Comment 11 across State Party reports at the UNCRC
- Explore the option of developing general comments on the rights of Indigenous peoples giving full consideration to the rights of Indigenous children in other treaty body instruments.
- Development of child and youth friendly promotional materials on GC 11

TAKE ACTION [www.fnwitness.ca](http://www.fnwitness.ca)



[www.fncaringsociety.com](http://www.fncaringsociety.com)