

First Nations Child and Family Caring Society of Canada

March 31, 2011

An Open letter to Stephen Harper (Conservative), Michael Ignatieff (Liberal), Jack Layton (NDP), Gilles Duceppe (Bloc Québécois) and Elizabeth May (Green)



Three years ago the Government of Canada apologized for the wrongs done to Aboriginal peoples during the residential school era. The apology was meaningful to many and was to signal a new and just relationship between the Canadian Government and First Nations children. I believe reconciliation means not saying sorry twice. On this measure, Canada is failing. It is consciously providing First Nations children with lesser benefit from government services such as child welfare, education and health services than all other children enjoy. These disadvantages are compounded by the poverty arising from the economic development restrictions in the Indian Act, the poor condition of many reserve homes, and a lack of clean water, sanitation and affordable healthy foods in some communities. This creates a perfect storm of disadvantage for First Nations children and youth on reserves. If you believe that it is OK for Canada's government to say "no" to First Nations children or "hold on you get less or you have to wait because you are First Nations" when it comes benefiting from government services, you will find nothing but buck-passing and barriers to address these solvable problems. If you believe that there is no excuse for First Nations children to get less benefit from government services, then you will see nothing but opportunity to immediately address this historic, longstanding and preventable tragedy affecting thousands of First Nations children, youth and their families.

First Nations children get an estimated \$2000 to \$3000 less per student per year for education and many go to run down schools or are sent away at a tender age to go to school in far- away places because there are no schools in their communities. Not surprisingly, very few First Nations children graduate from high school. It is difficult to learn in over-crowded schools or schools located on contaminated brown fields, infested with black mould, rodents or snakes. Even if a First Nations student is lucky enough to be in a school in good condition, the lack of teachers, learning supplies and equipment linked to the ongoing under-funding of education on reserves limits their academic potential and success. Shannen Koostachin of Attawapiskat First Nation, founder of Shannen's Dream

www.shannensdream.ca) fought her entire life for safe and “comfy” schools and equitable education on reserves before passing away in an automobile accident at the age of 15 years while attending a school hundreds of miles away from her loving family. She wanted to be a lawyer so she could make sure all children in Canada received a proper education – “School is a time for dreams” she said “every kid deserves this.” Thousands of First Nations children are growing up now deprived of proper schools and equitable funding in education – the Government says it cannot afford equity.

Jordan River Anderson of Norway House Cree Nation, founder of Jordan’s Principle (www.jordansprinciple.ca) died in hospital after waiting over two years for the Government of Canada and Manitoba to figure out who should pay for his at home care. If Jordan was non-Aboriginal, he would have gone home when doctors said he was ready but because Canada and the provinces often try to get out of paying for services to First Nations children, Jordan languished in hospital before tragically passing away at the age of 5. Parliament adopted Jordan’s Principle in 2007 which says that no child should be denied a government service available to all other children because of disputes about payment between the Federal and Provincial/Territorial Governments. Sadly, the Federal Government has tried to narrow Jordan’s Principle – they simply want to apply it to children with complex medical needs with multiple service providers. Canada narrowed Jordan’s legacy without any consultation with his family and community and in doing so denied equal treatment to hundreds of First Nations children who continue to be told “we have to figure out what government should pay before we give you that service because you are First Nations.”

Numerous reports and government documents note that First Nations children get less funding for child welfare on reserves and there are significant problems with the way that the government structures the funding that it currently provides. Overall, there are more First Nations children in child welfare care today than at the height of residential schools by a factor of three. These children are being removed primarily because families are often denied life necessities (safe homes, proper food/water, power and sewage) and there is also a severe shortage of culturally based substance misuse programs to recover from the multi-generational impacts of residential schools. The Government of Canada’s own internal documents link its flawed funding for First Nations child and family services to growing numbers of children in care and point out that the failure to provide equitable levels of support may lead to civil complaints against the Government of Canada when the children grow up. There are at least three solutions to the problem and yet the Federal Government has failed to fully implement any of them. Canada did launch its “enhanced funding approach” but this was ruled inequitable three years ago by the Auditor General and yet it continues to be imposed even though better options exist. Government lack of action resulted in the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada filing a human rights complaint in 2007 alleging that the Canadian Government is

racially discriminating against First Nations children by under-funding child welfare services on reserves. This is a serious allegation and yet the Federal Government has chosen to try to fight this case on legal technicalities versus the substantive facts. The Federal Government also wants to keep Canadians in the dark as they have rigorously opposed any efforts to broadcast the case or share transcripts of the testimony of public officials. In a sad echo of residential schools, Canada even appointed residential school lawyers to fight against the equity of First Nations children today. Two Federal Court decisions required a full hearing on the facts but Canada, desperate to avoid a public hearing on the merits, tried a last ditch motion to dismiss at the Canadian Human Rights Tribunal on a legal technicality and were successful. The Tribunal decision is being judicially reviewed. Over 7,400 caring Canadians and organizations are following the case at www.fnwitness.ca making this the most formally watched court case in Canadian history. All Canadians should ask “what is the Government of Canada hiding from?”

Equity, fairness, justice and respect are founding values of Canada. I can think of no other issue that strikes at the heart of the Canadian conscious more than putting an end to the Federal Government’s practice of giving First Nations children less because of their race and residency. The evidence that this is happening is overwhelming and documented by the most credible of sources. There are solutions that have too long been ignored. The time for action is now. No excuses – this should be the top issue for every political party. If we cannot afford to treat children fairly – we have lost our way as a country.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Blackstock', with a stylized flourish at the end.

Cindy Blackstock, PhD
Executive Director