

# Ending Systemic Discrimination for First Nations children & families

Presented to MAUT  
by Cindy Blackstock, PhD  
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First Nations Child & Family  
Caring Society of Canada

Société de soutien à l'enfance  
et à la famille des Premières Nations  
du Canada

# JUST SOCIETIES

Health Equity and Dignified Lives

Revised edition



Equity + Culture =

Dignified Life

Executive Summary of the Report of the Commission on the Pan American Health Organization on Equity and Health Inequalities in the Americas

network

**INTERSECTIONALITY:** SOCIAL AND ECONOMIC INEQUITIES, GENDER, SEXUALITY, ETHNICITY, DISABILITY, MIGRATION

## STRUCTURAL DRIVERS

Political, Social, Cultural and Economic Structures

Natural Environment, and and Climate Change

History and Legacy, including Colonialism, Structural Racism

## CONDITIONS OF DAILY LIFE

Early Life and Education

Working Life

Older People

Income and Social Protection

Violence

Environment and Housing

Health Systems

HEALTH EQUITY AND DIGNIFIED LIFE

## TAKING ACTION

Governance

# Colonialism

**“Blatant Colonialism mutilates you without pretense; it forbids you to talk, it forbids you to act, it forbids you to exist. Invisible colonialism, however, convinces you that serfdom is your destiny and impotence is your nature; it convinces you that it is not possible to speak, not possible to act, not possible to exist.”**

**Eduardo Galeano, Uruguayan Journalist and writer. The Book of the Embraces, 1989**

## Human system impacts of the European arrival and Great Dying in the Americas after 1492

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### ABSTRACT

Human impacts prior to the Industrial Revolution are not well constrained. We investigate a decline in global atmospheric CO<sub>2</sub> concentration by 7–10 ppm in the late 1500s and a globally lowered surface air temperature by 0.15 °C, which were generated by natural forcing and the large-scale depopulation of the Americas after European arrival, subsequent land abandonment and secondary succession. We quantitatively review the evidence for (i) the pre-Columbian population of the Americas, (ii) their per capita land use, (iii) the post-1492 population loss, (iv) the resulting abandoned anthropogenic landscapes, and then compare these to potential natural carbon declines of 7–10 ppm. From 119 published regional population estimates with a CE population of 60.5 million (interquartile range, IQR 44.8–78.2 million), we estimate a per capita land use of 0.98–1.11 ha. European epidemics removed 90% (IQR 87–92%) of the population over the next century. This resulted in secondary succession of 55.8 Mha of abandoned land, sequestering 7.4 Pg C (IQR 4.9–10.8 Pg C), equivalent to a decline of 3.5 ppm (IQR 2.3–5.1 ppm CO<sub>2</sub>). Accounting for carbon cycle feedbacks, this gives a total 5 ppm CO<sub>2</sub> additional uptake into the land surface in the late 1500s, which accounts for ~67% of the atmospheric CO<sub>2</sub> decline. Furthermore, we show that this cannot be balanced until large-scale vegetation regeneration in the Americas. The Great Dying of the Indigenous Peoples of the Americas resulted in a significant impact on the Earth System in the two centuries prior to the Industrial Revolution.

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# Colonialism and the Great Dying

- 90% of the approx. 60.5 million Indigenous peoples in the Americas died in the century following 1492
- “The great dying of the Indigenous Peoples of the Americas resulted in a human-driven global impact on the Earth System in the two centuries prior to the Industrial Revolution”

# Land Dispossession in Canada

**1491**

**100% of land owned by  
Indigenous Peoples**

**2021**

**.02% of land owned by  
Indigenous Peoples**

530 Years





- 37 - [Surrenders and Designations](#)
- 42 - [Descent of Property](#)
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# Indian Act

**The Royal Commission on Aboriginal Peoples (1996) set out a 20-year plan to end the Indian Act. Canada never implemented it.**



**1895**  
 Duncan Campbell Scott requests a warrant to remove "Indian" children from their homes for "educational" purposes.

**1907**  
 Dr. P.H. Bryce's report to government: children in residential schools are dying; deaths are preventable.

**1922**  
 Dr. P.H. Bryce publishes the book, "The Story of a National Crime" outlining the failure of the federal government to act.

**1996**  
 CAP finds that the majority population of child welfare cases are Indigenous.

**2000**  
 Government commissions Joint National Policy Review: First Nations kids receive 100 cents on the dollar for child welfare compared to non-Indigenous children.

**2007**  
 Jordan's Principle passes in the House of Commons: Equity in public services for all First Nations kids.

**2007**  
 The Assembly of First Nations (AFN) and the Caring Society files human rights complaint against the federal government.

**2008**  
 The Prime Minister, on behalf of the Government of Canada, offers an apology for the residential school system.

**2013**  
 Documents obtained by Access to Information confirm inadequate child welfare funding and its critical impact on First Nations children.

**2014**  
 Canadian Human Rights Tribunal (CHRT) hears from 25 witnesses, including 7 federal government officials, over 72 days.

**2015**  
 The Truth and Reconciliation Commission releases its 94 Calls to Action to redress the legacy of residential schools and advance reconciliation. Includes calls to redress child welfare and implement Jordan's Principle.

**2016**  
 CHRT rules that the Government of Canada is discriminating against 165,000 First Nations kids.



**Key Barrier to Reconciliation:**  
 Not doing better when we know better.



## P. R. SEVEN



### COMES OUT FOR TARIFF REFORM

### LOCAL BRIEFS

### SCHOOLS AID WHITE PLAGUE



Cindy Blackstock  
@cblackst

Today's "is it genocide?" resource. A 1907 headline—"Schools Aid White Plague: Startling death rolls revealed." Lawyer S. H. Blake said "in that Canada fails to obviate the preventable causes of death it brings itself into unpleasant nearness with the charge of manslaughter."

The annual meeting of the Ottawa City Hockey League will be held on the evening of the 26th inst. at the O. A. A. C.

In the list of members attending the meeting in the Board of Trade

Startling Death Rolls Revealed.

### —AMONG INDIANS

Absolute Inattention To Bare Necessities of Health.

In his report upon the Indian boarding schools in Manitoba and the Northwest, Dr. P. H. Bryce, chief medical officer of the Indian department, emphasized the absolute necessity for greater care in the selection of pupils and for sanitary precautions in the schools to prevent the spread of disease. During his recent tour of inspection Dr. Bryce instructed the principals of all the schools to report to Ottawa direct upon the past history and present condition of the health of the children who have been pupils at the schools.

Summarizing the statistical statements thus obtained Dr. Bryce says, after alluding to the defective records of the schools: "It suffices for us to know, however, that of a total of 1,547 pupils reported upon, nearly 25 per cent, are dead, of one school with an absolute accurate statement, 88 per cent of the pupils are dead, and that everywhere the almost-invariable cause of death is tuberculosis."

Dr. Bryce's description of the schools shows them to be veritable hotbeds

and Seven injured in Express C and

in lower town at the above address west of a business trip. Gelline, mentioned unknown, the only one in the directory of the public works one of whose family of Hintonburg of the locomotive-crews who death. He resides on the Rich-

A SAD TRAGEDY. (Special to the Evening Citizen.) At Nov. 15—D. A. Clark, the messenger who was killed in a fire, lived at 153 Laporte street. He was a native of Gaspe, before coming to Montreal and spent several years in Ottawa had been married nearly two

### Competition.

Col. Stanbury Williams sends to the Citizen an extract from the "amateur definition" as drawn up by the committee of the Olympic games of London 1906, with reference to the skating competition. As the writer is anxious on and Canadian skating competitions are likely to take place very shortly, it

posal lost its force? "No," came the answer. "Had it gained force? Yes," was the reply. "You have given me your answer. I agree with that," answered Mr. Balfour. (Transatlantic exchange.) He admitted that originally he had fears as to whether the policy of promoting free trade within the empire, which was the most important to our commercial interests, and must appeal to every member of our world-wide empire, could be carried out with

McLaughlin, P. White, Chas. Graham and others will be in line.

### PERSONAL

Mr. Hugh Guthrie, M.P., South Wellington, is in the city on departmental business.  
Hon. Wm. Harry, M.P., Kingston, is here on business with the department



First Nations Child & Family Caring Society of Canada

Société de soutien à l'enfance et à la famille des Premières Nations du Canada



SESSION 1946



SPECIAL JOINT COMMITTEE OF THE SENATE  
AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

TUESDAY, MAY 28, 1946

THURSDAY, MAY 30, 1946

WITNESS:

Mr. R. A. Hoey, Director, Indian Affairs Branch, Department of Mines  
and Resources, Ottawa.

OTTAWA  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1946

*Residential Schools*

While we regard it as unfortunate that so much emphasis has been laid upon the residential school, and are convinced that educational standards in a number of these institutions leave something to be desired, we do not regard the actual existence of residential schools as undesirable. We feel that they have their place in a well-rounded system of Indian education, particularly in so far as they meet special needs including the educational requirements of children of nomadic families.

But we regard it as a serious weakness in public policy that the government should fail to pay institutions providing services the full cost of that service. Payment of less than the existing per capita per diem rates puts the government in the position of accepting subsidies from privately-operated schools, and fails to provide the schools with the funds necessary for an adequate educational and training program.

We would suggest that consideration be given to the full operation of residential schools by the government if necessary and the development of hostels or residences to provide living quarters for Indian children taking advantage of facilities for primary and secondary, as well as advanced education and vocational training in Canadian communities.

*Foster Home Service*

With reference to the **child welfare** aspects of residential schools, such as the care of neglected or handicapped children, orphans and children from broken homes, we feel that the existing program falls short of social adequacy in that it fails to provide Indian children with standards of care comparable to those developed by the more advanced child care services in the country, which recognizes that no institution is an adequate substitute for normal family life. We believe that foster home service should be developed within the Indian setting.

*Public Assistance*

# 1967

## INDIAN RESIDENTIAL SCHOOLS

A research study of the child care programs  
of nine residential schools in Saskatchewan

Prepared for:

Department of Indian Affairs and Northern Development  
Government of Canada  
Ottawa

Project Director: George Caldwell, M.S.W.

- “Although 80 percent of admissions in the 8 residential schools were for child welfare reasons, there is no social work staff at any stage..(p.67)”

- “Recommendation is that the agency will need to direct more resources and energy into services for children in their own homes and where alternative care is required, homes in the Indian community should be helped to provide this service.” (p. 149)

**Number of  
sleeps First  
Nations  
Children on  
reserve spent  
away from  
their families**

**78,000,000 (1981-2017)**  
**47,749,267 (2000-2017)**

“Similar to the Residential Schools era today, the fate and future of many First Nations children is still being determined by the government”

2016 CHRT 2 para. 426

**2016: Canada  
discriminates against  
over 165,000 First  
Nations children**

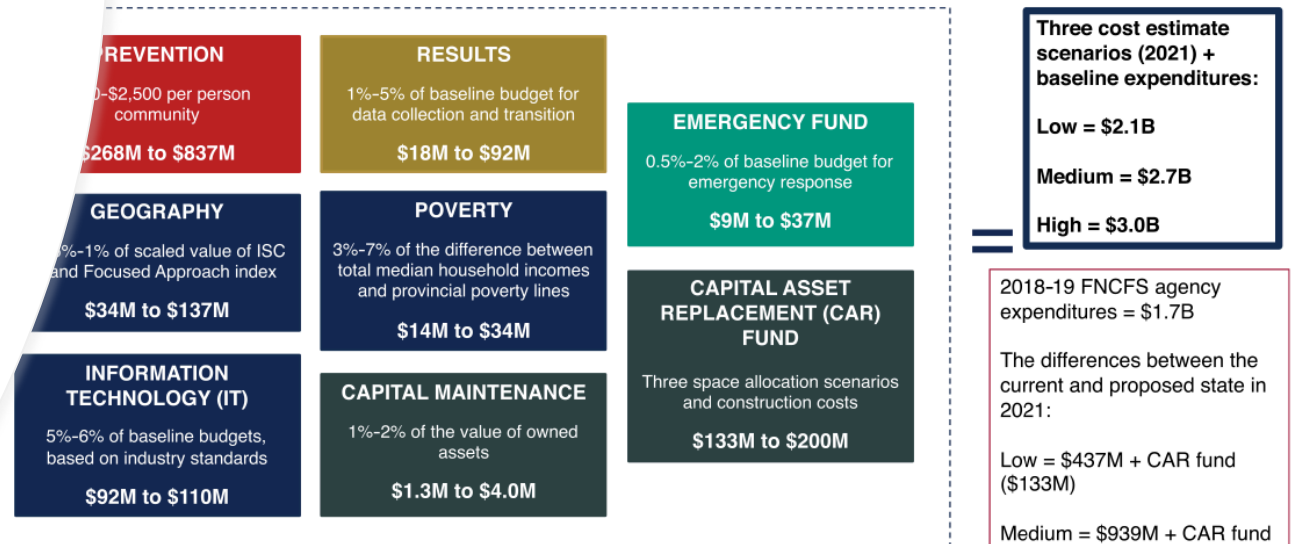
**Causing unnecessary  
family separations**

**Contributing to the  
deaths of some children**

# Enabling First Nations children to thrive

## Funding First Nations child and family services (FNCFS): A performance budget approach to well-being

Cost estimate overview of the proposed funding approach.





Aboriginal Affairs and  
Northern Development Canada

Affaires autochtones et  
Développement du Nord Canada

### 2011 DEPUTY MINISTERS' RECOGNITION AWARD NOMINATION FORM

This award may be presented to an individual or a team which, at the time of its nomination, was employed by Indian and Northern Affairs, including members of the executive group, term and casual employees, students or other partners (if applicable).

**DATE(S)**

Mr./Ms.) or Team Name (in both official languages) :

Jordans Principle Implementation Team

Individual Nomination :

Team Nomination\* :

Name of Team Leader : Odette Johnston (AANDC)  
Harrison (HC)

Sector/Region/Organization :

ESDPP/HQ/Social Programs Ref

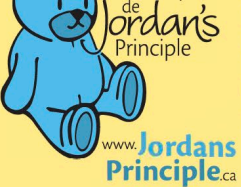
Secteur des programmes

d'éducation



# Canada rewarded discrimination (2011)

[Jordansprinciple.ca](http://Jordansprinciple.ca)



Jordan's Principle is a child first principle named in memory of Jordan River Anderson. It ensures First Nations children receive the public services they need when they need them. Canada is legally responsible for Jordan's Principle.

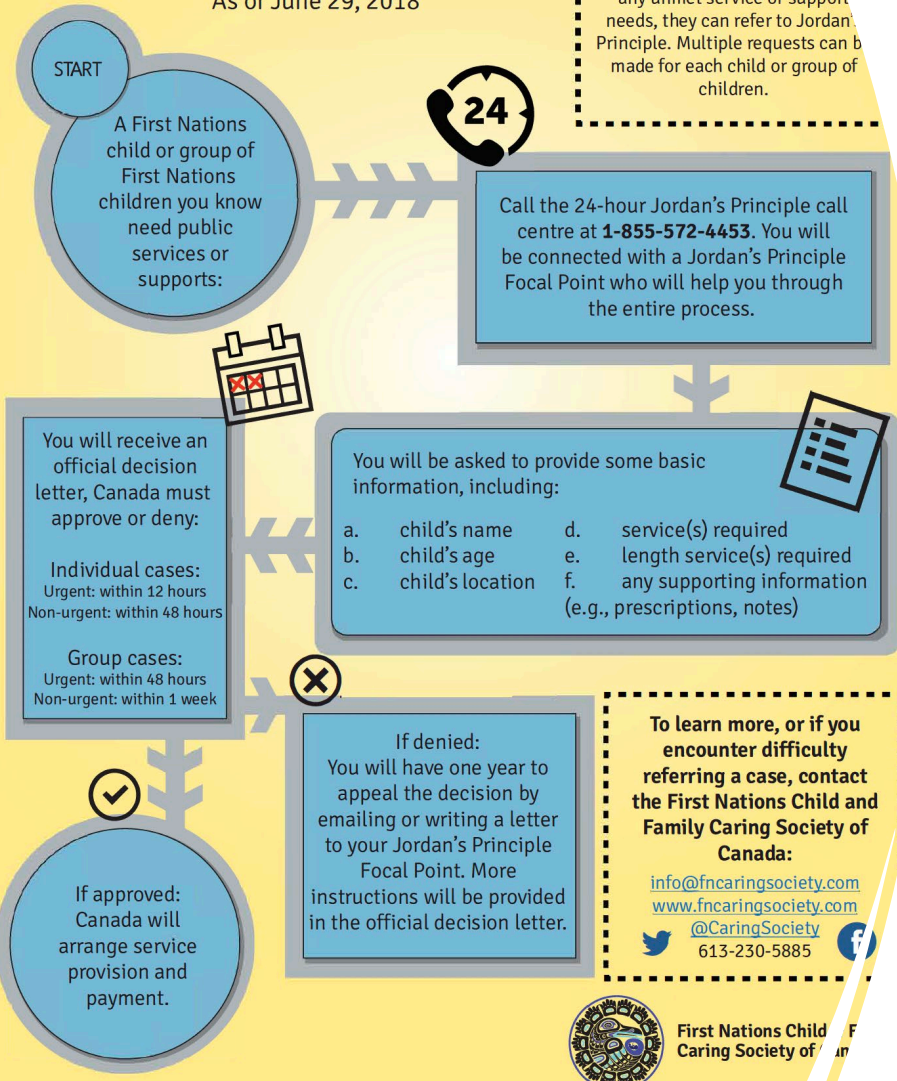
All First Nations children, regardless of their local age of majority, are eligible for Jordan's Principle. A request for reimbursement can be made for a child or a group of children. Requests for reimbursement can be made dating back to April 1, 2007.

## How to access public services and supports through Jordan's Principle

As of June 29, 2018

### What is covered?

All public services and supports that a First Nations child you know is entitled to. If you know of any unmet service or support needs, they can refer to Jordan's Principle. Multiple requests can be made for each child or group of children.



# Request Jordan's Principle Services/Products

- 1-855-JP- CHILD
- 1-833-PJ-ENFAN
- Open 24 hours a day, 365 days a year



First Nations Child and Family Caring Society of Canada

# Jordan's Principle

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Region	Per Capita service/products
Manitoba	3.88
Quebec	3.72
BC	0.13
Alberta	0.9



## 2020 CHRT 36

- Affirms that non status First Nations children resident off reserve who are recognized by their First Nations are eligible for Jordan's Principle;
- This recognition is ONLY for the purposes of Jordan's Principle
- Orders Canada to provide funding to First Nations or First Nations organizations authorized by the First Nation to develop and implement a recognition process;
- Key point– Jordan's Principle is NOT a fixed budget program meaning granting more children help does not mean other children get less.



# Act Respecting First Nations Child and Family Services

Real change or another paper  
tiger?

## Undertakings in Response to Questions from the Assembly of First Nations

**Undertaking #7: Clarify whether for First Nations that choose to exercise their right under the Act, there will be a funding stream for them to provide services to their communities. (similar to undertaking #5)**

There is no funding stream for the long-term operationalization of an Indigenous governing body's law once they begin exercising jurisdiction. Each community will directly receive funding unique to their service delivery model as established in the coordination agreement. The needs and service delivery models will vary in each community, and we cannot fully anticipate at this time what funding will be required to support the operationalization of Indigenous laws.


3. **I appreciate the references to the Charter and the CHRA and the requirements that First Nations ought to ensure programs are non-discriminatory. The missing piece is whether Canada acknowledges its responsibility to provide adequate resources and funding per the CHRT orders to ensure this is achievable. Can you please let me know what Canada's position is with respect to the CHRT orders and the durability of Canada's obligations therein for FN drawing down their own legislation?**

Canada acknowledges that discussions on funding are an essential part of discussions with First Nations planning to exercise their jurisdiction. However, since the Act falls outside of the scope of the CHRT orders, the CHRT orders will not apply to a First Nation that has assumed jurisdiction. Coordination agreement tables will discuss fiscal arrangements relating to the provision of child and family services by the Indigenous governing body, that are sustainable, needs-based and consistent with the principle of substantive equality in order to secure long-term positive outcomes for Indigenous children, families and communities and to support the capacity of the Indigenous group, community or people to exercise the legislative authority effectively.





# Patterns perpetuating discrimination

- **Systemic discrimination** (too complex, be patient, incremental approach, can't change overnight, diminishing/disregarding First Nations experts, codifying inequality at community/family level etc.)
- **Dehumanization of children and families** (i.e.: acronyms, file)
- Intervention in systemic racism **not proportionate to the harm**
- **Reform everywhere but within**
- **Defending versus appraising critique**
- **Mistaking process for an outcome**
- **Overstating and diminishing First Nations involvement** (engagement, partners, discussions).
- **Rewarding conformity to bad ideas and punishing moral courage**



**What  
changed for  
kids because  
of the CHRT  
case?**



- 1. Nearly 800,000 services, products and supports provided to First Nations children that they would have otherwise not received.**
  - 2. First Nations child welfare budget doubled with an annual increase of about 600 million. Some First Nations agencies in BC received their first increase in the prevention budget in 28 years.**
- 



# What is left to do?

**Capital decision under reserve**

**Non-compliance motion on First Nations served by provinces underway**

**Improve federal compliance with existing orders**

**Long term program reform for both child and family and Jordan's Principle**

**Appeals and ombuds functions to ensure accountability**

**Dealing with Canada's two appeals (Jordan's Principle off reserve and compensation).**





## Spirit Bear Plan

### End Inequalities in Public Services for First Nations Children, Youth and Families

First Nations children and families living on reserve and in the Territories receive public services funded by the federal government. Since confederation, these services have fallen significantly short of what other Canadians receive. This injustice needs to end and Spirit Bear's Plan will do just that.

#### Spirit Bear calls on:

- 1 CANADA** to immediately comply with all rulings by the Canadian Human Rights Tribunal ordering it to immediately cease its discriminatory funding of First Nations child and family services. The orders further require Canada to fully and properly implement Jordan's Principle ([www.jordansprinciple.ca](http://www.jordansprinciple.ca)).
- 2 PARLIAMENT** to ask the Parliamentary Budget Officer to publicly cost out the shortfalls in all federally funded public services provided to First Nations children, youth and families (education, health, water, child welfare, etc.) and propose solutions to fix it.
- 3 GOVERNMENT** to consult with First Nations to co-create a holistic Spirit Bear Plan to end all of the inequalities (with dates and confirmed investments) in a short period of time sensitive to children's best interests, development and distinct community needs.
- 4 GOVERNMENT DEPARTMENTS** providing services to First Nations children and families to undergo a thorough and independent 360° evaluation to identify any ongoing discriminatory ideologies, policies or practices and address them. These evaluations must be publicly available.
- 5 ALL PUBLIC SERVANTS**, including those at a senior level, to receive mandatory training to identify and address government ideology, policies and practices that fetter the implementation of the Truth and Reconciliation Commission's Calls to Action.

#### SHOW YOUR SUPPORT!

-  **SPREAD THE WORD ON TWITTER** using #SpiritBearPlan and copy @CaringSociety
-  **CONTACT YOUR MEMBER OF PARLIAMENT** and ask them to support the
-  **CONTACT US** to learn more at [info@fncaringsociety.com](mailto:info@fncaringsociety.com)

# Spirit Bear Plan to end all inequalities in First Nations public services

# Spirit Bear and Children Make History (2020)

- Produced by Spotted Fawn Productions
- Based on the true story of how children of all diversities came together to stand for justice during the Canadian Human Rights Tribunal.
- Shares the story of Jordan's Principle
- For more information contact [info@fncaringsociety.com](mailto:info@fncaringsociety.com)



## SPIRIT BEAR AND CHILDREN MAKE HISTORY

The FIRST NATIONS CHILD FAMILY CARE SOCIETY and SPOTTED FAWN PRODUCTIONS presents  
SPIRIT BEAR AND CHILDREN MAKE HISTORY, a film by AMANDA STRONG  
Based on the book "SPIRIT BEAR AND CHILDREN MAKE HISTORY" by CHRIS BLACKSTOCK and CORY BURROCK  
WRITER: HANSE CORLETT | Director of Photography: TORRANCE ALBERT | SHAWNEE COUNTY: FRED WINDSH | BREWSTER CLARK | Lead Animator: DEANNA PETERSON-SOYD | Lead Puppet/Fabricator: COTI HAYES  
Original Score & Sound Design: DIB DRECHER | PRODUCTION DESIGNER: STELLA DE ROSA | COSTUME DESIGNER: JOSEPH WORMAY | Visual Effects Artist: ANDREW BLAKE MCDONNELL  
Executive Producer: CHRIS BLACKSTOCK | ANIMATING STUDIO: HILL AND HILL | LEAD ANIMATOR: ANJELA JONES | ANIMATOR: JAMES T. BLUMBERG  
Directed and Edited by AMANDA STRONG  
Special thanks to the creators of I Love My Bear (Spit Bear Theme Song)  
and much love from Oak to First Nations, Tule First Nations, and 1000' What We First Nations and Lake Babine Nation and David Hughes at the top

# Spirit Bear's COVID Plan

- To support children, families and professionals to exercise public health guidelines during COVID such as self-isolation and social distancing, Spirit Bear is featuring a new campaign **#Hibernating4health**
- Every few days, Spirit Bear posts a free activity children can do alone at home to learn about reconciliation and take part in making it a reality.





# Bear Witness Day

- May 10
- Bring your bears to daycare, school or work and post online using **#JordansPrinciple** and **#BearWitnessDay**
- Don't forget to tag **@SpiritBear**



# fncaringsociety.com

🐦 @CaringSociety

📘 CaringSociety

📺 fncaringsociety

📷 spiritbearandfriends

🐦 @SpiritBear



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