



Is this our Canada?: examining the systemic disadvantage undermining the safety of First Nations children and highlighting strategies to overcome this

BY: CINDY BLACKSTOCK



What a great honour to be on the lands of the Central Arrernte people; to be here surrounded by the spirits who have guarded our ancestors for thousands of years. I think it was no mistake, as I flew here on Air Canada and out of my window I saw a rainbow as I landed in Sydney. I come from a land far away from here and yet we were bound by the same type of history. I come from a place called Canada which is actually Kanata. It's a First Nations word meaning village. But the reality is in our country, one of the richest countries in the world, is that as I stand here the Government of Canada is on trial, to account for the racial discrimination of First Nation's children. Our spirit's time has come. Our ancestors who died in the residential schools in Canada, who lost their languages because our government thought they had something better to offer, who stopped our children from being raised in their communities, call to us and insist that those tragic times end with this generation. There is no longer any room for racial discrimination of Indigenous children by governments. All of us together around the world are going to make this happen for every Aboriginal child so

that they can grow up safely in their families, in their nations, in their lands, proud of who they are and what they have to give as a unique gift to the rest of the people of the world.

As in your country, our government has apologised; it's pretty good at that. It has a lot to apologise for and in 2008, after residential schools operated in our country from the 1870s to 1996, our Prime Minister stood before the country and he offered these words. He said, "we now recognise that in separating children from their families we undermined the ability of many to parent and we sowed the seeds for generations to follow and we apologise for having done this". These were welcome words for people who had been in residential schools including members of my family. But to Prime Minister Harper, I say this, there are many definitions of reconciliation, but what counts to me is not saying sorry twice. The way that you treat our children today is the biggest marker of whether you understood what you apologised for in the first place. That is the measure.

Canada is a country that I'm proud to come from, the nation is founded on principles of equality, fairness, justice and freedom. When you see the maple leaf flag waving in the wind, that's what our country wants you to think about and that's what I want to believe about the place where I come from too. But when countries fail to stand up for the values that define them the most it is up to us as citizens to make sure they do not stand in hypocrisy. So I have a rating scale for countries that guides when I can criticise them and I start out at the top and I say, you know, it's not fair to criticize Canada about discrimination unless it knows it's racially discriminating against kids, and it does. It's not fair to talk badly about Canada unless it also has solutions to deal with the racial discrimination and it does. It's not fair to talk badly about Canada unless it has the resources to deal with it and it does. These are difficult financial times but money seems to appear when the government wants to host the richest eight nations in the world and spend 1.2 billion on security, or when the government wants to put signs up everywhere saying how they are spending our tax dollars in hopes that they get more votes; they spent \$43M. They have no money unless - the government of Canada wants to build a fake lake in a convention center so media attending the G-8 media could get a feel for Canadian life by the lake. The fake lake was just blocks away from one of the Great Lakes in Ontario - one of the largest lakes in the world. Well the good people of Canada thought this was a waste of money and some of the people from our communities thought that if the Canadian Government really want to give people from around the world a good sense of what it's like to sit around the lake in Canada, we should all collect up a bunch of black flies and mosquitoes and let them loose in there too! That's the real thing. So our government has the money to deal with racial discrimination against First Nations children just like your government has the money. Canada has simply chosen to use the funds for fake lakes and other expenses instead.

If a country knows it racially discriminates, as Canada does, has solutions and has resources to deal with the problem and chooses not to then it slips into questions of morality. When our government, and I would suggest from my brief visits here, you know better than I would, and your government too has made the conscious choice, not to treat aboriginal children in this country with the level of respect and dignity and equity that they deserve. That is a question of moral conscience. In the case I'm about to tell you about the Canadian government not only is not dealing with the inequality- it is fighting for the right to continue racial discrimination against little kids. It is fighting for the right to do that.

Now how does this all happen, this racial discrimination? Well, in Canada, we have things called Reserves. Provincial/Territorial child welfare and education laws apply on and off reserve, but the federal government is supposed to pay for services on-Reserve and when they don't or do so to a lesser standard the provinces/territories do not top it up resulting in a two tiered child welfare system where First Nations children get less.

In my own country 27,000 children are spending the night away from their families - three times the number who were in residential schools at the height of their operation. Are they in child welfare care because they are unsafe? Are they better off in foster care? Because that's what the child welfare has been created to think. That when we walk into these families where things are so desperate and we take the children we assume we have a better place for them. Many of you in this audience have done child protection work. I have done it too for over a decade and one thing I understand is that we don't remove children from at-risk situations with their families and put them in good Utopic places. What removal is all about is trying to balance whether the risk they face in their families is worse than the risk that they face growing up in care and my own belief is that there are very, very few children who we should be removing from their families; not 27,000 and not at 6 to 8 times the rate of other children. The reason that First Nations children are over-represented in child welfare care is not abuse. It is neglect, but not neglect in terms of I have all the skills to parent and choose not to it is neglect fueled by poverty, poor housing and caregiver substance misuse linked back to residential schools. It's neglect magnified by inequities in service access across many domains as the government creates a perfect storm of disadvantage. When we walk into poor homes what do we in child welfare often do? We walk in there as child protection and I see that you have a home without any drinking water, without any sewer, without any heat and -45° temperatures (that we have in Canada) and I say to you let's send you the parenting skills. In doing this, we codify government discrimination as an individual deficit for our parents and our parents sadly take

that on board because they have all kinds of messages from society that Aboriginal peoples are failures as parents. It is not true.

Poverty, poor housing and caregiver substance misuse that can be linked back to the ravages of residential schools. That's what drives First Nations children into care. It's not parenting skills, it's not the fact we don't want to parent, it's not the fact that we don't care, it's not the fact that we don't love them, because we love them more than anything. That's why we have fought so hard and so long to ensure they have the same resources to be safe and nurtured as other children enjoy. It's because we love them. It's because our governments have created a perfect storm where it makes it so much more difficult for us to care for them and instead of dealing with those government policies undermining the ability of our children to thrive and succeed child welfare too often pins the responsibility on the parents.

Now the good news is, we know how to deal with these issues. If you're poor and you don't have any food, we can make sure you have food and we can teach you how to prepare food and we can decontaminate the grounds where you live so that you can enjoy your hereditary foods. We know how to deal with these issues. These are solvable problems.

I hate it when the government officials often say to me, well Cindy, Aboriginal issues, (they often call us 'issues'), are complex. That's government code for saying they're not going to do anything about it. This is not rocket science. This is stuff that we've always known. Everybody has a right to a good house, everyone has a right to their culture, everyone has a right to their language, everyone has a right to clean water, everyone has a right to be able to feed their child nutritious food. That is what is needed and none of it is complex or unsolvable.

So what does this storm look like of discrimination against Canada? It is lived out tragically every day in the lives of children. This is particularly the case as Canada and the provinces buck pass when it comes to funding First Nations services otherwise available for other children. Canada calls this buck passing - jurisdictional disputes between the provinces and the federal government. Jordan River Anderson was born in Norway House Cree Nation in 1999 to Ernest and Virginia Anderson. They have other children. This baby had complex medical needs and Mum had to go 500 km to the south to give birth to him. Many of you who live in remote areas know this experience where you have to go away from your family to get that critical medical care that you need and the family sacrificed and they did just that. And Jordan had to stay in the hospital for over two years because it was medically required to do so. So his Mum stayed with him and his Dad went back to Norway House to parent the other eight children. Together the children and the community, rallied so that everything was ready when doctor said Jordan could go to a family home.

And just at his second birthday that magic moment arrived. We have all been there. No matter what culture you are, no matter what race, what religion, we all know that wonderful feeling when a new baby comes back from hospital. And the doctors were thrilled. Everything was ready. The government of Canada said good deal, and even better because we're not paying for it. The government of Manitoba said good deal and we're not paying for it either. If Jordan was non-aboriginal he would've gone home but because he was First Nations, the bureaucrats decided to leave this little baby in the hospital while they argued over each expense related to his at-home care. It was at least twice as expensive to leave Jordan in hospital and I needn't tell you, any of us who have been in a hospital know, that the very best place for all of us is really back home. Well the government kept on saying we're having case conferences, we're doing the very best we can, just be patient with us, it's going to happen- he will go home, maybe the next conference, we just have to get the authority of the person higher up. Meanwhile Jordan saw days turn into weeks and weeks turn into seasons from his hospital room window. Spring came and it went and the glare of the sun from summer came into his window. He heard the stories of other little boys who came into his room and got better and got home. What it felt like, to put your feet in the lake water or what it is to feel the fur of a big dog, or to feel rain on your face as you look up. The people closest to Jordan say he died of a broken heart. He waited over 2½ years in that hospital for the governments of Canada and the governments of Manitoba to do the right thing before he slipped away into a coma and passed away. And what about his family? Well his loving mother had been sober for 11 years and she was sober during the time when Jordan was in hospital, but the stress of it all was too much and she dies from her addictions that she had returned to to escape the pain of seeing her child in the hospital, in a Winnipeg bus shelter six months after her son died. And what became of the family? Ernest Anderson, Jordan's father, reached out behind all that grief and he said this is never to happen to another child in this country or anywhere in the world. Children come first and bureaucrats come second and red tape comes third. Children are always first.

So, in Jordan's memory, we created Jordan's Principle that says where a service is available to every other child and some kind of government red tape is getting in the way of that service, the child's needs get met first and they can argue as much as they like, as long as they like, after.

Well, Ernest Anderson, he worked with us all that time and then the grief overtook him and he too turned back to addictions and his other children were taken into foster care. Now who's neglect is that? Who's neglect is that? And, as Ernest said recently, he said I'm getting stronger now and his greatest wish is that Jordan's legacy of equality be lived out in the lives of indigenous children around the world and so I share with you this story in honour of the Anderson family.

But that isn't the end of the inequalities experienced by our kids. You see Canada short-changes them. No matter what they're doing. First Nations children get approximately 30% less for elementary school education and 70% less for secondary education and then only 1 in 4 graduate from highschool. So instead of dealing with this equality, Canada is spending that money to host the G8 or build fake lakes and they don't want you to see this undercurrent of inequality where they are pulling down the potential of our kids to succeed. And they also feed into a stereotype. Some people say our kids want to grow up to be on welfare. Well, you know one of the things that I've been so honoured to do is to visit with our communities all over the country and I've talked to thousands of children and young people. Not one of them, so far, has said my dream is to grow up to be on welfare! They want to grow up to be grass dancers and artists and doctors and nurses and teachers. They want to grow up to be great mums and dads and uncles and aunties. They want to grow up to be great neighbours. They want to uplift the non-aboriginal people in their country and the peoples who are struggling around the world. They want to soar on the wings of their ancestors to create a future we could all feel proud of, but they can't get there if Canada does not give them the opportunity they need to succeed.

Remember I started out saying that the government of Canada knows about the problem, they should deal with it? What I am showing you now are excerpts from Canada's own documents describing the under funding of child welfare on reserves as "circumstances are dire." What they're talking about here is the under-funding of child welfare services. They provide about 22% less for First Nations kids to live safely in their family homes than all other children enjoy. Canadian government documents describe this funding inequality as legally defensible but go on to say they are worried about claims coming from the children themselves when they get older. You know, there's individual officials within government have good moral character and I uplift them and I thank them. But as a system, I think the government acts more like a sociopath motivated by self-interest versus the public good. It forgets what we're talking about here are little kids and their families, they're real people with real potential. Call me crazy, but I think the first thing they should be concerned about is the fact that their racially discriminating against little kids instead of getting their butts sued by the kids as they grow up damaged and not having an opportunity to contribute to our country.

So, I spent 10 years sitting around the table with government officials trying to make things better, creating not one, but two, solutions and then a third came by. We sat at those tables. I used to be the youth representative at that table. Now some of you are giggling so you know time has passed! I have to wear reading glasses now and my own sense was if I stayed at that table I think I could've been the Honorary Elder, if not the Ancestor, before they did something that was the right thing for kids. We all have

to exercise caution. How long are we going to sit at those tables in those voluntary processes developing solutions with governments that too often go unimplemented. How long are we willing to sit there? Because, as we do, a generation of children is growing up around us and during the time when we sat at that table the percentage of First Nations kids going into foster care increased 71½%.

My organisation is the only national non-profit organisation in our country for aboriginal children and we have four staff. We used to receive about 50% of our funding from the government of Canada and we came to a place where we had to make a decision. Do we continue to sit around the tables and talk to them and put out glossy brochures with the government of Canada at the bottom because if we did that I am sure that we'd have a lot of funding and a lot of staff. Or do we take them on and risk our organisation to ensure that the kids of this generation do not go without being treated with equality. Well, I'm a girl from the bush, and I'd grown up with the ethic that I'd rather die on my feet than live on my knees so we filed a Human Rights complaint against Canada and we've lost all of our federal government funding! I would do it again in a minute because that is our job - to put children before our own interests as an organization.

You know the great Dennis Brutus, he's an Elder whose now passed from South Africa. Dennis said the crux of Human Rights work hinges on how much trouble are you prepared to get into to defend the values and the people that you say you care about the most? We must stand up.

So this Tribunal is not one of those things where you can just have a bunch of recommendations that sit on a shelf; we've all been a part of those. This actually has the power to order the government of Canada to treat these kids equitably and that's an important part. And you can see the process here. We filed it in 2007 and one of the things that's really important to understand is that the government of Canada is not fighting this thing on the substantive merits of the case. It's using a legal loopholes to avoid public and legal accountability for its treatment of children. The legal loophole is that Canada contends it only funds First Nations child welfare and others deliver it. If there is any differential treatment between First Nations and other children it is the service delivery people who should be held responsible. Now that's splitting hairs isn't it? you cannot provide equitable services if you are not resourced to an adequate level. The government of Canada has put that case twice to the Federal Court to try to derail a public tribunal hearing on the merits and they've lost both times. In apparent desperation, they filed the another motion to dismiss the public hearing on the merits at the Canadian Human Rights Tribunal on the funding is not a service issue. That case was argued on June 2nd and 3rd 2010 in Ottawa and we are awaiting the ruling.

You see my goal with Prime Minister Harper is not to change his mind. It's to make him famous for whatever he does. My greatest heroes are all ex-convicts- Nelson Mandela,

Muhatma Ghandi, Martin Luther King and many of our Elders who fought to keep our children at home. People who stand up against racial discrimination times when many others are silent. Prime Minister Harper, this is your moment. Are you going to choose to racially discriminate against this generation of First Nations children or are you going to make the choice to truly breathe life into the apology and ensure this is the first generation ever to be treated with culturally-based equity by the government of Canada? It is a matter of conscience and I don't know which way he will decide, but I am going to make him famous no matter what decision he makes and you are going to help.

We have something called the 'I am a witness' campaign at www.fnwitness.ca We invite caring people from all over the world and organisations to sign up to say you are going to watch the Tribunal, you will listen to what our government says, you will listen to what we say and together as a world we are going to pass judgement on the government of Canada and on governments like Australia on the basis of how they are behaving toward Aboriginal children and their families and their Nations today. So we have over 6,000 people signed up as witnesses making this case is the most formally watched court case in Canadian history. Many caring non-Aboriginal people have also attended at the hearings and here is what some of them had to say Now this is a 14 year old kid, who is non-aboriginal, who comes to the Tribunal and this is what she thought of it. She said, "he, Canada's lawyer, presented himself and his argument very poorly. It almost seemed like he was trying to evade responsibility. To him it may have been just another case, but to some, including the students of Elizabeth Wynwood, it was life. It was the beginning of what could be a real breakthrough in our society."

And here's another student who says "I wanted to say that when I first started the process of being a witness I only heard the First Nations side of the story, but after being there for both days I realised there is NO other side of the story."

And you see those t-shirts, well they were a 14 year old little girl who designed those t-shirts and I'm so thankful my colleague Andree Cazabon(?) is here, you'll see some short films on the I am a witness website where the youth and other witnesses describe their experiences of witnessing the tribunal. You will also hear from a young woman who designed the I am a witness t-shirts. We also invited some of our colleagues in children services to attend the tribunal.

Now this person has never been really concentrated on First Nations peoples before so she came to learn more and she said I felt ashamed by a lack of action on behalf of the federal government and its focus on legal loopholes and she "came to realise that the dynamics of what transpired

in those two days [in the tribunal room] were a microcosm of what has been happening in this country [Canada] for centuries."

I'm happy to tell you that last week, at our Assembly of First Nations, which is our national political organisation, the Chiefs passed a resolution authorizing another Human Rights complaint against the government of Canada for racially discriminating against our children in education. So stay tuned for 'I am a witness Phase 2'.

Because we are not going to give up. Our ancestors have given us a legacy. We have a job to do and that is to ensure that our kids, from this moment forward, are no longer the casualties of society. They are uplifted as valued citizens in a world that embraces Aboriginal peoples as much as they embrace our Aboriginal art. That the dot paintings on the Qantas uniforms are just a symbol of how much they embrace the intelligence, the wisdom, the stories, the richness of the Aboriginal people in this country. That is when I'll feel proud to walk on Australian soil.

I don't think we understood when we filed this complaint how much it would light the candles of hope of our community members. So often we've lost hope. Fighting this case for our children together, I stand here only as one person, but please trust me in knowing that the success I talk about here is because of the thousands of people and the breath of our ancestors and the spirits are guiding us forward. There have been so many times when we could have gone wrong and the right person has stood up to help. So many times when we did not know what to do and the right answer came. I want to bring to you a message of hope as well. On our website there is 7 brief ways you can make a difference for indigenous children in Canada and through the great work of SNAICC there are ways that each of us today can improve the lives of Aboriginal children in Australia and indigenous children around the world.

When I get older, when I get stronger, there's little voices all over the world singing that song. Our spirit's time has come. I call to my ancestors. A little 5 year old boy who never knew what it is to be treated equitably called Jordan River Anderson; a 15 year old little girl who died trying to go to school after fighting for education rights for First Nations' children called Shannen Koostachin and to the thousands of ancestors who dreamed of the day that is coming now. This is the moment when laughter replaces sorrow, when peace replaces hardship, when freedom replaces oppression, when equality replaces discrimination. Spirit's time has come. Rise up and get into a lot of trouble for doing the right thing – because the children are counting on all of us.

Thank you so very much.

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This national organisation seeks to promote, and support, First Nations child and family service. A member of the Gitksan Nation, she has worked in the field of child and family services for over 20 years. Key interests include exploring the over representation of Aboriginal children in child welfare care, structural drivers of child maltreatment in First Nations communities, and human rights and the role of the voluntary sector in expanding the range of culturally and community based responses to child maltreatment.

Her current professional interests include serving as an Atkinson Economic Justice Fellow, J.W. McConnell Family Foundation Social Innovation Generation Fellow, and a board member of the National Aboriginal Youth Organisation.