

# Spirit Bear's Plan to end discrimination towards First Nations children

Presented by Cindy Blackstock, PhD  
February 18, 2021



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

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, Inequalities, 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

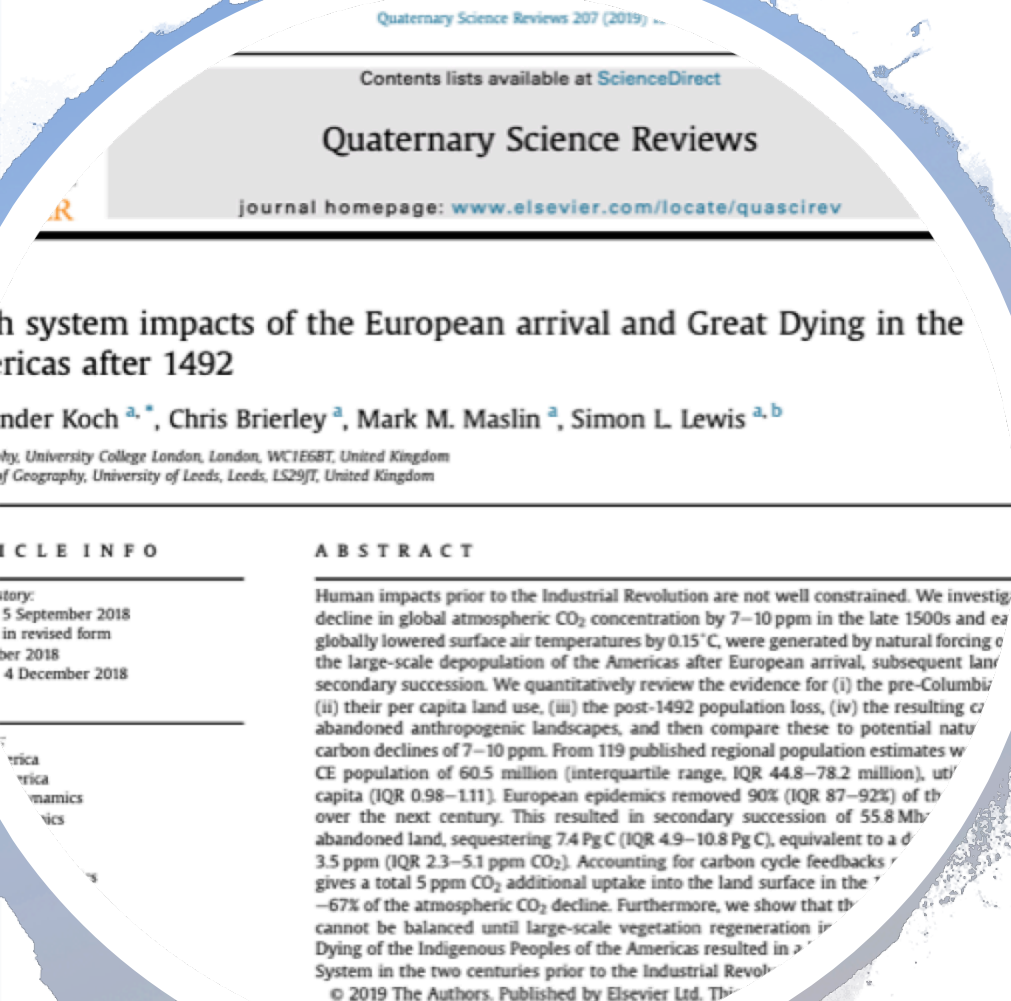
Governance

# 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

# 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



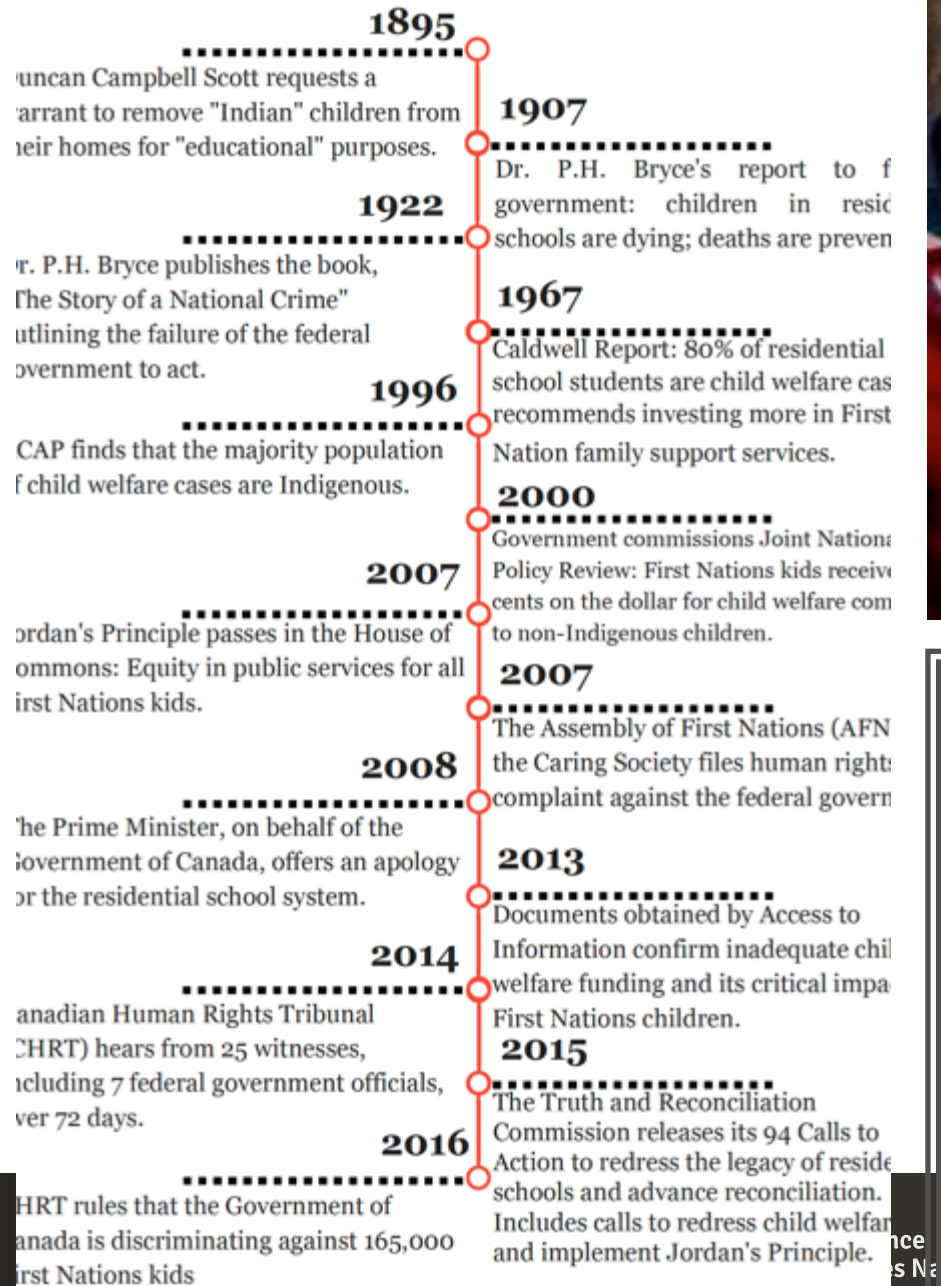


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# Indian Act

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





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



P.R.  
SEVEN



## COMES OUT FOR TARIFF REFORM

## LOCAL BRIEFS

—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 Aldermen attending the meeting in the Board of Trade & Aid. led. a home id next hall at he Wo.

## SCHOOLS AID WHITE PLAGUE

Startling Death Rolls  
Revealed.

## —AMONG INDIANS

Absolute Inattention To  
Bare Necessities  
of Health.



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."

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Express C  
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wa in lower town.  
at the above address  
west off a business  
trip.  
o Collins, mentioned  
unknown, the only  
in the directory  
of the public work  
one of whose family

ch, of Hintonburg  
the C. P. R. and is  
of the locomotive crew who  
death. He resides on the Rich-

A SAD TRAGEDY.  
to the Evening Citizen—  
Nov. 15.—D. A. Clark, the  
messenger who was killed in  
k, lived at 153 Laporte street.  
He was a native of Ganse,  
before coming to Montreal a  
spent several years in Ot-  
had been married nearly two

## Competition.

Col. Mansbury 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 winter is coming on and Canadian skating competitions are likely to take place very shortly, it

posal lost its force? "No," came the answer. "And it gained force." "Yes," was the reply. "You have given me your answer I agree with that," answered Mr. Balfour. (Tumultuous cheering.) 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 West-  
ington, is in the city on departmental  
business.

High Wm. Harry, M.P., Kingston, is  
here on business with the department

In his report upon the Indian board-  
ing schools in Manitoba and the North-  
west, Dr. P. H. Bryce, chief medical  
officer of the Indian department, em-  
phasizes the absolute necessity for  
greater care in the selection of pupils  
and for sanitary precautions in the  
schools to prevent the spread of dis-  
ease. During his recent tour of inspec-  
tion Dr. Bryce instructed the principal  
of all the schools to report to Otta-  
wa 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  
glancing 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 absolutely  
accurate statement, 88 per cent. of ex-  
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



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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

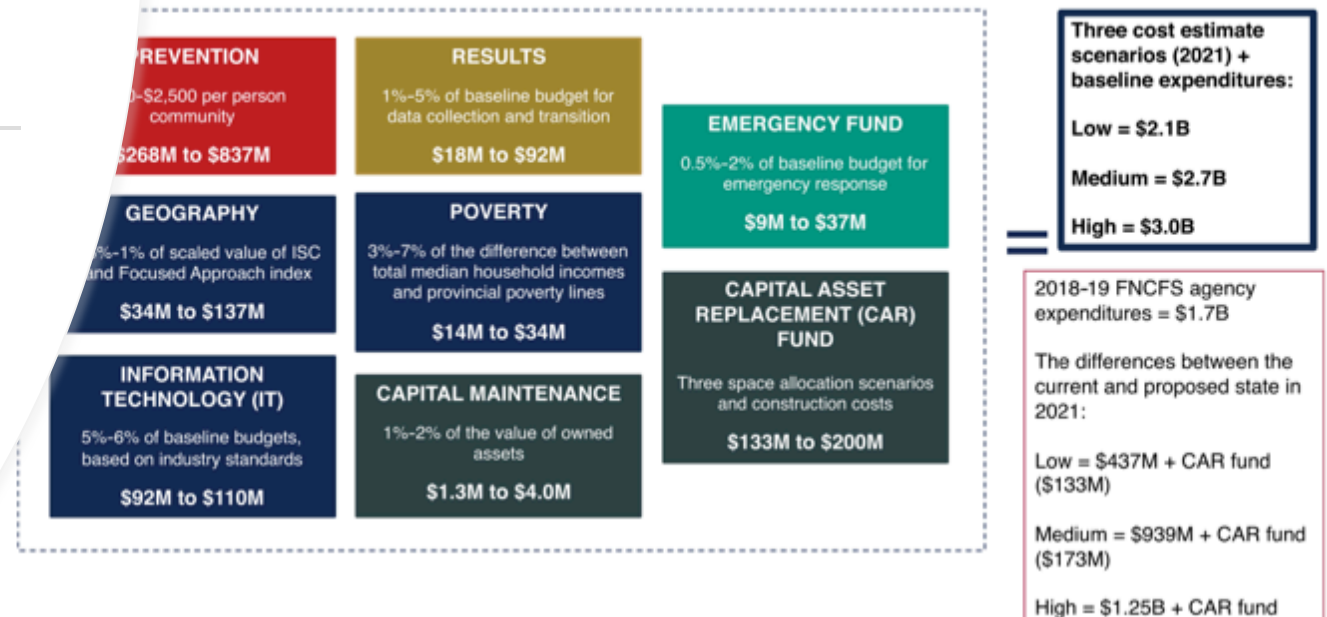
Contributing to the deaths of some children



# 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

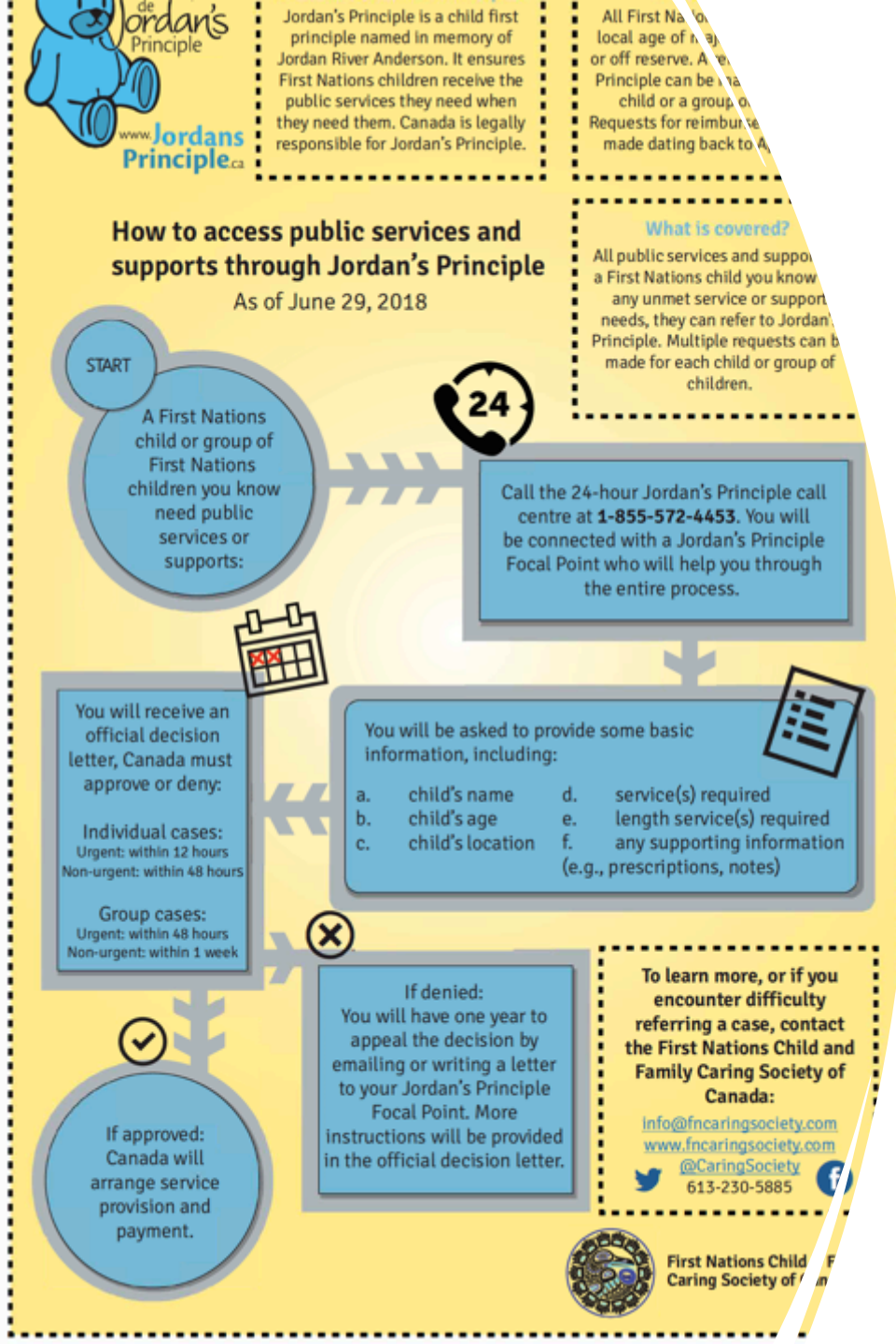
Secteur des programmes

d'éducation

# Canada rewarded discrimination (2011)

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





# Request Jordan's Principle Services/Products

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

# Jordan's Principle



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

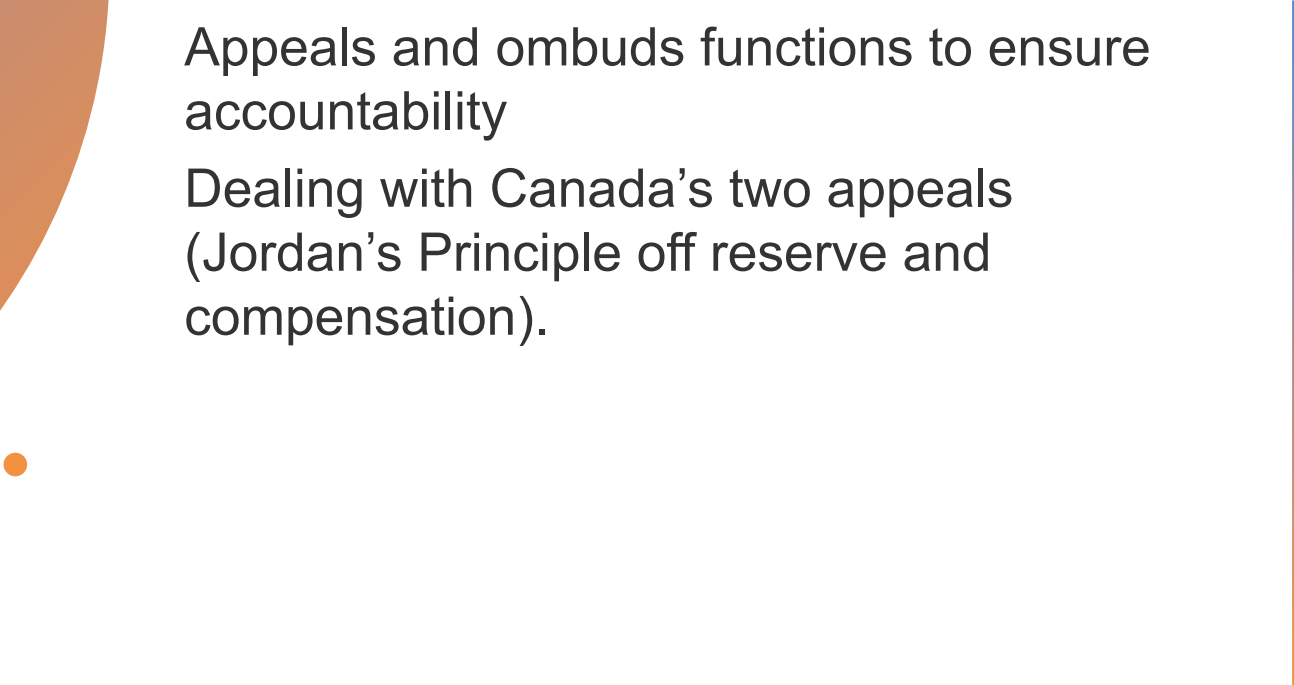
Non-compliance motion on First Nations served by provinces underway

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'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.





# 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)



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