

WHAT IS THE HISTORY OF THE GOVERNMENT'S PROVISION OF CHILD WELFARE SERVICES TO FIRST NATIONS?

Canadian Human Rights Tribunal on First Nations Child Welfare

Child Welfare Tribunal

In 2007, the First Nations Child and Family Caring Society and the Assembly of First Nations filed a complaint against the federal government of Canada, alleging that child welfare services provided to First Nations children and families on-reserve were flawed, inequitable and discriminatory. They ask that the Tribunal find that First Nations children are being discriminated against and order appropriate remedies. The government countered this, stating that its services cannot be compared to those provided by the provinces/territories and that they do not offer a service in accordance with the Canadian Human Rights Act. Accordingly, the government asks that the case be dismissed. The Tribunal began hearing evidence in 2013 and a ruling is expected in mid-2015.

Residential schools

The Canadian Human Rights Commission (Commission) considers it important to view the current child welfare system within its broader historical context, particularly the history of residential schools. Beginning in the 1850s, policies gradually increased in severity until a system of off-reserve schools was put in place in 1879, without the support of First Nations. Funded by the Canadian federal government and initially administered by Christian churches, these boarding schools were set up to remove children from their homes and fully assimilate them into Canadian culture, thus disconnecting children from their language, culture and traditions. Many of the residential schools were located in western Canada, with some in Ontario and Quebec, and one in eastern Canada.¹

The Assembly of First Nations (AFN) outlines some of the serious grievances suffered by First Nations children in the residential school system:

- Underfunding led to overcrowding at the schools, lack of nutritional food, lack of adequate clothing and proper hygiene, and the spread of diseases such as tuberculosis.
- Children were separated from their parents and families, unable to speak their own languages or practice their cultures.

What are some of the impacts of residential schools on survivors?

- Individuals who attended residential school and experienced adversity early in life report higher levels of psychological distress and chronic physical health conditions than those who did not attend.
- The lack of positive parental role models, and love and affection, in the schools meant that some students learned negative patterns of neglect and abuse, rather than positive parenting skills.
- Loss of language, culture and traditions, specifically around traditional child-rearing.

What are some of the intergenerational impacts of residential schools?

- The lack of positive parenting skills learned at residential schools and an inability to transmit their language and culture directly impacted residential school survivors' capacity to raise their children and grandchildren.
- Children and even grandchildren of residential school survivors are at a greater risk of health and mental health issues, including suicide.*

The federal government's apology

In June 2008, Prime Minister Harper offered a full apology on behalf of Canadians, for the residential school system. The apology included the following passage:

*"To the approximately 80,000 living former students, and all family members and communities, the Government of Canada now recognizes that it was wrong to forcibly remove children from their homes and we apologize for having done this...The government now recognizes that the consequences of the Indian Residential Schools policy were profoundly negative and that this policy has had a lasting and damaging impact on Aboriginal culture, heritage and language...The legacy of Indian Residential Schools has contributed to social problems that continue to exist in many communities today." ***

- Many children suffered physical, mental, emotional and/or sexual abuse. Almost all children suffered from neglect.
- Rather than receiving an education as intended, children were forced to work to maintain the underfunded school system.² (AFN)

The 'sixties scoop'

According to the Commission, the government began to close the residential schools around the 1950s, instead keeping day schools open and transitioning some children to the public school system. The transition to day schools occurred around the same time as the government's imposition of child welfare on-reserve, and what is commonly known as the sixties scoop.

The federal government never enacted child welfare legislation, but instead entered into agreements for the provinces to deliver child welfare services to First Nations on-reserve, under their own legislation and standards. Services varied, but were often minimal and not delivered in a culturally appropriate manner. As a result, the child welfare system removed thousands of children from their homes due to perceived neglect resulting from poverty, cultural differences and the residential school legacy. According to seminal research on the sixties scoop, the percentage of First Nations children in the care of provincial/ territorial child welfare systems was close to 0 in 1950. By 1980, status First Nations children, who made up 2% of the nation's child population, represented more than 12% of the children in care, and this overrepresentation was magnified many times over in specific provinces.³

The Commission notes that, according to the federal government's department of Aboriginal Affairs and Northern Development Canada (AANDC) social workers, many "neglected" children were placed in residential schools, which effectively became child welfare institutions.

The beginning of the First Nations Child and Family Service program

By the early 1980s, First Nations peoples began to voice their objections to provincial practices and their desire to reclaim child welfare on-reserve. Ad hoc First Nations agencies began to operate on-reserve in the 1980s with funding from the federal government, but these arrangements were inconsistent and unregulated.

To manage this, AANDC developed the First Nations Child and Family Service (FNCFS) program in 1989. There were 2 types of agreements developed to facilitate the provision of child and family services to First Nations children on reserve: agreements with provincial and territorial governments and comprehensive funding agreements with FNCFS agencies.

In the early 1990s, AANDC implemented policy regarding the administration of the FNCFS program, called Directive 20-1. The underlying principle was the "expansion of First Nations Child and Family Services on reserve to a level comparable to the services provided off reserve in similar circumstances".⁴ In addition, services were to be provided in accordance with the applicable provincial child and family services legislation in each region. Directive 20-1 laid the framework for current child welfare policies and programs for on-reserve First Nations children.

To view the final submissions to the Canadian Human Rights Tribunal on First Nations Child Welfare in full, please visit: <http://www.fncaringsociety.com/final-arguments>.

Suggested Citation: Currie, V. & Sinha, V. (2015) What is the history of the government's provision of child welfare services to First Nations? CWRP Information Sheet #147E. Montreal, QC: Centre for Research on Children and Families.

¹ Summarized from the Canadian Human Rights Commission Factum.

² Summarized from the Assembly of First Nations Factum.

³ Summarized from the Canadian Human Rights Commission Factum and Johnston, P. (1983). Native children and the child welfare system. Toronto: James Lorimer and Company.

⁴ Summarized from the Canadian Human Rights Commission Factum, including quote from Directive 20-1, CHRC BOD, Ex. HR-01, Tab 2 at p. 2, section 6.1, #84 page 27.

* Summarized from the Canadian Human Rights Commission Factum.

** Quoted from the [AANDC website](#).