

Why not use Ontario and Quebec's child protection laws?

Ontario and Quebec has systemic oppressive and intrusive regulations for child protection.

In Ontario:

- In Ontario, the population of First Nations people is 4.1%.
- First Nations made up 30% of the children in Foster care.

There is something wrong with this statistic: Indigenous children are more likely to be in foster care. This "over-representation" are true for almost all areas of child welfare decision-making. This fact shows discrimination and racism toward First Nations in the area of child protection.

Historically, Canada's assimilation practices are "systemic" (part of the system):

- Residential schools
- Sixties Scoop
- Loss of language
- Loss of culture

This systemic practice is a form of cultural genocide against Indigenous families and communities. This practice led to multiple negative, social and economic factors:

- low levels of education
- high levels of unemployment
- extreme levels of poverty
- inadequate housing
- health disparities

As a result, several studies from the Canadian child welfare data found 'neglect' as the main reason Indigenous children enter the child welfare system. Neglect is associated with the household and caregiver factors that stem from chronic family concerns such as poverty, poor and unsafe housing, substance abuse, mental health issues, and social isolation. 'Neglect' only is six times higher for First Nations children than that of non-Aboriginal (First Nations) Children.

Discriminatory Practices

In 2016, the Canadian Human Rights Tribunal (CHRT) found that the federal government discriminated against First Nations children on reserve. The CHRT stated the federal government had discriminatory practices by not providing adequate funding for prevention services but gave incentives to agencies by placing First Nation children into care. The higher caseload for the Child Welfare agencies, the more likely the children were placed in care.

The issue has been attributed, in part, to unequal access to available resources for housing, water and sanitation programs.

Some studies found that Indigenous children were more likely to be transferred to ongoing child protection services and placed in care (as compared to White or non-Indigenous children).

Truth and Reconciliation Commission/TRC

The TRC has urged all levels of government to:

- monitor and assess neglect investigations;
- provide Indigenous communities with adequate resources to keep families together;
- keep Indigenous children in culturally appropriate environments;
- ensure Children's Aid Society workers receive training about the history and impacts of residential schools.

The Ontario Human Rights Commission urges the Ontario government to fully implement the TRC's Calls to Action.

In Quebec:

- The Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec concluded that its investigation 'established the systemic character of discrimination' in services.
- The National Inquiry into Missing and Murdered Indigenous Women and Girls dedicated a volume of its report to Quebec, given the province's distinctive political, socio-historical, linguistic, religious, cultural and institutional context.
- Indigenous parents experience very negative child welfare experiences in Quebec.

Can First Nations have their own law?

The Youth Protection Act has, since 2001, contemplated an agreement between the governments (Canada/Quebec/Ontario) and an Indigenous community will establish and run their own child-welfare programs.

The first such agreement was concluded in 2018 with the Atikamekw nation.

Such programs must respect the legislation's 'general principles' (Youth Protection Act).

An agreement must center on a need for 'distinct systems, conceived in response to Indigenous realities' and not 'Indigenous organizations or personnel applying non-Indigenous laws and regimes.'

Its time for a change:

An Akwasasne child protection law designed by Akwasasronon for the future of our children and seven generations yet unborn.