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# **Standing Committee on Aboriginal Affairs and Northern Development**

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**EVIDENCE**

**Wednesday, December 8, 2010**

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**Chair**

**Mr. Bruce Stanton**



## Standing Committee on Aboriginal Affairs and Northern Development

Wednesday, December 8, 2010

• (1555)

[English]

**The Chair (Mr. Bruce Stanton (Simcoe North, CPC)):** Good afternoon members, witnesses, and guests.

We are here for the 41st meeting of the Standing Committee on Aboriginal Affairs and Northern Development. We're continuing our study of the first nations child and family services.

We're welcoming today the national chief. It's great to have National Chief Shawn Atleo with us this afternoon.

I'd like to first say that I apologize to our witnesses and guests as well for the late start here this afternoon. This is what occasionally happens—and this is essentially out of our control—when the parties take a decision to move the votes around. Normally the votes this afternoon would have been at 5:30, at the end of the meeting. We get off to a bit of a late start on Wednesdays as it is. In any case, I apologize for the lateness of our meeting.

I'd also like to welcome Cindy Blackstock. Cindy is here representing the First Nations Child and Family Caring Society of Canada.

As we customarily do, we begin with statements by each of the—

**Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** Chair, I'm sorry to interrupt, but I have a point of order. It will mean no disrespect to our witnesses, especially since I'm meeting Mr. Atleo for the first time, who is the chancellor of a university whose campus is in the riding I represent.

The reason I'm raising this is that I've just learned that there's some litigation involved.

I'm not familiar with the details, but I understand, Ms. Blackstock, that you're involved with some litigation, and I understand the crown may be involved. As a lawyer, I've been trained that whenever there's litigation and you are a defendant or related as a party, counsel for the other party has to be involved, and it severely constrains what can happen between the parties.

So I would just suggest that perhaps we should go in camera and just understand better what the ramifications are of our meeting and exchanging information with the witnesses.

**The Chair:** Okay. It is a legitimate point of order.

The issue that Mr. Weston raises is one that speaks essentially to privileges for members. When items or questions are before a committee or before the House that involve matters that are before a court or some other judicial proceeding, there are restrictions that

both witnesses and members should be guided by. It's called the *sub judice* convention. I'm sure that some members may be aware of it.

As to the question of going in camera, it's really up to members if they choose to do that. In deference to our witnesses, both of whom I understand are applicants in the case that's before the Canadian Human Rights Tribunal, there are implications for our witnesses there as well.

I saw one hand up. Ms. Crowder and Mr. Russell. I'll take Ms. Crowder first.

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** I guess I'm a little concerned about this just in the fact that we had the department before us, and they're a defendant. We weren't in camera when we heard their testimony. So I don't see any reason why we can't hear from the national chief and Ms. Blackstock not in camera.

**The Chair:** Okay. I have Mr. Russell and Monsieur Lemay.

Mr. Russell, go ahead.

**Mr. Todd Russell (Labrador, Lib.):** Thank you, Mr. Chair. I was going to use the same argument.

I have, in my five years here, not had us go through a vetting process of who had actually brought a claim against the crown. There are many different aboriginal organizations and individuals that have claims against the crown. Some have been ongoing for years. I'm sure that this issue will, if the government wants to make it an issue, certainly arise when we deal with specific claims. Almost all specific claims of one sort or another are against the crown, and we're going to be doing a major study on the specific claims tribunal process and large claims. All of these are claims against the crown in one way, shape, or form. Some are in litigation, some are outside of litigation, and some are in various processes.

So I can't see how this would inhibit in any way the privileges of us to ask a specific question. In fact, the onus would be on the witnesses whether they would feel comfortable in answering a specific question and in what manner they chose to answer a specific question from us.

I have no problem with going with an open format, not in camera, and of course I would want to hear from these particular witnesses on this study.

**The Chair:** Okay, thank you, Mr. Russell.

Monsieur Lemay.

[Translation]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Mr. Chair, two of my colleagues have already expressed their views on this matter, and so I have little to add. First of all, it has to be public. Second, the government has testified publicly. We must continue in that manner. Third, I hope that Grand Chief Atleo is involved. Otherwise, there would be a serious problem.

As well, it seems clear to me that the grand chief must be present. He is not here as a claimant but in his capacity as Grand Chief of the Assembly of First Nations of Canada. He therefore speaks for the first nations. It would be unfortunate and cause irreparable harm if he were prevented from testifying. I think that the grand chief misunderstood me, Mr. Chair. I think there has been a slight interpretation problem. Do you hear me, grand chief?

Mr. Chair, I hope that the grand chief will remain with us and speak on this very important issue, which directly concerns all the aboriginals he represents through the chiefs of Canada. In my opinion, we shouldn't see problems when there are none. We should start immediately; we have only an hour and a half left.

• (1600)

[English]

**The Chair:** I'll take one last intervention, and then we'll decide where we go.

Go ahead, Mr. Weston.

[Translation]

**Mr. John Weston:** Mr. Chair, I seem to have been unable to get my message across. It may be because I spoke in English. I don't want witnesses to appear in camera, but I want the committee to discuss, in private, whether or not we can question the witnesses. Mr. Russell was asking if our questions would be limited in scope. The most important issue is the protection of witnesses. If they appear before a court or a judicial body without the benefit of counsel and we ask questions, as we intend to, it could be prejudicial to the witnesses.

[English]

**Hon. Larry Bagnell (Yukon, Lib.):** I'll be really quick, Chair.

**The Chair:** All right, go ahead, Mr. Bagnell.

**Hon. Larry Bagnell:** In response to that, one of the witnesses is a lawyer. So I don't think she needs protection.

**Dr. Cindy Blackstock (Executive Director, First Nations Child and Family Caring Society of Canada):** No, I'm not a lawyer. Sorry.

**Hon. Larry Bagnell:** Oh, no. Okay.

I think they can decide.

But also, we had the Tliche, who have a billion-dollar lawsuit against us.

**The Chair:** Thank you all for your interventions on this.

Mr. Weston's point is principally a caution more than anything, the way I see it. There are only four instances when members are cautioned about what they say in committee or in the House. One, of course, is unparliamentary language. Another is if the speech is

repetitious. The third is if it's not relevant to the orders of the day. Fourth is when the item is *sub judice*, which essentially means that it's an item that is before the court.

There is a legitimate concern, in recognition of our witnesses, more than anything, since they are the applicants in this particular action. Members need to use some caution in the kinds of questions they pose so that the witnesses aren't in a position of saying anything that might prejudice their position before the court or the judicial proceeding.

When it most often comes up is when there is a criminal proceeding, not one of this sense. Even though the testimony we have at standing committees is essentially under the realm of parliamentary privilege, and no action can be taken against a member or a witness for things they say here in Parliament, in the same vein, what they say here is public.

The House has considered this, going back to 1976, when a special committee looked at this question of rights and immunities. It sided with the view that members and ministers, both in terms of their questions and the responses that are offered—a response is typically during a question period scenario—have to be cautious about what they say. In the same vein, if there are members of the committee or witnesses who are party to such an action, they need to be guided accordingly.

I'll finish this with one statement. This is from O'Brien and Bosc, on page 100. It's an excerpt: "...the imposition of the convention should be done with discretion...".

I'll just say that it's also voluntary. One of the speakers alluded to the fact that it's voluntary on the part of witnesses what they choose to say. You can voluntarily impose your own restrictions. You will probably know more about the proceedings than the person asking the question, so you can voluntarily restrict what you say at committee.

Furthermore, "...when there was any doubt in the mind of the Chair, a presumption should exist in favour of allowing debate and against the application of the convention". That simply says that it's the practice of the House, when the debate is in question as to whether it is *sub judice*, to err on the side of allowing free expression.

That's where we are.

Mr. Weston, if that's a satisfactory answer to your question, I sense that there isn't an agreement by the committee to go in camera. Unless there are further questions on this particular issue, I think we'll go to our presentations and proceed from there.

• (1605)

**Mr. John Weston:** Perhaps the witnesses have already spoken to counsel before coming and have taken advice on whatever issues may be sensitive.

As a member of a bar—a member of three bars—I've been involved in awkward situations before. So I'm just very determined that we not put ourselves or our witnesses in a difficult situation.

**The Chair:** I think that's fair, and I thank you for bringing this to the attention of the committee. I think it's important to understand what limitations may be in place. If that's helpful for members and for our guests today, I think we'll proceed accordingly.

Let's begin with Ms. Blackstock. I'm not sure, Ms. Blackstock, if you've done one of these before. I'm sure you probably have at some point. It is customary to give a ten-minute presentation, and then we'll go to Chief Atleo for ten minutes. Then we'll be opening it up to questions from members.

**Dr. Cindy Blackstock:** Thank you, Mr. Chair.

It's an honour to be here, and I'd like to thank all committee members for convening a session on this important issue.

This is an opportunity like no other. You have a chance today to make a difference in the lives of tens of thousands of children, and all it will require is for you to breathe life into the very values that our honoured veterans have fought for in the Second World War, in Korea, and now in Afghanistan. They fought for the right to be free to be who you are in your own culture, the right to be treated in equitable ways and not denied things because of race, and the right to live in a diverse society as valued members of the country. We've turned the page on residential schools, but sadly, we've turned over the page on child welfare. There are three times the number of first nations children in child welfare care today than there were at the height of residential school operations. First nations children are not more likely to be abused than other children. Rather, it is neglect driven by poverty, poor housing, substance misuse, and inequitable services that drives the problem.

Even worse, these are issues we could do something about. If we were dealing with over-representation driven by sexual abuse, that would be very difficult to deal with. But over-representation driven by other factors is something we can do something about.

For over a decade, the INAC has understood that it underfunds children's welfare services on reserve. In its co-commissioned report authored in 2000, it looked at one of its major funding regimes, directive 20-1. In that report, it found that it underfunded first nations children by 22%. The department agreed with those findings. It didn't implement the recommendations that would have made a huge difference for first nations children.

In 2005 there's a separate report, again on the directive. It found the shortfall was at least \$109 million, using the most conservative financial figures and excluding Ontario and the territories.

We also know that the department has been subject to the Auditor General of Canada's report. The directive, the new enhanced tripartite approach, and the Ontario 65 agreement—the three funding arrangements used by the department currently—were all found to be inequitable.

We can talk about inequity. It feels almost clean and sanitary. It feels like it doesn't have an impact. And yet we need to look no further than INAC's internal documents, which call the impacts of its own financial arrangements on children “dire”. Its 2007 fact sheet, which was on its website until it was used in the tribunal and had to be replaced, talks about linking the inequalities in child welfare funding with the growing numbers of children in child welfare care.

These are not neutral inequalities. They are affecting the most vulnerable of children. I'm going to spend a moment on each of the funding regimes. Then I would like to talk about Jordan's Principle. I will conclude with what we could do together to change this.

Directive 20-1, which INAC's own internal department briefing notes calls “dire”, is still applied to children in British Columbia and New Brunswick. The Government of British Columbia as recently as December of 2009 wrote to the Minister of Indian Affairs appealing for the full and proper implementation of Jordan's Principle and calling the minister's attention to the tragic impacts of inequitable funding. They requested an urgent meeting. As you know, Parliament was prorogued in January 2010. The minister wrote back and said he didn't have time to meet. Children in those two provinces continue to be severely underfunded. The department is currently beginning an initiative where they'd like to go to what's called “actuals” on maintenance in British Columbia. That would impose further hardship on the first nations agencies in those regions.

That formula was developed in 1989, long before there had been significant advances in what we know about first nations child welfare, and the formula has not kept pace.

• (1610)

The other approach that's being offered by the department and spoken of here by the minister is known as the Alberta enhanced approach, or the tripartite approach, depending on the phraseology currently used by the department. That is a modified form of the directive. It was developed unilaterally by the Department of Indian Affairs and is offered to first nations as the exclusive alternative to the directive. So if you're a first nation in Quebec, you cannot come up with a formula that would be evidence-based and meet your needs and enter into a conversation with the department.

There is a national template for that formula. It was reviewed by the Auditor General of Canada in her 2008 report. Although she says it's an improvement on the directive, it is still flawed, and it's still inequitable. Yet that continues to be the only alternative offered to first nations children across the country. You either take dire and inequitable, which the department characterizes the directive as, or you take flawed and inequitable. I, for one—as well as, I think, many Canadians—expect a far greater standard from the country than those two options.

The other funding formula used in the country by the Department of Indian Affairs is about as old as I am. I'm 46 years old. That funding formula is 45 years old. It was developed as a bilateral agreement between Canada and the Province of Ontario. First nations had no input into that funding formula, and yet it continues to be applied to first nations children in Ontario.

The Auditor General looked at the 1965 Indian welfare agreement and found it to be inequitable, yet no progress has been made in working with first nations in Ontario or first nations child welfare agencies in Ontario to address those shortcomings.

I should also bring to the attention of members that, going back to 2000, a joint review conducted by the department and the Assembly of First Nations suggested that a special review be conducted in Ontario on that exact funding arrangement. That was over a decade ago, and that has never been acted upon.

Now we move to Canada's north, where there are many first nations children, and there is not a single first nations child welfare agency. First nations communities have wanted to assert their responsibility to look after their own children. As recently as November of this year, the Carcross First Nation has been trying to engage Indian Affairs in negotiations so that they can establish their own agency to meet the needs of children.

In the Northwest Territory, 75% of the kids in care are first nations. It makes sense to provide culture-based care, yet Indian Affairs is not even willing to come to the table.

And what about Jordan's Principle? Some of you would have been there that day, on December 12, 2007, when Ernest Anderson, Jordan's father, stood in the gallery looking down at all of you, as you voted in favour of Member Crowder's motion in support of Jordan's Principle. That principle would have ensured that no first nations child was denied or delayed in receiving any federal or provincial government service because of jurisdictional quagmires between the federal and provincial governments.

Since it was voted on, the federal government has decided to narrow Jordan's Principle to apply only to children with complex medical needs with multiple service providers. We find that out of step with Jordan's Principle and quite frankly a bit distasteful. To take the important memory of a child and reframe it is a narrow principle of equality.

Having had the honour of meeting Ernest Anderson and his family, I can say there is no room in that family's heart for any level of inequality. And there should be no room in the Government of Canada's heart for inequality for children either.

What can we do about this? Well, we have a situation in which we know the problem. The Government of Canada does. It has not one, not two, but three different solutions. This problem has persisted, whether the government has had billions of dollars in the bank and a surplus, or now, as it's spending billions on projects such as fighter jets, economic action signs to point out where the stimulus funds are being spent, or the G-8. It's not a question of financial capacity. It's a question of calling to all Canadians and asking the fundamental question of whether any level of inequality should be rationalized and accepted as a Canadian value.

•(1615)

Today in the mail I got a package of letters from some students who are 14 years old, from Chaminade College Preparatory School in California. One of the letters is from a 14-year-old girl. She says:

It is very important that everyone around the world knows about the residential schools of Canada. Some of the worst events in history happen because they have

repeated the past. We do not want anyone to repeat this terrible residential school program that can be avoided so easily.

I would also like you to know that I would love to help in any way possible. After looking at your website, I found some ways that I might be able to help. The first thing that struck my eye was Jordan's principle. I think Jordan's principle is a great cause, and I was happy to see all of the supporters you have. ...I would love to do things like raise awareness by telling others about the residential schools or make donations.

Fourteen-year-olds understand, as many Canadians do, that inequality is not a Canadian value. Inequality doesn't lead to a better generation of children. We can do better. We must do better. So let's do better.

Thank you very much.

**The Chair:** Thank you, Dr. Blackstock.

Now we'll go to Chief Atleo. Go ahead, for ten minutes.

**National Chief Shawn A-in-chut Atleo (National Chief, Assembly of First Nations):** Thank you very much, Mr. Chair.

To the committee, I really appreciate your focus and attention to this study. My apologies to the translators: I told them I may go off script a little bit.

I'll start right off the bat to respect, first of all, that we are here at your pleasure.

Mr. Weston, the points that you raised are actually really important. They are not only important for consideration here and for our contemplation, but I think they speak to the bigger issue and the opportunity that I believe strongly is in front of us.

I think the Declaration on the Rights of Indigenous Peoples being endorsed by Canada is a really important step. That declaration, in article 22, talks about the kids and it talks about their needs and their rights. I tell you without hesitation, and I know many of you feel the same, because you've been pulled into public service for your own personal reasons, that the kids slay me wherever I go. I was just talking to Quinn—he's a 17-year-old, an older child, and he doesn't mind me using his name. He's in treatment right now in northern Ontario, and I was so inspired to talk to him very recently. Quinn is going to do well. He's going to make it. I feel that in my heart. These are tough roads that these kids are hoeing out there.

I get to be in these villages and these communities across the country and meet with those kids. They only want things to change for the better. They will express it as wanting an ice rink, or they want to be able to play hockey, or they want a school, or they want their own bedroom. They'll express it in very simplistic terms, but in terms that really inspire you. Shannon's dream is an excellent example of that. That's leadership that's happening on the part of our young people.

Mr. Weston's point is important, because on any given day in this country we have on average approximately 100 cases before the courts that have to do with aboriginal peoples, very often described as first nations title and rights issues. I think about the constituency you serve in your territory. I can think back over the last 10, 15, 20 years in many of your constituencies about the number of conflicts we have engaged in. That's the pattern that we have to break, committee. That's the opportunity the doctor is speaking of here, and I strongly support what she's describing.

We get caught up in this notion of conflict, and the declaration inspires us to do better. It says that jointly we must accomplish this effort.

This issue of whether we can talk while there's litigation going on is the purview and the privilege of governments to consider. Very much of this is also policy. So I implore you, as we carry out this work, to take the point that was raised here and include that in consideration about the overall relationship between indigenous peoples, in this case my responsibility to advocate for first nations, and the rest of Canadian society. You give effect to that relationship in your work.

So the work of this committee, focusing on children, is incredibly important to me. The question that was asked is not simply a procedural one for this committee. It speaks to the broader relationship challenge that we face. We must break that pattern. Whether it's at the Human Rights Commission or whether it's in the hundreds of other court cases that are before us every year, this is the opportunity that I feel strongly we have in this moment, to break that pattern.

This does require us to sit down. That's the reason why you're called to do a study in this area and your openness to allow us to offer some commentary, at your privilege, is deeply appreciated. Those kids are looking for somebody to advocate for them and we have the privilege to do that. So I wanted to respect and acknowledge the discussion that happened at the outset. I want to link it to the broader challenge we have here in Canada at this moment. Some of the biggest untapped potential that I feel this country has is in the indigenous youth population.

I am very much off script in terms of what I came here by and large to say, which is to build on and to support what Cindy has offered up here, and to recognize work like the endorsement of the declaration as an important step. Let's look at what that compels us to do, to recognize the work.... I think Cindy referenced the directive 20-1. Attached to that is the need for us to acknowledge that the government made some investments in the first nations child welfare program through the enhanced or Alberta model.

Those are examples of first nations stepping forward to be joint partners. In effect, that's like saying we will give effect to article 22 of the United Nations Declaration on the Rights of Indigenous Peoples to improve conditions for our families, in this case specifically for our children.

•(1620)

We're reflecting on directive 20-1. Work on policy is still outstanding and has to be dealt with to ensure that as we jointly

develop the systems that will work, we're developing them in a sustainable manner that is going to support success.

Very quickly, I want to point out a few studies that compel us in our work, particularly the report done by the representative for children and youth, Mary Ellen Turpel-Lafond, and the British Columbia provincial health officer, Dr. Perry Kendall. Their recent study looked at the six aspects of well-being: health, learning, safety, behaviour, family economic well-being, and connections with family, peers, and community.

I think this committee is well aware that the Assembly of First Nations, much to the credit of the chiefs across the country, has made education a top priority. Of course in this report as with others, education is seen as something we can immediately move to address, and as the government said last spring, we would continue to pursue a willingness to strengthen and reform it together. As this report and many others suggest, first nations education is undeniably a key determinant to quality-of-life outcomes for first nations children. The report in British Columbia concludes that aboriginal children have more health risks, fare worse at school, and are overrepresented in the children welfare and youth justice systems.

There are important economic imperatives as well. The study done in 2007 by Bowlus and McKenna articulated that the economic impact of not addressing child mistreatment was in the realm of \$16 billion. So there are really important economic imperatives to consider across our entire child welfare, health, and in this case the justice system.

This report talks to us about the issue of complacency, and I quote: "It is easy to become complacent about at-risk child populations—impoverished circumstances and poor outcomes have come to be accepted for some of our children and youth." But they go on to conclude: "This complacency can no longer be tolerated."

Therein lies the reason for the importance of your study and for the impassioned intervention here that Cindy Blackstock makes.

We've spoken about directive 20-1. Reference was made to the Ontario welfare agreement and also the issue of the lack of agencies in the north, there being none either in the Northwest Territories or in the Yukon. And although it was already covered, I wanted to emphasize: very often we're challenged by the issues of lack of services in the north and immediate steps toward resolving these gaps are desperately needed.

We do know that funding of child welfare is by no means the whole story. We all know that even if the child welfare program was adequately funded and properly structured, we would still have children in care. Again, we must question the reason why. Cindy's organization has done an incredible amount of work through careful study. The prevailing reason children are in care is due to what is classified as neglect. And when we dig a little deeper, we find out what's behind neglect: poverty, alcohol and substance abuse, and the other social determinants I referenced earlier—education, things like housing.

So we have what some would suggest is complex and what many would say is made difficult because it is complex. It is unrealistic, therefore, to suggest that just one program will impact the changes we're looking for. We know it will require much more. It will require a coordinated, comprehensive approach to supporting, nurturing, and investing in children and their families.

As a country we need to understand the reflection that UNICEF's recent report concluded, as it reflects on Canada as well as other developed countries. The piece called *The Children Left Behind* documents the plight of children in the world's wealthiest countries. All Canadians should be concerned with Canada's ranking on inequality and child well-being, 17 out of 24 in terms of material well-being. And through further analysis it's clear that first nations, indigenous populations, are one of the key factors in this rate of inequity.

• (1625)

That's exactly what this intervention is about: reflecting that we must, as Cindy says, move to address these issues. In principle we must be committed to the very basic tenet that every child has a right to develop to his or her full potential. That's really the essence of what this comes down to.

I referenced the declaration earlier, so let me conclude in this way and summarize.

As the declaration says, we must really pursue a full partnership in addressing these challenges, as outlined in the original treaties that helped forge this country. The principles that underlie that are mutual respect, mutual recognition, fairness, and equity. We must be assured that services and programs for first nations are funded through fair and equitable fiscal arrangements based on sound economics and realistic escalators that adequately address cost drivers.

I would remind this committee that Canada also signed on to the Convention on the Rights of the Child. As you may know, because of the importance of protecting children, this convention is the first legally binding international instrument. The core principles of the convention include the right of every child to develop to his or her full potential, to not face discrimination, to safeguard identity, to survive, and to have their views respected. To me this is an incredibly important vision.

I believe strongly that we are embarking on an era of reconciliation, if I can describe it as such. The Prime Minister rose in the House of Commons in the summer of 2008 and apologized to tens of thousands of children who were pulled from their families. So I join Cindy Blackstock today in compelling the committee to not be complacent for the kids.

• (1630)

[Translation]

**The Chair:** Thank you, chief.

We will now open up to questions from members.

Mr. Russell has the floor for seven minutes.

[English]

**Mr. Todd Russell:** Thank you, Mr. Chair.

I want to thank National Chief Atleo and Ms. Blackstock for being with us and sharing their very impassioned thoughts. They come with some very concrete ideas and very substantive facts around this very telling issue.

But it's almost like a dichotomy, National Chief. We say we're in an era of reconciliation, yet on any given day there are 100 or more cases of litigation undertaken in this country that involve first nations, Inuit, or Métis. It's quite a dynamic to reflect upon.

To Ms. Blackstock, I will probably write this down and put it on my wall, because it's a hell of a reminder: any level of inequality should not be rationalized. What a call to every one of us as parliamentarians. When we see an inequity, we have the ability to do something and we don't act. It's a powerful challenge to me and other parliamentarians around this table, I'm sure.

Having said that, I want to get to two specific points. When it comes to the enhanced model or this prevention model that has been touted by the department as the way forward, you made a statement that it is the exclusive path forward now for first nations child welfare agencies. Why is it the exclusive way forward if there are other options? Why is it the exclusive way forward when the Auditor General herself said it was flawed, in her report of 2008?

Second, when the officials of the department were before us touting the Alberta model that is now being imported to other provinces—or exported, whichever direction you're looking at it from—they didn't know any facts. They said there were some preliminary indications that it was working.

Do you have more information on that? I understand from some reports that you may have additional information on what's happening in Alberta. It would be very interesting to know if there's more detailed information regarding that model and what the results are.

Thank you.

**Dr. Cindy Blackstock:** Thank you for your question.



With regard to why it's the exclusive option, we don't know. That would be an important question to ask the minister. There were two jointly developed solutions in partnerships with first nations: the 2000 report, of course, the joint national policy review, or NPR, as it's better known; and the Wen:de reports, which were developed in partnership between the Assembly of First Nations and the department and included the expertise of over 20 leading experts. Both of those were set aside in favour of this approach.

How is it performing? Well, I would turn to two documents. One of them was actually prepared by the Department of Indian Affairs itself. The Department of Indian Affairs, as you may know, conducted an evaluation of the enhanced prevention focused approach in Alberta. I believe members asked either the minister or representatives of the minister about the findings of this evaluation.

I have before me now the powerpoint presentation that was prepared by the Department of Indian Affairs summarizing the findings. I quoted this in all the recommendations to you in my brief, so I would refer you to that.

I want to call attention to the fact that the study finds that 75% of the first nations agencies in Alberta found the funding to be inadequate. Minister Fritz, the minister for the province of Alberta, in her remarks at the Yellowhead Tribal Services Agency national conference advised publicly that the enhanced model is not meeting the needs of first nations children in Alberta.

That is repeated in *Closing the Gap Between Vision and Reality*, the final report from the Alberta child intervention review panel, which was concluded on June 30, 2010. So it's very timely.

Mr. Russell, I would call your attention to this report. It reports on gaps and services, and it says, "Further, there are distinct barriers and challenges associated with jurisdiction"—so that speaks to Jordan's Principle—"and the intersection of federal funding with provincial operational requirements."

• (1635)

[Translation]

**Mr. Marc Lemay:** Excuse me please.

Could you slow down; the translation is important.

[English]

**Dr. Cindy Blackstock:** My apologies, Mr. Lemay.

"Given this combination of factors, the current system is challenged to provide equitable service levels for First Nations Albertans."

**Mr. Todd Russell:** So this is an evaluation of the enhanced model.

**Dr. Cindy Blackstock:** That is, and it was conducted by the Department of Indian Affairs itself.

**Mr. Todd Russell:** Now, if I can recall the testimony, the department had indicated that there was preliminary evidence that there are fewer kids in care under this enhanced model than under the previous model. Now, they did say there was a caveat, that it hadn't been fully implemented yet.

Are there any numbers on that? We didn't get any from the department.

**Dr. Cindy Blackstock:** I was able to write to the information line that the Government of Alberta has. They have a website, and you send in your question and they send out the data.

They provided me with the following statistics as of March 2010. They say that as of the 2006-07 fiscal year, the number of status Indian children in care in Alberta was 3,535. As of April to January, the fiscal year 2009-10, there were 3,587. That is clearly an increase.

In the *Closing the Gap* report, the one reviewed by the standing committee, the standing committee notes that 65% of the children in care in Alberta are aboriginal, although aboriginal children only compose 9% of the population. They project that will grow to 70% over the next few years, if there is not a significant intervention.

Those are all publicly available reports.

**Mr. Todd Russell:** If they're publicly available, can they be tabled to the committee as part of the testimony?

**The Chair:** As you know, Mr. Russell, as long as they're in both official languages, if the witness has a document she'd like to submit to the committee she can do that. We'd have to find out exactly what the document is.

**Mr. Todd Russell:** It can be submitted and then translated for us, right?

**The Chair:** It can't be circulated until it has been translated.

And that's it for your time. Thank you.

[Translation]

Thank you, Mr. Russell.

And now, it's your turn Mr. Lemay.

**Mr. Marc Lemay:** I listened to you, Ms. Blackstock. I also listened to you, grand chief.

I must admit, I don't quite know what to think anymore. I must tell you that I have read just about everything. It seems to me that there are way too many reports for the work that has to be done. All right, so we won't have another one. You are going to ask me how many it takes.

I submit that the federal government should move over, give the money to the provinces and let the provinces manage this according to the rules. These are provincial programs.

I find this difficult to understand. In any case, I can tell you one thing. I am convinced that the federal government is not involved in Quebec. It gave money to Quebec, and Quebec managed the programs. That is clear.

Is this due to a lack of funds? Or is it a case of two governments bickering about how to take care of the children? Meanwhile, today, this very afternoon, children continue to suffer.

I only want to understand in order to draw the line. I do not want us to discuss what goes on in courts, but it certainly has to stop. And so I ask myself and I ask you: What do you expect from us? What do you want us to do? Forty-two reports have been tabled. Ms. Blackstock, you mentioned it in your statement: this has been going on since 1965. Listen, this makes absolutely no sense at all!

I will ask only one question. You can take the remaining time to answer; tell us what you want us to do, here, today. If we have to compel the government to testify again, that is what we'll do. Please tell us, in concrete terms, what is needed and what you expect from this committee.

Naturally, that question is for you, too, grand chief. I would like you both to respond.

• (1640)

[English]

**Dr. Cindy Blackstock:** Thank you for your question.

The provinces were left by the federal government to implement child welfare across this country for first nations, and the results were devastating. For the same reason that we would champion first-nations-based education, we must support first-nations-based child welfare agencies.

First nations child welfare agencies are in the best position to care properly for children. Although we have a growing need for research that must continue to be done, the early evidence is that first nations children do much better when serviced by a first nations agency, in that they're much more likely to stay with their families and communities than in the past, when the provinces were providing that care. They're much more likely to stay in contact with their culture and traditions.

The important thing to understand, too, is that these first nations agencies are very passionate and capable. They have won numerous international awards for excellence, even though they're underfunded.

You asked, what do they need? They need an equal opportunity to succeed. The federal government has a responsibility to first nations children. It has a responsibility to all children.

I know governments are torn in all kinds of different directions, Mr. Lemay, and budgets are tight, but it just seems to me that when it comes to who we spend money on, children should be at the top of the pile. These are the most vulnerable of children. These are children who are experiencing neglect or other forms of maltreatment. There should be no space in any of our hearts for short-changing them.

We have quantified the shortfall. We have documented where it would be spent. We have talked about the best practices that demonstrate that when spent properly and when provided equitable funding, positive change for children happens.

We're asking for your support, and that of members of your party and members of all parties, to simply say that first nations children deserve a fighting chance in this country to grow up with their families. They deserve culturally based equity. They deserve a

government that doesn't wait another ten years to implement the report's recommendations.

These children only get one childhood, Mr. Lemay. I started working on this in 1998. Some children are now 13 years old. They've never known what it is to be treated equitably by the Government of Canada. Let's make sure they don't turn 14 and experience the same thing.

**The Chair:** Chief Atleo.

**National Chief Shawn A-in-chut Atleo:** Mr. Chair, thank you.

I agree that there isn't a need for more reports. The Wen:de report was a five-year initiative, a joint effort by the Assembly of First Nations and INAC. We can go further back. Prior to these reports was the report of the Royal Commission on Aboriginal Peoples. As Cindy is alluding to, control of first nations education goes back to the early 1970s. We have brought that up to date, and we have been reaching out to the government. They've signalled an interest and a willingness to work with us. We would compel them to do that.

This is another example of first nations communities seeking to have a say in caring for their children, and that's exactly what Cindy is saying here. There is every reason why this can now move from discussion to action, based on the information that has been compiled over the years. We had previously advanced the notion of having a national child and youth advocate. We wanted to work from a greater body of data. That was the intention of the Wen:de report.

We have a vast body of work we can draw from. What's required is the will to establish an approach—not a one-size-fits-all solution—that first nations would jointly design. That has never worked. That's the legacy we're trying to break away from. That is essentially the Indian Act. We have the legacy of a one-size-fits-all approach. That hasn't worked, and I'd venture to say that it won't work into the future.

So both in education and in child welfare, we would compel this committee and the government and all of you to consider a short-term, jointly designed process to reform child welfare, and to bring in the experts who know exactly how this should be done. We work closely with communities, because we understand that they must be empowered to take responsibility for these issues.

• (1645)

[Translation]

**The Chair:** Thank you, national chief.

It is now Ms. Crowder's turn.

[English]

**Ms. Jean Crowder:** I want to read a brief quote from the report of the Royal Commission on Aboriginal Peoples, 1996. It says: “It is to ensure that Aboriginal children grow up knowing that they matter—that they are precious human beings deserving love and respect, and that they hold the keys to a future bright with possibilities in a society of equals.”

It sounds like a pretty good goal to strive for. I appreciate, National Chief, that you talked about the economics of this.

This is from a report from the Canadian Council of Provincial Child and Youth Advocates, June 23, 2010. The statements also appeared in the Standing Senate Committee on Human Rights report, *Children: The Silenced Citizens*. We're not just talking about child welfare. I'm not going to read through the reports, but they cite some key indicators and gaps. These are the headlines: “Aboriginal children are disproportionately living in poverty”; “Aboriginal children are disproportionately involved in the youth criminal justice and child protection systems”; “Aboriginal children face significant health problems in comparison with other children in Canada, such as higher rates of malnutrition, disabilities, drug and alcohol abuse, and suicide”; “Aboriginal children lag seriously behind other Canadian children in educational achievement”; “Aboriginal children are at high risk for sexual exploitation and violence”; “Death and injury rates for aboriginal children and youth are disproportionately high”.

That's kind of the view from 30,000 feet. I'm going to narrow it down here.

You pointed out that there are sufficient reports to identify what the challenges are. When the Auditor General was before us the other day, she and the assistant auditors general talked about comparable services and made some recommendations for the government.

When Mr. Berthelette was before us, he said that, in constant dollars per capita, housing expenditures had at the time they conducted this audit declined by 40% over a decade.

So we have three things here. We have the poverty, the infrastructure, and the lives of children. It is difficult for parents to raise their children in the way the royal commission talks about having children raised. Then we have the well-identified issue of comparable services. I wonder if you could both talk about comparable services.

Ms. Blackstock, I know you've been involved in studies of comparable services, as has the department, as has the assembly.

**Dr. Cindy Blackstock:** Thank you for your question.

I think it's really important that we understand that the standard in child welfare is one of safety and well-being of the child. That's the paramount consideration, much like the Canadian health care system. We don't feather out health care, saying this person needs a dollar's worth of health and all they needed was a bandage, and this person has chronic diabetes and a heart care condition, so they've been given a dollar and have had equity in health care.

That's not the way we as Canadians do it. We entitle every Canadian to a certain level of health. For children, it's safety and

well-being. We know that for first nations children, more of an investment may be required to get them to the same standard of safety and well-being as other children. That may need to be done in different ways that are culturally based and reflective of their communities.

So when we look at comparability, we need to ensure we're taking into account the needs of these children. But I also think it's important to understand—and I read the minister's testimony—that the department's own documents say what they're doing is inequitable. This isn't a question of whether there's some fuzziness on behalf of the department about whether or not things are inequitable; their own documents are saying this. So why wouldn't they take every possible measure, given the vulnerability of these children and their families, to address the problem, not in next year's budget, but immediately as a matter of national importance?

I'll leave it to the national chief to continue with comments.

● (1650)

**National Chief Shawn A-in-chut Atleo:** I don't think it can be understated that we're failing the kids. That has already been said here. There are approximately 27,000 kids in care, and we know what the studies say. I have the opportunity to interact with so many in our communities. Those in care are less likely to graduate from school. They're more likely to smoke, drink, do drugs, and get pregnant. We think about the booming population rates we have right now, the dark side of which is teen pregnancy. They're three times more likely to attempt suicide.

So we're talking about children who are in care with deep disconnects from family, territory, community, teachings, and elders. And of course we're talking about the kids in communities I visited recently. They are using slop pails and being sent out to fetch water from wells for the elders. There are eight to ten people to a home. Those aspects of well-being are so incredibly important.

Cindy talked about safety and well-being, and I mentioned health, learning, behaviour, family economic well-being, and connections with family, peers, and community. There is such a deep gap and disparity in services that cut across all of those aspects. It makes complete sense that we have those sorts of conditions.

What's required is to look at RCAP, the Wen:de report, and first nation control of first nations education, and get on with the work of transforming these areas. The only way to do that is jointly. There isn't anything out there that we can sort of grab, put in place, and say this is the magic bullet we've been looking for. We need to do what has not been done up to this point in history, and I think we can take this moment as the moment when we change how we do this business. We understand that there's a problem. We get lost and become complacent because it's too complex and it's out there. We need to make sure we treat this as a national priority and work with those most impacted.

People like Cindy and the Assembly of First Nations can play a facilitative role. Governments have a responsibility to really grab this issue and make a determined effort now to put in place a plan that will see us move from talk to action. We have examples of joint policy development in the past. I think about specific claims you were referencing. That effort was done jointly between first nations and government, and we seek to have similar considerations where first nations are directly involved in transforming the policy. We would do that jointly with government, work on the basis of the reports that are in place, and perhaps focus on child welfare.

What better way to transform these issues than by placing the children at the centre of our work? I think that would be a really important way to finally consider the types of conflicts we end up in. And it was referenced as jurisdictional. Let's point out that there are jurisdictional challenges we face between and among us.

[Translation]

**The Chair:** Thank you, Ms. Crowder.

Mr. Dreeshen, you have seven minutes.

[English]

**Mr. Earl Dreeshen (Red Deer, CPC):** Thank you very much, Mr. Chair.

Thank you to our witnesses for coming here as we talk about this extremely important issue.

I taught school for 34 years. I have not mentioned this in our committee in the time I've been here, but there was a young man who was in our school who was blind. He was loved by everyone. He was in foster care. He was a native child. When he turned 18 he was whisked back to the reserve. A few short months after that, he was murdered. So I look at some of the types of problems, issues, and things that happen to our native children, no matter where they grow up.

I've also taught students that ended up committing suicide, not just natives, but non-natives as well. That certainly leaves a mark. I understand the same types of marks it leaves on native communities. So I thought perhaps this might be an opportunity as we talk about children and the care that is required for us to discuss some of these types of things.

Chief Atleo, I'd like some clarification perhaps of your position on the government's first nations child and family services program. As I mentioned, I am from Alberta, and we have a prevention-based approach that was first implemented there and has become, in my view, a model for the rest of the country. I note that in 2007, when former minister Prentice announced our new approach to child welfare on reserves, the former national chief, Phil Fontaine, said:

I congratulate Alberta First Nations for their work in creating a better approach to child welfare that focuses on prevention and collaboration. Today's announcement shows Minister Prentice has recognized the urgency of closing the gap in funding received by First Nations Child Welfare Agencies compared to provincial child welfare agencies. This needs to be implemented in all regions. The Assembly of First Nations is prepared to work jointly to achieve this goal.

That's what the former national chief had to say about the strategy.

So I'd like to know if you agree with your predecessor that the tripartite agreement between the Government of Canada, the

Province of Alberta, and Alberta's first nations is creating a better approach to child welfare. Do you believe this approach would be good for Alberta's first nations?

•(1655)

**National Chief Shawn A-in-chut Atleo:** Thank you.

I think the principle of jointly designing programs with first nations is an important one to support. Certainly at the outset it is something to be celebrated. It's an opportunity, as the work in Alberta progresses, to evaluate the benefits and the challenges and what we've articulated here today. That includes the shortcomings with policy directive 20-1, which is one such example both Cindy and I have referenced.

We need to be cautious, though, in thinking that what works in one area and one particular jurisdiction is easily transferable to other jurisdictions. That's the challenge we face in all policy areas, and this is no exception.

Any and all efforts that are joint in nature must be recognized and supported, and that's important to do. I think about the first nations who have entered into self-government agreements, who are still looking for support to ensure that those agreements are followed through, upheld, and implemented in the spirit and intent with which they were first agreed to. So it becomes a vigorous process of continuing to implement those agreements in the manner in which they were first sought out.

So I respect and support the comments that the former national chief would make, particularly at the beginning of a process. Wouldn't it make sense now at this juncture to consider how we might strengthen and learn from that experience, from the notion of jointly designing an approach right across the country, but one that doesn't seek to impose the results in different jurisdictions?

I want to link this, if I may, to the earlier question about whether we shouldn't just transfer this to provincial authorities. The example you're describing is one where the first nations' jurisdiction was respected, recognized, and involved. That principle must be followed everywhere. That's what we will continue to advocate for.

I haven't spoken with Alberta first nations any time recently, but I would welcome their views, as my role as national chief is to support and advocate for first nations governments and what they aspire to.

**Mr. Earl Dreeshen:** It's a significant point, and again I believe this was 2007 when that comment was mentioned. But just as recently as July 2010 in Manitoba, there is another quote, and perhaps you can tell me how that is working. It says: "This new funding model and enhancement framework will assist in decreasing the number of children in care and support families to stay together." This was from Grand Chief Ron Evans. He went on to say: "It will also assist agencies so they will have the resources available to support children and families they work with in our communities. Prevention is critical to positive change for our people."

It would seem to me that he was looking at the enhancement framework and looking at a way to take what is there in Alberta, and apply it to the situation in Manitoba. I'm wondering what your thoughts are with their ability to take that same type of a model and expand it.

• (1700)

**National Chief Shawn A-in-chut Atleo:** Again, to repeat what I've said, I certainly support.... The role of the Assembly of First Nations and my role specifically as national chief is to support and advocate when chiefs and grand chiefs are embarking on approaches that suit and fit their situation. To be cautious, suggesting that we should be implementing that everywhere, is something that we would suggest strongly.

We need to take the direction and have first nations communities and/or regions, however it is that they're organized, addressing these issues. They need to be the ones taking the lead. That's the sort of work that we have going back to the Wen:de report.

From what I understand—because I wasn't involved in the very beginning and would appreciate it if Cindy reflected on this—that report was by and large essentially put aside. That was a five-year report, and close to a million dollars was expended in that effort. First nations were directly involved in talking about how we should reform and address issues of child welfare in this country.

Those are important voices that should not be dismissed, just like the voices that you're describing in Alberta and Manitoba. They too must be respected and not dismissed.

I also want to balance my response with the notion that we need to be careful about just imposing solutions elsewhere.

[*Translation*]

**The Chair:** Thank you. Unfortunately, there is no time left. We will start our second round with Ms. Neville.

You have five minutes.

[*English*]

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Thank you, Mr. Chair, and I add my thanks to those of you who are at the table.

I'm sitting here, I guess, in sort of disbelief that in a country as abundant as ours, we are dealing with an issue of this kind.

I said the other day to the witnesses who were here that there is a real urgency in this situation, that a year in the life of a child, whether it's a five-year-old or a ten-year-old, is an eternity and has a profound difference on the potential outcomes of how they live out their life.

I'm thinking about the tripartite agreement that's being touted, and my colleague and I were just talking about this. It's a joint agreement, but it's a joint agreement, as I understand it, without choice. There has been no input into the development of that agreement, as I understand it, or full development with first nations communities.

I'm sitting here and thinking, what if we were to report out tomorrow the primary recommendation—as I'm listening to you speak about going back to the Wen:de report and looking at the recommendations there—and then begin not a hasty process but

begin hastily a consultation process with first nations to implement the most appropriate way of dealing with this issue? Am I off base, or is that how we move forward?

**Dr. Cindy Blackstock:** Thank you for your comments.

Going back to the member's notation, I note that neither in Alberta nor in Manitoba has there ever been a statement by either of the first nations in that community that we've achieved culturally based equity with the enhanced approach. Of course the Auditor General agrees with that too. In INAC's own evaluation, they point out that 75% of the DFNA's—that's the Alberta first nations agency—funds are inequitable.

Your point is so clear. I was a child protection officer for over a decade. When we had reports of child maltreatment on children this vulnerable, we had 24 hours to investigate and do something about it. This has been before Canada for over eleven years, without having achieved the goal of culturally based equity.

We in the tribunal were recommending.... I think it's important to understand there is not a dime in there for the caring society or for the Assembly of First Nations. We want a going-forward policy that ensures culturally based equity for every child in this country. And what we were calling on is to update the Wen:de report to 2010 values, to offer that as a viable option to first nations, not an exclusive option but a viable option to first nations where the directive still applies, and in Ontario to do a special study on the 1965 agreement, as was recommended over a decade ago, to identify areas of inequality and to ensure that those are redressed.

In areas that already have the enhanced model, we should be working on an evaluation of that model, comparing it against the expert report of the Wen:de, taking into full account the Auditor General's recommendations, and immediately seeking redress on any areas of inequality.

I appreciate that the enhanced model is a better option than the directive, but it's still flawed and inequitable. My standard is equity for children, especially the most vulnerable children. If there's another standard that members are going from, like Canada can do a little bit better, a little bit less inequality is a good thing for these kids, well, I think that's what has contributed to where we're at now. I think our joint goal, together as a country, is culturally based equity for every child in the country.

• (1705)

**Hon. Anita Neville:** National Chief, do you have...?

**The Chair:** A short response.

**National Chief Shawn A-in-chut Atleo:** Yes, and jointly.

**Hon. Anita Neville:** Thank you.

**The Chair:** You still have a bit of time.

**Hon. Anita Neville:** I'll end on that. Thank you.

**The Chair:** Thanks, Ms. Neville.

Now we'll go to Mr. Clarke, for five minutes. Go ahead, Mr. Clarke. You have the floor.

**Mr. Rob Clarke (Desnethé—Mississippi—Churchill River, CPC):** Thank you, Mr. Chair.

Thank you, National Chief, and thank you, Ms. Blackstock, for coming here and testifying today.

I sit here and I listen to the testimony and to the testimony of other witnesses who have come to the committee, and with a heavy heart I look back to my upbringing, to my family situation, and how my parents raised me and how they opened the doors for foster children coming in.

I recall—I must have been about three years of age—having a child come into the home and stay with us probably until six or seven. I remember one Christmas he got really sick. We didn't know why. When we took him to the doctor, the doctor couldn't find anything wrong. It wasn't until Christmas morning.... He'd never had a Christmas. It was the excitement of it all, plus probably too he ate a box of chocolates.

I remember the day he was taken back to his family was very traumatic, because he was my brother. I see the revolving door here for family services on first nations and the strides they're trying to take to bring their children home, but it's a cycle.

When I joined the RCMP I had to do child apprehensions, going into the homes and seeing the kids in the circumstances they were facing, and I saw the ongoing cycle there. I had to take children into my home when I was with the RCMP whenever the family service worker on the reserve wasn't available or not around or you couldn't get in touch with them. That's very disheartening, especially when you're supposed to be the peacekeeper, the social worker.... We're supposed to be the jack of all trades.

National Chief, I understand about the cycle here, and I'm hoping you can shine some light today before the committee. I listen, and we always hear we need more money, we need more money, we need more money. But the underlying issue is the cycle. How do we teach the lost generations how to parent? We can't put the kids in front of the TV. It's not a cheap babysitter. You've still got to show the love and compassion to the children to stop this cycle.

When I was elected in 2008, I remember in the early summer Saskatchewan had signed on to this tripartite agreement. Then I've seen Alberta, Manitoba, Quebec, Prince Edward Island, and Nova Scotia....

Chief, I'm going through my notes here, and I'd just like to get some further clarification, if you can. Has the AFN studied these agreements? Secondly, has the Assembly of First Nations talked with the provincial governments about these agreements? And thirdly, was the Assembly of First Nations engaged at the regional level and community levels? That's something I would like to know.

• (1710)

**National Chief Shawn A-in-chut Atleo:** I can ask Jonathan if the Assembly of First Nations was directly involved, and maybe I'll follow up with a few thoughts of my own.

**Mr. Jonathan Thompson (Director, Social Development, Assembly of First Nations):** Thanks, National Chief.

Thank you, Mr. Chair and committee members.

I would have to go back and begin with the Wen:de report and the work we did jointly with the Department of Indian Affairs on Wen:

de. At that point in time we were, as Cindy and as the national chief have mentioned, engaged in a very thorough and exhaustive research and study on what it would take to get first nations child welfare agencies to an equitable and culturally appropriate place in this country. We engaged economists, first nations child welfare experts, and several hundred thousand dollars were expended on the part of the federal government to get the answer to what we were searching for.

We got that answer. Apparently, it wasn't to the liking of the government and it was shelved. It was at that point that the Department of Indian Affairs walked away and started to engage in one-on-one conversations, bypassing the Assembly of First Nations in a very direct fashion.

We certainly reached out to folks and to regions, both first nation regions and provincial bodies, but the willingness wasn't necessarily there.

**The Chair:** We will have to leave it at that, unfortunately.

National Chief, if you had something to add, maybe you can add it on to one of your remarks in response to an upcoming question.

**National Chief Shawn A-in-chut Atleo:** Sure.

**The Chair:** I'm sorry, we're quite over time on that. Thank you, Mr. Clarke.

Now we'll go to Monsieur Lévesque or Monsieur Lemay.

Monsieur Lévesque, *allez-y*.

[*Translation*]

**Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ):** Thank you, Mr. Chair.

Thank you for being here.

As you know, I represent Nunavik, as well as the Cree from James Bay. The Cree have told me that they have a lot of money. I have been in Cree villages. When you get up at 5 or 5:30 in the morning and you see 8- or 9-year-old children who are high as a kite or who have a bottle of beer in their hands, you ask them what they are doing and why. In turn, they ask you what else there is to do. It gives you food for thought.

At the same time, we have seen non-native villages, also isolated, where there is a lot of money. However, the suicide rate is the same. The way they commit suicide may be a little different.

I, myself, am an orphan. I was sent to residential schools, and I drove first nations' families who were bringing their children to residential schools. I saw parents cry when they left their children and cry even more when we went back to get them because they could not communicate with them anymore. The children didn't speak the same language their parents did.

I know there have been agreements. I see we have the First Nations Child and Family Services Joint National Policy Review. I will ask you the following question, and then the three of you can respond, if you wish.

What measures have been taken to implement these recommendations since the 2006 report on the action plan? How would you like to see all of the programs implemented, if we could negotiate nation to nation?

The floor is yours.

• (1715)

[English]

**Dr. Cindy Blackstock:** Thank you for your question.

I think it's really important to understand that almost nothing was done after those reports. There was a lot of goodwill and expertise and good debate in 2000, and there were 17 recommendations. The department would argue that some of them were partially implemented, including the funding of my organization, which is a national organization, but as we stand here today we don't receive a dime from the federal government. The recommendations to deal with the inequality for children, to make a real difference at the level of the child, were never implemented.

The department then said these recommendations from 2000 were getting dated and that's why there was the work with the Assembly of First Nations around the Wen:de report that Jonathan just talked about. That was completed. There were over 100 pages of economic spreadsheets showing where every dime would go, and there was a complete three-volume report showing the evidence of why it should go to these specific places. That too was shelved in favour of this new, enhanced approach.

You talked about the fact that when there is money in the community things sometimes don't get a lot better. The question before this committee is whether or not first nations children should get equitable services from the government. Is it legitimate for the government to give children less because of who they are? There are the other things you can point to: do we income-test child protection in rich families? No, we don't. We provide everybody with an equitable level of government services except for first nations children on reserve.

We know enough from the research that if provided with the flexibility for first nations the national chief talked about—we target poverty, poor housing, substance misuse, and enrichment of culture—we could substantially turn the page on this tragic history of the types of outcomes you're looking at with first nations kids.

**The Chair:** I don't want to barge in here, but we're on a time limit, and I know we wanted to get some answers from the national chief as well.

Go ahead, National Chief.

**National Chief Shawn A-in-chut Atleo:** Perhaps I can link to the other question as well, because these are important stories, the story of the suicide and the story of being in care. There are probably lots of other stories around.

The one I think is very relevant to our discussion was the death of a child from my community, Sherry Charlie in British Columbia. When I think about the policy developments we're referring to, I'm thinking does it take the death of children to spark these reviews and inquiries before it compels us to do policy work?

I was so proud to see all four of the party representatives stand with us in terms of education here on Parliament Hill recently. That's what's required. The issue is 150 years of a policy under the residential school system that had a very direct and specific objective of removing children from family, home, community, treaty, elders, territories. Therefore I don't even think equity is enough; we've got makeup work to do. The reconnection and the rebuilding of families so the experience you've related to... That's the objective. On the issue of children being in care, we've got some reconnecting and reconciliation work to do between and among indigenous families and communities.

Let me conclude with this. We've got to put some focus on this.

**The Chair:** I'll add that we are joined here also by Jonathan Thompson. Mr. Thompson is the director for the health and social development secretariat at the Assembly of First Nations. We didn't have that on the agenda. We're glad to have you with us.

Monsieur Lévesque, *je vous remercie de votre intervention.*

Monsieur Payne, *vous avez la parole pendant cinq minutes.*

• (1720)

**Mr. LaVar Payne (Medicine Hat, CPC):** Thank you, Mr. Chairman.

I thought you were going to pass me by for a moment.

**The Chair:** Not a chance, Mr. Payne.

**Mr. LaVar Payne:** I want to thank the witnesses for coming today.

I'm looking at a couple of pieces. In terms of the AG, she certainly made a number of recommendations. I'm looking at the responses. INAC has said that they certainly want to do those things.

In particular, I want to talk about one recommendation about the new funding formula to fund first nations agencies "that are directly linked with provincial legislation and standards".

The department's response was that it "agrees that as new partnerships are entered into, based on the enhanced prevention approach, funding will be directly linked to activities that better support the needs of children in care and incorporate provincial legislation and practice standards".

I think that is certainly the right approach. I believe that INAC is doing that.

We hear about some issues around funding. I would have to say that funding is always a question, and how much money is enough is always another question that seems to come about. I would like to point out that in fact our federal funding for child welfare has gone from about \$193 million in 1996, under the previous Liberal government, to over \$550 million in 2009-10 under our government.

Pardon me?

[Translation]

**Mr. Marc Lemay:** [Inaudible—Editor] We are talking about the children.

[English]

**Mr. LaVar Payne:** Are you making a point of order?

**The Chair:** Go ahead, Mr. Payne. You have the floor.

**Mr. LaVar Payne:** Thank you.

Basically, do you think more money is enough? What else do we need to do?

I know that we've talked about a number of agreements that are in place. I believe, National Chief, you said that certainly one particular model may not necessarily fit each particular province. There are a number of agreements in place, I understand, in Alberta, Saskatchewan, Nova Scotia, and so on.

One of the things I'd like to point out, in terms of Saskatchewan, is that there was an announcement made. Vice-Chief Guy Lonechild said:

Now with the announcement of prevention funding the First Nations Child and Family Service Agencies can start to work towards a truly positive change and will finally be able to look at other answers besides apprehension services to support children and families.

I understand what you're saying, National Chief. But is it only money, or do we need to make sure that we have engagement, as you suggested earlier, with the various first nations and the provinces?

**National Chief Shawn A-in-chut Atleo:** That is what I said when I spoke. You're correct. What I said was that funding of child welfare is by no means the whole story. This really has to be about systems reform, and it must be done, if it's going to be successful, jointly.

This also has to do with the recognition of first nations' jurisdiction. As is articulated in the recently endorsed United Nations Declaration on the Rights of Indigenous Peoples, when it comes to reforming policy, we do so together. It brings into question policy suggestions that would be the government imposing a solution on communities. So that point, I think, is entirely accurate.

I wouldn't necessarily describe it as provinces, because provincial-territorial boundaries, and indeed international boundaries, are not the constructs of first nations. First nations existed here and entered into treaties even before Canada was formed. This is really about inter-jurisdictional recognition and the fact that first nations have principally a relationship with the federal crown. As such, the federal crown has a very specific area of responsibility, particularly with the endorsement of the declaration to jointly reform areas such as child welfare and to recognize first nations' jurisdiction.

It's not necessarily the notion of one-size-fits-all. Areas may very well agree to tripartite arrangements, as some have, in certain instances.

It's a very comparable conversation in the area of education. Mr. Lemay, you had left the room when I responded to your earlier question about education and the role of the provinces. It's a similar assertion we would make, which is that first nations must be directly involved in designing it, and that is exactly what our people desire.

I think it is right and proper for Canadian society to put the responsibility where it belongs, which is with the first nations people and communities.

• (1725)

**The Chair:** Thank you, Mr. Payne.

Yes, we are out of time. Actually, we're over time a little bit.

Members, I have three members left on the speaking list. I know that we are nearing the usual time for adjournment. Is it the pleasure of the committee to take each of the three with five minutes, or would you prefer that we narrow that down some? I'm happy to go through the three, but it's your discretion. It's 15 minutes if we take the five minutes each, or we can take, say, three minutes each, whatever would work best.

Does anybody have to get out the door at 5:30?

**An hon. member:** I do.

**The Chair:** Okay.

So we'll narrow it for the last three. Maybe just take half the time, two and a half minutes each.

We're going to go to Ms. Crowder, and then to Ms. Glover, followed by Mr. Bagnell.

**Ms. Jean Crowder:** I have a very specific B.C. question for Ms. Blackstock.

I think you're aware the B.C. Auditor General was here by teleconference the other day. Despite what other efforts have had, actually the numbers of B.C. aboriginal children in care have gone up since the Auditor General report.

We know Mary Ellen Turpel-Lafond has been very critical of B.C. She's the child advocate in B.C., and she's been very critical of the B.C. system. In your presentation, on pages 3 and 4, you specifically talk about the fact that B.C. has "been advised that INAC plans on eliminating the current approach for funding maintenance in that province as of April of 2011 and replacing it with reimbursement at actuals".

For us laypeople, could you put that into English about what that will mean for first nations agencies delivering services in B.C.? Because they're in the apprehension model, not the enhanced model already.

**Dr. Cindy Blackstock:** To try to just put it very clearly, there are two streams of funding, principally, under the directive. One is maintenance. That is when a child is brought into care, there are reimbursements for the costs of those children. The second is operations. That is done not on the needs of the children and their families, it's driven strictly by population count.

Why this is a problem in British Columbia is that the first nations tend to be smaller in British Columbia. The directive was formed on an arbitrary assumption that there were 1,000 status Indian children in child welfare care, and the amount for operations drops. And in operations is all your family's support moneys to keep kids safely in their homes. The services that Mr. Clarke talked about to break the cycle, they're all included in that. And if you are below 801, you get 75%; if you're below 501, you get 50%; if you're below 251, you get 25%; and nothing below that.



Those operation figures crunch the agency's. So the B.C. INAC region for the last decade has given this average cost of maintenance instead of doing it on actual costs. That has resulted in a little bit more cushion of funding to offset the shortages in operations. Without that, if they go to actually "you spend a dollar on a band-aid and you get reimbursed for that for a child in care", then you have the actual costs of maintenance and almost nothing to keep kids safely in their home, even at a worse level. The dire situation becomes almost untenable for first nations children in British Columbia.

So we had recommended a Wen:de approach, a specific strategy to address the needs of first nations that fall below 1,000, and particularly linking, as the Auditor General points out, to the needs of first nations children and families as being a key indicator in the development of any formula, not population counts.

**Ms. Jean Crowder:** I have just one comment. In other words, if this goes through, children will be worse off April 1, 2011, than they are now.

**Dr. Cindy Blackstock:** Yes.

**Ms. Jean Crowder:** Okay.

**The Chair:** Thank you, Ms. Crowder.

Ms. Glover.

**Mrs. Shelly Glover (Saint Boniface, CPC):** Thank you, Mr. Chair. I didn't think I was going to get any time.

I want to voice my disappointment. I hear people say we have too many reports, too many evaluations. And then I hear someone suggest there is not enough money to do more evaluations. My heart is breaking to hear that. These kids needs our focus.

This new enhanced prevention-based approach was very much a partnership with first nations people. I don't know, Mr. Thompson, where you got that information, but let me quote from your regional chief in Quebec, Ghislaine Picard, who said: "This investment is very much appreciated by the First Nations of Quebec, and we want to thank the AFNQL, the First Nations of Quebec and Labrador Health and Social Services Commission...for all of their hard work over the past several months in this file, which is of the utmost importance for our children".

I quote other first nations people who are very much involved in this. In P.E.I., I'm going to quote once again from Chief Brian Francis:

Over the past two years, the staff of MCPEI PRIDE Program through Director Marilyn Lefrank worked tirelessly to help develop a program to provide support and outreach services to families and children in our communities. Today's announcement is the culmination of those efforts. Securing a long term funding framework will allow us to continue to foster strong, healthy children and families.

In Nova Scotia, Chief Lawrence Paul states:

I am very pleased with the Government of Canada's approval of this framework for the Mi'kmaw Family and Children's Services of Nova Scotia. The multi-year funding included with this framework will support the Nova Scotia child and family services framework and provide the appropriate working environment for staff to ensure First Nations children on reserve have access to culturally appropriate prevention and protection services that are integral to ensuring their well being.

I have personally spoken with a number of first nations people who were involved right from the get-go, which is why I believe we are on the right path. I believe from the pit of my heart, and I have a million stories to tell. As a Métis woman, I've seen the worst. I was a pregnant teenager. I'm part of the stats. I was from a violent home. My mother was in jail because she was violent towards my father. But I'm telling you we are standing here shoulder to shoulder with you asking you, begging you, to let us help these children. You're in partnership with us. It's not about evaluations. It's about action. I'm begging you to remember this was not done alone. This was done in partnership with first nations, with the provinces and the Government of Canada. Let us help these kids.

• (1730)

**The Chair:** Thank you, Ms. Glover.

Mr. Bagnell.

**Hon. Larry Bagnell:** I won't have enough time for the response, so I'm going to ask three questions and you could submit the answers to the clerk, because you won't have time to answer them all.

First, could you do a detailed response to what Ms. Glover just put forward? I think that would be helpful. If she has any more quotes for the committee, that would be great.

Second, Cindy, could you go back to square one? You have people here who haven't read all those reports, who don't even know there's a funding program. We need to go back. We just need one sheet on the facts. Are they getting less money? If it's true, then give us some figures.

My main point is for Chief Shawn. I know you've been to the Yukon and you understand this problem. It's the tip of the iceberg; it's not just for this service but for all of them. The Carcross First Nation met with the deputy minister and, as is allowed constitutionally by their self-government agreement, tried to get them to take down these types of things. They were told that the federal government was not interested in a balkanized system of child welfare and that INAC is interested in the tripartite approach exercise in Alberta.

They are allowed by law. They signed agreements. They should have that right. I know you are familiar with this. I appreciate you coming to the Yukon so much. You took note of this concern and I really appreciate it.

If the three of you could get back to me on those issues, I would be grateful to you.

**The Chair:** You have about a minute left.

**Hon. Larry Bagnell:** So maybe Shawn could use that minute, and the rest could be sent to the committee clerk.

**The Chair:** Please go ahead, National Chief.

**National Chief Shawn A-in-chut Atleo:** Thank you.

The story I was alluding to was the death of the late Sherry Charlie. We ended up asking the then provincial minister, who's now deceased, and the government of the day and the leader of the opposition to come into a big house on my territories. What was private then became very public. And, God rest his soul, we really loved and appreciated the late Minister Stan Hagen in B.C. We said, "You will not have our children as a football in your political arena". We made it abundantly clear that first nations would continue to advocate unrelentingly for change for our kids.

I know that all of you are faced with a difficult reality when it comes to issues like this. This is a time for leadership on what must be considered one of the number one social issues in this country, aboriginal children. They are the biggest potential this country has. I continue to say to the country that if we support their success, they will contribute upwards of \$180 billion to the Canadian economy by 2026. These are the very same kids we're talking about.

We, as leaders, are charged with tackling issues like this. We have choices to make if we're going to choose to overcome the divisions that have plagued us and not allowed us to make the kind of progress that we can and must make. It touches a chord, when it comes to children, for all of us. If there's something we have to come together on, it is our children. Here, I really thank Cindy for her unrelenting advocacy. We will continue to support the work she does.

I know that each of you is charged with difficult challenges when it comes to the issues that confront us as a society and as a country. This issue we're confronted with we can do so much on in terms of education. If we could just choose to do this work on child welfare together, that is what I want to conclude with.

I know that each of you in your respective roles make choices for valid, important, and honourable reasons. I also know, though, that given the reality of what we face in this country with an issue like

this, we can fall into complacency and into not addressing it in the manner it rightfully deserves. You are to be congratulated for taking this as a study, and I thank you for the opportunity to hear very strong words of advocacy for the kids I meet.

I know that each of you has your own story as well, but I compel you to consider what we're suggesting strongly here. So let's do this work jointly. That's what we're charged to do. If we do, I think that's the leadership the kids are looking for.

The late Sherry Charlie didn't have that opportunity. She became a political football in a forum that just wasn't right. And we're still trying to do this work in regions like British Columbia, as you just heard. So we have to find a way to reason with one another.

This is one area, Mr. Chair, that I feel strongly we must come together on.

● (1735)

**The Chair:** Very well.

I want to take this opportunity to thank each of you for being here this afternoon and putting up with our late start, and to thank members for their attention to our committee this afternoon as well.

Recall, subcommittee members, that we have a meeting at 9:15 tomorrow morning in Room 112N.

Members, we are back here on Monday afternoon to consider our draft report on Nutrition North.

Thank you very much, and have a wonderful evening.

Again, thank you to our witnesses for your presentations this afternoon.

*Merci beaucoup.*

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