



Children Back, Land Back: A Follow-Up Report of First Nations Youth in Care Advisors

Introduction

Children Back, Land Back: A Follow-Up Report of First Nations Youth in Care Advisors (2021) is a follow-up to the *Justice, Equity and Culture: The First-Ever YICC Gathering of First Nations Youth Advisors* report published in 2019. *Children Back, Land Back* provides recommendations from First Nations youth in care and former youth in care regarding the reform of the First Nations Child and Family Services Program and Jordan's Principle. In its landmark ruling, the Canadian Human Rights Tribunal (Tribunal) found that Canada is discriminating against First Nations children by providing flawed and inequitable child welfare funding and by failing to properly implement Jordan's Principle.

In November of 2021, the First Nations Child & Family Caring Society, the Assembly of First Nations, and Canada, alongside other parties involved in the Tribunal case, consented to Canada's request to enter negotiations to try to reach an agreement to end Canada's discrimination and prevent its recurrence. During this time, the First Nations Youth in Care Advisors held a gathering to ensure the voices of First Nations youth in and from care informed the negotiations. The *Children Back, Land Back* report documents the results of the deliberations by the First Nations Youth in Care Advisors and their recommendations to the Parties in the negotiations on what ending the discrimination looks like and what is needed to prevent the recurrence of the discrimination.

As the authors of *Children Back, Land Back* assert, "It is not understated to say that amplifying First Nations youth voices in and from care and committing to the changes they need is a matter of life and death" (p. 6). It is crucial to hear from First Nations youth in and from care because they know the problems and solutions first-hand, and any decisions made about them intimately affect their lives.

Learnings and Recommendations from Gathering (2021)

Organizers held two focus groups to gather feedback from First Nations youth in care and former youth in care and collected additional information through a national survey of Indigenous youth in and from care. In total, they gathered feedback from more than 100 respondents, ensuring that data was collected in an ethical way through group accountability strategies.

Indigenous youth developed and reviewed the questions for the national survey, which sought to hear mostly from First Nations children and youth in and from care, but also left room for Métis and Inuit children and youth in and from care to share their stories, since child welfare reform could improve the lives of all Indigenous young people. Respondents were mostly under the age of 30, with fourteen percent over the age of 30. Ontario was over-represented in the survey, counting for forty-six percent of responses; most respondents experienced either temporary care (40 percent) or permanent care (41 percent).

Based on the data collected from the focus groups and the national survey, the concerns stemming from the experiences of youth in and from care were divided into three major themes: 1) systemic discrimination and racism; 2) proper and ethical implementation of solutions; 3) First Nations youth in and from care as the experts on how to stop discrimination in child welfare.

Although it is not the responsibility of the survivors to come up with solutions, respondents suggested that solutions focus on the following:

- family-based solutions (supports to keep families together, including extended family supports);
- anti-racism and decolonizing training for everyone involved in the system (from foster parents to

policyholders);

- access to information and education on child welfare, racism, and disabilities, including Nation-sensitive cultural training for child welfare professionals and caregivers as well as “community-level education to support families and holistic well-being” (p. 22).

In addition, respondents recommended that proper and ethical implementation of solutions must include the full implementation of Jordan’s Principle, including ensuring that all First Nations children, youth, and families know about the supports they can access through Jordan’s Principle and filling the gaps in services that still exist. In addition, respondents suggested the following solutions to ensure the thriving of First Nation children, youth, families, and communities in the future:

1. **Acknowledgement followed by action:** Governments across Canada must acknowledge that their policies and legislation have harmed Indigenous children, youth, and families, and they must follow up with actions and systemic changes. These changes include full implementation of the Truth and Reconciliation Commission’s 94 [Calls to Action](#), the [Calls for Justice](#) from the National Inquiry into Missing and Murdered Indigenous Women and Girls, and implementation of the [Spirit Bear Plan](#).
2. **Creation of Youth in Care Accountability Mechanism:** Led and designed by Indigenous youth, a youth in care accountability mechanism would hold Canada accountable to Indigenous children and youth. It would be inclusive of all Indigenous youth and ensure the following: accountability when dealing with complaints from Indigenous youth and families; support for youth and families for accessing and navigating Jordan’s Principle; and an effective process for the evaluation and review of child welfare services. The mechanism would also ensure that all forms of abuse are taken seriously, that survivors of abuse are prioritized, that perpetrators of abuse are held accountable, and that survivors of abuse while in care are provided with mental health and other supports for as long as they are needed.
3. **Ethical Indigenous Youth Standard Accompanied by Accountability and Reviews:** Any person who works closely with youth in care must be properly trained in

anti-racism, the history of colonization, and the impact the child welfare system has (and continues to have) on Indigenous families and communities. They must also have cultural competency training that relates directly to the Indigenous territory they are working on and the Indigenous Nations they are working with, and service providers who work closely with Indigenous children and youth must undergo a regular evaluation by Indigenous youth in and from care. There must also be a clear and accessible process for Indigenous children, youth, and families to make complaints about inappropriate behaviours by service providers, including abuse and racism.

4. **Keeping Families Together:** Ensure that families have access to culturally relevant services and supports so that children are not removed from their families due to underfunding for basic needs that all families should have access to.
5. **Fair and Equitable Funding:** Change the current funding model for child and family services that incentivizes removal of First Nations children from their families while paying non-Indigenous families to look after these children. Provide equitable and culturally relevant funding that keeps families together and is designed to support the well-being of young people, and provide funding that ensures children and youth in care have immediate access to proper and ethical services.
6. **Commitment to Restoring and Preserving Indigenous Cultures and Languages:** Make sure that children and youth in care have community and cultural connections and access to culture. Take steps to revitalize and preserve Indigenous cultures and languages, including providing access to the following: family connection; youth groups led by Indigenous youth; culture (including ceremony, language, and elders and knowledge keepers); land-based activities; and visits to traditional territory and community.
7. **A Moratorium and Evaluation of Discriminatory or Problematic Programs and Policies:** Evaluate programs and policies to identify discriminatory practices and mindsets and remedy them. This evaluation process must include Indigenous children

and youth impacted by these discriminatory programs and policies.

8. **Family Reunification Services:** These services would include supports for youth in and from care who wish to reconnect with family and community. Supports must include funding for travel and accommodation to visit community and family, supports to manage mental and emotional impacts of reunification, services to help find birth family records, and mediation and facilitation services for making initial contact with families.
9. **Supports to Transition to Adulthood:** For Indigenous youth in care to transition into adulthood, they require a “social safety net” of community, workers, resources, and supports” (p. 37). These supports must be developed in consultation with the youth impacted and should include the following: housing and employment workers; youth support and cultural connection workers; peer-to-peer support and Indigenous youth organizations; Indigenous community, family, auntie/uncle, and Elder supports; safe and accessible housing and infrastructure; life skills training and assistance; financial support and financial management training; trauma-informed, accessible, and ongoing healthcare; educational supports to finish high school and postsecondary education, without age or time limits; and community and cultural (re)connection supports.
10. **Establishing a National Network of Indigenous Youth In/From Care:** Youth in and from care who attended the 2019 and 2021 gatherings indicated that they want to stay connected and be involved in making decisions that impact child welfare. To this end, they will continue to meet as a collective to share best practices, advocate for reform, advise on court rulings and policy development, and continue to meet about compensation and settlements, among other things.
11. **Creation of a Foundation:** The First Nations Youth in Care Advisors call on Canada to supply funding to create a foundation led by Indigenous children and youth in care and their allies. The foundation would offer opportunities for children and youth in care to participate in community-based projects and

programs focused on healing and cultural restoration. In addition, the foundation would create an emergency fund for young people to access support in urgent situations.

Additional Information

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Read the full report: [Children Back, Land Back: A Follow-Up Report of First Nations Youth in Care Advisors](#)