



Native Women's Association of Canada

Pre-Budget Submission 2012 Native Women's Association of Canada

Date: July 29th, 2011

Executive Summary:

The Native Women's Association of Canada's (NWAC) Pre-budget presentation submission for 2012 is primarily concerned with 1) the lack of parity in comparative funding and treatment of First Nations child welfare and; 2) First Nations' education funding and research in Canada.¹ Evidence of the unequal provision of government services to First Nations children on reserve in Canada, is overwhelming (Assembly of First Nations, 2007; Auditor General of Canada, 2008; Canadian Welfare Council, 2009; Standing Committee on Public Accounts, 2009). First Nations children are tragically over-represented in Canada's child welfare systems. INAC funds Aboriginal Child and Family service agencies at an average of 22% less than their provincial counterparts and it is 12.3 times more likely for an Aboriginal child to be in care than a non-Aboriginal child in fiscal 2009/10. Comprising 3.8 percent of the Canadian population, Aboriginal children make up a staggering 30 percent of children in foster care.²

The underfunding of elementary education is also a grave concern. Many First Nations on-reserve schools are in miserable condition and disrepair. First Nations education is not funded at provincial funding levels, as noted in the Reports below. NWAC is therefore, presenting the following recommendations, which provides an estimate costing of the required funding for First Nations child welfare and education on pages 4 and 5 of this 2012 Pre-Budget Submission.

1. Jordan's Principle and The National Level of Child Welfare Cases in Canada:

Canada currently uses three main funding policies for First Nations child and family services. Directive 20-1 (used in BC and New Brunswick) and generally thought to be the most inequitable, the 1965 Indian Welfare Agreement applied in Ontario which has not been updated or reviewed in 46 years and the enhanced funding arrangement applied in Alberta, Saskatchewan, Manitoba, Nova Scotia and Quebec. In addition, Canada (Federal) and the Provinces/Territories (FPT) do not always agree on which level of government is responsible for paying for services to First Nations children when that same service is available to all other children. A 2005 report identified 393 disputes between the FPT governments impacting First Nations children. As a result, there are more First Nations children in child welfare care today than at the height of residential schools by a factor of three. The inequities do not stop at child welfare but also cross over into education funding, housing, health-care funding, and publicly funded voluntary sector supports. <http://www.straight.com/article-254075/cindy-blackstock-and-andrea-auger-reconciliation-cant-be-empty-promise-first-nations-children>

¹ The information presented in this submission is primarily from a Shadow Report by Cindy Blackstock, PhD entitled Jordan and Shannen (January 28, 2011).

² <http://www.jhr.ca/rightsmedia/2009/05/today%E2%80%99s-canadian-aboriginal-children-the-origin-of-tomorrow%E2%80%99s-government-apology/>

A Private Members Motion tabled by Member of Parliament, Jean Crowder, unanimously passed in the House of Commons in 2007 stating: “in the opinion of the House the government should immediately adopt a child-first principle, based on *Jordan’s Principle*, to resolve jurisdictional disputes involving the care of First Nations children.” Jordan was 5 years old when he died in hospital, due to a federal-provincial funding jurisdictional dispute.

<http://www.fncfcs.com/jordans-principle/> However, *Jordan’s Principle* has been interpreted restrictively. It is to apply only to children with complex medical needs with multiple service providers. Only months after Jordan’s Principle passed through the House of Commons, Canada and Manitoba argued over who should pay for feeding tubes for two chronically ill children living with their loving family on reserve. The Native Women’s Association of Canada is extremely concerned about the rising number of Aboriginal children in care in Canada who due to poverty and inability to access services are often taken away from their families.

2. Educational Funding: Shannen’s Dream

My name is Shannen Koostachin. I am a Mushkegowuk Innanu from an isolated community called Attawapiskat First Nation. I have three brothers and three sisters. I am fourteen years old. I’ve graduated and finished elementary school called JR Nakogee Elementary School and going to go to school somewhere in down south just to have a proper education. I want to have a better education because I want to follow my dreams and grow up and study to be a lawyer. For the last eight years, I have never been in a real school since I’ve started my education. For what inspired me was when I realized in grade eight that I’ve been going to school in these portables for eight long struggling years. We put on our coats outside and battle through the seasons just to go to computers, gym and library.

(www.shannensdream.ca)

Supported by over 4700 supporters, the above words are from Shannen Koostachin. The high school in her home community sat on a contaminated brown field. Shannen's Dream is named in memory of Shannen Koostachin of Attawapiskat First Nation. Shannen's Dream is a campaign is for "safe and comfy schools" and culturally-based and equitable education on reserves. Shannen wrote to the United Nations Committee on the Rights of the Child in 2008 and was nominated for the International Children’s Peace Prize in the Netherlands in 2008. She and her family made the difficult decision to send her hundreds of miles away from her family to get a proper education off- reserve. Shannen is noted as saying, that children “are losing hope by grade 5 and dropping out.” Shannen died tragically in a car accident in the spring of 2010 at the age of 15, while attending school far away from her home.

The reality is that First Nations children on reserves in Canada get about 2,000 to 3,000 dollars less funding for education than non-Aboriginal children and many of these schools, the conditions are deplorable. Some are infested with snakes, rats, black mould or sitting on contaminated waste dumps. Many First Nations communities do not have schools meaning very young children have to be sent hundreds of miles away just to get an education.

Current estimates are that First Nations children on reserves receive \$2000–\$3000 less per student per year for elementary and secondary education even though First Nations children

are far less likely to graduate from high school. This shortfall means less funding for teachers, special education, teaching resources such as books, science and music equipment and other essentials that other children in Canada receive. There is no funding provided by INAC for basics such as libraries, computer software and teacher training, the preservation of endangered First Nations languages, culturally appropriate curriculum or school principals.

In 2009, the Parliamentary Budget Officer (PBO) conducted a review of INAC's funding and policies for First Nations schools across Canada. Specifically, the PBO found that INAC reports that only 49 percent of schools on reserves are in good condition, 76 percent of all First Nations schools in BC and Alberta were in poor condition and 21 percent had not been inspected for condition at all.

One school in Manitoba had to be closed and replaced with portable trailers because it became infested with snakes. The snakes had infested the water system so that when children turned on the taps, baby snakes would come out. Another group of children in Manitoba had to start school in 2009 in tents as there was no school building available in their community.

Some First Nations children go to school in shifts because the school buildings are so overcrowded that there is not enough room for all students to attend at the same time. It is routine, for many First Nations children to have to be sent away from their families and communities to go to school as there is no school in their communities. Overall, the PBO found that all 803 First Nations schools will need replacement by 2030 but INAC does not appear to be on track to make that happen, as it appears to be significantly under-estimating what it needs to provide to maintain and build proper schools. "Thus according to the PBO projections, for FY2009-10, INAC's plans for capital expenditure are under-funded to the tune of between \$169 million in the best case, and \$189 million in the worst-case scenario annually, as depicted in the chart above. Thus, the annual INAC Planned Capital Expenditures according to its CFMP LTCP underestimates the likely expenditures compared to the PBO Best-Case and Worst-Case Projections (by more than 58%)."

3. NWAC's recommendation for a National Inquiry on Missing and Murdered Aboriginal women and girls

NWAC is now calling for a National Inquiry to focus on the issue of missing and murdered Aboriginal women and girls across Canada. NWAC is interested in finding ways to work closely with the federal government to develop the scope and organization of such an inquiry, and to ensure that NWAC's expertise and knowledge is brought forward to assist in its deliberations.

NWAC is seeking the support of all governments, for a National Inquiry that can effectively examine violence against Aboriginal women and girls, with the full participation of Aboriginal women.

Recommendations

The 2011 Budget Throne Speech also called for additional support for culture and communities with new budget measures, including support for Aboriginal people (p. 114) and investments to

support priorities in First Nations education, child and family services, water and housing and First Nations and Inuit health, as well as, Aboriginal skills development and training (p. 117). “

1. NWAC's National Child Welfare Recommendations:

While the 2011 Auditor-General's Report could not establish a full costing of the amount spent on Child Welfare in Canada, NWAC further supports the following Recommendations made by the Auditor-General in its 2011 Report:

4.74: Indian and Northern Affairs Canada should determine the full costs of meeting the policy requirements of the First Nations Child and Family Services Program. It should periodically review the program's budget to ensure that it continues to meet program requirements and to minimize the program's financial impact on other departmental programs in compliance and in conjunctions with First Nations operators.

NWAC supports the following recommendations of the First Nations Child and Family Services Caring Society of Canada, in that:

INAC must take immediate steps to fully redress the inequities and structural problems with the Directive 20-1, enhanced funding approach and the 1965 Indian Welfare Agreement that have been identified in expert reports and by the Auditor General of Canada in full partnership with First Nations. INAC must support other funding and policy options proposed by First Nations for First Nations child and family services other than the enhanced approach, Directive 20-1 and the 1965 Indian Welfare Agreement which the Auditor General has found to be inequitable.

When First Nations child welfare experts completed the first two reports to remedy inequalities in First Nations child welfare funding (McDonald & Ladd, 2000; Loxley et al., 2005), the federal government was running a surplus budget in the billions of dollars. The second report known as the Wen:de: the Journey Continues Report (Loxley et al., 2005), suggested that an additional 109 million dollars in additional child welfare funding on reserves was needed (excluding Ontario and the territories,) along with some policy changes. The cost of the Wen:de solution represented less than 1 percent of the federal surplus budget. The Wen:de reports also suggested a special review was needed to assess the comparability of the 1965 Indian Welfare agreement and address any inequalities.

The 2008 federal budget announcement on First Nations child welfare funding (Department of Finance, 2008) provided only 23% per year of what was needed. In the 2009 budget the government announced an additional 20 million over two years (Department of Finance, 2009). When added, the amount provided in both budgets, represents one third of what was recommended per year (excluding Ontario and the territories) to achieve equity.

http://www.fncfcs.com/sites/default/files/docs/SenateCommitteeOnHumanRights_2009.pdf

Detailed economic analysis determined that an additional 109 million dollars per year in federal child welfare funding is needed to ensure a very basic level of equivalency to provincial funding levels, which are 22% higher. The key area of underfunding was Least Disruptive Measures services to First Nations families to keep their children safely at home, resulting in larger

numbers of First Nations children resident on reserve entering child welfare care than necessary (Blackstock, Prakash, Loxley & Wien, 2005).

A recent survey of 12 First Nations child and family service agencies indicated that the 12 agencies had experienced 393 jurisdictional disputes this past year requiring an average of 54.25 person hours to resolve each incident. The most frequent types of disputes were between two or more federal government departments (36%), between two or more provincial departments (27%) and between federal and provincial governments (14%). Examples of the most problematic disputes were with regard to children with complex medical and educational needs, reimbursement of maintenance, and lack of recognition of First Nations jurisdiction. http://www.fncfcs.com/sites/default/files/docs/FNCFCS_eco_soc_cul_UNSubmission.pdf

2. Recommendations on First Nations' Education and Qualitative Research:

NWAC supports the statements and the recommendations of the Auditor-General of Canada at 5.27:

Aboriginal Affairs and Northern Development Canada (AANDC), in consultation with First Nations, should immediately develop and implement a comprehensive strategy and action plan, with targets, to close the education gap. It should also report progress to Parliament and to First Nations on a timely basis including: AANDC should undertake to obtain reliable and consistent information on the actual costs of delivering education services on reserves and compare the costs with those of providing comparable education services in the provinces **(5.51)**, AANDC, in consultation with First Nations, should accelerate its efforts to develop and apply appropriate performance and results indicators along with targets **(5.46)**, and, in consultation with First Nations and other parties, the Department needs to urgently define its roles and responsibilities and address the long-standing issues affecting First Nations elementary and secondary education. It also needs to improve its operational performance and reporting of results **(5.97: 2011 Auditor General's Report)**.

In addition, NWAC supports the Assembly of First Nations' cost estimates of a required average annual increase of 6.3% since 1996 for First Nations education. The chronic underfunding of First Nations schools has created a First Nations education funding shortfall across Canada. In INAC's First Nations elementary and secondary education budget (totaling \$1.56 billion in 2009-2010), there was a funding shortfall of \$620 million in 2009-2010, beyond the 2% cap. There has been a cumulative funding shortfall of almost \$1.2 billion since 1996 in elementary and post-secondary education. There is also a great need for services, such as: school libraries, technology (computers, connectivity, data systems); Sports and recreation; Vocational Training; First Nations languages; and School board-like services.

3. NWAC's Recommendation for a National Inquiry on Missing and Murdered Aboriginal women and girls

NWAC asking all governments to pay for a National Inquiry to focus on the issue of missing and murdered Aboriginal women and girls across Canada, working closely with NWAC and Aboriginal communities to develop the scope and organization of such an inquiry, and to effectively examine violence against Aboriginal women and girls.