



August 31st, 2022

Via Email ([MCF.StandardsPolicy@gov.bc.ca](mailto:MCF.StandardsPolicy@gov.bc.ca))

Strategic Child Welfare & Reconciliation Policy

PO Box 9406 Stn Prov Govt

Victoria BC V8W9S3 Canada

Attn: Child, Family Service Legislative Reform Committee:

**Re: Joint Submissions in response to MCFD's Child, Family and Community Service Legislative Reform**

Dear Committee Members,

### **Introduction**

Feminists Deliver is a grassroots collaboration of BC-based Two-Spirit people, non-binary folks, Indigiqueer, trans women, lesbian women, and cis women and girls, and the organizations that support them.

We understand and recognize our responsibility to advance to the fullest, the rights of all Indigenous peoples. Our coalition consists of many members, many of whom are invited settlers, while others are Indigenous. Our work consists of always empowering, advancing, and centring the voices of Indigenous peoples.

### **Land acknowledgment**

Feminists Deliver is a coalition based in unceded territories in what colonially borders British Columbia, where the genocidal impacts of European colonizers span centuries and continue to haunt the realities of Indigenous peoples today including residential schools, the Sixties Scoop, as well as the governmental, religious and police authorities' control of family systems, resources, and access to services. More than 200 distinct First Nations as well as Métis people, with at least 30 different languages and approximately 60 spoken dialects reflect the diversity of the peoples, cultures, and spaces we currently occupy.

Collectively, we also acknowledge the Indigenous peoples from the rest of colonial Canada as well as other nations, as we continue to struggle and rise together for the liberation of peoples that proponents of colonialism (including its effects of patriarchy, capitalism, heteronormativity, ableism to name a few) continue to oppress.

### **Please note**

Throughout this document, unless it is otherwise specified, “women and girls” include the following people:

- Indigenous women
- Black women
- Immigrant, Migrants, and Refugee women
- Women who communicate in languages other than English
- Trans women
- Lesbian women
- Women with disabilities
- Girls and young women
- Senior women
- Low-income women
- Girls/young women aging out of foster care
- Rural women
- Students

### **The Reform**

#### **1. Reviewing the materials**

In reviewing the materials on this project’s website, we are concerned about the following aspects:

##### **A. Absence of mention of Jordan’s Principle<sup>1</sup>**

Jordan’s Principle ensures that First Nations children can access the products, services and supports they need, when they need them, while the federal government works with First Nations partners, provinces and territories to develop long-term approaches to help better address the unique needs of First Nations children.

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[https://www.sac-isc.gc.ca/eng/1568396042341/1568396159824?utm\\_campaign=not-applicable&utm\\_medium=vanity-url&utm\\_source=canada-ca\\_jordans-principle](https://www.sac-isc.gc.ca/eng/1568396042341/1568396159824?utm_campaign=not-applicable&utm_medium=vanity-url&utm_source=canada-ca_jordans-principle)

On September 29, 2021, the federal court upheld orders by the Canadian Human Rights Tribunal regarding eligibility under Jordan's Principle and compensation. In 2016, the Canadian Human Rights Tribunal (CHRT) determined the Government of Canada's approach to services for First Nations children was discriminatory.

An absence of mention of this principle in the reform that this committee is hoping for means that the basic foundational principle needed so that First Nations children have an equal chance to thrive is missing. This is a serious flaw, and we are concerned that this will result in an inability of MCFD to provide equitable care, culturally appropriate services, and safeguarding the best interests of the child.

## 2. Issues at hand

According to Census 2016, 52.2% of children in foster care are Indigenous, but account for only 7.7% of the child population in Canada. This means 14,970 out of 28,665 foster children in private homes under the age of 15 are Indigenous.<sup>2</sup>

Results from the 2011 National Household Survey<sup>3</sup> also show that 38% of Indigenous children in Canada live in poverty, compared to 7% for non-Indigenous children.<sup>4</sup>

The child welfare system in British Columbia is flawed and we need to fix it urgently. The legislation provides absolute powers to social workers<sup>5</sup> who have zero cultural knowledge<sup>6</sup> and understanding, and accountability. The mandate<sup>7</sup> prohibits the Minister from getting involved in individual cases, and this creates a perfect storm for individuals to make decisions with no accountability:

*Lasting and meaningful reconciliation: Reconciliation is an ongoing process and a shared responsibility for us all. The unanimous passage of the Declaration on the Rights of Indigenous Peoples Act was a significant step forward in this journey. True reconciliation will take time and ongoing commitment to work with Indigenous peoples as they move toward*

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<sup>2</sup> Government of Canada; Indigenous Services Canada. 2016. "Reducing the Number of Indigenous Children in Care." Sac-isc.gc.ca. 2016.  
<https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>.

<sup>3</sup> <https://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/index.cfm?Lang=E>

<sup>4</sup> <https://www.sac-isc.gc.ca/eng/1541187352297/1541187392851>

<sup>5</sup>

[https://www2.gov.bc.ca/assets/gov/careers/for-job-seekers/current-bc-government-job-postings/featured-careers/social\\_worker\\_roles.pdf](https://www2.gov.bc.ca/assets/gov/careers/for-job-seekers/current-bc-government-job-postings/featured-careers/social_worker_roles.pdf)

<sup>6</sup> <https://sanyas.ca>

<sup>7</sup>

[https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/mcfd-dean-mandate\\_2022\\_-\\_secured.pdf](https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/mcfd-dean-mandate_2022_-_secured.pdf)

*self-determination. Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation.*

The Ministry's complaints department<sup>8</sup> has no power to make decisions, while the Ombudsperson<sup>9</sup> can only give recommendations, not orders.

Apprehension of Indigenous children through MCFD is genocide, wherein the latter can be compared to an Indian agent<sup>10</sup>. MCFD has an active and historical role in the ongoing genocides and colonization of Indigenous children, their parents, families, extended families, communities, and entire Nations.

As a founding member of the United Nations<sup>11</sup>, Canada has ratified the United Nations' Convention on the Rights of the Child<sup>12</sup>, but MCFD's entire existence works in opposition of this declaration.

The colonial and racist legacy of MCFD is reflected in the overrepresentation of Indigenous children and youth in care<sup>13</sup>, the MMIWG2S crisis<sup>14</sup>, and the birth alert system (which only ended three years ago<sup>15</sup>).

The current realities facing these children is a humanitarian crisis. Indigenous children, families, and communities continue to suffer from traumatic separations, and often end up, sometimes fatally, in situations, where their basic human rights are not met.

Removal of Indigenous kids, almost always forceful, is not only a violation of the United Nations' Convention on the Rights of the Child, but also of the United Nations' Declaration of the Rights of Indigenous Peoples<sup>16</sup>:

*Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide*

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<sup>8</sup>

<https://www2.gov.bc.ca/gov/content/family-social-supports/data-monitoring-quality-assurance/child-family-service-complaints>

<sup>9</sup> <https://bcombudsperson.ca/contact/>

<sup>10</sup> [https://publications.gc.ca/collections/collection\\_2018/aanc-inac/R32-413-1960-eng.pdf](https://publications.gc.ca/collections/collection_2018/aanc-inac/R32-413-1960-eng.pdf)

<sup>11</sup> <https://research.un.org/en/unmembers/founders>

<sup>12</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>13</sup> [https://publications.gc.ca/collections/collection\\_2019/sac-isc/R5-717-2018-eng.pdf](https://publications.gc.ca/collections/collection_2019/sac-isc/R5-717-2018-eng.pdf)

<sup>14</sup> <https://www.mmiwg-ffada.ca/final-report/>

<sup>15</sup> <https://news.gov.bc.ca/releases/2019CFD0090-001775>

<sup>16</sup>

<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

*or any other act of violence, including forcibly removing children of the group to another group (Article 7.2)*<sup>17</sup>

Justice Murray Sinclair stated that, “The child welfare system... function(s) from the inherent fundamental belief that we as parents in our own communities do not have the right to birth, raise, educate, discipline and protect our children from Canada’s inherent racism.”<sup>18</sup>

This racism is at the heart of the existence and operations of MCFD. MCFD and the child welfare system reflect Canada’s history and ongoing colonization that forcefully subject Indigenous peoples to racist laws that treat them as lesser beings and deny them their basic human rights. The child welfare system’s practice of stealing children from their families and cultures is a present-day version of removing the Indian in them<sup>19</sup> by forcing them to assimilate in Eurocentric ways of being and learning.

### **3. Recommendations:**

It is disheartening that despite the number of recommendations, anecdotal experiences, and data – all of which point toward the white supremacist, racist, and colonial existence and operations of MCFD, it continues to steal Indigenous children from their families.

Here are, yet again, ***some*** of the reports that must be immediately **fully funded** to be **implemented**:

- UN Declaration of the Rights of Indigenous Peoples
- UN Convention on the Rights of the Child
- Jordan’s Principle
- Truth & Reconciliation Commission’s Calls to Action
- Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls’ Calls for Justice
- International Convention on the Elimination of All Forms of Racial Discrimination
- Skye’s Legacy
- Canadian Charter of Rights and Freedoms
- BC’s Human Rights Code
- Honouring Past Wisdom

### **4. Our Calls to Action for MCFD:**

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<sup>17</sup> United Nations. 2007. “United Nations Declaration on the Rights of Indigenous Peoples.” *Human Rights Quarterly* 33 (3): 909–21. <https://doi.org/10.1353/hrq.2011.0040>.

<sup>18</sup> [https://publications.gc.ca/collections/collection\\_2019/sac-isc/R5-717-2018-eng.pdf](https://publications.gc.ca/collections/collection_2019/sac-isc/R5-717-2018-eng.pdf)

<sup>19</sup> <https://laws-lois.justice.gc.ca/eng/acts/i-5/>

1. Stop removing children from their families and communities
2. Reunify those who have been separated and/or apprehended and provide all necessary supports to ensure successful reunifications
3. Stop birth alerts in any shape or form
4. Honour and respect Indigenous children, families, peoples, communities, and Nations rights to self-determination
5. Set-up an independent watchdog to monitor the MCFD with legislative authority to hold MCFD and their staff accountable for violations
6. Ensure the basic rights of children to be heard, as set out by the United Nations' Convention of the Rights of the Child and its three Optional Protocols, which has been ratified by Canada. Fully fund and implement it.
7. Create an accountability procedure for social workers
8. Decolonize and Indigenize the system
9. Promote prevention supports to keep children within their families, communities, cultures, and Nations
10. Provide services and decisions that take into account personal and intergenerational trauma and are rooted in healing over punishment
11. Uphold children's rights to stay with family and to maintain relationships with them
12. Take identity and culture into account when providing services and making decisions
13. Allow for more community-led direction and decision-making
14. Co-develop policy and legislation with Indigenous communities and Elders
15. Fully fund and implement Jordan's Principle
16. Identify sustainable and stable funding that is flexible and needs-based
17. Fund Indigenous communities to deliver child and family services
18. Implement the United Nations Declaration on the Rights of Indigenous Peoples
19. Remove barriers in the effective exercise of Indigenous jurisdiction
20. Support Indigenous data sovereignty
21. Affirm the right of Indigenous governments to establish and maintain their own child-welfare agencies
22. Significantly invest in comprehensive training for all staff within the Ministry for Children and Family Development so all levels of staff have a better understanding of anti-Indigenous racism is inherent in all the systems and how colonization has impacted Indigenous people for generations, and how the effects of colonization are ongoing. Consumption of Indigenous cultures is not the way forward; MCFD must support staff as they address their own internalized anti-Indigenous racism and white supremacy.

## Conclusion

Many, many Indigenous communities across Canada have demonstrated how a collective, collaborative, rights-based, and self-determined approach that upholds Indigenous sovereignty, can lead to positive changes that focus on keeping families together.

CFSA reform must address the serious harms this legislation has historically, and to this present day, continuously, enabled.

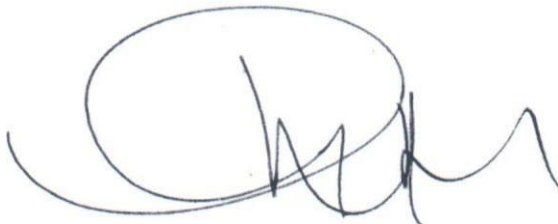
We are encouraged to see MCFD make a commitment to reforming child and family service legislation to improve services for all children and families.

We are hoping to see transformative change to this legislation that is needed at this pivotal moment of Indigenous self-determination over children and families with the implementation of Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth, and BC's adoption of the United Nations Declaration on the Rights of Indigenous People (UNDRIP).

The reformed legislation must also reflect the change that is needed within the system to address the historic and ongoing colonial and racist legacy and approach of the Ministry. The new legislation must also respect and preserve the rights of all Indigenous children, parents, grandparents, extended families, communities, and Nations.

This is an opportunity for BC to create a system that reflects the needs of Indigenous peoples. It is also an opportunity to unlearn the white supremacist, racist, and colonial ways that MCFD has been operating from, and to decolonize and Indigenize its existence and operations. We must also stress that the child welfare system is but one part of the systems of oppression that continues to push Indigenous peoples to the fringes of society and ensure they stay there. The justice system, our education system, healthcare, and prison all work in tandem to inflict injustices, and must all recognize their roles in the systemic oppression of Indigenous peoples across the province, and Canada.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AM MacDougall', with a large, loopy initial 'A' and a long horizontal stroke at the end.

Angela Marie MacDougall  
Executive Director, Battered Women's Support Services  
Co-chair, Feminists Deliver



Jennifer Johnstone  
President and CEO, Central City Foundation  
Co-chair, Feminists Deliver

**Feminist Deliver Membership include:**

- Aboriginal Mother's Centre
- Atira Women's Resource Society
- Aunt Leah's Place
- Battered Women's Support Services
- BC Association of Aboriginal Friendship Centres
- Butterflies in Spirit
- Central City Foundation
- Chrysalis Society
- Coalition of Child Care Advocates of BC
- Downtown Eastside Women's Centre
- First Nations Health Authority Culture Saves Lives
- Hogan's Alley Society
- Hummingbirds Rising Consulting
- Ishtar Women's Resource Society
- Kamloops and District Elizabeth Fry
- March On Vancouver
- New Chelsea Society
- Options for Sexual Health
- Pacific Association of First Nations Women
- Pacific Immigrant Resources Society
- RainCity Housing
- Réseau-Femmes Colombie-Britannique
- Rise Women's Legal Centre



- Surrey Women's Centre
- Union of British Columbia Indian Chiefs
- Vancouver Aboriginal Community Policing Centre
- Vancouver Women's Health Collective
- Victoria Women's Transition House
- West Coast LEAF
- WAVAW Rape Crisis Centre
- Women Refugees Advocacy Project
- Women Transforming Cities
- YWCA