

# KAWASKIMHON MOOT 2019

## **PARTIES TO THE NEGOTIATIONS**

*Version française à venir bientôt/French translation to come soon*



- 1. The Innu Nation of Labrador (Innu Nation)** – Represents the two Innu communities of Sheshatshiu and Natuashish. The Innu Nation has been pushing both Newfoundland and Labrador and the federal government to adequately fund prevention services through an Agency for some time. Owing to media reports of suicides, addictions, and high numbers of Innu children being uprooted from their communities, that province agreed to hold an inquiry into the treatment of Innu children in the child protection system.
  
- 2. Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC)** – Represents the 13 Mi'kmaq communities of Nova Scotia that are serviced by the Mi'kmaq Child and Family Services Agency. After initial failure to consult with the Mi'kmaq on draft amendments to Nova Scotia's Child and Family Services in 2014, pressure from the Mi'kmaq resulted in some amendments recognizing customary care and other accommodations to the Mi'kmaq in the province's child welfare legislation. The Mi'kmaq of Nova Scotia want to develop their own child and family services laws.

- 3. The Inuit Tapiriit Kanatami (ITK)** – Represents 53 Inuit communities, all of which are parties to modern land claim agreements encompassing the territories of Inuvialuit Settlement Region (Northwest Territories), Nunavut, Nunavik (Northern Quebec), and Nunatsiavut (Northern Labrador). Some of these agreements include recognition of Inuit jurisdiction in relation to child and family services, or at least contain the potential for greater control to be exercised by the Inuit over child and family services. ITK has been engaging with the federal government on its efforts to reform Indigenous child welfare and believes the focus of such work should be on the well-being of Indigenous children in care, preventing the children from unnecessarily being taken from their parents, supporting them once they are too old for care, and family reunification.
  
- 4. The Chiefs of Ontario (COO)** – Undertakes collective decision-making, action, and advocacy for the 133 First Nations communities located within the boundaries of the province of Ontario. COO was an intervener in the Caring Society case. COO has been advocating that prevention dollars flowing from the decision should be provided directly to First Nations communities instead of FNCFS Agencies.
  
- 5. The Splatshin First Nation (SFN)** – A First Nation in British Columbia (formerly called Spallumcheen). Owing to significant protest and advocacy by this First Nation in early 1980s,

SFN persuaded Canada to recognize its inherent and delegated authority under the Indian Act's section. 81 bylaw power to create its own child welfare law, which it has followed ever since. The bylaw has been applied in the British Columbia courts. More recently, however, the province has been less willing to recognize the bylaw and has argued that its own Child, Family and Community Service Act should govern child welfare in the community. Splatsin has begun court proceedings to challenge British Columbia on its position.

**6. The Saskatoon Tribal Council (STC)** – Represents seven First Nations that span three distinct linguistic cultures: Cree, Saulteux, and Dakota/Sioux. STC has had its own FNFCSS Agency, STC Health & Family Services Inc., since 1996. In 2017, owing to allegations that the Agency had failed to file all of its reports pursuant to its funding agreement with Canada, the province decided to pull its designation of STC Health & Family Services Inc. as a recognized child welfare agency under provincial law. Following this, provincial child welfare workers were mandated to provide services to the STC communities, under the communities' protest. Canada, STC, and the province have since been involved in legal battles over these issues.<sup>1</sup>

**7. The Métis Child and Family Authority of Winnipeg (Métis Child)** – A provincially funded and designated child welfare agency to provide child and family services to Métis and Inuit

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<sup>1</sup> See *Saskatchewan v STC Health & Family Services Inc*, 2016 SKQB 236

families in Winnipeg. The organization feels strongly that the child welfare issues facing urban Indigenous and Métis peoples should not be overlooked in Canada's efforts to reform Indigenous child welfare.

**8. Counsel of the Atikamekw Nation (le conseil de la Nation Atikamekw (CNA))** – Signed an agreement with the government of Quebec to establish its own child and family caring regime.<sup>2</sup> Such an agreement is authorized pursuant to section 37.5 of Quebec's Youth Protection Act, CQLR c P-34.1. The agreement was signed following a successful pilot project in the community that launched in 2000 and that, since its inception, has allowed (on average) 80% of Atikamekw children who were taken into care to remain in their communities.

**9. UNICEF Canada** – A non-profit humanitarian organization focusing on saving children's lives around the globe. UNICEF uses its influence not only to provide safety for children in need but also to make a noticeable change in their overall outlook on life. UNICEF believes that if we create a safe, nurturing environment, every child will get a chance in life regardless of circumstances. UNICEF has publically supported the Caring Society case and has launched

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<sup>2</sup> See Montreal Gazette, "Quebec First Nations take control of youth protection" (November 29, 2018), online: <https://montrealgazette.com/news/quebec-first-nations-take-control-of-youth-protection>.

several campaigns to pressure Canada and Canadians to do more to improve the well-being of children in Canada, including First Nations children.

**10. Amnesty International** – A non-governmental organization focused on human rights, including the respect of international human rights instruments. Amnesty was an intervenor in *Caring Society*, often advancing arguments that the interpretation of the Canadian Human Rights Act, and Canadian law in general, has to be consistent with international human rights instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples, the Convention on the Rights of the Child, and International Convention for the Elimination of all Forms of Racial Discrimination.

**11. Office Youth and Child Advocate of Alberta (OYCA)** – A child rights’ organization based in Alberta that has several counterparts in other provinces and territories (British Columbia, Manitoba, New Brunswick, Nova Scotia, Quebec, and the Yukon; Ontario just announced the dissolution of its Child Advocate Office). The OYCA was established in 1989; on April 1, 2012, it became an independent legislative office with the proclamation of the Child and Youth Advocate Act, SA 2011, c C-11.5. The Child and Youth Advocate is an independent officer reporting to the Alberta legislature. The Advocate’s duties include advocating for children and

youth who receive some government services (child intervention and youth justice services)  
and investigating the serious injury or death of children in care.