



CHILD RIGHTS IN QUEBEC: A TIME FOR ACTION

Alternative Report for the 5th/6th Review of Canada

Under the Convention on the Rights of the Child
NGO Report

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This update to the 2020 report is submitted by the Center for Research-Action on Race Relations (CRARR) with authors: Hala Mreiwed, PhD, Children's Rights Advisor¹ and Fo Niemi, CRARR's Executive Director²

CRARR, founded in 1983, is a Montreal-based independent, non-profit civil rights organization with the mandate to promote racial equality and combat racism in Canada. It is one of the leading non-profit race relations organizations in Canada. As an issue-based organization, CRARR works with all sectors of society that share its values of equality and diversity, especially equality-seeking groups. CRARR is a partner of different stakeholders.

Introduction: Situational analysis

In this update, we will highlight several new developments and data on some key issues that were missing from the 5th/6th official report, and on which we have provided evidence followed by recommendations. Updated information will be in italics.

It should be noted that the list of issues in this update is by no means exhaustive. The key issues for the update are:

1. Children's participation rights (including the right of children to be heard)
2. Children's rights to protection (including youth protection)
3. Quality and Equitable Education based on a children's rights approach
4. Access to health care for all children
5. Access to justice for all children
6. The protection of rights of children with disabilities

At the core of many issues raised in this update is the Quebec Government's steadfast refusal to recognize systemic racism, which leads to a myriad of systemic barriers to effective protection, equal protection and equal benefit of the law, adequate documentation and measurement of problems and full access to justice for many children, especially Indigenous and racialized children in education, justice, child care, health care and other sectors.

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I. General Principles (Arts. 2, 3, 6, 12)

I. A. Participation Rights

Issue: Inadequate recognition of children’s participation rights. Within children’s healthcare, social services, and education, children’s views are often not heard or their heard views are commonly discounted.

Updated Evidence: *The comprehensive report of the Quebec Special Commission on the Rights of Children and Youth Protection (known as the Laurent Commission), released in April 2021, identifies numerous issues and challenges of the provincial child protective system, and put forward recommendations to reform the system. Among the major recommendations are the creation of the Commission on the Wellbeing and Rights of Children, and a Charter of Children’s Rights that includes the participation of children in citizenship development and knowledge about democratic processes. The Report also addresses the over-representation of Indigenous and Ethnocultural (especially Black) children in the youth protection system. The Quebec National Assembly adopted on April 14, 2022, Bill 15: An Act to amend the Youth Protection Act and other legislative provisions. Bill 15 incorporates many recommendations made in the Report, except that concerning the creation of a Children Rights Commissioner. This brief update cannot provide a thorough review of the final version of the Bill. It is important to note the official reaction of the Assembly of First Nations of Quebec and Labrador, who stated that the “government has managed to go against the flow of important recommendations made by First Nations and supported by the Viens and Laurent Commissions with respect to cultural safety, the success of our young people in school and youth protection adapted to the reality of First Nations.”³*

Below is another recent development in Montreal that illustrates the exclusion of certain children from measures and programs that directly affect their welfare and security. In February and March 2022, the Montreal Police Service and the City of Montreal held a Summit on Violence that brought together major institutions in public security, education, social services and community services to address the number of armed violence in the city, which has resulted in the death or wounding of many children and youth of different racial and ethno-cultural backgrounds, French-speaking as well as English-speaking. However, many English-speaking children, youth and their families, especially those that have lost children to gun violence, were not invited to the Summit. Many organizations serving racialized English-speaking families and children living in the West end of Montreal were also excluded due to race, language and geography.

CRARR’s analysis of crime prevention funding from the Quebec Government in 2020 and 2021 that was distributed in Montreal, with input from the City of Montreal, revealed a clear pattern of redlining whereby 68% of the funding were distributed to 14 community organizations located in the predominantly East end of Montreal, while 32% of the rest were given to 4 community organizations serving the predominantly English-speaking West side of the city. As a result, many organizations serving racialized English-speaking communities living in the West end of Montreal

³ The Rights of First Nations Children in Quebec - We are Losing Hope. (2022, April 11). <https://www.newswire.ca/news-releases/the-rights-of-first-nations-children-in-quebec-we-are-losing-hope-851542953.html>

could not access said funding. Furthermore, it is unclear whether the joint provincial-municipal committee that has been created to oversee crime prevention for civil service society organizations in Montreal includes children and their families from diverse backgrounds. This situation further shows that despite committing itself to combating and preventing systemic racism and discrimination in its services, programs and activities, the City of Montreal still practices systemic exclusion towards certain groups, notably Indigenous and racialized English-speaking communities

I. A. 1. *Recommendations:*

- ***Structures, programs and processes at all levels of government with the mandate to protect and promote child security, welfare and development, and to promote the meaningful participation of children, should adopt a focus on children's rights with an intersectional approach and include children and their families in all policies and practices.***
- ***These structures, programs and processes should conduct a review of all criteria and procedures to prevent and end the exclusion of children and their families due to discrimination based on race, language, gender and other prohibited grounds.***
- ***Special attention should be paid to ensure the participation of children belonging to disadvantaged groups such as Indigenous and racialized communities, low-income families and immigrants and refugees, in programs and services aimed to protect and promote child security, welfare and development.***

II. Disability, Basic Health and Welfare (Arts. 18, 23, 24, 26, 27)

II. A. Children with Disabilities

Issue: Children with disabilities are children first, and as such their human rights are safeguarded by two UN treaties: *the Convention on the Rights of Persons with Disabilities (CRPD)* and *the Convention on the Rights of the Child (CRC)*. These regulations also exist to serve as guidance in the creation of comprehensive systems of care, inclusive environments, accessible societies and communities that allow children to thrive and to achieve the best of their intrinsic capacities. Nevertheless, children with disabilities and their families in Quebec are often unable to realize basic rights such as access to adequate health care, services, and education, including having access to information on their rights. This vulnerable group falls in an intersectional gap between the rights of children and the rights of persons with disabilities, and other groups of children within intersectional considerations such as: girls, Indigenous, immigrants, refugees, and LGBTQ2S+ children with disabilities may face more discrimination when they also have a disability.

Updated Evidence: Access to supports for families, and inclusive education: *Due to budget restrictions and barriers of systemic discrimination in education, many families of children with disabilities still experience exclusion and lack adequate support. CRARR has received a growing number of complaints from parents of children on the autism spectrum and with intellectual disabilities in Montreal because their children are not receiving the education that they need or are not receiving any education as well as limited to no social service support; many of these*

parents are members of racialized groups and the English-speaking minority community. Inadequate support often leads to detrimental effects on a child's development and the parents' economic conditions and wellbeing. In many cases, a lack of adequate support results in children and families being "bounced" from one institution to another, and pressures to turn to the private sector for treatment and support, which is impossible for low-income families.

In one particular case assisted by CRARR that is now before the Quebec Human Rights Tribunal, the child did not receive proper assessment and support due to a lack of school resources and the family's low-income status. As a result, the School Board has been found to have discriminated against her on the basis of income, disability and language since the child had to be transferred to a school under the French-speaking school system to receive adequate support.

In another case assisted by CRARR, a Black child living on the autism spectrum received only a total of 90 hours of education over a period of three years (instead of the regular 720 hours per year) as he was expelled by a school for children with disabilities and had to be home-schooled; facing the mother's ongoing requests for support, the school in question reported the child to youth protection, which, after a preliminary evaluation, did not see the need for intervention. The Quebec Minister of Education was informed of the case but has yet to intervene to ensure proper support for the child. Based on the cases which CRARR has received, it appears that children with disabilities who are racialized and of low-income fare worse in Montreal than other children with disabilities.

II. A. 1. Recommendations:

- ***In addition to a Children's Right Impact Assessment, an anti-discrimination and human rights lens should be adopted within all policies for children and families, with emphasis on the rights of children with disabilities who are also members of other protected groups such as racialized and Indigenous communities.***
- ***Government authorities at different levels should create a systematic and central data collection system for all children with disabilities, including Indigenous children and racialized children to ensure proper documentation of their representation and needs at different levels, through disaggregated data based on race and other characteristics.***
- ***There should be mandatory training on cross-cultural competencies and anti-discrimination with an intersectional lens for all present and future professionals working in education, child welfare, health care and youth protection and criminal justice. This training should take into account systemic dimensions leading to the overrepresentation of Indigenous and Black children in care.***

III. Education, Leisure and Cultural Activities (Arts. 28, 29, 31)

In addition to the recommendations in CRARR's Alternative Report, which included ensuring the development and public release of a plan to teach every child about their rights, train teachers and other professionals who work or will be working directly or indirectly with children about children's rights, and incorporate children's rights into the curriculum, and teacher training as

well as current and future policies for education in Quebec, we ask for culturally appropriate education (an integral aspect of children's rights education).

III. A. Culturally Appropriate Education

Additional Issue: *There is no tangible progress on the Quebec Government's inclusion of Indigenous perspectives, knowledge, the contents of settler-colonialism and residential schools into the school curricula.*

Updated Evidence: *The lack of inclusion of Indigenous history, cultures and experiences in the provincial school curricula is not the only unmet goal. The absence or underrepresentation of Indigenous people in the educational system, as policy makers, teachers and other service providers is also another major impediment to Reconciliation.*

The 2019 Final Report into the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Quebec: listening, reconciliation and progress, also known as the Viens Commission (set by the Government of Quebec after reports and allegations of racism directed at Indigenous people) describes practices of systemic racism and systemic discrimination that Indigenous peoples in the province experience in public services specifically, policing, access to justice, education, youth protection and health and social services. The Viens Commission presented three Calls to Action:

- 1. Call to Action #11: Make implementation of student retention and academic success measures for Indigenous students and young people a priority and allocate the amounts required, guided by the needs identified by the Indigenous peoples themselves and complying with ancestral traditions (p. 238).*
- 2. Call to Action #21: Further enrich the Quebec curriculum by introducing a fair and representative portrait of Quebec First Nations and Inuit history, working with Indigenous authorities (p.250).*
- 3. Call to Action #22: Introduce concepts related to Indigenous history and culture as early as possible in the school curriculum (p. 250).*

Released in 2021, the Final Report of the Task Force on Equity, Diversity, and Inclusion of the Lester B. Pearson School Board (the second largest English-language school board in Quebec), entitled Putting the Learner First (Chapter Five: Race and Ethnicities, article 5.5, p.25) stresses the need to celebrate other cultures in education and other sectors of society: "It is a practice that would allow all populations to feel that their contributions matter and that even a small appreciation of an individual's culture has immense positive effects on their confidence, feeling of inclusion and acceptance of expression of self-identity." The Task Force in the same chapter highlighted and focused on exploring Quebec's Eurocentric biases present in their institutions and schools.

III. A. 1. *Recommendations:*

- *The Viens Commission’s Calls to Actions that are relevant to including culturally relevant material in the education systems should be implemented as an integral part of curricular reforms in Quebec.*
- *The history and experiences of Indigenous peoples, Black and other ethnocultural communities that make up Quebec society, culture and history, should be integrated into Quebec’s curriculum with the view to provide to children of all backgrounds a greater sense of belonging, knowledge, and self-esteem, and to all education stakeholders a more complete and balanced knowledge to transmit to students and their families.*
- *The history of residential schools must be mandatory teaching in all Canadian schools. “The Truth and Reconciliation Commission of Canada (TRC) concluded that residential schools were ‘a systematic, government- sponsored attempt to destroy Aboriginal cultures and languages and to assimilate Aboriginal peoples so that they no longer existed as distinct peoples.’ The TRC characterized this intent as “cultural genocide.”⁴*
- *More Indigenous and racialized teachers and professionals in the education system should be hired in positions of policymaking, curriculum design and teaching. Effective representation should become the norm, and tokenism avoided at all costs.*

IV. Special Protection Measures (Arts. 22, 30, 32, 33, 34, 35, 37, 38, 39, 40)

IV. A. Denial of Access to Health Insurance

Issue: Children born on Canadian soil and in Quebec from parents without or waiting for legal residency status have consistently been denied provincial health insurance coverage.

Evidence: For more than 20 years, children who are born citizens of Canada and living in Quebec with their parents who live in precarious migration status (such as asylum seekers) are denied health insurance coverage by the Quebec Health Insurance Board (Régie de l’Assurance-maladie du Québec) on the basis that under art. 80 of the Quebec Civil Code, a child is a domiciled dependent of their parent or guardians and that since their parents are not legally considered domiciled in Quebec, they are not considered domiciled in Quebec and not entitled to health coverage. Upon appeal, the RAMQ’s administrative decision has been systemically upheld by the Quebec Administrative Tribunal. This situation deprives these children from full citizenship rights and privileges, as Canadian-born citizens; it also violates different provisions of the Canada Health Act that guarantee national health care standards of universality, accessibility and transferability as enshrined in ss. 7 to 12 of said Act. However, the Government of Canada has not acted in a responsible manner to uphold federal laws on health care and citizenship, through its cost-sharing authority, and leaves many Canadian-born children in Quebec in a precarious state of deprivation of the right to life, liberty and security of the person.

⁴ National Centre for Truth and Reconciliation. (n.d.). Residential School History. <https://nctr.ca/education/teaching-resources/residential-school-history/>

Update: *In October 2021, the Quebec Government introduced legislation to remove this barrier of exclusion.*

IV. B. Children and Access to Justice

Issue: Children, face numerous systemic obstacles in the criminal and civil justice systems, as victims and witnesses in particular. These barriers jeopardize their constitutional rights to the equal protection and benefit of the law as it deprives them of effective protection from discrimination, violence and crime.

Evidence: Through complaints filed over the years on behalf of parents and children of diverse backgrounds, with administrative agencies and tribunals, CRARR has noted the following trends that effectively deprive these children from the enjoyment of rights and freedoms guaranteed by the CRC and other domestic legislations:

- 1. Excessive delays in accessing civil rights protections and recourses:** In cases filed with the Quebec Human Rights and Youth Rights Commission (“the Commission”), which also has the mandate to oversee the Youth Protection Act and the implementation of rights guaranteed under said Act, it can take up to seven years from the time of the filing of a complaint to the time a decision is rendered by the Commission. The Commission has no procedure for special, accelerated intervention in cases whereby a child’s physical and psychological safety is threatened by discrimination, harassment or hate in specific sectors such as education, the youth protection system and in certain neighborhoods where racial profiling by the police is commonly practiced. The problem has been brought to the attention of successive Quebec Justice Ministers who are in charge of the application of the *Quebec Charter of Human Rights and Freedoms* (which creates the Commission), but no change has taken place.

Update: *There has been no change to the situation. Since August 2019, the Quebec Human Rights Tribunal, which is separate from the Human Rights Commission and hears cases brought before it exclusively by the Commission, has on numerous occasions criticized the Commission’s excessive delays and even dismissed cases due to these delays, which the Tribunal deems to throw the administration of justice into disrepute. In some cases, the Tribunal ordered costs against the Commission due to these delays. The Victims, however, are left without any compensation. It should be noted that in the Laurent Commission report, it is recognized that children’s notion of time is different from that of adults, which further stresses the need for diligent and timely decisions on their wellbeing, security and development when they face discrimination, harassment and other acts of violence, physical and psychological. Furthermore, in Fall 2021, CRARR formally addressed a request to the Quebec Ombudsman (Protecteur du citoyen), an independent provincial watchdog agency that reports directly to the Quebec National Assembly, regarding these excessive delays in investigating complaints of racism involving children; despite a request for answer, the Quebec Ombudsman has not replied.*

- 2. Children being denied the right to be a witness and to be heard:** It has been observed in many cases before the Quebec Human Rights and Youth Rights Commission, other public protection agencies such as the Police Ethics Commissioner and the police that

children who are themselves the alleged victims of discrimination and hate or who are witnesses to discrimination and hate experienced by their parents, are not considered as reliable witnesses and are therefore ignored as witnesses and dismissed in the investigation into these cases.

Update: *There has been no change to the situation.*

- 3. Children who are victims of certain child-related crimes are not covered by provincial crime victims' compensation programs:** The Quebec government's Crime Victims Compensation Program (Indemnisation des victimes d'actes criminels, or IVAC) does not include the possession and distribution of child pornography and cyber-bullying as crimes whose victims can receive financial support from the state for treatment and counselling. This is due to the fact that the Quebec IVAC program has not updated its list of crimes for more than twenty years (in Canada, the federal government has jurisdiction over criminal law and defines federal offenses). Consequently, these children and their parents are systematically denied financial support and have to file for an "appeal" before the Quebec Administrative Tribunal, where they will be opposed by the Quebec Attorney General (as well as the Attorney General of Canada, if they raise a constitutional argument to the effect that such an exclusion constitutes a denial of the rights to the life, liberty and security of the person and to the equal protection and equal benefit of the law, which are rights guaranteed in the constitutional *Canadian Charter of Rights and Freedoms*).

Update: *The Quebec Government changed the law in October 2021 to allow victims of "sexual violence" to receive compensation benefits, without any time limit.*

4. Systemic Barriers in Access to Justice for Indigenous Children in Care

Updated Evidence: *In October 2021, the Native Women's Shelter and CRARR submitted a formal request to the Quebec Human Rights and Youth Rights Commission to conduct an inquiry into systemic anti-Indigenous racism in employment and services at Batshaw Youth and Family Centers. The request was made as a result of documented cases of Indigenous children being denied culturally adapted services; the right to speak in their own Indigenous language; proper identification, which led to the undercount of Indigenous children and families in care, and other discriminatory attitudes and practices. The request is supported by the Native Women of Quebec and the Assembly of First Nations of Quebec and Labrador. Six months later, at the time of the present submission, the Commission has not responded to such a request. In another case that illustrates the mistreatment of Indigenous children in care, CRARR filed a complaint with the Commission, on behalf of an Inuk youth who was, in the name of COVID-19 protection, detained in a basement room without windows for three days and deprived of other civil rights and freedoms, also received no response from the Commission at the time of the present submission. It should be noted that the Commission has a dual mandate: (1) providing effective protection to victims of discrimination under the Quebec Charter of Human Rights and Freedoms, and promoting Charter principles, and (2) overseeing the youth protection system and ensuring the effective protection of children's rights as guaranteed by the Quebec Youth Protection Act.*

IV. B. 1. *Recommendations:*

- *The Quebec Government must ensure full and equal access to justice to children, particularly children who are Indigenous, racialized, disabled and economically disadvantaged, by ensuring timely or urgent access to protection by Quebec government agencies with a statutory mandate to protect civil rights, and by requiring a clear short time period for complaints made to the Human Rights Commission to be processed and responded to.*
- *The Quebec Government, through the Justice Minister, must issue regulations guaranteeing the right of children to be heard and to act as witnesses in all administrative, civil and criminal proceedings.*
- *The Quebec Government, through the Justice Minister, must launch a full-scale review and reform of the Quebec Human Rights and Youth Rights Commission's investigation procedures to eliminate the persistence of excessive delays which can result in the denial of effective protection to victims of discrimination, especially those who are children whose security, health and development is threatened by discrimination and harassment.*
- *Victims of racism whose cases are dismissed by the Quebec Human Rights Tribunal due to the Quebec Human Rights and Youth Rights Commission's excessive delays and negligence in investigating their complaints should be compensated by the Quebec Government.*
- *The Quebec Human Rights and Youth Rights Commission should conduct an inquiry into systemic anti-Indigenous racism in employment and services at Batshaw Youth and Family Centers.*

IV. C. Racial Profiling and Policing

Issue: Indigenous and racialized children and adults are disproportionately exposed to discriminatory police practices such as street checks and car interceptions and penalized and criminalized as a result.

Evidence: An October 2019 report commissioned by the Montreal Police Service (known as the Armony Report) reviewed data on random street checks between 2014 and 2017 in Quebec's largest city and concluded that Black, Arab and Indigenous persons, starting at the age of 15, were disproportionately stopped and checked by police officers, often without probable cause. The ratio compared to the general population is 4 to 11 times. These street checks often lead to fines or criminal charges, or both. Fines are often levied on the basis of violations of city by-laws such as jaywalking and talking loud in public places, and if the citizen argues or fails to comply with an officer's demand for their ID to write the ticket, they can be violently placed under arrest and charged with obstruction of a police officer's work, resisting arrest (usually as a reaction to tight handcuffs) and assaulting an officer. If it is a child under 18, they will face a trial in the Youth Court and be represented by legal aid counsel. In part due to disproportionate street checks, and the city's policy against "incivilities", racialized youths (mostly Black, Arab and Latino) are disproportionately represented among the Youth Court's accused population. Inadequate legal aid coverage for youth criminal justice cases often results in legal aid lawyers not investing sufficient

time and efforts for these youths' defense. What is also disturbing is that despite its public discourses, the Quebec Human Rights and Youth Rights Commission has not adopted policy guidelines on systemic racial discrimination to investigate more adequately systemic dimensions of complaints of racial profiling.

Updated Evidence

1. *The Viens Commission reports an 85% increase of Indigenous peoples in the Quebec correctional system from 2006-2007 to 2015-2016 and 320% for Indigenous women for the same time period (Viens Commission, 2019, p. 126).*
2. *In August 2020, the Quebec Ministry of Public Security adopted a guideline on police interception with the view to prevent racial profiling and other discriminatory or abusive practices.*
3. *A Quebec Human Rights Tribunal ruling in November 2020 mandates the Police Service of the "Agglomeration" of Longueuil, a municipality south of Montreal, to collect race-based data involving every person stopped by the police. This legalizes race-based data collection in Quebec. However, the Montreal Police Service still resists the "systematic collection" of such data because it considers, without further explanation, that it can "cause prejudice" to the people who are stopped.*
4. *In June 2021, a study commissioned by the Police Service of the City of Repentigny, a small municipality north of Montreal, where local Black residents have regularly complained of racial profiling and harassment by the police, reveals that racialized youths under 25 (mostly Black) are more disproportionately stopped by the police than white youths.*
5. *In 2021, a Quebec Government Committee to reform the police system in Quebec addresses racial bias and profiling in policing. As a result, Bill 18, An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions in regards to the protection of persons, has been introduced to reform some aspects of policing in Quebec, in which there is a proposal to grant to the Minister of Public Security the power to issue regulations to address discrimination in police services and practices.*

IV. C. Recommendations:

- *The Quebec Government must specifically legislate against racial profiling in provincial human rights legislation, adopt regulations against racial profiling and street checks under the provincial Police Act, as other provinces in Canada have done, in order to set clear standards for law enforcement and prevent systemic racism in the criminal justice system as a whole, especially where children are concerned given the disproportionate consequences of racial profiling on children in terms of their security, development and freedom.*
- *Disaggregated race-based data in youth protection and criminal justice should be systemically collected to quantify the overrepresentation of Indigenous and Black children in the youth protection and your criminal justice systems.*

- *Antiracist and anti-discrimination training should be provided to judges and lawyers working in the youth criminal justice system, especially in jurisdictions where Indigenous and racialized children are overrepresented.*

IV. D. Racial Profiling and Systemic Racism in Youth Protection

Issue: *The overrepresentation of Indigenous and Black children in the child welfare system*

New Evidence: *As aforementioned as a response to the Laurent Commission Report, Quebec introduced Bill 15 to amend the provincial Youth Protection Act, but this legislation excludes Indigenous Nation's rights to self-determination and sovereignty in regards to children and families of their communities. Bill 15 does not recognize Indigenous Nations as having the jurisdiction to take care of their children and use culturally relevant and traditional practices in their methods of youth protection. A brief submitted by the Assembly of First Nations of Quebec and Labrador to the Quebec National Assembly on Bill 15 (2022) explains how Indigenous children are overrepresented at every stage of the child welfare process and that communities that are able to exercise greater control over their cultural and political processes, have less suicide rates because Indigenous peoples can make decisions that are most appropriate for their communities.*

In addition, the issue of Birth Alerts is one that has resulted in various Class Action Lawsuits throughout Canadian provinces. Some provinces have since banned the practice of Birth Alerts, but Quebec has yet to officially acknowledge and prohibit the practice. The Inquiry into Missing and Murdered Indigenous Women and Girls calls on the Government of Canada to end the practice of Birth Alerts (Reclaiming Power and Place, Inquiry into Missing and Murdered Indigenous Women and Girls, 2019).

The Laurent Commission cited a 2020 study in Montreal that in 2011, English-speaking Black children made up 9% of the general population and 24% of those in youth protection. Furthermore, Black children are five times more likely than white children to be placed in youth protection, and reports of Black children to youth protection are five times more likely to be retained and their cases referred to court than in the case of white children. More critically, the Laurent Commission also identified schools as the primary source of reporting of Black children to youth protection.

In May 2021, the Quebec Human Rights and Youth Rights Commission released the results of its inquiry into the treatment of Inuit children at Batshaw Youth and Family Centers, Quebec's English-speaking youth protection service. The investigation found discriminatory practices such as the prohibition of Inuit children to speak their native language while in care; cultural and social isolation; limited access to education in English while in residential care and other acts that violate the principle of cultural safety.

Where racialized children are concerned, a study conducted by Dr. Alicia Boatswain-Kyte et al. (2020), Assistant Professor at McGill's School of Social Work, on the Quebec youth protection system shows that there was a 15.1% likelihood that Black children whose youth protection case was closed, would later be reported to the criminal justice system. Also that Black children are

also 65% more likely to find themselves in the criminal justice system after going through youth protection.

Finally, in October 2021, the Office of the Coroner of Quebec released the Coroner's Report into the death of Joyce Echaquan, an Indigenous woman who died in a Quebec hospital after being mistreated (she recorded in a cell phone the racial slurs and verbal abuse directed at her by health care). The Report states that racism played a role in Ms. Echaquan's death and calls on the Quebec Government to recognize systemic racism. Although this event involves the health care system, it bears major implications for the child welfare and youth protection system as well.

IV. D. 1. Recommendations:

- ***As a form of racial profiling in health care and youth protection, the practice of Birth Alerts (targeting and apprehending infants from Indigenous mothers right after they give birth) should be banned in Canada.***
- ***Indigenous Nations should be constitutionally empowered to fulfill their sovereign right to jurisdiction over child and family services.***
- ***Racial profiling and systemic racism in youth protection should be formally investigated and challenged, and positive measures be adopted to eliminate and sanction practices leading to the overrepresentation of Black children at different stages of youth protection.***

V. Data, Statistics and other Information

Issue: *Due to the Quebec Government's ongoing refusal to recognize systemic racism, there is strong resistance in Quebec to the systematic collection of race-based data, particularly disaggregated data, in various fields such as youth protection, education, policing, justice, health care. Even during the height of the pandemic, Quebec public health authorities at first were open to collect race-based data on COVID-19 infections and fatalities; however, their public position was reversed afterwards. As previously mentioned in this Update, the Quebec Human Rights Tribunal has legalized the systematic collection of race-based data for all police stops in a municipal jurisdiction south of Montreal. Furthermore, data based on race are collected in employment, under the 2001 Quebec law on equal employment opportunity (known as Law 143) which seeks to correct the under-representation of groups such as visible minorities, ethnic minorities and Indigenous people in provincial Crown corporations, school boards, colleges, universities, health care institutions, municipalities and the provincial police force.*

V. A. 1. Recommendation:

- ***Legislation or regulations should be adopted to allow for the collection of race-based data in their disaggregated forms, in order to be consistent with other previous recommendations of UN Committee Reports on discrimination based on race.***

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