

Indigenous children's rights, youth protection and the courts: the outlook for the future



PRESENTED BY

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Nadine Vollant¹ presents governance as a solution to the over-representation of Indigenous children in youth protection systems. She examines the benevolence project developed by the Innus of Uashat mak Mani-utenam, known as *Tshisheuatishitau*.

A collective process and a form of governance rooted in Innu values

[The Indigenous governance project for child protection](#) is coordinated by Professor Guay. The research team includes three Innu women, Nadine Vollant, H el ena Gr egoire-Fontaine and Marie-Andr ee Mich ele, and two students, Fanny Jolicoeur and Lisa Ellington. The process concerns two Innu communities belonging to the Uashat mak Mani-utenam Nation on the Lower North Shore, which were involved at all stages of the research project. The project had two phases. For the communities, child protection measures involve trauma, and the consultations and negotiations conducted jointly must lead to the design of decolonialized practices. As a result, the term of benevolence was used in preference to protection, which had too many historical connotations. The goal of the research project was to highlight Innu protection practices and build a form of governance that reflects the needs of the population.

Phase 1 completed: the unique practices of Innu social workers

Phase 1, "the unique practices of Innu social workers", highlighted the Innu cultural practices connected with social intervention, child education, customary custody (*Ne kupaniem*) and healing. It also aimed to gain a better understanding of the current needs of Innu families. Through a collective process connected to the land, Nitassinan, many different people were consulted including parents and children who had experienced protection measures. The consultations included all the members of the Innu family, the *Nikons*, in other words an extended family going beyond the father and mother to include elders, uncles, aunts and cousins. A wide range of data was collected, summarized, and used for Phase 2.

Phase 2 currently undergoing validation: The Innu benevolence model, "*Tshisheuatishitau*"

Taking the lead from Bill C-92 of January 2020, which recognized the right of Indigenous communities to define a child protection law that better reflected their traditions, Phase 2 of the research project involved developing an Innu benevolence institution, based on an Innu definition of the interest of the child adopted in 2019 by the members of the support committee. This was the foundation for a family policy to establish governance. The benevolence model provides for the centralized processing of all requests for assistance and alerts (24/24), with the objective of prioritizing prevention and early intervention. In the event of a clear risk, the intensive monitoring and crisis program is triggered. If preventive services are not sufficient, if the parents refuse to cooperate, or if the alert concerns physical or sexual abuse or serious neglect, special benevolent measures are launched. Next, a family council is held, with the extended family to make decisions in the child's best interest. If this is impossible, a council of the wise is held, with eight people from the community recognized for their wisdom and one young adult ensuring that measures are taken for the child in difficulty. The objective is to ensure that the family and community participate in the search for solutions. The Innu law on benevolence reflects the importance of cultural continuity and consensus in the decision-making and intervention process.

¹ This note is taken from the long version of Ms. Vollant's communication.