

to implement progressive policy solutions in partnership with First Nations. There are many reasons why Canada should make a difference for First Nations children – perhaps the most important reason is because it can.

References

- Alberta Child Advocate. 2005. Stand up for kids. www3.gov.ab.ca/cs/ocya/main_links_publications.html
- Alderman, J. 2003. Primer, encouraging informed and sensitive interactions between youth in care and their child care worker. *Journal of Child and Youth Care Work* 18: 104–114
- Blackstock C. 2005. Same country; same lands; 78 countries away. *First Peoples Child and Family Review* (in press). Winnipeg, Canada: First Nations Child and Family Caring Society of Canada and the Centre of Excellence for Child Welfare
- Blackstock C., Prakash T., Loxley J. and Wien F. 2005. *Wen:de we are coming to the light of day*. Ottawa, Canada: First Nations Child and Family Caring Society of Canada
- British Columbia Children's Commission 1998. Children's commission Annual Report 1996–1997. Victoria, Canada: The Children's Commission
- Canada. 2003. Indian and Northern Affairs Canada (INAC) basic departmental data. Ottawa, Canada: Department of Indian Affairs and Northern Development
- Casey Family Programs. 2001. *It's my life*. Seattle, USA: Casey Family Programs
- Martin, F. 2003. Knowing and naming care. Child welfare: Connecting research, policy and practice. In *Child Welfare: Connecting Research, Policy and Practice*. Kufeldt, K. and McKenzie, B. (eds.) Waterloo, Canada: Wilfred Laurier University Press
- Farris-Manning, C and Zandstra, M. 2003. Children in Care in Canada: Summary of current issues and trends and recommendations for future research. Unpublished paper prepared for the Child Welfare League of Canada for submission to the National Children's Alliance
- Flette, E. 2005. Personal conversation with Elsie Flette, Chief Executive Officer of the Southern First Nations Authority of Manitoba
- First Nations Child and Family Caring Society of Canada. 2005. A chance to make a difference for this generation of First Nations children and young people. Submission to the Standing Senate Committee on Human Rights. Ottawa: First Nations Child and Family Caring Society of Canada
- Lambe, Y. (in press). The chemical management of Canadian systems youths. Ottawa: National Youth In Care Network
- Manser, L. (2004) *Speak the truth in a million voices*. It's

- silence that kills: Stories for change. Ottawa: National Youth In Care Network
- McDonald and Ladd. 2000. Joint national policy review on First Nations child and family services. Ottawa: Assembly of First Nations
- Nadjiwan S. and Blackstock C. 2003. *Caring across the boundaries*. Ottawa, Canada: First Nations Child and Family Caring Society of Canada
- National Youth In Care Network. 2001. *Who will teach me to learn: Creating positive school experiences for youth in care*. Ottawa: National Youth In Care Network
- Saskatchewan Children's Advocate. 2004. 10 years of children's advocacy: Do we have your attention now? Saskatoon, Saskatchewan: Saskatchewan Children's Advocate
- Shangreaux, C. 2004. *Staying at home: Examining the implications of least disruptive measures in First Nations child and family services*. Ottawa: First Nations Child and Family Caring Society of Canada
- Statistics Canada (2002). Profile of Canadian families and households: Diversification continues. Statistics Canada cat. No. 96F0030XIE2001003
- Trocme N., Knoke D. and Blackstock C. 2004. Pathways to the overrepresentation of Aboriginal children in Canada's child welfare system. *Social Service Review*, December 2004, 78 577–600
- Trocme N., MacLaurin B., Fallon B., Daciuk J., Billingsley D., Tourigny M., Mayer M., Wright J., Barter K., Burford G., Hornick J., Sullivan R. and McKenzie B. 2001. Canadian incidence study of reported child abuse and neglect: Final report. Ottawa, Canada: Health Canada
- Tweedle, Anne. 2005. Youth leaving care: How do they fare? Briefing paper for the Modernizing Income Security for Working Age Adults. Toronto: St. Christopher House
- United Nations. 2003. Committee on the Rights of the Child holds a day of discussion on the rights of indigenous children. Press Release September 19, 2003. Geneva, Switzerland: United Nations.

Notes

- 1 Aboriginal describes the three groups of indigenous peoples recognised under the Constitution of Canada: Indians (also known as First Nations), Inuit and Métis.
- 2 Refers to those children under the age of 18 years who are eligible to be registered pursuant to the Indian Act.

How poverty separates children and parents A challenge to family continuity and human rights

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"In efforts to protect their children, very poor parents continually find themselves faced with unfair and inhuman choices in their daily life." (Nitin Desai, United Nations Under-Secretary-General, 2004)

"There has... been insufficient attention paid to the impact of policies on families, and insufficient regard for the contributions families make to the well-being of their members... Policies must contribute to strengthening the support functions that families are already providing and they must help families to cope with the challenges they individually and collectively face." (Johan Schölvinck, United Nations Division for Social Policy and Development, 2004)

In both developed and developing countries, extreme poverty often results in parents becoming separated from their children. Yet two research studies (ATD Fourth World 2004a and b) have highlighted the importance of family and community ties to those living in persistent poverty all over the world. Both parents and children expressed a deep desire that actions taken on behalf of the children should build on these ties. The issues and examples presented below are drawn from these studies.

Extreme poverty can break down family ties

As in other social environments, families living in extreme poverty can experience periods of internal tension and conflict. Insecurities (such as irregular income with resulting deprivation and frequent relocation) and humiliations in their lives often intensify such tensions and hasten the breakdown of family ties. In rich countries, the social services often consider the best way to protect children in such circumstances is to remove them from the family home through an administrative ruling or legal procedure. Although such a decision is sometimes taken with the parents' consent, the vast majority of poor families who lose their children in this way indicate that the experience feels like a punishment. Far too often, alternative solutions that would address

the underlying tensions within the family are not sufficiently explored. In addition, the aspirations of parents and children are not given sufficient weight in the final decision. Examples from the UK and the USA show this procedure often results in strained and difficult dialogue and, at times, harsh confrontations between parents and social service workers.

When the social services or the courts place children in care, the decision often seems to be based on a fear that the children's poor living conditions will harm their development or prevent them from receiving adequate schooling. Yet recent research in the UK shows that children placed in care perform far less well in school than other children, even allowing for the negative effects of lack of opportunities in early childhood (Social Exclusion Unit 2003).

In developing countries, the reasons for family break-up are quite different. Although the legal and social systems are less involved with families living in extreme poverty, separations are still imposed by social and economic realities. In Burkina Faso, for example, harsh living conditions in rural areas and the hope of a better life encourage children and young people to leave the family home for the capital city. In Haiti, many poor parents entrust the care of

The International Movement ATD Fourth World is an NGO dedicated to combating extreme poverty and promoting human rights. It was founded in 1957 in a shantytown near Paris, by Joseph Wresinski (1917–1988), who himself came from a family living in extreme poverty. ATD Fourth World teams work in 29 countries in Europe, Africa, Asia and the Americas. Through its Permanent Forum on Extreme Poverty, an international network of anti-poverty organisations and human rights defenders, the International Movement ATD Fourth World brings together experience and knowledge from over 100 countries.

their children to other families because they lack the means to bring them up or send them to school. The same reasons force parents to put their children in orphanages in the Philippines.

Family ties should be preserved

All over the world, ATD's teams have noted that the family unit is enormously important to the very poor. The family is at the core of their lives; it provides a sense of identity and it is a source of courage and strength in the struggle to pull themselves out of poverty.

For many poor people, the family circle is also one of the few places where they feel welcome and fully human. This is because they are important to the others. For example, when children from extremely poor families who are in placement turn 18 and can no longer stay in their foster homes, they frequently return to their birth parents. They knock at the door of a mother or father they may not have seen in many years, in the hope that they are still important to them.

“The placement of children in care often weakens the families that intervention is meant to help.” (ATD Fourth World 2004b). This suggests it would be logical to use available resources to support disadvantaged families in their efforts to remain united. Investing in these families may well prove less costly than placing children in care. At the same time, keeping families together provides children with the affection they need for their development. Even if placement is not under consideration, one would hope that outside interventions would

strengthen rather than further weaken an already fragile family unity.

For example, one family from the USA became homeless. The only option offered to them by the social services was a shelter for women and children only. The husband had to sleep in a car for several weeks. In the Philippines, a mother requested social services assistance, but was told she had to sever all ties with the father of her children. In both cases, the mothers accepted the much-needed support, but secretly kept in touch with their partners, living in constant fear of discovery.

Neither of these fathers had been abusive to their wives or children. Although the social workers undoubtedly thought there were valid reasons for giving the mothers such an option, what they proposed went against the women's desire to keep their families together. Instead of receiving help to manage the family as a unit, a form of support that would empower them by strengthening their own capacities, the solutions offered only perpetuated their state of instability.

Thus in developed and developing countries alike, parents are faced with difficult choices and conflicting needs when it comes to raising their children. In the UK, parents participating in a meeting at Frimhurst Family House (ATD Fourth World's respite and cultural centre in the UK) defined their situation as follows:

- “Being a poor parent means having to say ‘no’ to my children every day of their lives.”
- “Seeing foster parents get so much money to buy my children the things I could never afford to buy them.”
- “Having to be better with my kids than everyone else, because someone is watching me.”
- “Having no choice of where we live, what school the kids go to or what kind of jobs we get.”
- “Needing help, but being too scared of being judged an unfit mother to ask for it.”
- “Telling my whole life story over and over again, just to get what I am entitled to.”
- “Not being able to help the kids with their homework because I never had any education.”

These words could have been spoken by parents in many parts of the world.



Investing in poor families may well prove less costly than placing children in care. Keeping families together provides children with the affection they need for their development.

Broken family ties: a human rights challenge

The real-life experience of families touched by severe poverty has brought us to link the concepts of ‘fundamental ties’ and ‘fundamental rights’ because safeguarding the ties between parents and their children is intrinsically related to upholding human rights as a whole. Based on our experiences with very poor families, two guiding principles appear to be of prime importance in protecting these basic ties: ‘family continuity’ and ‘community ties’. These principles should be taken into account in all child-related programmes or measures.

Encouraging ‘family continuity’

The concept of ‘family continuity’ appeared first in the USA and was later developed in other countries, particularly in Sweden. It emphasises the priority that should be given to lifelong relationships; more specifically to the family ties that play a central role in child development. This means that steps should be taken to identify, support and enhance the ties

that exist, not only between parents and children, but also among siblings and members of the extended family. Relationships with grandparents, uncles, aunts, cousins or close family friends are especially important to children who are placed in care. Such ties will provide the children with a sense of continuity, since placement in foster families is likely to involve them a series of short-term, unpredictable and sometimes repeatedly broken contacts.

The network of extended family relations is drawn on and strengthened through ‘family-group conferences’. These originated in New Zealand and are now being implemented in additional countries. Convened when a family is going through a difficult period or a crisis, they involve the extended family in identifying its own solutions to the problem at hand. Special attention is paid to the opinions of the parties most closely concerned, i.e., the parents and the children.

The community: A source of basic support for the poor and the very poor

At the International Children's Forum held by ATD Fourth World in Geneva, the children declared: "For us, family is the most important thing. Without families, we can't live; we can't grow up. But families can't exist unless there is friendship in our communities. Without friendship, life is not possible."

There is thus a relationship between support for family ties and support for community ties, as illustrated by projects carried out in 10 European countries (ATD Fourth World 2004b). Some of the projects sought to provide solutions in crisis situations while others focused on strengthening existing neighbourhood or community ties. One of the aims of the second type of projects was to reduce the isolation of extremely poor parents and to help them establish positive contacts in their immediate environment. Experience has shown that when families benefit from such support, it is easier to find solutions in times of crisis. These projects launched initiatives such as parent groups, outings, holidays and cultural activities with parents and children.

While societies in some industrialised countries seem to be rediscovering the importance of community ties, these still hold a central place in many developing countries. However, they are being weakened as these countries develop. In Burkina Faso, for example, initiation rites used to play an important role in community support systems. If one member of the initiation group behaved badly, it was the responsibility of the other members to put him back on the right track. In addition, any person living in the village (or neighbouring village) could correct the behaviour of another person's child. Parents were never alone in raising their children; when a parent said "no", he or she received the support of the entire village. Today, as families become more nuclear and society becomes more individualistic, fragile families are becoming increasingly isolated. While social exclusion existed in traditional societies, they invested a great deal of energy in building and maintaining community ties, and these served as a buttress, protecting individual members in times of hardship.

In both developed and developing countries, families living in extreme poverty need to find others (e.g.,

in their immediate social environment, their work place or their children's school) who can accompany them in their daily lives and who believe in their potential. In the absence of such people, social support programmes or measures are unlikely to succeed in reaching their goals.

Social care professionals obviously do not bear sole responsibility for the quality of community ties but they can play an important role in supporting their development. The mandate of social services should therefore include fostering support mechanisms within a community. In this way, they could increase solidarity and reduce the marginalisation of the very poor. It would therefore be advantageous to give social care professionals the required training and resources to do this. Such an approach would improve the wellbeing of children and their families.

References

- ATD Fourth World 2004a. www.atd-fourthworld.org/intern/docu_intern/howpov_res_en.pdf. (This report was drafted with financial support from the United Nations Department of Economic and Social Affairs (DESA). It draws on the experience of ATD Fourth World teams in Guatemala, Haiti, the USA, Burkina Faso, the Philippines and the UK.)
- ATD Fourth World 2004b. www.atd-fourthworld.org/europe/valuingchildren/index_vcvp.htm. (The study is a European Discussion Paper prepared by the International Movement ATD Fourth World with financial support from the European Commission.)
- Social Exclusion Unit. 2003. *A better education for children in care*. London: Social Exclusion Unit, Office of the Deputy Prime Minister

The need for international guidelines **Children in prison with their mothers**

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If a woman with a young child is sentenced to a term of imprisonment, should her child accompany her into prison? And if a young child does live in prison with their mother, what measures are required to ensure they develop normally?

These are difficult questions, and they will be answered differently in different countries. Norway has a policy that children cannot stay with their mothers in prison at all. In neighbouring Finland, children may live in prison until they are 2 years old. In Colombia, children may live in prison until they are 3, in Bolivia until they are 6, and in a Mexican Federal prison, until they are 12 years old. In Ghana, children stay in prisons only while they are being breastfed, while in Kenya they may stay until they are 4 years old.

Facilities vary widely between and within countries. A number of countries have 'open' prisons for mothers with young children, or 'mother and baby' units. In others, babies live in prison without their presence being registered or monitored by the State, and without any special provision being made for them.

Best interests

When assessing whether to allow a particular child to enter prison (or if born in prison, to stay there) with their mother, the best interests of the child should be the primary consideration, as set out in Article 3(1) of the CRC.

However, experts disagree as to whether being in prison with one's mother is in the best interests of a child, and little research has been done to shed light on the question. Growing up in prison might retard a child's mental, emotional and physical development. At the same time, separating a

small child from its mother, particularly between the ages of 6 months and 4 years, risks damaging the mother-child relationship and the child's development (AMA 1997). Birth and early childcare expert Sheila Kitzinger argues, "Whenever a baby is taken away from its mother we punish the baby as well as the mother... Separation is an emotional mutilation for both of them" (Kitzinger 2005).

Catan (1992) studied 74 infants residing in prison units with their mothers in the UK. The author compared these with a control group of 33 infants, of which two-thirds were looked after by extended family and one-third by social services or foster parents. Catan found that a significant number of infants born in the prison nursery and then immediately placed with caregivers other than their mother did not experience the benefits of continuity of care during infancy. However, the study concluded that there was a strong, healthy attachment pattern among infants and their mothers in the prison nursery programme.

However, Catan's study identified short-term detrimental effects on the locomotor, social and cognitive development of the infants who spent four months or longer in a prison unit. These deficits disappeared soon after the infants were transferred to a non-prison environment. The researchers concluded that the nursery units were unable to promote the skills necessary for developmental growth as the child gets older, due to limitations in the design of the nurseries (lack of space and availability of toys, etc.). Busch-Rossnagel et al (1990), studying 12 infants in a US prison nursery programme, also found the children to have below-normal levels of development, and this was attributed to the lack of variety in daily stimulation.