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NUTAQQANUT INULRAMIRNULLU
UGAQTIKHAANIK

REPRÉSENTANT DE
L'ENFANCE ET DE LA JEUNESSE

REPRESENTATIVE FOR
CHILDREN AND YOUTH

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November 16, 2020

Statement from the Representative re: Nunavut Court of Appeal's reasons for decision

Dear Nunavummiut:

The Representative for Children and Youth's Office (RCYO) works to ensure that the Government of Nunavut (GN) provides ethical, equitable, and consistent services that meet the needs and support the rights of young Nunavummiut, and the families, who rely on them. As the RCYO is accountable to the public, I would like to make a statement about the stated reasons for the Nunavut Court of Appeal's decision to stay the sentence of a mother convicted of causing "horrendous injuries"¹ to her five-year child.

It is the responsibility of the Department of Family Services to protect and provide adequate care to Nunavut's children and youth. The department failed this child and their family. The Court of Appeal's comment on the "bleak future"² for those in foster care, is a call to action that the system requires immediate attention, as it is failing to fulfill its obligation to all Nunavummiut who rely on these services.

The decision made by the Court of Appeal further highlights the many concerns the RCYO has in regards to the Department of Family Services. When addressing complaints brought to our attention regarding the department, we continually see a lack of accountability and consistency. In my 2019-2020 Annual Report, tabled in the Legislative Assembly of Nunavut on September 21, 2020, I speak directly to this issue.

Having received a list of the critical injuries and deaths of young people that have occurred over the past five years from the Department of Family Services, I was shocked at the frequency and extent of violence and physical and sexual abuse noted. Equally as alarming was the lack of response these incidents received from the Department of Family Services... Further, the list I received is incomplete because... the Department of Family Services has admitted that these occurrences were not being tracked consistently.³

I have raised my many concerns to the Deputy Minister of the Department of Family Services' attention numerous times. I am taking this opportunity to ensure that all Nunavummiut are aware of my concerns and the actions that the RCYO is taking to hold government accountable and improve services. My office is currently conducting a review of the child welfare services provided by the Department of Family

¹ Bell, J. (2019, October 22). "Nunavut mom's child abuse must be denounced, appeal court rules." Nunatsiaq News. Retrieved from <https://nunatsiaq.com/stories/article/nunavut-moms-child-abuse-must-be-denounced-appeal-court-rules/#:~:text=In%20a%20case%20that%20exposes,two%20years%20less%20a%20day>.

² Neary, D. (2019, October 21). "Abusive mother won't serve jail time due to deficiencies of Nunavut's foster care system, appeal judges rule." Nunavut News. Retrieved from <https://nunavutnews.com/nunavut-news/abusive-mother-wont-serve-jail-time-due-to-deficiencies-of-nunavuts-adoption-system-appeal-judges-rule/>

³ Representative for Children and Youth's Office. (2019). Representative for Children and Youth 2019-2020 Annual Report. Iqaluit, NU: Representative for Children and Youth's Office. Retrieved from <https://rcynu.ca/whats-new/publications/representative-children-and-youth-2019-2020-annual-report>

Services, based on our advocacy cases. Further, the RCYO is currently developing its Reviews of Critical Injuries and Deaths program.

The Department of Family Services reported, “between September 30, 2015, and March 31, 2020, 556 critical injuries and deaths occurred to young Nunavummiut who were receiving services from the Director of Child and Family Services.”⁴ The Director of Child and Family Services further indicated that there was a “significant lack of documentation, tracking and reporting of these injuries”,⁵ which means that accurate numbers would be even higher.

This program will be responsible for examining the circumstances leading up to a critical injury or death of a young person(s), to determine if they received the GN services they were entitled to and if these services met their needs. It will have the authority to investigate situations, like the one experienced by the five-year-old child in the court’s decision. The purpose of conducting these reviews is not about placing blame, but instead to suggest changes to legislation, policies, procedures, programs, and services with the intention of preventing similar injuries or deaths from occurring in the future. Through this program, our office will have the authority to review the actions and decisions made by the Department of Family Services, or other GN departments, to determine if they contributed to or could have prevented the critical injuries or deaths from occurring.

The Government of Nunavut must recognize their responsibility in upholding the rights of young people under the United Nations *Convention on the Rights of the Child*, in this situation, particularly:

Article 19: The right to be protected from all forms of abuse and neglect,

Article 20: The right to protection if you can not live with your parents, and

Article 21: The right to protection if you are adopted.

It is the responsibility of the RCYO and the public to hold the GN accountable for providing the services we need. We must demand better.

Sincerely,



Jane Bates
Representative for Children and Youth

⁴ Representative for Children and Youth’s Office. (2019). Representative for Children and Youth 2019-2020 Annual Report. Iqaluit, NU: Representative for Children and Youth’s Office. Retrieved from <https://rcynu.ca/whats-new/publications/representative-children-and-youth-2019-2020-annual-report>

⁵ Representative for Children and Youth’s Office. (2019). Representative for Children and Youth 2019-2020 Annual Report. Iqaluit, NU: Representative for Children and Youth’s Office. Retrieved from <https://rcynu.ca/whats-new/publications/representative-children-and-youth-2019-2020-annual-report>