Supporting Two-Spirit and Indigenous LGBTT2QQIA Youth in the Ontario Child Welfare System

A Joint Submission Regarding the Ministry of Children and Youth Services’ Development of a Resource Guide for LGBTT2QQIA Youth

February 2015
INTRODUCTION

The Native Youth Sexual Health Network (NYSHN) and the Ontario Federation of Indigenous Friendship Centres (OFIFC) have jointly developed this submission for the Ministry of Child and Youth Services (MCYS) in response to their request for input into the development of resource materials for supporting Two-Spirited and Indigenous LGTTQQIA youth in the Ontario Child Welfare System.

For the sake of brevity we will refer to Two-Spirit and/or Indigenous youth identifying along the lesbian, gay, bisexual, transgender, transsexual, gender non-conforming, queer, questioning, intersex, and asexual (LGBTT2QQIA) spectrum as Two-Spirit youth while recognizing that not all Indigenous youth choose to take up this term or identify with it.

ABOUT OUR ORGANIZATIONS

The Native Youth Sexual Health Network (NYSHN) is an organization by and for Indigenous youth that works across issues of sexual and reproductive health, rights and justice throughout the United States and Canada. Key areas of work of the NYSHN include: culturally safe sex education, reclaiming rites of passage, coming of age ceremonies and traditional knowledge, healthy relationships and violence prevention, pregnancy options, youth parenting and families, environmental justice and environmental violence, harm reduction, Two-Spirited and LGBTT2QQIA advocacy and awareness, sexually transmitted and blood borne infections (STBBIs) and HIV/AIDS awareness and prevention, youth in custody, jail, prison and the child welfare system, sex trade, sex industries and street economies, indigenous feminisms and masculinities, sexual self-esteem and empowerment, media literacy, youth activism and human rights. NYSHN is a peer-based network of individuals, families, communities, and Indigenous peoples at large. Advocacy and direct youth and community mobilization are central parts of the NYSHN’s work. NYSHN also works with service providers, organizations, adults, Elders, and allied communities. NYSHN has a number of specific projects that specifically address homophobia and transphobia within Indigenous communities as well as externally, and aims to create culturally safe and supportive networks.

The Ontario Federation of Indigenous Friendship Centres (OFIFC) is a provincial Indigenous organization representing the collective interests of twenty-eight member Friendship Centres located in towns and cities throughout the province of Ontario. The vision of the Friendship Centre Movement is to improve the quality of life for Indigenous people living in an urban environment by supporting self-determined activities which encourage equal access to, and participation in, Canadian society and which respects Indigenous cultural distinctiveness. The OFIFC administers a number of culture-based programs which are delivered by local Friendship Centres in the areas of health, justice, children and youth, violence prevention, family support, and education.
Centres also design and deliver local initiatives in areas such as employment readiness, literacy, and cultural awareness. OFIFC programs are wholistic and are designed to support urban Indigenous people across the entire life-cycle, creating a safe space for all community members who access Friendship Centres. The Friendship Centre Movement represents the most significant off-reserve Indigenous service infrastructure across Ontario and Canada dedicated to achieving greater participation of all urban Indigenous peoples in all facets of society, inclusive of First Nation – Status/Non-Status, Métis, Inuit and all other people who identify as Indigenous.

Both the NYSHN and OFIFC work directly with Indigenous youth, families, communities, nations, and organizations throughout Ontario, many of which have direct or community-facilitated contact with the child welfare system in various capacities. Both organizations are jointly committed to, and actively employ and work with Indigenous youth, communities, and organizations who identify as Two-Spirit and/or along the LGBTT2QQIA spectrum. We are both encouraged by the Ministry’s desire to support and positively increase knowledge, practices, and experiences with administrators and front-line workers within the child welfare system to better support Indigenous youth.

This submission is intended to mark the beginning point for discussion and consideration, with the expectation of follow up and ongoing dialogue with the NYSHN and OFIFC as this project progresses.

UNDERSTANDINGS OF GENDER AND TWO-SPRIT PEOPLE

When developing resource materials designed to support the needs of Indigenous children and youth in contact with the child welfare system, it is important to understand and contextualize Indigenous understandings of gender and sexuality as well as the emergence of the term Two-Spirit.

The colonization of North America has imposed European patriarchal values upon Indigenous societies, reconfiguring their gender roles to better assist their subjugation. In Western social and cultural constructions of gender, the male performance is valued as powerful and significant while female gender performance is viewed as submissive and marginal. It is both unbalanced and creates the supposition that there are two finite conceptualizations of gender: male and female.¹ Within the Indigenous worldview, the construction of gender and sexual identities is much more fluid, preferring to have people embody certain roles and responsibilities within their clan, family, community, and nation based on the expression of their own personal gifts. Based on their gifts, they take up certain tasks and responsibilities within the community. At the centre of the conceptualization of traditional roles is the notion that individuals have dominion over the definition and implementation of their community position. This self-determination

applied not only to men and women, but for Two-Spirit people who held special responsibilities within our communities.

Two-Spirit people have always existed in, and been an intrinsic part of, Indigenous communities. A Two-Spirit person was seen as embodying both male and female characteristics, which the community recognized as giving them greater insight, knowledge, and responsibility. They were valued as visionaries, healers, caregivers, medicine people, warriors, and leaders, and they were respected as equal and vital members of Indigenous societies. But colonization has greatly impacted the status and position of Two-Spirit people by suppressing Two-Spirit traditions and roles. With the forced change in gender construction over the last four hundred years, Two-Spirit people were alienated and persecuted for their practices, which ultimately resulted in the incomplete erasure of their teachings, practices, and roles and the emergence of homophobia and transphobia in Indigenous societies.

The term Two-Spirit initially emerged into contemporary vernacular in the 1990s when Indigenous people began actively resisting colonial values and processes and are working towards the reclamation of Two-Spirit identities. Indigenous LGBTT2QQIA groups rejected the Western anthropological definitions of Indigenous homosexual and transgender people and determined that the mainstream lesbian, gay, bisexual, and transgender identities did not include their Indigenous cultural understandings of gender and sexuality. Two-Spirit is a self-descriptor used by all gender and sexual variant Indigenous people in Canada and the United States that honours our ancestral past and reclaims our Indigenous identity.

Two-Spirit people continue to grapple with unique challenges that are shaped by their intertwining experiences of race, gender, and sexuality. Intersectionality is a concept which captures the idea that social identities are organizing features of social relationships, and that these social identities mutually constitute, reinforce, and naturalize one another, creating both oppression and opportunity for the individual. Intersections reproduce a complex operation of power relationships among social groups and can be experienced at the individual level right up to the socio-structural level. When discussing the construction of the identities of Two-Spirit people, gender, race, and sexuality have to be viewed as developing interdependently with one another, all equally and intricately contributing to an overall sense of self. In fact, this interconnection is inherent in the definition of term Two-Spirit.

This understanding of self for Two-Spirit people has meant having to experience multiple and overlapping forms of oppression and inequality, even from the very groups they identify with. Numerous Two-Spirit individuals recount experiencing homophobia,

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2 2-Spirits of the 1st Nation, “A History of Two-Spirited People” retrieved from http://www.2spirits.com/
3 Ibid.
transphobia, and sexism from their own Indigenous communities, forcing them to leave their families and homes. The modern re-emergence of Two-Spirit people in combination with their engagement in traditions and ceremonies has created friction with Indigenous traditionalists who do not recognize Two-Spirit identity. On top of this, many Two-Spirit people also face racism and stereotypes among the LGBTT2QQIA community, rendering it quite difficult to find a positive community support system. All the while they are experiencing overarching racism, homophobia and transphobia, and sexism from mainstream heteronormative and patriarchal society. When striving for increased positive outcomes for Two-Spirit people, culture, sexual orientation and the impacts of colonization, including inter-generational trauma, must be dealt with concurrently.

**CHILD WELFARE AND TWO-SPIRIT CHILDREN AND YOUTH**

Indigenous youth, including Two-Spirit youth, are greatly impacted by the current environment of the child welfare system and its history with Indigenous communities. Of the total number of children in care, Indigenous children make up more than 20% while representing only 2% of the total population. This is an extremely high and disproportionate number, and yet does not account for Indigenous children who are living off-reserve. In some regions, the percentage of Indigenous children in care ranges upwards of 60%. The child welfare landscape holds and continues to perpetuate a powerful legacy of harm and trauma for Indigenous children and youth, stemming from the Residential School era that lasted more than a century and saw over 150,000 children forcibly removed from communities. This was followed by the “Sixties Scoop” which saw many Indigenous mothers lose their children to Ontario’s adoption-out policies. Today, there are more Indigenous children in the child welfare system than there were at the height of Residential Schools, a phenomena that many have begun to identify as the “Millennium Scoop.” The recognition of how the history and very nature of the child welfare system has contributed to the marginalization of Indigenous and Two-Spirit youth is needed in order to make substantial and felt changes to their ongoing care and wellbeing.

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6 Stirbys, Cynthia, “Gender Based Analysis and Differing Worldviews” Canadian Woman Studies. 26 (2008): 143
9 Please see Métis Nation of Ontario, Ontario Native Women’s Association and Ontario Federation of Indigenous Friendship Centres’ MCYS submission, “A Collaborative Submission Regarding The Child and Family Services Act” (December 2014)
Issues of Two-Spirit Children and Youth in Care

Cultural Safety and Competence in Placement
Two-Spirit youth require a level of cultural safety and cultural competency from all caregivers and workers within the spaces, homes, and facilities they are placed in so as to feel secure, safe and supported. Administrators, workers, caregivers, and other youth in foster homes, group homes, and Children’s Aid Societies (CAS) must have a well-grounded understanding of Indigenous cultures and Two-Spirit identities to ensure an inclusive, respectful, and caring environment for Two-Spirit youth. If a space is perceived as unsafe by a Two-Spirit youth, they may choose not to disclose their identity (racial, sexual, or gender) in fear of its potential consequences, such as violence, abuse, discrimination, exclusion, and harassment. Furthermore, not all Two-Spirit youth are given the option of non-disclosure and are forced to come out and be out in the spaces they occupy, which could place them in positions of serious vulnerability.

Two-Spirit, transgender, and gender non-conforming youth should be encouraged and supported in determining their identity in order to develop into capable, confident adults. Unfortunately, youth who are struggling with their identities can often find themselves in care because of their Two-Spirit identity, having been forced to leave unaccepting or intolerant homes and communities. If youth are not properly supported, this can contribute to and result in feelings of internalized homophobia and transphobia and can increase their risk of mental illness, substance misuse, self-harm, and contribute to poorer life outcomes. With an understanding of these serious risks to youth’s safety, placement should be within a supportive place where youth can feel free to determine and understand their own gender, sexual, and cultural identities without negative judgment or barriers. This requires space, time, and freedom to experiment with different expressions of their identities, even if it means questioning or ‘changing their minds’ about their identity. Providing youth space, time, and freedom means not having to have their identities questioned, policed, explained away, or even completely figured out in order to receive care or to feel safe.

CAS workers, administrators, and foster parents should receive reputable training, materials, and information on Indigenous cultures and Two-Spirit people to increase their knowledge and capabilities in providing appropriate care. There is a lack of Two-Spirit and peer-based mentors and leaders within the child welfare system. Both youth and staff are reportedly facing homophobia and transphobia within their work places. Safe and supportive environments will not only benefit Two-Spirit youth, but they will also cultivate an inclusive and affirming workplace for Two-Spirit workers and allies.

It is recommended that MCYS:
- Ensure that the Two-Spirit identity and its cultural implications are widely understood, supported, and promoted by all levels within the MCYS and CASs (board, executive, management and front line staff).
- Establish anti-discrimination policies and procedures in homes and places of care, including explicit policies and procedures on homophobia, transphobia,
racism and sexism that are informed by intersectional understandings of youth’s identities.

- Develop, in consultation with Indigenous organizations, culturally safe and informed training sessions on Indigenous culture and Two-Spirit people for youth, workers and caregivers.
- Create visible, positive, and supportive environments for Two-Spirit youth, including gender-neutral washrooms and hiring Two-Spirit and LGBTT2QQIA workers and caregivers.

**Engagement of Two-Spirit Youth**

Two-Spirit youth should be informed and consulted on their placements to ensure the space is as appropriate and safe as possible. Entering care often involves a fairly traumatic experience and can involve varying degrees of force, coercion, and feelings of rejection. For Indigenous youth, entering care comes with a legacy of removal and intergenerational traumas. Two-Spirit youth often experience a lack of choice, consent, or input on what is happening, where they would like to go, and what would make them feel most safe. They face assumptions, stereotypes, and stigma based on their cultural, gender, and sexual identity during the intake process and in their placements. This lack of informed consent contributes to feelings of isolation, fear, and helplessness.

Two-Spirit and transgender youth in care should not be made to choose between their cultural identity and their gender and sexual identity to seek out supports, programs, and services they need and are entitled to, but within the current system, this is the type of fractured experience that Two-Spirit youth are often faced with. Two-Spirit youth in care are encountering systems that require them to choose between their Indigenous identity or their LGBTT2QQIA identity in order to attain and access supports and services. This reflects a misunderstanding of Two-Spirit youth’s realities as they do not experience racism and discrimination separately from their experiences of homophobia and transphobia. Two-Spirit youth face numerous, overlapping, and complex challenges in their daily lives, not only in their interactions with the child welfare system. Given this reality, their placements in care must take these everyday challenges into account and design safe and comforting spaces in response.

It is recommended that MCYS:

- Consult Two-Spirit youth during their intake process and placement options and develop tools and strategies for caregivers and workers to do this;
- Acknowledge and recognize that Two-Spirit children and youth should be entitled to all Child and Family Services Act (CFSA) provisions relating to Indigenous and Aboriginal youth, which needs to be promoted and shared; and that it is the duty of CAS to promote and ensure that its statutory responsibilities extend to Two-Spirit youth, including those who identify as living off-reserve;
- Seek out, understand, and implement the types of support Indigenous and Two-Spirit youth and children are requesting; and
- Incorporate intersecting issues of racism, sexism, homophobia, and transphobia into individualized plans of care with Two-Spirit youth.
Culturally-Safe and Appropriate Services and Resources

Two-Spirit youth require increased access to appropriate, safe and accurate information and resources regarding sexual and reproductive health topics. At present, Two-Spirit youth have limited to no access to sexual and reproductive health education that is relevant to their bodies or identities. Sexual and reproductive health topics are rarely discussed within group and foster homes and culturally relevant materials are rarely provided or distributed. If sexual education is being delivered, it should include LGBTT2QQIA information and Two-Spirit teachings, not only non-Indigenous heterosexual-centred information and materials.

Two-Spirit youth want resources and services that are reflective and responsive to the experiences they may have had and for that information to be delivered in a non-judgmental way. In some cases, Two-Spirit youth have experienced physical and sexual violence, substance use, trading sex, racism, homophobia, and transphobia. Two-Spirit youth in care could have had these experiences in order to survive their situations which should not be stigmatized or blamed in order to avoid internalized feelings of shame and low self-worth. Additionally, the inclusion of harm reduction practices in groups and foster homes are encouraged to help youth manage their own behaviours and provide support if needed.

Indigenous organizations must be included in the development and delivery of programs and resources directed at Indigenous and Two-Spirit youth. The child welfare system needs to be responsive and committed to taking actions that will support, promote, and protect the interests of these young people recognizing that Indigenous organizations have a long history of knowledge and experience. Prevention and strength-based programs and services developed by Indigenous organizations include strong cultural components and have been shown to have greater success in addressing the needs and care of Two-Spirit youth.

It is recommended that MCYS:

- Include Two-Spirit information and teachings in all sexual health education and materials;
- Include Two-Spirit youth, elders, and community members in the development of programs, services, supports, policies, and evaluations;
- Ensure that resources and materials delivered by non-Indigenous organizations rely on teachings, knowledge, and experiences provided by Indigenous organizations;
- Explore the provision of harm reduction practices as part of the services and programs offered to youth;
- Understand and consider the root causes of violence (such as poverty, trauma, oppression, marginalization, history of colonialism, etc.) when providing support to youth who have been impacted by violence; and
- Encourage staff not to tolerate stigmatizing language, behaviours, or assumptions in the workplace or places of care.
Partnerships with Indigenous Organizations

Every effort needs to be made to ensure that Indigenous and Two-Spirit children and youth are connected to programs and services, delivered by Indigenous organizations and peoples. Local CASs are not obligated to work with Indigenous organizations and in many places, have historical relationships of mistrust. But it is important for the child welfare system and its frontline workers to work in collaborative ways with Indigenous organizations who are providing culture-based, wholistic services designed to address the challenges and to support Indigenous and Two-Spirit children and youth. In particular, Two-Spirit youth should be referred to local Indigenous Friendship Centres who are providing prevention and intervention based services and programming through the Aboriginal Healthy Babies, Healthy Children, Akwe:go, Wasa-Nabin programs, Urban Aboriginal Healthy Living, Kizhaay Anishnaabe Niin, Healing and Wellness, Aboriginal Courtwork programs, and Alternative Secondary School Program.

The programs and services of Indigenous organizations are reclaiming and strengthening our cultural identities and building powerful communities, which include Two-Spirit people. Two-Spirit youth in care are coming to and coming out in our Indigenous organizations because they feel safe, affirmed, and feel they belong. When they cannot find acceptance in their own families, group homes, and foster care placements, they know they have a place in our Indigenous organizations regardless of their identities. By partnering with Indigenous organizations, CASs are providing care and services that are in the best interests of the Two-Spirit child.

It is recommended that MCYS:

- Encourage the collaborative development of protocol agreements between local CAS sites and Indigenous organizations;
- Build, repair and maintain strong relationships and partnerships between local CAS sites and Indigenous organizations;
- Understand and utilize both off-reserve and on-reserve Indigenous organizations which can provide the best options of services to meet the needs of Two-Spirit children and youth;
- Require that CAS local leadership partner with Indigenous organizations that provide wholistic, culture-based prevention programming to refer Two-Spirit youth in addressing their needs;
- Support the creation of autonomous Two-Spirit centric programming within and led by Indigenous organizations and youth themselves; and
- Start building organizational capacity on cultural safety, self-determination, and community-based solutions to address the reasons why children and youth are in care in the first place.
RESOURCES GUIDE

It is recommended that MCYS' resource guide include the following:
- Knowledge of the historical context of the term Two-Spirit including the origin of the term and the historical role that Two-Spirit people have had in communities, informed by Two-Spirit people and elders, and Indigenous organizations;
- Two-Spirit and Trans-specific resources developed by and for Indigenous communities to increase awareness and understanding, and to encourage gender-affirming language;
- Include explorations of gender and sexuality stereotypes, assumptions, and knowledge of how people navigate gender vs. sex; and
- Include Cultural Safety information, research, and fact sheets.

It is to be understood that developing and deepening cultural understanding alone is not enough to ensure better outcomes or systemic change. MCYS needs to commit to a longer term vision of addressing power imbalances within the child welfare system, healing from historic and current harms, and supporting the autonomy and self-determination of individual Indigenous youth, communities, Nations and organizations.

A sample Two-Spirit Resource Guide\(^\text{10}\) is available on NYSHN's website that lists a number of supportive agencies throughout Canada and USA. This could be expanded upon to be made Ontario-specific as well. Please note that resources for our communities and resources for outside workers may be different as deemed appropriate.

The Aboriginal Children and Youth Strategy (ACYS) will be an important document to refer to within the development process of this resource guide, as it sets an agenda for how the Ministry and urban Indigenous partners are working together to address systemic issues relating to prevention, aboriginal control, system change, and evaluation and monitoring. It is expected that this strategy will impact all areas within the Ministry, including departmental initiatives focused on Indigenous children and youth.

NEXT STEPS

The OFIFC and NYSHN expect to be further engaged and involved in the development of this resource to ensure the resource guide is reflective and accountable to Indigenous and Two-Spirit youth. We view this submission as a mechanism for relationship building between our organizations and MCYS.

\(^{10}\) The Two-Spirit Resource Guide can be found here:
http://www.nativeyouthsexualhealth.com/twospiritdirectory.html
In terms of the process of stakeholder engagement for the resource guide, we recommend:

- Specific focus groups for Two-Spirit and Indigenous youth and community mentors with experience with the child welfare system;
- The inclusion of LGBTT2QQIA and Two-Spirit youth with experience with the child welfare system participate as members of the Steering Committee; and
- Ongoing dialogue and consultation with the NYSHN and OFIFC in moving forward.
APPENDIX A

RECOMMENDATIONS

Cultural Safety and Competence in Placement

1. Ensure that the Two-Spirit identity and its cultural implications are widely understood, supported, and promoted by all levels within the MCYS and CASs (board, executive, management and front line staff).
2. Establish anti-discrimination policies and procedures in homes and places of care, including explicit policies and procedures on homophobia, transphobia, racism and sexism that are informed by intersectional understandings of youth’s identities.
3. Develop, in consultation with Indigenous organizations, culturally safe and informed training sessions on Indigenous culture and Two-Spirit people for youth, workers and caregivers.
4. Create visible, positive, and supportive environments for Two-Spirit youth, including gender-neutral washrooms and hiring Two-Spirit and LGBTT2QQIA workers and caregivers.

Engagement of Two-Spirit Youth

5. Consult Two-Spirit youth during their intake process and placement options and develop tools and strategies for caregivers and workers to do this;
6. Acknowledge and recognize that Two-Spirit children and youth should be entitled to all Child and Family Services Act (CFSA) provisions relating to Indigenous and Aboriginal youth, which needs to be promoted and shared; and that it is the duty of CAS to promote and ensure that its statutory responsibilities extend to Two-Spirit youth, including those who identify as living off-reserve;
7. Seek out, understand, and implement the types of support Indigenous and Two-Spirit youth and children are requesting; and
8. Incorporate intersecting issues of racism, sexism, homophobia, and transphobia into individualized plans of care with Two-Spirit youth.

Culturally-Safe and Appropriate Services and Resources

9. Include Two-Spirit information and teachings in all sexual health education and materials;
10. Include Two-Spirit youth, elders, and community members in the development of programs, services, supports, policies, and evaluations;
11. Ensure that resources and materials delivered by non-Indigenous organizations rely on teachings, knowledge, and experiences provided by Indigenous organizations;
12. Explore the provision of harm reduction practices as part of the services and programs offered to youth;
13. Understand and consider the root causes of violence (such as poverty, trauma, oppression, marginalization, history of colonialism, etc.) when providing support to youth who have been impacted by violence; and
14. Encourage staff not to tolerate stigmatizing language, behaviours, or assumptions in the workplace or places of care.

**Partnerships with Indigenous Organizations**

15. Encourage the collaborative development of protocol agreements between local CAS sites and Indigenous organizations;
16. Build, repair and maintain strong relationships and partnerships between local CAS sites and Indigenous organizations;
17. Understand and utilize both off-reserve and on-reserve Indigenous organizations which can provide the best options of services to meet the needs of Two-Spirit children and youth;
18. Require that CAS local leadership partner with Indigenous organizations that provide wholistic, culture based prevention programming to refer Two-Spirit youth in addressing their needs;
19. Support the creation of autonomous Two-Spirit centric programming within and led by Indigenous organizations and youth themselves; and
20. Start building organizational capacity on cultural safety, self-determination, and community-based solutions to address the reasons why children and youth are in care in the first place.
APPENDIX B

A COLLABORATIVE SUBMISSION REGARDING THE CHILD AND FAMILY SERVICES ACT

By: Métis Nation of Ontario, Ontario Federation of Indigenous Friendship Centres, and Ontario Native Women’s Association
APPENDIX C

A COLLABORATIVE SUBMISSION REGARDING A PROVINCIAL ABORIGINAL CHILDREN AND YOUTH STRATEGY

By: Métis Nation of Ontario, Ontario Federation of Indigenous Friendship Centres, and Ontario Native Women’s Association