



United Nations Conference Room Paper

Truth and Reconciliation Commission of Canada *“For the child taken, for the parent left behind”*

Preface – Truth and Reconciliation Commission of Canada

In many ways, the Truth and Reconciliation Commission of Canada (TRC) is unique among truth commissions in its scope, goals, and history.

Certainly, the Canadian TRC shares common aspects with other truth commissions. It will establish what happened in the past; it will investigate a pattern of abuse; it will lay the groundwork for future reconciliation; and it will submit interim and final reports with recommendations.

Significantly, the Canadian TRC is also mandated to educate the broader Canadian public to its findings, including how the legacy of residential schools contributed to current day disparities within many Indigenous communities throughout Canada. This aspect of the TRC is perhaps one of the most prominent examples of an act of reconciliation by a government body.

Participation in Canada’s TRC is entirely voluntary. It is an independent commission. It does not have a judicial or government mandate. Rather, it was created largely from the efforts of grassroots individuals, and the largest class action lawsuit in Canadian history. The complex out of court settlement included provisions for the five-year Truth and Reconciliation Commission.

Our Commission has much to gain from, and offer to, the world community, through international discussion. We foresee considerable benefit from engaging the international indigenous community and other truth commissions to examine how such commissions may address historic wrongs against Indigenous Peoples.

As part of a broader deliberation around Indigenous Peoples and truth commissions, the TRC would like to follow up on the important work commissioned by the Secretariat of the Permanent Forum, entitled “Indigenous Peoples and Boarding Schools: A Comparative Study”. We believe discussions concerning the policies of identity oppression, such as boarding schools, would be beneficial.

In this regard, the Truth and Reconciliation Commission of Canada proposes that the United Nations Permanent Forum on Indigenous Issues sponsor an International Experts Group roundtable. The Canadian Truth and Reconciliation Commission would hope to co-host this meeting within the next two years.

Further, the TRC of Canada fully supports the establishment of an “International Decade of Reconciliation” and calls upon the members of the United Nations to give its support to this initiative.



Finally, all national Indigenous leaders and many community leaders throughout Canada have worked tirelessly to support the United Nations Declaration on the Rights of Indigenous Peoples. The Commissioners of the TRC of Canada urge the Government of Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples, as follow-up to Canada's historic 2008 Apology, and in the spirit of ongoing reconciliation as captured in Canada's most recent Speech from the Throne at the opening of our current Parliamentary session.

MANDATE: Truth and Reconciliation Commission of Canada

On June 11, 2008, in the Canadian House of Commons, the Prime Minister of Canada made an historic Statement of Apology witnessed by Inuit, Métis and First Nations Indigenous leaders of the country. The Right Honourable Stephen Harper apologized to former students of Indian Residential Schools for Canada's role in the 150 year history and operation of the schools.

The Prime Minister said "The treatment of children in Indian Residential Schools is a sad chapter in our history," and that "Today, we recognize that this policy of assimilation was wrong, has caused great harm, and has no place in our country."

Ten days earlier was another landmark announcement, the creation of the Truth and Reconciliation Commission of Canada.

The Canadian TRC has several significant features:

- It is focused on the cultural assimilation of peoples from a particular heritage, the Indigenous Peoples of Canada
- It is focused on the mistreatment of citizens who were little children at the time of the admitted wrongs
- It is focused on something that happened over a period of 150 years, almost the entire history of Canada as a country
- The Commission was not established by government, but ordered by the courts as a result of a lawsuit brought by former students
- All three TRC Commissioners have a personal connection to the legacy of Indian Residential Schools

The TRC is an independent body that will provide former students and anyone who has been affected by the residential schools legacy with an opportunity to share their individual experiences in a safe and culturally appropriate manner.

Over the course of its five year mandate, the Commission will:

- Create an accurate and public historical record of the past regarding the policies and operations of the former residential schools including: what happened to the children; who attended them; and what former employees recall from their experiences.
- Complete a public report that will include recommendations to all Parties of the Settlement Agreement concerning the Indian Residential Schools (IRS) system.



- Host seven national gatherings in regions across Canada to promote awareness and public education about the IRS legacy and its impacts.
- Support a Commemoration Initiative.
- Support events designed by communities to meet their unique needs.
- Establish a National Research Centre at the conclusion of its mandate.
- Guide and inspire Indigenous peoples and Canadians in a process of truth and healing that will lead toward reconciliation and renewed relationships.

The Birth of Indian Residential Schools

The term Indian Residential School is misleading. The schools policy applied to children of Indian (First Nations), Inuit and Métis heritage. It was implemented through a partnership between the Government of Canada and the major churches in Canada. The stated objective was to fully assimilate Indigenous Peoples in Canada.

When Canada was created in 1867 churches were already operating a few boarding schools for Indigenous Peoples.

The relationship between the government and the churches was institutionalized in 1883 when the federal government decided to establish three large residential schools in Western Canada. The schools grew until there were more than 130 schools in all parts of the country. More than 150,000 students would pass through the system.

The Operational Years

From the outset, missionaries found it difficult to convince parents to send their children to residential schools. Many children ran away, often with tragic outcomes.

Males, females, brothers and sisters were separated. Parental visits were controlled. Often, parents were not informed if their children became sick, died, or ran away.

At the urging of the churches, the federal government adopted compulsory attendance law. Federal authorities were involved in both tracking down runaways and recruiting students for the schools.

By the 1940's federal officials had concluded that the system was expensive and ineffective. The federal government began to substantially increase the number of on-reserve day schools. In the 1950s, Canada negotiated with its provincial governments and local school boards to have Indigenous students educated in public schools.

The partnership with the churches remained in place until 1969. Most of the schools closed by the 1980's, but the last remained in operation until the mid-1990's.



Two of the system's most deeply rooted problems were underfunding and unplanned expansion. Cheaply built schools often had poor or non-existent sanitation and ventilation

systems. Contagious diseases could not be isolated, often with deadly results. Proposed improvements in the care of children suffering from infectious diseases did not happen, for lack of funding.

For most of their history, residential school wages were far below those offered to other teachers, making the recruitment and retention of teachers an ongoing issue. It was not until after the 1950s that the schools began to provide high school education.

For the first half of the twentieth century, the schools were on what was termed the half-day system: half a day was spent in classroom; the other half was supposed to be spent in vocational training.

This policy amounted to child labour, and subsidized the operation of the schools. The food they ate, the clothes they wore, the buildings they worked in were often the products of their labour.

For most of the system's history the federal government had no discipline policy. Students were often strapped and humiliated. In some schools, they were locked in cellars and other makeshift jails, or displayed in stocks. Reports from federal Indian Affairs Department officials make it clear that they often viewed the level of punishment as exceeding the tolerated norms of the day.

Overcrowding meant that all residential school students grew up in an atmosphere of emotional neglect.

While the issue of sexual abuse was largely unreported during the years the schools operated, it has become clear in the past 25 years that this was a serious problem in some schools. The extent of such abuse - and its legacy - requires further research.

Indian Residential Schools in Canada, Post IRS Operations

In the 1980's various members of Canadian society began to reassess the residential school experience. In 1986, some Canadian churches began to issue apologies for attempting to impose European culture and values on Indigenous Peoples.

A 1996 Royal Commission on Aboriginal Peoples reported that the future must include a place for those affected by Indian Residential Schools.

Canada responded with *Gathering Strength, Canada's Aboriginal Action Plan*. It included a Statement of Reconciliation acknowledging the Government of Canada's role in the development and administration of Indian residential schools.

In 2001, to manage and resolve the growing number of abuse claims by former students against the federal government, the federal office of Indian Residential Schools Resolution Canada was created.



In 2004, an Assembly of First Nations *Report on Canada's Dispute Resolution Plan to Compensate for Abuses in Indian Residential Schools* eventually led to the negotiated Indian Residential Schools Settlement Agreement (IRSSA).

The Indian Residential Schools Settlement Agreement

In the years after the residential schools, a growing number of lawsuits, criminal cases, and class actions began working their way through the courts.

The “Defendants” were the Government of Canada and various church-related entities.

Several court rulings were in favour of the former students and class action representatives. With the mounting case load, projections estimated it would take 80 years to resolve the outstanding cases. More cases were pending.

Former students, governments, churches, and Indigenous organizations sought a quicker solution, a negotiated settlement that would resolve the outstanding cases within 10 years.

A Government of Canada led group of various Indigenous and church representatives negotiated the Indian Residential Schools Settlement Agreement. The Indian Residential School Settlement Agreement is the largest class-action settlement in Canadian history.

The Settlement Agreement was approved by the Courts and came into effect on September 19, 2007. It included the following individual and collective measures to address the legacy of the Indian Residential School system:

- A Common Experience Payment (CEP), consisting of a lump sum payment that is payable to all former students who lived at a residential school.
- An Independent Assessment Process. A process that will provide compensation to those who suffered sexual or serious physical abuses or other abuses that caused serious psychological effects.
- A \$125 million contribution to the Aboriginal Healing Foundation (AHF). The AHF supports community-based healing initiatives which address abuses suffered in residential schools. (This contribution to the AHF expired on March 31, 2010.)
- \$20 million for Commemoration initiatives that honour former residential school students, their families, communities, and experiences.
- Mental health supports for participants in all initiatives mandated by the Settlement Agreement.
- Approximately \$100-million for legal fees.
- \$60 million for the establishment of a Truth and Reconciliation Commission.



Canada Looking Forward

In the March 3, 2010 Speech from the Throne, (Canada's blueprint for the pending Parliamentary session) the Prime Minister said, "We are a country with an Aboriginal heritage. A growing number of states have given qualified recognition to the United Nations Declaration on the Rights of Indigenous Peoples. Our Government will take steps to endorse this aspirational document in a manner fully consistent with Canada's Constitution and laws."

The Truth and Reconciliation Commission of Canada congratulates Canada's statement of intent and urges Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples.



Annex “A” Proposal

Roundtable on Truth Commissions and Indigenous Peoples

Roundtable Proposal

The Truth and Reconciliation Commission of Canada proposes that the United Nations Permanent Forum on Indigenous Issues sponsor a Roundtable to be spearheaded by the Truth and Reconciliation Commission of Canada, within the next two years.

Themes

The Roundtable discussions would centre on the following themes:

- The impact of truth commissions on Indigenous Peoples.
- The capacity of truth commissions to deal with historic wrongs committed on Indigenous Peoples, including boarding schools and other systems of assimilation.
- The significance of self-determination in the design of any process that has the goal of addressing wrongs committed against Indigenous Peoples.

Rationale

To date, there have been many truth commissions that have impacted on Indigenous Peoples in various countries. The Canadian Truth and Reconciliation Commission has the explicit mandate to examine the impact of boarding schools on Indigenous Peoples in Canada and to promote reconciliation. Furthermore, the Canadian Commission has the mandate to examine a historic issue that affected children who are now adults, and who were targeted for assimilation.

The Canadian Truth and Reconciliation Commission is an innovative and ambitious process that is dealing with the radical alienation of Canadian Indigenous Peoples resulting not from a recent armed conflict, but from a long-standing policy of oppression that attacked identity through the education of children. In support of the proposed Decade of Reconciliation, the Commission would like to engage the international indigenous community, its peers on other truth commissions and those who are interested in related issues to examine and discuss the role that truth commissions can play to address historic wrongs against Indigenous Peoples.

At the eighth session of the Permanent Forum on Indigenous Issues in May 2009, Dr. Andrea Smith was commissioned by the Secretariat of the Permanent Forum on Indigenous Issues to do a comparative international survey of boarding schools and Indigenous Peoples.

As part of a broader discussion around Indigenous Peoples and truth commissions, the Truth and Reconciliation Commission of Canada would like to follow up on the important work of Andrea Smith by holding Roundtable discussions concerning the policies of identity oppression, such as boarding schools and other systems that target children, their families and their communities.