

Senate



Sénat

CANADA

**THE JOURNEY AHEAD: REPORT
ON PROGRESS SINCE
THE GOVERNMENT OF
CANADA'S APOLOGY TO
FORMER STUDENTS OF
INDIAN RESIDENTIAL SCHOOLS**

**Report of the
Standing Senate Committee
on Aboriginal Peoples**

The Honourable Gerry St. Germain, P.C.

Chair

The Honourable Lillian Eva Dyck

Deputy Chair

December 2010

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MEMBERSHIP

THE STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES 40th Parliament, 3rd Session

(March 3, 2010 -)

The Honourable Gerry St. Germain, P.C.
Chair

The Honourable Lillian Eva Dyck
Deputy Chair

and

The Honourable Senators:

Patrick Brazeau
Larry W. Campbell
Jacques Demers
* James S. Cowan (or Claudette Tardif)
Roméo Antonius Dallaire
*Marjory LeBreton, P.C. (or Gerald Comeau)
Sandra Lovelace-Nicholas
Dennis Glen Patterson
Rose-May Poirier
Nancy Greene Raine
Nick G. Sibbeston
Carolyn Stewart Olsen
*Ex officio members

Other Senators who have participated in this study:
The Honourable Senators Salma Ataullahjan and Elizabeth Hubley

Committee Clerk:
Marcy Zlotnick

*Analyst from the Parliamentary Information and
Research Service of the Library of Parliament:*
Shauna Troniak

ORDER OF REFERENCE

Extract from the *Journals of the Senate* of Wednesday, June 2, 2010:

The Honourable Senator St. Germain, P.C., moved, seconded by the Honourable Senator Cochrane:

That the Standing Senate Committee on Aboriginal Peoples be authorized to study and report on progress made on commitments endorsed by Parliamentarians of both Chambers since the Government's apology to former students of Indian Residential Schools;

That the committee hear from the National Chief of the Assembly of First Nations, the National Chief of the Congress of Aboriginal Peoples, the President of the Inuit Tapiriit Kanatami, and the President of the Métis National Council on this subject; and

That the Committee report no later than December 2, 2010.

After debate,

With leave of the Senate, the motion was modified to read as follows:

That the Standing Senate Committee on Aboriginal Peoples be authorized to study and report on progress made on commitments endorsed by Parliamentarians of both Chambers since the Government's apology to former students of Indian Residential Schools;

That the committee hear from the National Chief of the Assembly of First Nations, the National Chief of the Congress of Aboriginal Peoples, the President of the Inuit Tapiriit Kanatami, the President of the Métis National Council on this subject and such other witnesses as the committee deems appropriate; and

That the Committee report no later than December 2, 2010.

The question being put on the motion, as modified, it was adopted.

Extract from the *Journals of the Senate* of Thursday, November 18, 2010:

The Honourable Senator Stewart Olsen moved, seconded by the Honourable Senator Runciman:

That notwithstanding the Order of the Senate adopted on June 2, 2010, the date for the presentation of the final report by the Standing Senate Committee on Aboriginal Peoples on progress made on commitments endorsed by Parliamentarians of both Chambers since the Government's apology to former students of Indian Residential Schools be extended from December 2, 2010 to December 31, 2010.

The question being put on the motion, it was adopted.

Gary W. O'Brien

Clerk of the Senate

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INTRODUCTION

On 11 June 2008, Prime Minister Stephen Harper delivered in Parliament a Statement of Apology on behalf of the Government of Canada to survivors of Indian Residential Schools.¹ In the apology, the Prime Minister stated that the entire “policy of assimilation” implemented by the system of Indian Residential Schools “was wrong, has caused great harm, and has no place in our country.” The Prime Minister further committed to “moving towards healing, reconciliation and resolution of the sad legacy of Indian Residential Schools ...” and the “implementation of the Indian Residential Schools Settlement Agreement.”²

On 11 June 2009, the Senate in Committee of the Whole received representatives of several national Aboriginal organizations to mark the one-year anniversary of the apology and to report on progress made in that time. On 2 June 2010, the Senate adopted a motion to authorize the Standing Senate Committee on Aboriginal Peoples to study and report on the progress made on the Government of Canada's commitments since the apology to former students of Indian Residential Schools. Pursuant to this mandate, the Committee convened three meetings in order to hear from both the Commissioners of the Truth and Reconciliation Commission and the leaders of representatives of the national Aboriginal organizations present at the apology. The Committee has agreed to report the following.

WHAT THE COMMITTEE HEARD: ISSUES RAISED IN TESTIMONY

Witnesses appearing before the Committee emphasized the fundamental importance of defining a vision of “reconciliation” through which to address the impacts and legacy of Indian

¹ Stephen Harper, *Prime Minister Harper offers full apology on behalf of Canadians for the Indian Residential Schools system* (Ottawa: Office of the Prime Minister, 2008).

² The Indian Residential Schools Settlement Agreement was reached in 2006 between the federal government, representatives of survivors of Indian Residential Schools, the Assembly of First Nations, Inuit representatives and several church organizations. The agreement provides for various measures for healing, reconciliation and redress, and accompanying funding commitments, including a Common Experience Payment for all eligible survivors who resided at a recognized Indian Residential School; an Independent Assessment Process for survivors with claims for sexual or severe physical abuse; commemoration activities; an Indian Residential Schools Resolution Health Support program to provide mental health and emotional supports to survivors; and a Truth and Reconciliation Commission with a term of five years. The agreement also provides for a five-year extension of funding to the Aboriginal Healing Foundation.

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Residential Schools. Witnesses from the Truth and Reconciliation Commission acknowledged that reconciliation is subject to many possible interpretations, and noted their efforts to come to an appropriate definition of reconciliation through ongoing processes of dialogue and consultation with elders, survivors, and the public. Justice Murray Sinclair, Chair of the Truth and Reconciliation Commission, told the Committee that the Indian Residential Schools Settlement Agreement had applied a “restorative justice” model of reconciliation, focused on dealing with past wrongs while strengthening relationships between people as the basis for positive future relations.³ Justice Sinclair also noted the importance of addressing the relationship between Aboriginal and non-Aboriginal Canadians to the work of the Truth and Reconciliation Commission: “We need to understand that if the discussion about reconciliation is to have any merit, we must find a way to resolve that flawed relationship and establish a new sound relationship. That is the challenge that we face at the Truth and Reconciliation Commission.”⁴ Ms. Jeannette Corbiere Lavell, President of the Native Women’s Association of Canada, recommended to the Committee a “culturally relevant gender based” approach to reconciliation, which aims to address the experiences of Aboriginal peoples at Residential Schools in ways that restore “Aboriginal ways of knowing and of living, including traditional approaches to gender balance.”⁵ Ms. Charlene Belleau, Manager of the Indian Residential Schools Unit of the Assembly of First Nations also stressed the need to support the individual healing and recovery of survivors, as well as the strengthening of Aboriginal languages and cultures, as essential components of reconciliation.⁶

Witnesses emphasized to the Committee that reconciliation must involve dialogue among Aboriginal peoples, the Government of Canada and Canadian society at large. Mr. Clément Chartier, President of the Métis National Council, told the Committee that reconciliation must be a mutual process, in which survivors are able to tell their stories, and others are engaged to listen

³ Evidence of the Standing Senate Committee on Aboriginal Peoples (hereinafter referred to as Evidence), 28 September 2010.

⁴ Evidence, 28 September 2010.

⁵ Evidence, 20 October 2010.

⁶ Evidence, 28 September 2010.

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and to reconcile what they have heard.⁷ Justice Sinclair noted that reconciliation is a long-term solution to be achieved over many generations, far beyond the work of the Truth and Reconciliation Commission. While reconciliation will not be achieved within its five-year mandate, the Truth and Reconciliation Commission may assist all Canadians on this path by establishing a shared conversation on the impacts and legacy of Indian Residential Schools.⁸ The Truth and Reconciliation Commission reported to the Committee its recent activities aimed at establishing a national dialogue, including the launch of the first of seven national events, held in Winnipeg in June 2010, which brought together thousands of survivors and members of the public to discuss all manner of issues related to Residential Schools. The Truth and Reconciliation Commission also reported to the Committee its efforts to broaden dialogue within Aboriginal communities, including an outreach program to gather the experiences and perspectives of individuals affected by Indian Residential Schools, and creation of an Inuit Sub-commission aimed at including Inuit voices and perspectives in its work.⁹

Some witnesses supported the creation of special forums within the Truth and Reconciliation Commission for women and youth, in order to ensure that their perspectives are reflected in the truth and reconciliation process. Betty-Ann Lavallée, National Chief of the Congress of Aboriginal Peoples, noted to the Committee that, due to the sensitivity of some of the issues discussed, women and youth may not “fully open up in a mixed environment.”¹⁰ Ms. Corbiere Lavell stressed to the Committee that men and women experience abuse differently, and that a special forum for women would be a significant step toward ensuring the inclusion of the particular experiences, needs and concerns of Aboriginal women in the truth and reconciliation process. She noted that a special youth forum would also ensure “that reconciliation is sustained and that our people have a place in a shared future within Canada.”¹¹ Some witnesses supported the staging of additional Truth and Reconciliation Commission

⁷ Evidence, 28 September 2010.

⁸ Evidence, 28 September 2010.

⁹ Truth and Reconciliation Commission, Submission, 28 September 2010.

¹⁰ Evidence, 3 November 2010.

¹¹ Evidence, 20 October 2010.

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national events for women and youth, or the creation of sub-commissions for women and youth similar to the Inuit Sub-commission already in place.

Many witnesses expressly commended the work of the Truth and Reconciliation Commission over the past year, and noted some of the future challenges it may face in the four remaining years of its term. Acknowledging the breadth of the Truth and Reconciliation Commission's mandate and responsibility, Justice Sinclair told the Committee that, in essence, "[w]e have a five-year mandate to address 150 years of stress in the relationship between Aboriginal and non-Aboriginal people in this country." Justice Sinclair stated that the amount of money given to the Truth and Reconciliation Commission under the Indian Residential Schools Settlement Agreement, while considerable, is insufficient to fully execute its mandate. Elizabeth Ford, Director of Inuit Tapiriit Kanatami, expressed appreciation for the work of the Truth and Reconciliation Commission, and in particular its efforts in the North, but noted that it "will require additional funds to carry out its work."¹² Ms. Lavallée called for an extension of the current five-year term of the Truth and Reconciliation Commission.¹³

Some witnesses expressed the view that psychological healing is an ongoing process that will outlast the current supports set in place by the federal government. Ms. Belleau stressed that "[h]ealth supports are critical" to the Independent Assessment Process, the Truth and Reconciliation Commission, and commemoration processes, and noted that current funding commitments to the Indian Residential Schools Resolution Health Support program are "inadequate to meet the needs of the former students and their families."¹⁴ Ms. Lavallée told the Committee: "I would hope that when the work [of the Truth and Reconciliation Commission] is concluded measures will be in place to assist people in dealing with the residual effects of this healing journey, because once those wounds are opened, it will be hard to close them."¹⁵

¹² Evidence, 28 September 2010.

¹³ Evidence, 3 November 2010.

¹⁴ Evidence, 28 September 2010.

¹⁵ Evidence, 3 November 2010.

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A concern among several witnesses appearing before the Committee relates to the exclusion of some individuals and groups under the terms of the Indian Residential Schools Settlement Agreement. Mr. Chartier told the Committee that “the vast majority of the Métis are not covered by [the Indian Residential Schools Settlement Agreement], and many of us attended Métis residential schools.”¹⁶ Mr. Chartier highlighted in particular the example of the former school for Métis children at Île-à-la-Crosse in northern Saskatchewan, which was excluded from the Indian Residential Schools Settlement Agreement and is the subject of ongoing discussions with the Premier of Saskatchewan and Prime Minister aimed at finding “a resolution at least to that particular institution.”¹⁷ However, Mr. Chartier stressed, the Métis National Council is looking for more action on the issue of excluded Métis students and institutions. John Merritt, Senior Policy Advisor, Inuit Tapiriit Kanatami, spoke to the recent superior court case that allowed a class action lawsuit to proceed on behalf of a group of Labrador Inuit. Mr. Merritt explained that these former students attended day schools and provincially-run boarding schools that were excluded from the Indian Residential Schools Settlement Agreement. However, Labrador Inuit and their representatives maintain “that those schools exposed the students to very much the same range of problems and in some cases abuse as was experienced by Inuit students in other parts of the country.”¹⁸ Ms. Belleau expressed concern that the Resolution Sector of Indian and Northern Affairs Canada had, for various reasons, deemed ineligible approximately 21,000 individual applications for the Common Experience Payment.¹⁹ She also told the Committee that former students may not be aware of the process available to appeal decisions in respect of the Common Experience Payment or additions to the list of formally recognized schools, nor have the means to pursue such appeals through a lawyer. Ms. Belleau noted that when appeals do go ahead, the expenses of survivors “are reimbursed only if they succeed in those appeals.”²⁰

¹⁶ Evidence, 28 September 2010.

¹⁷ Evidence, 28 September 2010.

¹⁸ Evidence, 28 September 2010.

¹⁹ Evidence, 28 September 2010.

²⁰ Evidence, 28 September 2010.

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Several witnesses highlighted current and possible future actions to address what they felt were exclusions under the Indian Residential Schools Settlement Agreement. Mr. Chartier mentioned the Métis Nation Protocol, signed by the Métis National Council and the federal government in September 2008, which provides a mandate to address Métis-specific issues related to Residential Schools. Ms. Belleau noted that the Assembly of First Nations is seeking an extension of the Indian Residential Schools Settlement Agreement to include “all former students.”²¹ Ms. Lavallée told the Committee that the Congress of Aboriginal Peoples supports the expansion of the Indian Residential Schools Settlement Agreement “to include the Inuit and Métis people who attended Indian Residential Schools.”²² Mr. Merritt also recommended that the Indian Residential Schools Settlement Agreement be extended to include Inuit survivors, but, acknowledging that technical issues might hinder the re-opening of a legal agreement, also urged the “Government of Canada and possibly the Government of Newfoundland and Labrador ... [to] extend the same kind of settlement benefits to Labrador Inuit.”²³

All witnesses appearing before the Committee noted the importance of education in addressing the effects and legacy of Indian Residential Schools. Justice Sinclair described a central role for education within a long-term, multi-generational approach to reconciliation: “It was through the residential school experience that we got to this point in time, and we believe that it is through the educational system that we will start to provide answers for future generations.”²⁴ The current work of the Truth and Reconciliation Commission in this vein includes developing video materials for new Canadians with various provincial departments of immigration, and reforming curricula and classroom materials with textbook producers and provincial departments of education. Ms. Ford told the Committee that the long-standing policy of Indian Residential Schools had created a deficit in the number of bilingual teachers (English/Inuktitut), curricula and teaching resources to support bilingual education, as well as in the number of Inuit scholars to lead research and develop innovation on this front. She called for “an immediate investment in our education system at all levels and by all players” to support the

²¹ Evidence, 28 September 2010.

²² Evidence, 3 November 2010.

²³ Evidence, 28 September 2010.

²⁴ Evidence, 3 November 2010.

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development of education systems reflective of Inuit history, culture and language. Ms. Belleau noted that the Assembly of First Nations has called for “an education guarantee for our children” that involves “developing First Nations education systems” with “sustainable, equitable and ... stable funding for our schools.”²⁵ Ms. Corbiere Lavell noted that many current educational initiatives such as programs that provide linguistic immersion and employ traditional ways of teaching are means toward “bringing back the understanding and respect for each other. This is the way it should be.”²⁶

OBSERVATIONS

In their testimony before the Committee, witnesses made a number of observations on what they saw as the key issues relating to progress made since the Government of Canada's apology. The Committee takes note of these observations as follows:

- Achieving reconciliation requires a long-term, multi-generational commitment involving Aboriginal peoples, the Government of Canada and indeed all Canadians. Reconciliation will extend beyond the mandate of the Truth and Reconciliation Commission. The core function of the Truth and Reconciliation Commission is to establish a solid foundation on which to move forward after its five-year term ends.
- The Truth and Reconciliation Commission has already undertaken groundbreaking work in defining a vision and process of reconciliation for survivors of Residential Schools, their families, communities and Canadian society. Among its many important initiatives in this past year was the first of seven planned national events for all those touched by the legacy of Residential Schools.
- Individual and community healing are long-term processes that have only just begun for many survivors. Healing programs should continue to be made available to former students of Residential Schools and their communities, as required, to provide support for healing needs.

²⁵ Evidence, 28 September 2010.

²⁶ Evidence, 20 October 2010.

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- Negotiated solutions should be pursued in respect of the exclusion of certain individuals and groups under the Indian Residential Schools Settlement Agreement. In particular, the Committee heard in testimony of the ongoing class action of a group of Labrador Inuit and Métis and their families in relation to attendance at Residential Schools in Newfoundland and Labrador. The Committee also notes the ongoing discussions between the Métis National Council and the federal government with a view to negotiating a solution to the outstanding issues related to Métis persons excluded from the Indian Residential Schools Settlement Agreement.
- Approaches to reconciliation should incorporate the particular strengths, needs and experiences of women and youth. The Truth and Reconciliation Commission should pursue such an approach through the creation of special sub-commissions for women and youth, and hold additional national events for women and youth.

All witnesses noted that education is the foundation upon which reconciliation may be built, and underscored the importance of education on Residential Schools for both Aboriginal and non-Aboriginal communities. Areas in need of attention include the development of new curricula, materials and teacher training with a view to educating all Canadians on this dark chapter in our shared history and its ongoing legacy. Measures to support Aboriginal languages and culturally appropriate educational systems will allow Aboriginal youth to develop the skills and perspective necessary to succeed through greater knowledge and appreciation of their history and identity.

CONCLUSION

Progress has been made on the path of reconciliation since the apology, but many challenges still lie ahead. The Truth and Reconciliation Commission is just beginning its work and, in fulfilling its five-year mandate, faces a daunting challenge within a limited timeframe.

The Senate may therefore wish to ask the Committee to revisit this important subject.

APPENDIX A – WITNESSES

Meeting Date	Agency and Spokeperson	Brief
September 28, 2010	Truth and Reconciliation Commission of Canada: The Honourable Justice Murray Sinclair, Chair; Marie Wilson, Commissioner, Chief Wilton Littlechild, Commissioner.	X
	Inuit Tapiriit Kanatami: Elizabeth Ford, Director; John Merritt, Senior Policy Advisor.	X
	Métis National Council: Clément Chartier, President.	
	Assembly of First Nations: Charlene Belleau, Manager, Indian Residential Schools Unit.	X
October 20, 2010	Native Women’s Association of Canada: Jeannette Corbiere Lavell, President; Claudette Dumont-Smith, Interim Executive Director.	X
November 3, 2010	Congress of Aboriginal Peoples: Betty Ann Lavallée, National Chief	X