

UTMUN



Truth and Reconciliation Commission

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Content Disclaimer

At its core, Model United Nations (MUN) is a simulatory exercise of diplomatically embodying, presenting, hearing, dissecting, and negotiating various perspectives in debate. Such an exercise offers opportunities for delegates to meaningfully explore possibilities for conflict resolution on various issues and their complex, even controversial dimensions – which, we recognize, may be emotionally and intellectually challenging to engage with.

As UTMUN seeks to provide an enriching educational experience that facilitates understanding of the real-world implications of issues, our committees' contents may necessarily involve sensitive or controversial subject matter strictly for academic purposes. We ask for delegates to be respectful, professional, tactful, and diplomatic when engaging with all committee content, representing their assigned country's or character's position, communicating with staff and other delegates, and responding to opposing viewpoints.

The below content warning is meant to warn you of potentially sensitive or triggering topics that are present in the formal content of this background guide, as well as content that may appear in other aspects of committee (e.g., debate, crisis updates, directives), so that you can either prepare yourself before reading this background guide or opt-out of reading it entirely:

This background guide and the debate you engage in may include discussions of the following: Colonial violence, genocide and cultural genocide; police brutality and gun violence; forced sterilization; kidnapping, abduction, and residential schools; child abuse and domestic abuse; addiction, self-harm and suicide; sexual assault and harassment, rape, and sex-trafficking; racism and racial slurs; sexism and misogyny; since concepts of Reconciliation and the effects of colonization in Canada are ongoing; complex and painful to grapple with; delegates are encouraged to ask questions and to express any discomfort they may have to the Dias to ensure an open; welcoming and equity-minded space for discussion.

If, because of this committee's content warning, you wish to request switching committees and you registered with UTMUN as:

- a) part of a group delegation, please contact your faculty advisor and/or head delegate with your concerns and request.
- b) an individual delegate, please email our Equity Officer at equity@utmun.org with a brief explanation of your concerns based on this committee's content warning and your request to switch. You will be contacted shortly regarding your request

UTMUN Policies

We ask for your cooperation in maintaining order, both inside and outside of committee session, so that we may provide a professional, safe, inclusive, and educational conference.

Throughout the conference, please note that delegates shall only:

1. Wear Western Business Attire (i.e., no costumes, no casual wear)
2. Embody their assigned country's/character's position, not their mannerisms (e.g., no accents, no props)
3. Use laptops or electronic devices during unmoderated caucuses to draft paperless resolutions/directives (subject to their committee director's permission)
4. Opt for diplomatic, respectful, and tactful speech and phrasing of ideas, including notes (e.g., no foul language, suggestive remarks, or obscene body language)
5. Make decisions that contribute to a professional, safe, inclusive, and educational space for debate

The rest of our conference policies can be found on our website at <https://www.utmun.org/conference-policies>. By attending all or part of a UTMUN conference, attendees agree to abide by all of our conference policies.

Furthermore, delegates' efforts to contribute to a culture of collaboration, inclusivity, and equity at our conference, both inside and outside of committee session, will be considered by the dais and Secretariat when determining conference scholarships and committee awards.

In cases of failing to adhere to any of UTMUN's policies, the Secretariat reserves the right to take any action it deems necessary, including rendering delegates ineligible for awards, taking disciplinary action, and prohibiting delegates from participating further in the conference.

Equity Concerns and Accessibility Needs

UTMUN 2020's Secretariat and Staff are committed to ensuring every attendee has an enjoyable, comfortable, and safe experience and is able to participate fully and positively at our conference.

If you have any equity concerns (e.g., concerns about barriers to participation) or accessibility needs now or during the conference, please do not hesitate to contact your committees' dais and/or our Equity Officer at equity@utmun.org.

A Letter from Your Director

Dear Delegates,

It is my pleasure to welcome you to the UTMUN 2020 conference and my committee, The Truth and Reconciliation Commission. This committee was designed to address the 94 Calls to Action released in the publication of the Truth and Reconciliation Report through informed debate and eventually legislative proposal to work towards the TRC's goal of Reconciliation. During your time in this committee it is my hope that you will find yourself invested in the Calls to Action and that you take your responsibility to Reconciliation with you beyond this committee.

Before I get into the topics, I will introduce myself and my positionality in relation to this committee. I am your Director for this committee and I am in my fourth and final year at the University of Toronto studying International Relations, Women and Gender Studies, and History. I have held staffing positions with the UTMUN conference in past years and have participated as a delegate in various University level conferences. My investment in this committee and Reconciliation is correlated to my passion for environmental justice, social justice and history. I also want to introduce the Dias: your Moderator, Sam Parker; and your Vice-Directors, Ian McAuliffe and Zoe Lazaris.

The topics I've chosen for this committee are:

- 1) Education
- 2) Health
- 3) Survivor Justice
- 4) Criminal Justice.

These topics are organized based on the 94 Calls to Action compiled by the Truth and Reconciliation Commission. In this committee you will work with your fellow delegates as Members of Parliament to draft legislation in response to these Calls to Action. The first topic relates to the need for culturally appropriate curriculum and upgrades in infrastructure in Reserve schools. It also includes the demands for the government to incorporate Indigenous History into universities, schools, museums and memorials. The second topic addresses the health crisis on First Nations Reserves relating to addiction, trauma, water quality and food affordability. The third topic focuses on the demands regarding compensation and commemoration for survivors of residential schools. The fourth and final topic addresses the disproportionately high populations of Indigenous people in the criminal justice system, the ongoing high rates of missing and murdered Indigenous women and police brutality.

I wish you luck in your preparation and I look forward to meeting you all at the conference!

Robin Martin
Director, The Truth and Reconciliation Commission
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Introduction and Land Acknowledgement

In the introduction of the Truth and Reconciliation Report, Reconciliation is identified as establishing and maintaining a mutually respectful relationship between settlers and Indigenous Nations; to achieve that “there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour”. In this committee you will be asked to draft legislation to work towards this mutually respectful relationship.

In many institutions in Canada, including high schools and universities, Land Acknowledgements are starting to be used as the beginning and end of discussions on Reconciliation. My intention is that this Land Acknowledgement will serve as an introduction to thinking about our own positions in regards to Reconciliation.

The land where we will meet for committee is subject to the Dish with One Spoon Wampum Treaty between the Anishinaabe, Mississaugas and Haudenosaunee Confederacy. This treaty serves as a legal framework which dictates the principles for sharing the land. The main principles are: taking only what you need from the land; leaving some for everyone else who shares it; and keeping the Dish clean, meaning, fostering friendly and respectful relationships. The common name for this land is now Toronto, derived from the Mohawk name Tkarónto which means “Where Trees Are Standing In Water”. In recent history, the British Empire came to possess this land through the 1787 Toronto Purchase which was disputed and contested for 200 years until the 2010 settlement between the Mississaugas and the Canadian Government.

Whilst preparing, researching and debating these topics, I encourage you to keep your relationship and your characters relationship to the land in mind as well as the responsibilities that accompany that relationship.

Suggested Reading

I would strongly recommend *The Introduction Chapter in the Final Report of the Truth and Reconciliation Commission of Canada, Volume One* (pg. 1-22) as reading for all delegates. It provides an accessible and complete overview of the purpose of the TRC and what Reconciliation means as well as a brief history of the residential school system.

List of Committee Characters

Each delegate will be assigned a notable Member of Parliament in the House of Commons from the 42nd Canadian Parliament which consisted of a Liberal majority and Conservative minority. Delegates will be expected to adhere to their party's policy, the needs of their constituents, the personality of their character, and the separation between Federal and Provincial powers.

Notes on Historical Accuracy and Equity

This committee and its topics are centered around both the historical and ongoing violence propagated by the Canadian state which still harms and lives within people to this day. As a result of the painful and sensitive nature of these topics, delegates must exercise empathy and sensitivity in the discussion of these issues. No “historically accurate” slurs, costuming, or racist language will be tolerated. In referring to Indigenous Peoples, delegates are asked to use the title Indigenous or the specific name of the relevant peoples First Nation. The only exception to this is the use of relevant direct quotes and the name of The Indian Act. To warn anyone of potentially triggering content, this background guide and debate will include discussions of colonial violence, genocide, police brutality and sexual assault. Since concepts of Reconciliation and the effects of colonization in Canada are difficult, complex and often painful to grapple with, delegates are encouraged to ask questions and to express any discomfort they may have to the Dias to ensure an open, welcoming and equity-minded space for discussion.

Rules of Procedure and General Structure

The structure of rules of procedure for this committee will largely follow that of General Assembly, with a few different names and a few exceptions. All delegate character assignments will be Members of Parliament and their tasks will be working to pass legislation rather than a resolution. The characters will be assigned from the 42nd Canadian Parliament, soon after the Liberal Majority government was elected in 2015.

Bills

The resolutions will be called Bills and will undergo multiple readings. Only one Bill can be drafted into Legislation per topic, this is to avoid contradiction and redundancy in legislation. They should be written in active voice as they will become the rule of law if passed. The draft bills will undergo the presenting stage: First and Second Reading, and the draft resolution stage- Third Reading.

Motion for Party Caucus

As this committee will be based on Canadian Parliament, the Dias will entertain a motion for Party Caucus which will allow delegates to vote with their parties to decide if a substantive vote on a draft bill should be a free vote or not. This requires a 2/3 majority to pass and if successful, committee will split up according to party and must vote along the party decision. If a delegate still feels as though their character would be against the party's decision, they may choose to cross the floor and join another party.

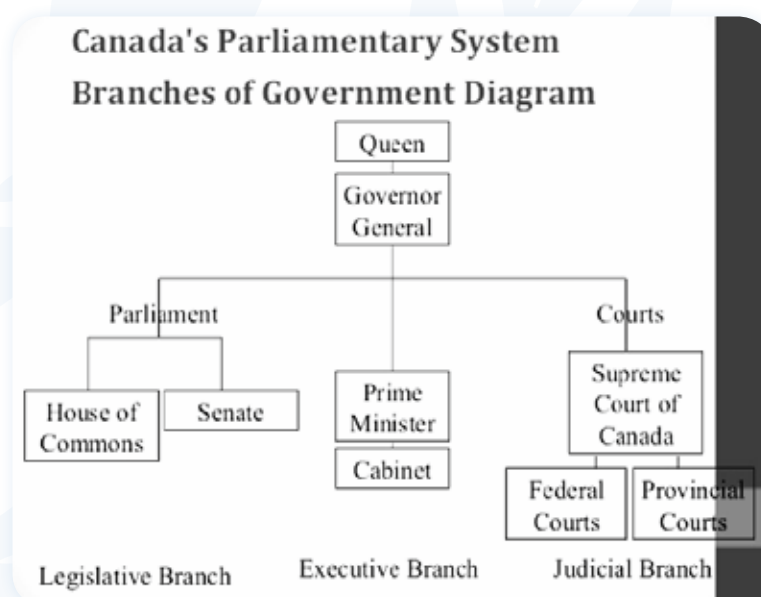
Overview of Canadian Politics

Political Origins

Canada's history spans back long before its encounters with British colonists. However, the commonly told history of Canada's political landscape can begin in 1840, when Upper and Lower Canada united into a single province of Canada. Soon after, in 1867 came Confederation.

Confederation occurred between New Brunswick, Nova Scotia, Ontario and Quebec.¹ Canada, much like its former colonizer Great Britain, is a **Parliamentary Democracy and Constitutional Monarchy**. What this means is that the source of power is coming from the people. Citizens give life to parliamentary democracy by voting elected representatives into parliament, to represent their interests. Citizens can be involved directly, by voting, attending public meetings, protesting or lobbying. People are also involved in the democratic process indirectly, through everyday choices, values and institutions.

The constitutional monarchy side of things relates to Britain's continuing figurehead role in Canadian politics. For example, criminal offences committed by Canadians are crimes against the Crown, in the name of the Queen. And, all laws passing through parliament must receive Royal Assent from the Queen's representative to become a law.² However, this role has become increasingly symbolic, as Britain's role in Canadian politics is essentially null, almost laws passed through parliament receive royal assent.



¹ Refugees and Citizenship Canada Immigration, "Discover Canada - Canada's History," aem, September 1, 2009.

² "Globe Editorial: Canada's Constitutional Monarchy, Our Fluke Work of Genius,"

Political Structure

Canadian politics is broken up into 3 branches, the **Legislative**, the **Executive** and the **Judicial** branch.³ The head of state in Canada is the Queen, currently Queen Elizabeth II. As mentioned, her role is largely symbolic and she will almost never challenge Canada's political autonomy.⁴ Seeing as the Queen cannot be present in Canada at all times, she has an appointed representative called the **Governor General**.⁵ Next is the Legislative Branch, which includes **Parliament**. First, the House of Commons is where Canada's elected members sit. These Members of Parliament, or MP's are elected every four years. MP's divide their time between constituent work in the riding they were elected in and work in the House of Commons in Ottawa. There are 338 seats in the House of Commons, and the political party with the most elected seats has the opportunity to form a government.⁶ The party with the most seats will select a leader within the party to be the next Prime Minister. In 2015, the Liberal Party won 184 seats and formed a majority government led by **Justin Trudeau**.⁷ The other house in parliament is the **Senate**. The Senate has 105 seats and its members are unelected. Members are appointed by the Governor General, on recommendation from the Prime Minister. Seats in the Senate are divided up based on four regions; Ontario, Quebec, the Western Provinces and the Maritime Provinces. Senators do not need to retain their seat and can serve until they are 75.

How a Law is Made

Law proposals are called 'Bills'. A bill has to first be introduced in either the House of Commons or the Senate. When a bill is first introduced, it is not debated on just yet. It is not until the second reading of the bill until members debate the principles of the bill. Members will look at specific aspects of the bill that they agree or disagree with, but they will also look holistically at the bill and debate its overall motives, goals and values. Once the bill has been read three times in the house, it is then passed along to the senate for their approval. Once passed by both houses, the bill receives Royal Assent and becomes a law.

3 "The Canadian Political System: A Comparative Perspective," (Education, 18:48:38 UTC)

4 Ibid.

5 Ibid.

6 Ibid.

7 "CBC News: Election 2015 Roundup," accessed October 27, 2019.

<p>First Reading</p> <p>The bill is considered read for the first time and is printed.</p>
<p>Second Reading</p> <p>Members debate the bill's principle.</p>
<p>Committee Stage</p> <p>Committee members study the bill clause by clause.</p>
<p>Report Stage</p> <p>Members can make other amendments.</p>
<p>Third Reading</p> <p>Members debate and vote on the bill.</p>
<p>Senate</p> <p>The bill follows a similar process.</p>

British/Canadian Government's Relationship to Indigenous Peoples

Early relationships between Indigenous Peoples and French/British colonizers were characterized by trade and alliances. Both parties benefited from trade and formed war alliances when necessary. Colonizers were often not as well equipped to live in Canada as the Indigenous populations, meaning the colonizers had much to learn and Indigenous Peoples had a lot to share. However, these partnerships were something that Indigenous communities had little choice in deciding. Colonizers viewed the land as new, discoverable land that belonged to no one. They failed to recognize the already established systems of government and culture. In essence, colonizers saw Canada as a blank slate for their purposes. The post-Confederation relationship differed greatly and was characterized by harsh assimilation and cultural genocide. Until the

1960's, these issues went unchecked and Indigenous people were essentially made second class citizens by the Indian act.⁸ The Indian act was signed in 1869 and set out an aggressive assimilating and colonizing effort for the future of Indigenous people in Canada. Regardless of which government was in power, further amendments were made to the act to push power away from Indigenous communities and into the Indian Affairs Department.⁹ This department was created in 1966 and has had the effect of defining who is and who is not Indigenous by way of 'status'. In 1969, Pierre Elliott Trudeau proposed the **White Paper**

⁸ "Indigenous Peoples and Government Policy in Canada "The Canadian Encyclopedia" (n.d.)

⁹ John Milloy, "Indian Act Colonialism; A Century of Dishonour - 1869-1969," National Centre for First Nations Governance, 2008.

proposal. The White Paper proposal aimed to abolish all previous treaties and laws pertaining to Indigenous Peoples, including the Indian Act. The aim was for all Indigenous people to co-exist in society with all other Canadians and have complete autonomy from the government. However, the bill came under fire for being yet another example of the government attempting to assimilate the Indigenous population and ignore historical agreements. After this colossal failure, a new approach was taken down constitutional routes and in courtrooms, to try to improve Indigenous rights.¹⁰

In recent times, we've entered into conversation about some of these issues, but recognizing and apologizing is only the beginning. Unfortunately, apologies have been heavily politicized. The problem with this trend is the denying effect it has on the persisting issues and barriers that Indigenous people continue to face. An apology by itself does not resolve the past or stop the ongoing violence perpetrated by the Canadian State. An apology should be the start of a long and hard conversation between all Canadians and Indigenous Peoples, rather than a way to wipe your hands clean of any wrongdoing and earn political votes. All Canadians benefit from the land that we live on, go to school, work on and enjoy. Settler populations did not always live on "Canadian" land and Canada is in need of great self-reflection on what it means to be Canadian.

Constitutional Rights

Canada's constitution, The **Charter of Rights and Freedoms** was patriated in 1982. It prides itself on strong individual liberties and democratic, multicultural and equality rights. However, Indigenous populations were largely left out of the conversation in creating this document. After much push, Indigenous rights were recognized in section 35 of the Constitution.¹¹ This section reaffirms the protection of previous treaty rights. This section is slightly ambiguous and does not create new rights for Indigenous Peoples. However, the constitution does provide Indigenous Peoples with a new channel for challenging the government on questions of rights or ownership. Indigenous communities, like any other citizen, can take the government to court over any disputes they may be having that are against their constitutional rights.

Federalism

The Constitution sets out the distribution of powers between the federal and provincial governments. The Canadian federalist system divides power between the federal government and provincial governments. The federal government has jurisdiction over the whole country while the provincial governments jurisdiction is limited to that province. Section 91 of the Charter outlines the powers of the federal government. Some of these powers are; taxation, military, postal services, fisheries and currency. Section 92 outlines the provinces powers and include; education, hospitals, and gambling. However, the divisions

¹⁰ Ibid.

¹¹ "A Memo to Canada: Indigenous People Are Not Your Incompetent Children," 2018.

are not always clear.

Much is left up to interpretation and both provincial and federal governments are often in disagreement about whose jurisdiction certain events fall under. One of these sections is the federal government's jurisdiction of 'Peace Order and Good Government' which encompasses all issues that involve the overall vision and future of the country. It is also outlined that the federal government has jurisdiction in all residual powers. This means that if it is not outlined under section 91 or 92, it automatically falls under federal jurisdiction. Provinces are constantly disputing the meaning of 'good government' and 'residual' issues.

Topic A: Health

There are large disparities between the health outcomes between the settler and Indigenous populations of Canada,. The National Collaborating Centre for Aboriginal Health in 2018 found that,

*"First Nations, Inuit, and Métis individuals, families, and communities experience a disproportionate burden of ill health compared to their non-Indigenous counterparts, including higher rates of infant mortality, unintentional injury and death, tuberculosis, obesity and diabetes, mental illness and suicide, and exposure to environmental contaminants."*¹²

The health of a population and its likelihood to contract disease, illness, addiction as well as the mortality rate of the population are largely dictated by social, political and economic determinants. Examples of these determinants can be quality of housing and schooling facilities (insulation, mould protection), quality of water (lead or mercury content), access to healthy foods and income level (the ability to afford prescriptions, climate appropriate clothing and healthy foods). Reservation communities have been historically neglected by the Canadian Government and regularly face poor and overcrowded housing a school facilities, unaffordable food access, lead and mercury contaminated water and even dangerously close proximity to Chemical and Petroleum factories.¹³ As a result of the Canadian Governments financial and monitoring neglect, many Reservation communities in Canada experience exponentially higher levels of health challenges including, asthma, mercury poisoning, cancer and HIV/AIDS.¹⁴

Addiction is particularly prevalent among Indigenous communities in Canada – alcoholism causes approximately 43.7 deaths per 100,000 in Indigenous populations, nearly two times that of the entire Canadian population and drug use cause three times as many deaths among the Indigenous population as the general Canadian population.¹⁵ The high levels of addiction are scientifically proven to be linked to high levels of trauma in these communities due to facing the challenges listed above as well as the harm that Residential Schools have caused within these communities. Even those who did not directly experience this violence still carry this trauma with them due to Intergenerational Trauma which is passed down through generations.¹⁶ Addiction is common as a symptom of trauma as substances are used as coping mechanisms to deal with historically inflicted psychological stress, especially when insufficient mental health resources are available as is the case in

12 Cauchie, Lesa. "Supporting Indigenous Health Inequity Reporting in Canada: An Executive Summary on the PanCanadian Health Inequalities Reporting Initiative." National Collaborating Centre for Indigenous Health.

13 "Government of Canada- Public Health Agency of Canada." Canada.ca. Government of Canada, July 31, 2019.

14 Cauchie, Lesa. "Supporting Indigenous Health Inequity Reporting in Canada: An Executive Summary on the PanCanadian Health Inequalities Reporting Initiative." National Collaborating Centre for Indigenous Health.

15 Ibid.

16 Ibid.

Reservation communities.¹⁷

An additional major cause of the health challenges concerning Indigenous Populations is that many still live without access to clean drinking water.¹⁸ Even communities close to Toronto remain affected. Nearly 75% of Indigenous water supplies are at a relatively high risk of contamination.^[8] This is particularly odious since access to clean water is a basic right and is proven to lead to be a necessary factor for better health outcomes.¹⁹ Continually, healthy food remains unaffordable in many Indigenous communities, especially those that are geographically far from urban centres. Indigenous people living in the North are no longer able to rely solely on traditional foods such as seal meat due to oppressive policies which removed Inuit Communities from their traditional hunting lands as well as end the teachings of seal hunting. The cost of western food in northern communities is unreasonably high because of shipping costs.²⁰

The most notable examples of work pursuing solutions to these health challenges is done everyday by Indigenous activists and community leaders. In keeping with the Truth and Reconciliation Commission's Calls to Action, they have noted that the most effective path to improving these conditions is consultation and direct partnerships in decision making with Indigenous community leaders.

Relevant Calls to Action

18. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health- care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.

19. We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non- Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

20. In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address

17 Government of Canada- Public Health Agency of Canada." Canada.ca. Government of Canada, July 31, 2019.

18 "Safe Water for First Nations." The Council of Canadians, June 26, 2019.

19 Ibid.

20 "Food Policy The Native Women's Association of Canada Engagement Results." Native Women's Association of Canada, October 2, 2019.

the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.

21. We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harm caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.

22. We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.

23. We call upon all levels of government to: i. Increase the number of Aboriginal professionals working in the health-care field. ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities. iii. Provide cultural competency training for all healthcare professionals.

24. We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD prevention programs that can be delivered in a culturally appropriate manner.

34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:

I. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.

II. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.

III. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.

IV. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.

35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.

36. We call upon the federal, provincial, and territorial governments to work with Aboriginal

communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.

Topic B: Education

The Federal Residential School System began in the late 19th century.²¹ Nearly 150,000 Indigenous youth attended these schools when they were active.²² Residential schools were designed to forcibly assimilate Indigenous children into the colonial Canadian state.²³

The schools aimed to “solve the Indian question” because Indigenous people were viewed as incapable of assimilating into the rapidly modernizing Canadian society.²⁴ Residential schools were commissioned by the Federal Government and run by the Catholic and Protestant Church.²⁵ At the peak of residential school use in Canada, there were as many as 80 schools open across the nation.²⁶ The last Residential School closed in 1996.²⁷

Most children were forcibly taken away from their families, enrolled in schools far from their homes and traditional lands and often separated from their siblings.²⁸ At these schools children were forced to learn and speak English.²⁹ The education at these institutions was geared towards Canadian and Christian culture and customs rather than career or higher education oriented and much of the day consisted of maintaining the facilities.³⁰ The Residential School system is known and widely accepted today as a policy and system of cultural genocide as many families lost their traditions and languages because of the system.

This assimilationist education was enforced through physical and verbal abuse in addition to severe punishments for rule-breaking or resistance to the colonial education.³¹ Sexual abuse was also common in Residential schools which was perpetrated by teachers and especially religious authority figures such as Priests.³² The systematic abuse attendees endured did not come to light until the 1990s when Phil Fontaine, a Grand Chief gave his testimony on the abuse he endured at a residential school in Fort Alexander.³³ It is worth noting that families and children led resistance against this system. For example: At the Mohawk Institute, which today serves as a Museum and memorial for victims and survivors, students set their school on fire — twice.³⁴ Students would also frequently run away or speak

21 “History of Residential Schools.” Indigenous Peoples Atlas of Canada. Canadian Geographic, June 15, 2018.

22 “STOLEN LIVES The Indigenous Peoples of Canada and the Indian Residential Schools.” Facing History and Ourselves, 2015.

23 Hanson, Eric. “The Residential School System.” Indigenous Foundations. Accessed November 5, 2019.

24 Ibid.

25 “History of Residential Schools.” Indigenous Peoples Atlas of Canada. Canadian Geographic, June 15, 2018.

26 Hanson, Eric. “The Residential School System.” Indigenous Foundations. Accessed November 5, 2019.

27 “History of Residential Schools.” Indigenous Peoples Atlas of Canada. Canadian Geographic, June 15, 2018.

28 Hanson, Eric. “The Residential School System.” Indigenous Foundations. Accessed November 5, 2019.

29 “STOLEN LIVES The Indigenous Peoples of Canada and the Indian Residential Schools.” Facing History and Ourselves, 2015.

30 Ibid.

31 Ibid.

32 Hanson, Eric. “The Residential School System.” Indigenous Foundations. Accessed November 5, 2019.

33 “STOLEN LIVES The Indigenous Peoples of Canada and the Indian Residential Schools.” Facing History and Ourselves, 2015.

34 Ibid.

in their traditional languages when administrators were not looking.³⁵

In 2008, Stephen Harper made the Federal Government's first formal apology for the Residential school. His apology states:

*"Two primary objectives of the residential school system were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture. These objectives were based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal. Indeed, some sought, as it was infamously said, "to kill the Indian in the child." Today, we recognize that this policy of assimilation was wrong, has caused great harm, and has no place in our country."*³⁶

There have also been legal apologies for the harm caused by residential schools. The Indian Residential Schools Settlement Agreement was signed to settle the largest Class Action Lawsuit ever filed in Canadian History. The lawsuit was created by survivors of Residential schools, the lawsuit paid out nearly \$5 billion to survivors of abuse in these schools.³⁷

The Truth and Reconciliation Commissions Calls to Action include ensuring that all Canadian students receive age appropriate teachings on the history of residential schools in Canada. Currently, there is no national standard for curriculum on Residential schools. It is at the discretion of each school board and school to decide how best to teach students about residential schools.³⁸ Not every school teaches students about Residential schools and some students only learn about their existence until well into their high school careers. It is important as part of the Truth and Reconciliation process that non-Indigenous youth are informed of the Residential Schools and that survivors get to share their stories.³⁹

Relevant Calls to Action

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skill based training in intercultural competency, conflict resolution, human rights, and anti- racism.

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to: I. Make

³⁵ Ibid.

³⁶ Harper, Stephen. "Prime Minister Harper Offers Full Apology on Behalf of Canadians for the Indian Residential Schools System." Canada.ca. Government of Canada, June 11, 2008.

³⁷ "STOLEN LIVES The Indigenous Peoples of Canada and the Indian Residential Schools." Facing History and Ourselves, 2015.

³⁸ Schiedel, Bonnie. "Why Our Kids Need to Learn about Residential Schools." Macleans.ca, August 14, 2018.

³⁹ Ibid.

age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students. ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms. iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms. iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.

63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:

- i. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.*
- ii. Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.*
- iii. Building student capacity for intercultural understanding, empathy, and mutual respect.*
- iv. Identifying teacher-training needs relating to the above*

64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

65. We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation. Youth Programs

66. We call upon the federal government to establish multiyear funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

84. We call upon the federal government to restore and increase funding to the CBC/Radio-Canada, to enable Canada's national public broadcaster to support reconciliation, and be properly reflective of the diverse cultures, languages, and perspectives of Aboriginal peoples, including, but not limited to:

- i. Increasing Aboriginal programming, including Aboriginal-language speakers.*
- ii. Increasing equitable access for Aboriginal peoples to jobs, leadership positions, and professional development opportunities within the organization.*
- iii. Continuing to provide dedicated news coverage and online public information resources on issues of concern to Aboriginal peoples and all Canadians, including*

the history and legacy of residential schools and the reconciliation process.

87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.

93. We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including Calls to Action information about the Treaties and the history of residential schools.

94. We call upon the Government of Canada to replace the Oath of Citizenship with the following: I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.

Topic C: Survivor Justice

Commemoration

A part of the Truth and Reconciliation Calls to Action is commemorating and formally apologizing for the horrors that took place and continue to take place to the Indigenous people of Canada. The Truth and Reconciliation Commission of Canada outlined a number of calls to action surrounding commemoration which are listed below.

High school curriculum in Canada is under the control of the provincial government, which results in education varying greatly between provinces and territories. Across Canada, there are currently no mandatory Indigenous studies courses.⁴⁰ While the Ontario Curriculum, for example, outlines a number of Indigenous electives, it is up to the specific school if they are to offer the course or not.⁴¹ As a result of this, many high schools across the country offer no courses in Indigenous studies. In Quebec, Manitoba, Newfoundland, Nova Scotia, and Prince Edward Island, there are no elective courses offered on Indigenous studies.⁴² Due to a lack of qualified teachers, there is a severe lack of Indigenous language courses available across the country, even in provinces with the most extensive Indigenous curriculums. KAIROS, a Canadian human rights organization, examined if provinces were discussing the topics outlined in call to action 62.1. They found no provinces did so effectively. They discovered that seven provinces and territories only have one of the four topics outlined in Call to Action 62.1. While Saskatchewan has more than one, the rest do not explicitly have any of the topics in their provincial curriculum.

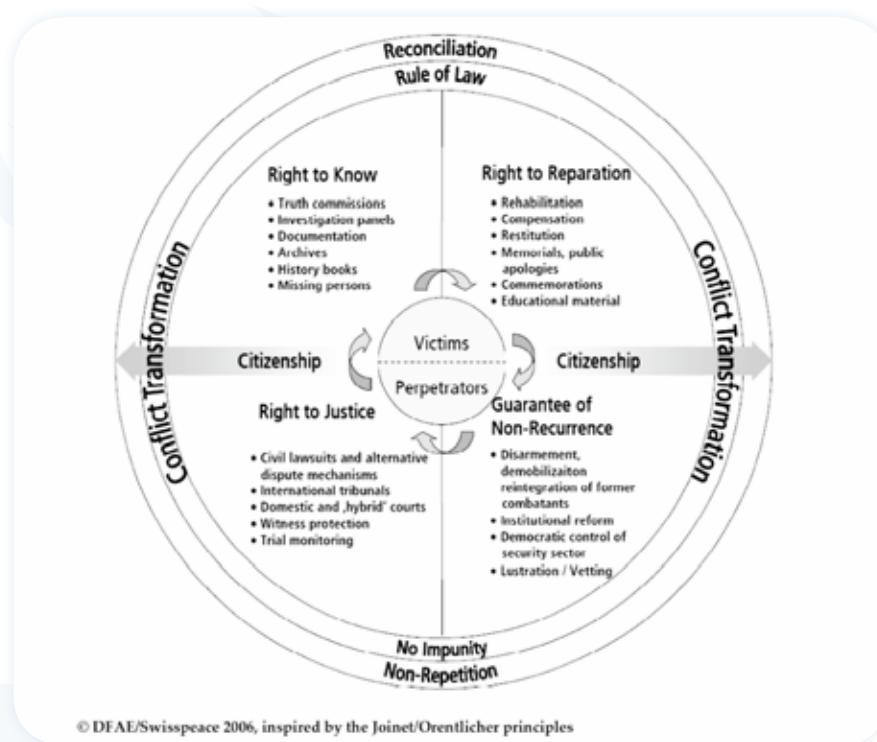
Another key aspect of the Truth and Reconciliation Commission's Calls to Action is the commemoration of those lost due to the Canadian government's genocidal policies such as the Residential School system. To properly commemorate the Indigenous victims of the Canadian government's genocide, information must be made available on both the deceased, and on the history surrounding their treatment as many families still are unable to find information for how their ancestors were lost and many Canadians are unaware of the extent of the violence that took place.

Another key aspect of the Truth and Reconciliation Commission's Calls to Action is the commemoration of those lost due to the Canadian government's genocidal policies such as the Residential School system. To properly commemorate the Indigenous victims of the Canadian government's genocide, information must be made available on both the deceased, and on the history surrounding their treatment as many families still are unable to find information for how their ancestors were lost and many Canadians are unaware of the extent of the violence that took place.

⁴⁰ Chelsea Vowel OPINION | Debunking the Myth That Canadian Schools Teach Enough about Indigenous People. 2015.

⁴¹ Ibid.

⁴² Ibid.



The Jointet-Orentlicher principles, mentioned in Calls to Action 69-70, identify four main areas: the right to know, the right to justice, the right to reparation, and the guarantee of non-recurrence.⁴³ The diagram to the right explains these rights.

Currently, there are hundreds of documents in archives that are restricted and unopened to the public surrounding the past treatment of Indigenous Peoples.⁴⁴ All records created by the National Health and Welfare Department are currently locked in archives, and health records from during the Indian Affairs act are near impossible to access.

Residential schools were established in 1880 and existed in Canada up until the final one was closed in 1996. They were government-sponsored religious schools created for Indigenous children. The goal of the schools was to assimilate the children away from their Indigenous culture. The numbers surrounding attendees of residential schools are estimates, as records are not always accessible, but it is estimated that 150 000 children attended, and out of them, 6 000 died.⁴⁵

Documents surrounding health during residential schooling were sparse. From 1963 to 1944, approximates 200 000 Indian Affair files were destroyed, and it is estimated that about 43% of deaths in residential schools do not have a proper report, including cause of

⁴³ Jonathan Sisson. A Conceptual Framework for Dealing with the Past. 2010.

⁴⁴ Jorge Barrera. Library and Archives Canada Finally Releases 98-Year-Old Document on Sick First Nations Children. 2018.

⁴⁵ J R Miller. Residential Schools in Canada. 2019.

death.⁴⁶ Names of the deceased are also not properly recorded, and many of the children have so far gone unnamed.⁴⁷ For many Indigenous Peoples, this means records on both their distant and immediate family are inaccessible to them.

Since large numbers of files surrounding the treatment of Indigenous people during the times of residential schools have been lost or kept restricted, Indigenous Peoples have a loss of access to a huge portion of their history. The National Centre of Truth and Reconciliation is attempting to improve the access of these vital documents. As of right now, the Government of Canada has not led any actions to aid the National Centre of Truth and Reconciliation in this effort at a municipal, provincial or federal level.⁴⁸

Across the country, statues of historical figures who designed the multifaceted genocide against Indigenous Peoples line cities, streets, and museums. For example, Sir John A. Macdonald, the first Prime Minister of Canada, is the subject of monuments nation-wide and also one of the key architects of the residential school system.⁴⁹ The positive commemoration of such figures is a heated debate. In response to this debate, Perry Bellegarde, a member of the Little Black Bear First Nation and National Chief of the Assembly of First Nations said “If I am a young person and I know that John A. Macdonald initiated great harm on my people, I would not feel very good attending a school with that name on it. Why would you subject young children to that?”⁵⁰ Notable proposals of solutions to this concern are the removal of these statues, the replacement of them with memorials for those lost in the injustices or an alteration of the existing statues. While commemoration of many figures who actively sought the forced elimination and assimilation of Indigenous Peoples is abundant, Canada lacks monuments to commemorate Indigenous history. Currently, there is no monument in Ottawa, Canada’s capital, that honours residential school victims and survivors, despite it being listed in the Calls to Action.

Compensation and Justice

Truth and Reconciliation requests that survivors must receive compensation and justice from the government of Canada for the actions of both the past, and for actions that are still ongoing. The following calls to action outline requests relevant to the compensation of survivors including the adoption of the United Nations Declaration of the Rights of Indigenous Peoples. The United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) was adopted by the United Nations in 2007 with a majority vote. Canada was one of the four states who voted against UNDRIP when it was passed to the general assembly and has still not signed or ratified the declaration. UNDRIP outlines 46 articles surrounding

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Government of Canada. National Centre for Truth and Reconciliation. 2019.

⁴⁹ Ian Austen. Canada, Too, Faces a Reckoning With History and Racism. 2017.

⁵⁰ Ibid.

the treatment of international Indigenous people.⁵¹ UNDRIP recognizes a number of human rights and cultural protection efforts for Indigenous people. Indigenous people are promised self-determination, autonomy, land rights, nationality, and personal liberty.⁵² Some of the rights include the right to not be subjected to assimilation, to belong to their Indigenous community, to not be removed from their land by force, to practice their religion, and more. Article 29 of UNDRIP says “States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous Peoples without their free, prior and informed consent”.⁵³ In Canada, there is significantly worse regulation and care for disposal of waste on reserves than off. Many water supplies on reserves are found to be contaminated with mercury from mills and non-Indigenous industries.⁵⁴ Many Indigenous people feel as if their areas are considered ‘sacrifice zones’ for waste by the government.⁵⁵

Canada has passed a number of bills, proclamations, and acts in the past surrounding Indigenous issues throughout their history. In order to implement modern justice for Indigenous people, old documents must be modernized. The royal proclamation is one of these documents. It outlines the European settlement of Indigenous land by the British.⁵⁶ Originally created in 1763 for King George III, it states that all Indigenous land will be considered owned by Indigenous people until it is given up by a treaty.^[15] In 1764, another relevant document was passed, known as the Treaty of Fort Niagara. This treaty highlighted peace in the relationship between the British people and the First Nations people.⁵⁷

Not all documents from the past, however, highlight a positive relationship between colonizers and Indigenous Peoples. The Doctrine of Discovery is a prime example of this. The doctrine justified colonial values, and allowed explorers to claim and abuse land that they “discovered”.⁵⁸ This doctrine still has legal implications. The rulings of early Supreme Court cases such as *Johnson v. McIntosh* are based upon the Doctrine of Discovery, and have set dangerous case law against land rights and Indigenous people.⁵⁹ This legal precedent is being used in modern cases such as *St. Catherine’s Milling and Lumber Company v. The Queen*.⁶⁰ Considers that the doctrine was originally an anti-Indigenous tool to cease power and rights, having case law supported by it can be dangerous to the lives of Indigenous Peoples across Canada.

51 The United Nations General Assembly. Declaration on the Rights of Indigenous People. 2007.

52 Ibid.

53 Ibid.

54 Olivia Stefanovich. UN Special Rapporteur Finds Toxic Waste Is Hurting Canada’s Indigenous Communities More than Others. 2019.

55 Ibid.

56 University of British Columbia. Royal Proclamation. N.d.

57 Ibid.

58 Assembly of First Nations. Dismantling the Doctrine of Discovery. 2018.

59 Ibid.

60 Ibid.

Relevant Calls to Action

Canadian Governments and the United Nations Declaration on the Rights of Indigenous People

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

Education for reconciliation

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:

- i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelvestudents.*
- ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.*
- iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms*
- iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.*

63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:

- i. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.*
- ii. Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.*
- iii. Building student capacity for intercultural understanding, empathy, and mutual respect.*
- iv. Identifying teacher-training needs relating to the above.*

64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

65. *We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation.*

Museums and Archives

67. *We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the United Nations Declaration on the Rights of Indigenous Peoples and to make recommendations.*

68. *We call upon the federal government, in collaboration with Aboriginal peoples, and the Canadian Museums Association to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.*

69. *We call upon Library and Archives Canada to:*

- i. Fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Joinet-Orentlicher Principles, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.*
- ii. Ensure that its record holdings related to residential schools are accessible to the public.*
- iii. Commit more resources to its public education materials and programming on residential schools.*

70. *We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:*

- i. Determine the level of compliance with the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Joinet-Orentlicher Principles, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.*
- ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.*

Missing Children and Burial Information

71. *We call upon all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths*

of Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.

72. We call upon the federal government to allocate sufficient resources to the National Centre for Truth and Reconciliation to allow it to develop and maintain the National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada.

73. We call upon the federal government to work with churches, Aboriginal communities, and former residential school students to establish and maintain an online registry of residential school cemeteries, including, where possible, plot maps showing the location of deceased residential school children.

74. We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.

75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of appropriate memorial ceremonies and commemorative markers to honour the deceased children.

76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:

- i. The Aboriginal community most affected shall lead the development of such strategies.*
- ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.*
- iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.*

National Centre for Truth and Reconciliation

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.

78. We call upon the Government of Canada to commit to making a funding contribution of \$10 million over seven years to the National Centre for Truth and Reconciliation, plus an additional amount to assist communities to research and produce histories of their own

residential school experience and their involvement in truth, healing, and reconciliation. Commemoration

79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:

- i. Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat*
- ii. Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.*
- iii. Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.*

80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.

81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.

82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.

83. We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process

Royal Proclamation and Covenant of Reconciliation

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Fort Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and terra nullius.*
- ii. Adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.*
- iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.*
- iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other construction agreements.*

46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:

- i. Reaffirmation of the parties' commitment to reconciliation.*
- ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and terra nullius, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.*
- iii. Full adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.*
- iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.*
- v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.*
- vi. Enabling additional parties to sign onto the Covenant of Reconciliation.*

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous Peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

Topic D: Criminal Justice

Systemic Inequalities

Indigenous people in Canada face many systemic inequalities within the justice system, as a result, the Truth and Reconciliation Commission dedicated a large section of the Calls to Action to address these inequities. The statute of limitations creates a tricky situation when it comes to trying to amend for past crimes against Indigenous Peoples. The statute of limitations is a law that says when a specified time has passed, no claim can be filed against any party involved. In criminal cases, courts no longer have justification over cases once a certain amount of time has elapsed. Canada's current legislature around the statute of limitations inhibits historic crimes against Indigenous communities from being brought to court.

The statute of limitations is built into our legal system, and inhibits Indigenous people from accessing full legal compensation for injustices that occurred outside of the defined limitations. This is far from the only injustice built into our legal system. Another institutionalize inequality that Indigenous people face is the unjust incarceration rates. Currently, Indigenous people represent 27% of the prison population, despite being only 4.8% of Canada's total population.⁶¹ 43% of incarcerated women are Indigenous, and 46% of youth.⁶² The reason for this comes from a number of systemic inequalities. Abuse from residential schools caused a pattern of intergenerational trauma in Indigenous communities. This trauma causes disproportionately high suicide rates and rates of substance abuse in Indigenous communities.⁶³ Indigenous people are also less likely to be granted parole and are more likely to receive higher security classifications than a non-Indigenous person.⁶⁴

Perhaps the most well-known injustice against the Canadian Indigenous population is the epidemic of missing or murdered Indigenous women. While it is estimated that over a thousand Indigenous women have been murdered in Canada in the past few decades, the Canadian government kept no record before 2010.⁶⁵ The cases of missing and murdered women either go unresolved or deemed "without foul play."⁶⁶ The Canadian Broadcasting Corporation (CBC) investigated 34 cases of missing and murdered Indigenous women that the authorities deemed to have no foul play.⁶⁷ Out of the 34 cases, none of the families of the victims accepted the police findings, and none of the cases were resolved by the police department.⁶⁸

61 Amanda Coletta. Canada's Indigenous Population Is Overrepresented in Federal Prisons - and It's Only Getting Worse. 2019.

62 Ibid.

63 Ibid.

64 Ibid.

65 Niagara Falls Review. Missing Persons by the Numbers. 2017.

66 Ibid.

67 Ibid.

68 Ibid.

Law Enforcement Relations

Research has been done surrounding if the injustice that Indigenous Peoples face in Canada is connected with a deep racial bias within law enforcement, which is causing an inequality of outcome. The relationship between law enforcement and the Indigenous people of Canada has been strained over the years due to cases of police brutality and neglect, and bias within the police force. Between 2000 and 2017, the Canadian police were involved in over 470 fatal interactions with civilians.⁶⁹ While Indigenous people are 4.8% of the population of Canada, they made up 15% of the fatalities caused by law enforcement over these 17 years.⁷⁰ Since the 1990s, Indigenous people have been attempting to call attention to the racism in the Thunder Bay Police Service (TBPS).⁷¹ More than 30 deaths of Indigenous people in Thunder Bay have gone without thorough investigation by the TBPS.⁷² There have been many reports of the TBPS repeatedly profiling Indigenous Youth, and prematurely drawing conclusions in cases related to the Indigenous population.⁷³ Gerry McNeilly, Ontario's Independent Police Review Director, reviewed the actions of the TBPS and concluded police were inadequate in the following areas on cases specific to Indigenous Canadians: interviewing and/or following up with persons of interest, collecting and managing evidence, communicating the coroners, communication with pathologist, investigating water-related deaths.⁷⁴

Relevant Calls to Action

Justice

25. We call upon the federal government to establish a written policy that reaffirms the independence of the Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.

26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.

27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal- Crown relations. This will require skills- based training in intercultural competency, conflict resolution, human rights,

69 Kim, Peter. 17 Years of Police Violence in Canada. N.d.

70 Ibid.

71 Ibid.

72 Ibid.

73 Ibid.

74 Ibid.

and anti-racism.

28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and antiracism.

29. We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.

30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.

31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.

32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.

34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:

- i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.*
- ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD*
- iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.*
- iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.*

35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.

36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.

37. We call upon the federal government to provide more support for Aboriginal programming in halfway houses and parole services.

38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.

39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.

40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.

41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:

- i. Investigation into missing and murdered Aboriginal women and girls.
- ii. Links to the intergenerational legacy of residential schools.

42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada in November 2012.

Equity for Aboriginal People in the Legal System

50. In keeping with the United Nations Declaration on the Rights of Indigenous Peoples, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.

51. We call upon the Government of Canada, as an obligation of its fiduciary responsibility, to develop a policy of transparency by publishing legal opinions it develops and upon which it acts or intends to act, in regard to the scope and extent of Aboriginal and Treaty rights.

52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:

- i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.*
- ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.*

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Topic A: Health

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