

Call to Action

- 5) We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.



Education

The residential school system failed as an education system. It was based on racist assumptions about the intellectual and cultural inferiority of Aboriginal people—the belief that Aboriginal children were incapable of attaining anything more than a rudimentary elementary-level or vocational education. Consequently, for most of the system's history, the majority of students never progressed beyond elementary school. The government and church officials who operated the residential schools ignored the positive emphasis that the Treaties and many Aboriginal families placed on education. Instead, they created dangerous and frightening institutions that provided little learning.

In their mission to 'civilize' and Christianize, the school staff relied on corporal punishment to discipline their students. That punishment often crossed the line into physical abuse. Although it is employed much less frequently now, corporal punishment is still legally permissible in schools and elsewhere under Canadian law. Section 43 of the *Criminal Code* says: "Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances." The Commission believes that corporal punishment is a relic of a discredited past and has no place in Canadian schools or homes.

Call to Action

- 6) We call upon the Government of Canada to repeal Section 43 of the *Criminal Code* of Canada.

The objectives of the schools were to strip away Aboriginal children's identities and assimilate them into Western Christian society. Doris Young, who attended the Elkhorn residential school in Manitoba, described the experience as a systematic attack on her identity as a Cree person.

Those schools were a war on Aboriginal children, and they took away our identity. First of all, they gave us numbers, we had no names, we were numbers, and they cut our hair. They took away our clothes, and gave us clothes ... we all looked alike. Our hair was all the same, cut us into bangs, and straight short, straight hair up to our ears.... They took away our moccasins, and gave us shoes. I was just a baby. I didn't

actually wear shoes, we wore moccasins. And so our identity was immediately taken away when we entered those schools.³⁷

In addition to the emotional and psychological damage they inflicted, one of the most far-reaching and devastating legacies of residential schools has been their impact on the educational and economic success of Aboriginal people. The lack of role models and mentors, insufficient funds for the schools, inadequate teachers, and unsuitable curricula generally taught in a foreign language—and sometimes by teachers who were also not proficient in the language of instruction—have all contributed to dismal success rates for Aboriginal education. These conditions were compounded for many students by the challenges of trying to learn in environments rendered traumatic by homesickness, hunger, fear, abuse, and institutionalized helplessness. The Commission has heard many examples of students who attended residential school for eight or more years, but left with nothing more than Grade Three achievement, and sometimes without even the ability to read. According to Indian Affairs annual reports, in the 1950s, only half of each year's enrolment got to Grade Six.³⁸

Poor educational achievement has led to the chronic unemployment or under-employment, poverty, poor housing, substance abuse, family violence, and ill health that many former students of the schools have suffered as adults. Although educational success rates are slowly improving, Aboriginal Canadians still have dramatically lower educational and economic achievements than other Canadians.

Education is a fundamental human and Aboriginal right, guaranteed in Treaties, in international law, and in the Canadian Charter of Rights and Freedoms. In particular, the *United Nations Declaration on the Rights of Indigenous Peoples* contains a powerful statement on the right to education under community control. The *Declaration* states, “Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.”³⁹ The Commission believes that fulfilling the promise of the *Declaration* will be key to overcoming the legacy of the residential schools.

Education and the income gap

It is not surprising that, faced with terrible conditions and mostly ineffective teaching, many students left school as soon as they could. A 2010 study of Aboriginal parents and children living off reserves found that the high school completion rate is lower for former residential school students (28%) than for those who did not attend (36%).⁴⁰ Only 7% of the parents who attended residential school have obtained a university degree, compared with 10% for those Aboriginal parents who had never attended these institutions.⁴¹

Although secondary school graduation rates for all Aboriginal people have improved since the closure of the schools, considerable gaps remain when compared with the rates

for the non-Aboriginal population. For example, according to the 2006 census, 34% of Aboriginal adults had not graduated from high school, compared with only 15% of their non-Aboriginal counterparts.⁴² In the 2011 census, these numbers improved slightly, with 29% of Aboriginal people not graduating from high school, compared with 12% in the non-Aboriginal population.⁴³

It is significant that the lowest levels of educational success are in those communities with the highest percentages of descendants of residential school Survivors: First Nations people living on reserves, and Inuit. Both groups have a high school completion rate of 41% or less.⁴⁴

The statistics for First Nations people living off reserves and for Métis are somewhat better. More than 60% of First Nations people living off reserves and 65% to 75% of Métis people have graduated from high school (although these results are still below the national average).⁴⁵

Lower educational attainment for the children of Survivors has severely limited their employment and earning potential, just as it did for their parents. Aboriginal people have lower median after-tax income, are more likely to experience unemployment, and are more likely to collect employment insurance and social assistance benefits.⁴⁶ This situation is true for all Aboriginal groups, with some variations. In 2009, the Métis unemployment rate for persons aged twenty-five to fifty-four was 9.4%, while the non-Aboriginal rate was 7.0%.⁴⁷ In 2006, the Inuit unemployment rate was 19%.⁴⁸ The true rates of unemployment for people living on reserves are difficult to ascertain because of limited data collection.⁴⁹

Aboriginal people also have incomes well below their non-Aboriginal counterparts. The median income for Aboriginal people in 2006 was 30% lower than the median income for non-Aboriginal workers (\$18,962 versus \$27,097, respectively).⁵⁰ The gap narrows when Aboriginal people obtain a university degree, which they do at a far lower rate.⁵¹ Not surprisingly, the child poverty rate for Aboriginal children is also very high—40%, compared with 17% for all children in Canada.⁵² The income gap is pervasive: non-Aboriginal Canadians earn more than Aboriginal workers no matter whether they work on reserves, off reserves, or in urban, rural, or remote locations.⁵³

The proportion of Aboriginal adults below the poverty line, regardless of age and gender, is much higher than that of non-Aboriginal adults, with differences ranging from 7.8% for adult men aged sixty-five or older, to 22.5% for adult women aged sixty-five or older.⁵⁴ The depth of poverty is also much greater, with Aboriginal people having an average income that falls further below the poverty line on average than that of non-Aboriginal adults, and their poverty is more likely to have persisted for a significant period of time.⁵⁵

Call to Action

- 7) We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

Funding inequities

Present-day Aboriginal education in Canada is made up of a mix of models. The federal government funds schools on reserves, with the actual operation of those schools often delegated to the local First Nation. Aboriginal children who do not live on reserves are educated through the provincial or territorial school systems. In addition, there are a few education systems completely run and managed by First Nations through self-government and other types of intergovernmental agreements.

There are approximately 72,000 students attending 518 First Nation schools.⁵⁶ Despite those numbers, many children must still leave their homes and families behind if they wish to obtain a higher education, even at the high school level.

Since 1973, the Government of Canada has claimed that it is committed to devolving control of education to First Nations people.⁵⁷ However, the interpretation of "Indian control" offered by the Government of Canada bears little resemblance to the vision of First Nations. The government's version of the term has entailed the devolution of federal education programs to First Nations, without the benefit of adequate funding or statutory authority.⁵⁸ Indeed, when devolution began, it was designed to occur without any additional expense. This meant that former Indian Affairs-operated schools, which were already substandard compared with provincial norms, were handed over to the First Nation bands to run, but without giving the bands the means to operate them effectively. As a result, the curriculum for the majority of First Nation schools is virtually identical to that found in the provincial and territorial schools.⁵⁹ This approach is not significantly different from the approach during the residential school era, when Indigenous communities had no say in the content and language of their children's schooling.

The funding formula for First Nations schools was last updated in 1996, and does not take into account the range of basic and contemporary education components needed to deliver a good-quality education in the twenty-first century, such as information and communication technologies, sports and recreation, language proficiency, and library services.⁶⁰ Worse still, since 1996, funding growth for First Nations education has been capped at 2%, an amount that has been insufficient to keep pace with either inflation or the rapid increases in the Aboriginal student population.⁶¹ Meanwhile, between 1996 and 2006, funding to provincial and territorial school systems increased annually by 3.8%, almost double the increase for reserve schools.⁶² The underfunding of reserve schools

likely violates Treaty promises about education, and makes it very difficult to overcome the educational and consequent income gaps.

In many cases, the fees that First Nations are charged when they send their children to provincial schools are higher than the amount of funding they receive from Canada per student.⁶³

Calls to Action

- 8) We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.
- 9) We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.

Education reform

Since 2011, three major reports on First Nations education have concluded that the status quo is unacceptable and that there is a need for a complete restructuring based on principles of self-government, a culturally relevant curriculum, and stable funding. All three reports agree that Aboriginal peoples themselves must lead and control the process of change.⁶⁴

In October 2013, the government released the text of the proposed First Nations Education Act. The bill itself provided no guarantee of increased or stable funding of First Nations schools, leaving such matters to be resolved through regulations, with no assurance of equity in the distribution of resources to educate First Nations children in First Nations schools or in provincial schools. In February 2014, the Government of Canada and the Assembly of First Nations announced an agreement on a new basis for First Nations education reform and legislation. The agreement called for over \$2 billion in new funding to reserve schools, and replaced the 2% cap on annual increases with a 4.5% annual increase and \$1.25 billion from 2016–17 to 2018–19. However, after opposition from Aboriginal leaders, the proposed legislation was put on hold, pending agreement on the principles for a new Act.

Based on all that it has heard from thousands of former students and family members throughout the country, the Commission is convinced that such an Act must recognize the importance of education in strengthening the cultural identity of Aboriginal people and

providing a better basis for success. Albert Marshall, a former student of the Shubenacadie residential school in Nova Scotia, made this point forcefully to the Commission.

The current education system has been designed to completely eradicate who I am and to kill that Indian Mi'kmaq spirit that's in me. But I do know I need knowledge and I need education. But the kind of education I need has to be reflective of who I am as a Mi'kmaq. And that knowledge that I get, that I will receive, I have a responsibility with that knowledge to pass it down so others will benefit from it.... The kind of legacy that I want to leave my children in the future generations is one of which they will be able to excel, they will be able to compete without having to worry about is the education system going to further eradicate their selves.⁶⁵

Call to Action

- 10) We call upon the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:
 - i. Providing sufficient funding to close identified educational achievement gaps within one generation.
 - ii. Improving education attainment levels and success rates.
 - iii. Developing culturally appropriate curricula.
 - iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.
 - v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.
 - vi. Enabling parents to fully participate in the education of their children.
 - vii. Respecting and honouring Treaty relationships.

Métis and Inuit education

Provincial and territorial schools are the only option for Métis students, other Aboriginal children without recognized status, and those First Nation and Inuit children who do not live on reserves or who do live on reserves but attend provincial schools. Their educational outcomes are not significantly better than those who attend First Nation schools on reserves or in their home communities.⁶⁶ Jurisdictional disputes between the federal and provincial governments over responsibility for Métis education continue to be a major

schools as well as other challenges faced by Aboriginal people. In addition to fair and adequate funding, there is also a need to maximize Aboriginal control over Aboriginal education, and to facilitate instruction in Aboriginal cultures and languages. These educational measures will offer a realistic prospect of reconciliation on the basis of equality and respect.

2

Language and culture

In a study of the impact of residential schools, the Assembly of First Nations noted in 1994 that

language is necessary to define and maintain a world view. For this reason, some First Nation elders to this day will say that knowing or learning the native language is basic to any deep understanding of a First Nation way of life, to being a First Nation person. For them, a First Nation world is quite simply not possible without its own language. For them, the impact of residential school silencing their language is equivalent to a residential school silencing their world.⁷⁶

The Royal Commission on Aboriginal Peoples similarly noted the connection between Aboriginal languages and what it called a “distinctive world view, rooted in the stories of ancestors and the environment.” The Royal Commission added that Aboriginal languages are a “tangible emblem of group identity” that can provide “the individual a sense of security and continuity with the past ... maintenance of the language and group identity has both a social-emotional and a spiritual purpose.”⁷⁷

Residential schools were a systematic, government-sponsored attempt to destroy Aboriginal cultures and languages and to assimilate Aboriginal peoples so that they no longer existed as distinct peoples. English and, to a far lesser degree, French were the only languages permitted to be used in most schools. Students were punished—often severely—for speaking their own languages. Michael Sillett, a former student at the North West River residential school in Newfoundland and Labrador, told the Commission, “Children at the dorm were not allowed to speak their mother tongue. I remember several times when other children were slapped or had their mouths washed out for speaking their mother tongue; whether it was Inuktitut or Innu-aimun. Residents were admonished for just being Native.”⁷⁸ As late as the 1970s, students at schools in northwestern Ontario were not allowed to speak their language if they were in the presence of a staff member who could not understand that language.⁷⁹ Conrad Burns, whose father attended the Prince Albert school, named this policy for what it was: “It was a cultural genocide. People were beaten for their language, people were beaten because ... they followed their own ways.”⁸⁰

Rights to culture and language, and the need for remedies for their loss, have long been recognized in international law.⁸¹ They are specifically acknowledged in the *United Nations Declaration of the Rights of Indigenous Peoples*, which has recognized the critical state of

Aboriginal languages. Article 8:1 of the *Declaration* recognizes that “Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.” Article 8:2 provides that “states shall provide effective mechanisms for prevention of and redress for any form of forced assimilation or integration.”

The *Declaration* also includes specific recognition of the right to revitalize and transmit Aboriginal languages in Article 13:1, which recognizes that “Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.” Article 14 provides for educational language rights of the type that Canadians already know and experience, with respect to anglophone and francophone minorities. Article 14:1 provides similarly that “Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning,” and Article 14:3 provides: “States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.” Article 16 provides that Indigenous peoples “have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination,” and that states “shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity.”⁸²

The attempt to assimilate students by denying them access to, and respect for, their Aboriginal language and culture often meant that the students became estranged from their families and communities. Agnes Mills, a former student at All Saints residential school in Saskatchewan, told the Commission her story.

And one of the things that residential school did for me, I really regret, is that it made me ashamed of who I was.... And I wanted to be white so bad, and the worst thing I ever did was I was ashamed of my mother, that honourable woman, because she couldn't speak English. She never went to school, and they told us that, we used to go home to her on Saturdays, and they told us that we couldn't talk Gwich'in to her and, and she couldn't, like couldn't communicate. And my sister was the one that had the nerve to tell her, “We can't talk Loucheux to you, they told us not to.”⁸³

Mary Courchene, formerly a student at the residential schools at Fort Alexander in Manitoba and Lebret in Saskatchewan, had a similar interaction with her family.

And I looked at my dad, I looked at my mom, I looked at my dad again. You know what? I hated them. I just absolutely hated my own parents. Not because I thought they abandoned me; I hated their brown faces. I hated them because they were Indians.... So I, I looked at my dad and I challenged him and I said, “From now on we speak only English in this house,” I said to my dad. And you know when we, when, in a traditional home where I was raised, the first thing that we all were always taught

was to respect your Elders and never to, you know, to challenge them. And here I was, eleven years old, and I challenged ... my dad looked at me and I, and I thought he was going to cry. In fact his eyes filled up with tears. He turned to my mom and he says, ... "Then I guess we'll never speak to this little girl again. I don't know her."⁸⁴

Some Survivors refused to teach their own children their Aboriginal languages and cultures because of the negative stigma that had come to be associated with them during their school years. This has contributed significantly to the fragile state of Aboriginal languages in Canada today.

Many of the almost ninety surviving Aboriginal languages in Canada are under serious threat of extinction. In the 2011 census, 14.5% of the Aboriginal population reported that their first language learned was an Aboriginal language.⁸⁵ In the previous 2006 census, 18% of those who identified as Aboriginal had reported an Aboriginal language as their first language learned, and a decade earlier, in the 1996 census, the figure was 26%. This indicates nearly a 50% drop in the fifteen years since the last residential schools closed. There are, however, variations among Aboriginal peoples: 63.7% of Inuit speak their Indigenous language, compared with 22.4% of First Nations people and only 2.5% of Métis people.⁸⁶

Some languages are close to extinction because they have only a few remaining speakers of the great-grandparent generation. The United Nations Educational, Scientific and Cultural Organization (UNESCO) lists 36% of Canada's Aboriginal languages as being critically endangered, in the sense that they are used only by great-grandparent generations; 18% are severely endangered, in the sense that they are used by the great-grandparent and grandparent generations; and 16% are definitely endangered, in the sense that they are used by the parental and the two previous generations. The remaining languages are all vulnerable.⁸⁷ If the preservation of Aboriginal languages does not become a priority both for governments and for Aboriginal communities, then what the residential schools failed to accomplish will come about through a process of systematic neglect.

Language rights

In interpreting Aboriginal and Treaty rights under Section 35(1) of the *Constitution Act, 1982*, the Supreme Court of Canada has stressed the relation of those rights to the preservation of distinct Aboriginal cultures.⁸⁸ The Commission concurs. The preservation of Aboriginal languages is essential and must be recognized as a right.

Call to Action

- * 13) We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

Government programs

At a time when government funding is most needed to protect Aboriginal languages and culture, Canada has not upheld commitments it previously made to fund such programs. In 2002, the federal government promised \$160 million for the creation of a centre for Aboriginal languages and culture and a national language strategy.⁸⁹ But, in 2006, the government retreated from that commitment, pledging instead to spend \$5 million per year in “permanent funding” for the Aboriginal Languages Initiative (ALI), which had been started in 1998.⁹⁰ The ALI is a program of government-administered heritage subsidies. It is not based on the notion of respectful nation-to-nation relations between Canada and Aboriginal peoples. Neither does it provide Aboriginal people with the opportunity to make decisions for themselves about how to allocate scarce resources and how to administer programs. Many who appeared before the Truth and Reconciliation Commission of Canada were skeptical about the government’s commitment to preserve Aboriginal languages. As Michael Sillett told us, “I cannot see the federal government putting out the money that’s necessary for full restitution, you know.... I can’t bring back my language; I lost that. I lost my culture, you know.”⁹¹

Other than ALI, the only significant programs for language preservation are the Canada-Territorial Language Accords (\$4.1 million annual budget), which support territorial government-directed Aboriginal language services, supports, and community projects in Nunavut and the Northwest Territories. In Yukon, language revitalization and preservation projects are supported through transfer agreements with ten of the eleven self-governing Yukon First Nations.⁹²

The combined total annual federal budget for these Aboriginal languages programs is \$9.1 million. By way of comparison, the Official Languages Program for English and French is projected to receive funding as follows:

- 2012-13: \$353.3 million
- 2013-14: \$348.2 million
- 2014-15: \$348.2 million⁹³

The resources committed to Aboriginal language programs are far fewer than what is committed to French in areas where French speakers are in the minority. For example, the federal government provides support to the small minority of francophones in Nunavut in the amount of approximately \$4,000 per individual annually. In contrast, funding to support Inuit-language initiatives is estimated at \$44 per Inuk per year.⁹⁴

The Commission believes that a multi-pronged approach to Aboriginal language preservation—if implemented, honourably resourced, and sustained—might prevent further increase in the litigation of Aboriginal language rights, and the increased international criticism of Canada’s policy towards Aboriginal-language rights. This approach will require full, good-faith consultation, which recognizes that although Aboriginal communities have the necessary knowledge, particularly among their Elders, to preserve their

own languages, additional support is needed. The outcome of the consultation should be legislation and policies that affirm the importance of Canada's Indigenous languages, and allocate adequate funding to ensure their preservation.

Calls to Action

- 14) We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:
 - i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.
 - ii. Aboriginal language rights are reinforced by the Treaties.
 - iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.
 - iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
 - v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.
- 15) We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives.

In addition to promoting the use of Aboriginal languages, an Aboriginal Languages Commissioner would also educate non-Aboriginal Canadians about the richness and value of Aboriginal languages and how strengthening those languages can enhance Canada's international reputation.

Aboriginal people recognize how important it is for their children to speak and understand an Aboriginal language. Sabrina Williams, an intergenerational Survivor from British Columbia, expressed that need.

I didn't realize until taking this language class how much we have lost—all the things that are attached to language: it's family connections, it's oral history, it's traditions, it's ways of being, it's ways of knowing, it's medicine, it's song, it's dance, it's memory. It's everything, including the land.... And unless we inspire our kids to love our culture, to love our language ... our languages are continually going to be eroded over time. So, that is daunting. Yeah. So, to me that's part of what reconciliation looks like.⁸⁵

Language instruction may require innovative approaches, including the use of Elders and others as teachers and the use of immersion programs. Education institutions must

be flexible and responsive in their attempts to encourage the teaching of Aboriginal languages. They should be prepared to draw on the available resources within Aboriginal communities to facilitate the teaching and transmission of Aboriginal languages. More formal training opportunities are also required.

Call to Action

- 16) We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.

Reclaiming names

As a result of the residential school experience, many Aboriginal people lost their language and lost touch with their culture. Many also suffered a loss of a different sort. It was common for residential school officials to give students new names. At the Aklavik Anglican school in the Northwest Territories, a young Inuit girl named Masak became "Alice"—she would not hear her old name until she returned home.⁹⁶ At the Qu'Appelle school in Saskatchewan, Ochankugahe (Path Maker) became Daniel Kennedy, named for the biblical Daniel, and Adélard Standing Buffalo was named for Adélard Langevin, the Archbishop of St. Boniface.⁹⁷ Survivors and their families who have sought to reclaim the names that were taken from them in residential schools have found the process to be both expensive and time consuming. We believe that measures should be put in place to reduce the burden placed on those who seek to reclaim this significant portion of their heritage.

Call to Action

- 17) We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

Health

Residential schools endangered the health and well-being of the children who attended them. Many students succumbed to infectious disease, particularly tuberculosis. Sexual and physical abuse, as well as separation from families and communities, caused lasting trauma for many others. The effects of this trauma were often passed on to the children

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3 Health

Residential schools endangered the health and well-being of the children who attended them. Many students succumbed to infectious disease, particularly tuberculosis. Sexual and physical abuse, as well as separation from families and communities, caused lasting trauma for many others. The effects of this trauma were often passed on to the children

of the residential school Survivors and sometimes to their grandchildren. Residential schools also posed a threat to the mental health of students through the pervasive assumptions and assertions they made about the inferiority of Aboriginal peoples, cultures, and languages. This disregard for Aboriginal health and well-being was consistent with the long-established patterns of colonialism: the introduction of new diseases, the disruption of traditional food sources, and the concentration of people on unproductive land and the housing of them in cramped, unsanitary dwellings.

The schools undermined Aboriginal health by failing to feed and clothe the children properly and housing them in poorly constructed and dangerous buildings. The schools did not properly screen out sick and infectious children, and often lacked adequate treatment facilities. As Ruby Firth, a former student at Stringer Hall in the Northwest Territories, told the Commission, those conditions had a lasting effect.

I've got chronic bronchitis today. Every winter I get pneumonia like two or three times and I'm on two puffers 'cause when I was in Stringer Hall residential school they used to put us in these little skinny red coats that weren't even warm enough for winter. And we used to have to walk across the street to go to school.... Both my lungs are 50% scarred from having pneumonia seven times in [residential school]. That's always going to be there, it's never going to go away.⁹⁸

There were also lasting psychological and emotional impacts. Sonia Wuttunee-Byrd described the damage that residential school caused her.

I lost my braids, my beautiful hair was cut, and I felt like my identity was so confused, I didn't know who I was. What is even worse is that they started to sexually take advantage of me and abuse me, not one, not two, but many, many people for a very long time, until I was sixteen. I started to really deteriorate. I became very sick and anorexic, and really started to go downhill. At one point I only weighed sixty-six pounds, and that was it, I had no desire to live. The doctor said, "You have a month to live, go home." He said to my family, "Take her home, she is going to die..." I would say to Mom and Dad, and they never understood why I was crying. The school always said, "Sonia is a fantastic student, she is doing so well," but inside it was torment. I held everything in and didn't tell anybody for twenty years.⁹⁹

Katherine Copenace, a former student at the St. Mary's residential school in Ontario, told the Commission about her struggles.

The residential school students suffered physical, sexual, spiritual, and most of all emotional abuse and my dad used to say to me, "Emotional abuse is more damaging than physical abuse. Your physical hurts heal." That's what he used to say. When I got older, I had thoughts of suicide, inflicting pain on myself which I did. I used to slash my arms, pierce my arms, my body and I destroyed myself with alcohol which the government introduced of course.¹⁰⁰

The children in residential schools were powerless to take healing measures. They were denied access to traditional foods and to families, traditional healers, and communities who could have helped them, according to Aboriginal ways, to deal with the physical, mental, emotional, and spiritual elements of ill health. Because of the isolated location of many of the schools, students were also often denied access to 'Western' doctors and nurses. This double denial of health care, based in government policy, continues to this day, due to the relative isolation of many Aboriginal communities, many of which have no road access, and limited access to local health resources.

Health care is a right enshrined in international and constitutional law as well as in Treaties. The *United Nations Declaration on the Rights of Indigenous Peoples* recognizes that Indigenous peoples have the right to physical and mental integrity, as well as the right to equal enjoyment of the highest attainable standard of physical and mental health. In taking measures to achieve these goals, states are obligated to pay particular attention to the rights and special needs of Elders, women, youth, children, and persons with disabilities.¹⁰¹ Indigenous peoples have the right to be actively involved in developing, determining, and administering health programs that affect them.¹⁰² Indigenous peoples also have the right to traditional medicines and to maintain their traditional health practices.¹⁰³

The Numbered Treaties also established additional legal obligations concerning Aboriginal health and wellness.¹⁰⁴ The right to medical care was recognized in Treaties 6, 7, 8, 10, and 11.¹⁰⁵ Treaty 6 explicitly included provision of a "medicine chest" and relief from "pestilence."¹⁰⁶ However, the right to health is not limited to these Treaties. The Treaty negotiations included many references to the protection of, and non-interference with, traditional ways of life.¹⁰⁷

Call 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 and constitutional law, and under the Treaties.

The health gap

There are troubling gaps in health outcomes between Aboriginal and non-Aboriginal Canadians. For example:

- The infant mortality rates for First Nations and Inuit children range from 1.7 to over 4 times the non-Aboriginal rate.¹⁰⁸

- From 2004 to 2008, the “age-specific mortality rate” at ages one to nineteen in the Inuit homelands was 188.0 deaths per 100,000 person-years at risk, compared with only 35.3 deaths per 100,000 in the rest of Canada.¹⁰⁹
- First Nations people aged forty-five and older have nearly twice the rate of diabetes as the non-Aboriginal population.¹¹⁰
- First Nations people were six times more likely than the general population to suffer alcohol-related deaths, and more than three times more likely to suffer drug-induced deaths.¹¹¹

The overall suicide rate among First Nation communities is about twice that of the total Canadian population. For Inuit, the rate is still higher: six to eleven times the rate for the general population. Aboriginal youth between the ages of ten and twenty-nine who are living on reserves are five to six times more likely to die by suicide than non-Aboriginal youth.¹¹²

Measuring progress

Obtaining precise information on the state of health of Aboriginal people in Canada is difficult. The most complete information about comparative health outcomes is out of date, much of it coming from the 1990s. Unlike in other countries, the Canadian government has not provided a comprehensive list of well-being indicators comparing Aboriginal and non-Aboriginal populations. The lack of accessible data on comparable health indicators means that these issues receive less public, media, and political attention. In Australia, the government has set a timeline for closing the gap in health outcomes between Aboriginal and non-Aboriginal citizens. The Australian prime minister reports annually on the progress being made to close the gaps in targets related to life expectancy and mortality rates for Indigenous children.¹¹³ Canada must do likewise.

Call to Action

- 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.

In 2003, the First Ministers’ Accord on Health Care Renewal recognized the obvious: that Aboriginal peoples face serious health challenges. The accord committed to making

Settlement Agreement processes is but one example of the invaluable service these professionals can provide.

Call to Action

- 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 health-care professionals.

Closing the gap in health outcomes will come about only as part of a comprehensive strategy of change. To be more effective in improving health outcomes, non-Aboriginal medical practitioners must develop a better understanding of the health issues facing Canada's Aboriginal peoples and of the legacy of residential schools.

Call to Action

- 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.



Justice

Residential schools inflicted profound injustices on Aboriginal people. Aboriginal parents were forced, often under pressure from the police, to give up their children to the schools. Children were taken far from their communities to live in frightening custodial institutions, which felt like prisons. The children who attended residential schools were often treated as if they were offenders and were often victimized.

This pattern of disproportionate imprisonment and victimization of Aboriginal people continues to this day. The continued failure of the justice system denies Aboriginal people the safety and opportunities that most Canadians take for granted. Redress to the racist and colonial views that inspired the schools, and effective and long-term solutions to the crime problems that plague too many Aboriginal communities, call for increased use of Aboriginal justice, based on Aboriginal laws and healing practices.

To understand the full legacy of the harms of the schools, it is important to examine how the Canadian legal system responded to residential school abuse. Relatively few prosecutions for abuse resulted from police investigations. In some cases, the federal government actually compromised these investigations—and the independence of the Royal Canadian Mounted Police (RCMP)—to defend its own position in civil cases brought against it by residential school Survivors.

RCMP independence compromised

In late 1994, the RCMP established the E Division Task Force to investigate allegations of abuse in British Columbia residential schools. There is evidence, however, that RCMP investigations into abuse were adversely influenced by the federal government's strategic interests in defending itself in the many civil lawsuits commenced by former students. For example, the government demanded that the RCMP hand over its investigation files related to abuse at the Kuper Island school. Despite some initial objections, the RCMP eventually did turn over the files.¹¹⁸ This was done without due regard for the privacy rights of the complainants in the case, and, in effect, gave the government an advantage in defending itself. When the police force requested the return of these files, the government declined, and then further refused to disclose the information it had received to the Survivors who had brought the civil lawsuits.¹¹⁹

Affidavits filed by RCMP officers suggest that the federal government's interest in defending itself in civil litigation interfered with police investigations into crimes committed at the residential schools. Although a judge eventually ordered that Survivors should have the same access to RCMP criminal investigation material regarding offences at the Kuper Island school as the government, the whole affair meant Survivors could reasonably conclude that the RCMP was acting as an agent of the federal government, rather than as an impartial enforcer of the law.¹²⁰

Call to Action

- 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.

Unnecessary insistence on corroboration

The RCMP E Division Task Force final report notes that “a very common situation that kept occurring over and over again” was that Crown counsel refused to prosecute without

corroboration in the form of physical evidence.¹²¹ This approach was based on an unwillingness to take the complainant's own evidence as sufficient to justify a prosecution. It betrays an unwillingness to take the evidence of Aboriginal people as being worthy of belief. At best, the refusal to prosecute without corroboration was based on a belief that the denial of any accused person who occupied a position of authority at the schools would be sufficient to create a reasonable doubt about guilt.

Since 1982, the requirement for corroboration was specifically dropped for sexual offences, and it was never required for non-sexual offences.¹²² The Commission is concerned that a continued insistence on corroboration has resulted in discriminatory treatment of Aboriginal victims.

Few criminal prosecutions

The Commission has been able to identify fewer than fifty convictions stemming from allegations of abuse at residential schools. This figure is insignificant compared with the nearly 38,000 claims of sexual and serious physical abuse that were submitted as part of the Independent Assessment Process (IAP), set up under the Settlement Agreement.¹²³

Although there were not many prosecutions for sexual abuse, there were even fewer charges of physical abuse brought against former school staff. The RCMP's own report suggests that the E Division Task Force viewed physical assaults against Aboriginal children as being less serious than sexual abuse. The RCMP attributed complaints by former students about assaults as evidence of a "culture clash between the rigid, 'spare the rod, spoil the child' Christian attitude, and the more permissive Native tradition of child-rearing."¹²⁴ This preconception undoubtedly affected the number of prosecutions that occurred for physical abuse at the schools.

Civil litigation

Having generally failed to find justice through police investigations and criminal prosecutions, residential school Survivors increasingly turned to the civil justice system in the 1990s, bringing lawsuits against abusers as well as the federal government and the churches that operated the schools. The Canadian legal system, however, was prepared to consider only some of the harms that the Survivors suffered—generally, those harms caused by sexual and sometimes physical abuse. It refused to consider on the merits the Survivors' claims relating to loss of language, culture, family attachment, and violation of Treaty rights to education. The Canadian legal system refused to consider the claims that Survivors brought on behalf of their parents and their children. It also refused to provide

remedies for the collective harms that residential schools caused to Aboriginal nations and communities.

Residential school litigation has been extremely complex, expensive, and lengthy. It has been especially difficult for the Survivors, many of whom were revictimized through explicit questioning and adversarial treatment by the Government of Canada, the churches, and even their own lawyers.

Limitation periods

Within the Canadian justice system, complainants in civil proceedings have a limited period of time in which to file suit. If they wait too long after the harm they have suffered, they may not be allowed to pursue their claim because of a provincial statute of limitation. Although statutes of limitation can protect defendants in civil lawsuits, they can also have the effect of denying plaintiffs the opportunity to have the truth of their allegation determined in court. This is most dramatically true for child victims, who have neither the means nor the knowledge to pursue claims of harm until much later, when the time period for a claim may very well have run out.

A statute of limitation defence has to be raised by the defendant. In its 2000 report on responding to child abuse in institutions, the Law Commission of Canada recommended that the federal government should not rely solely on statute of limitation defences.¹²⁵ Nevertheless, the Government of Canada and the churches have frequently and successfully raised these defences in residential school litigation. The Commission believes that the federal government's successful use of statute of limitation defences has meant that Canadian courts and Canadians in general have considered only a small part of the harms of residential schools, mostly those caused by sexual abuse. Some provinces have amended their limitation statutes to enable civil prosecutions for a wider range of offences. We urge others to follow suit.

Call to Action

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

to be unilateral and divisive, and Aboriginal peoples continue to resist such actions. Negotiations on Treaties and land-claims agreements continue with a view to reconciling Aboriginal title and rights with Crown sovereignty. However, many cases remain unresolved. The courts have produced a body of law on reconciliation in relation to Aboriginal rights, which has established some parameters for discussion and negotiations, but there remains no ongoing national process or entity to guide that discussion. What is clear to this Commission is that Aboriginal peoples and the Crown have very different and conflicting views on what reconciliation is and how it is best achieved. The Government of Canada appears to believe that reconciliation entails Aboriginal peoples' acceptance of the reality and validity of Crown sovereignty and parliamentary supremacy, in order to allow the government to get on with business. Aboriginal people, on the other hand, see reconciliation as an opportunity to affirm their own sovereignty and return to the 'partnership' ambitions they held after Confederation.

(5)

The *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation

Aboriginal peoples in Canada were not alone in the world when it came to being treated harshly by colonial authorities and settler governments. Historical abuses of Aboriginal peoples and the taking of Indigenous lands and resources throughout the world have been the subject of United Nations' attention for many years. On September 13, 2007, after almost twenty-five years of debate and study, the United Nations (UN) adopted the *Declaration on the Rights of Indigenous Peoples*. As a declaration, it calls upon member states to adopt and maintain its provisions as a set of "minimum standards for the survival, dignity and well-being of the indigenous peoples of the world."⁸

The Commission concurs with the view of S. James Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples, who observed,

It is perhaps best to understand the Declaration and the right of self-determination it affirms as instruments of reconciliation. Properly understood, self-determination is an animating force for efforts toward reconciliation—or, perhaps, more accurately, conciliation—with peoples that have suffered oppression at the hands of others.

Self-determination requires confronting and reversing the legacies of empire, discrimination, and cultural suffocation. It does not do so to condone vengefulness or spite for past evils, or to foster divisiveness but rather to build a social and political order based on relations of mutual understanding and respect. That is what the right of self-determination of indigenous peoples, and all other peoples, is about.⁹

Canada, as a member of the United Nations, initially refused to adopt the *Declaration*. It joined the United States, Australia, and New Zealand in doing so. It is not coincidence that all these nations have a common history as part of the British Empire. The historical

treatment of Aboriginal peoples in these other countries has strong parallels to what happened to Aboriginal peoples in Canada. Specifically, Canada objected to the *Declaration's*

provisions dealing with lands, territories and resources; free, prior and informed consent when used as a veto; self-government without recognition of the importance of negotiations; intellectual property; military issues; and the need to achieve an appropriate balance between the rights and obligations of Indigenous peoples, member States and third parties.¹⁰

Although these four countries eventually endorsed the *Declaration*, they have all done so conditionally. In 2010, Canada endorsed the *Declaration* as a "non-legally binding aspirational document."¹¹ Despite this endorsement, we believe that the provisions and the vision of the *Declaration* do not currently enjoy government acceptance. However, because Canada has accepted the *Declaration*, we hold the federal government to its word that it will genuinely aspire to achieve its provisions.

In 2011, Canadian churches and social justice advocacy groups who had campaigned for Canada's adoption of the *Declaration* urged the federal government to implement it. However, Canada's interpretation of the *Declaration* remained unchanged. On September 22, 2014, at the World Conference on Indigenous Peoples (WCIP) in New York, the United Nations General Assembly adopted an action-oriented "Outcome Document" to guide the implementation of the *Declaration*. Member states from around the world committed, among other things, to the following:

Taking, in consultation and cooperation with indigenous peoples, appropriate measures at the national level, including legislative, policy, and administrative measures, to achieve the ends of the *Declaration*, and to promote awareness of it among all sectors of society, including members of legislatures, the judiciary and the civil service.... [para. 7] We commit ourselves to cooperating with indigenous peoples, through their own representative institutions, to develop and implement national action plans, strategies or other measures, where relevant, to achieve the ends of the Declaration [para. 8] ... [and also] encourage the private sector, civil society and academic institutions to take an active role in promoting and protecting the rights of indigenous peoples. [para. 30]¹²

The "Outcome Document" represented an important step forward with regard to implementing the *Declaration* in practical terms. The development of national action plans, strategies, and other concrete measures will provide the necessary structural and institutional frameworks for ensuring that Indigenous peoples' right to self-determination is realized across the globe.

Canada issued a formal statement at the WCIP, objecting to certain paragraphs of the document related to the principle of obtaining the "free, prior and informed consent" (FPIC) of Indigenous peoples when states are making decisions that will affect their rights or interests, including economic development on their lands. Canada said,

Free, prior and informed consent, as it is considered in paragraphs 3 and 20 of the WCIP Outcome Document, could be interpreted as providing a veto to Aboriginal groups and in that regard, cannot be reconciled with Canadian law, as it exists.... Canada cannot support paragraph 4, in particular, given that Canadian law, recently reaffirmed in a Supreme Court of Canada decision, states the Crown may justify the infringement of an Aboriginal or Treaty right if it meets a stringent test to reconcile Aboriginal rights with a broader public interest.¹³

In a public statement, Indigenous leaders and their supporters said that Canada's concerns were unfounded, noting that

the notion that the *Declaration* could be interpreted as conferring an absolute and unilateral veto power has been repeatedly raised by Canada as a justification for its continued opposition to the *Declaration*. This claim, however, has no basis either in the *UN Declaration* or in the wider body of international law. Like standards of accommodation and consent set out by the Supreme Court of Canada, FPIC in international law is applied in proportion to the potential for harm to the rights of Indigenous peoples and to the strength of these rights. The word "veto" does not appear in the *UN Declaration*.... Canada keeps insisting that Indigenous peoples don't have a say in development on their lands. This position is not consistent with the *UN Declaration on the Rights of Indigenous Peoples*, decisions by its own courts, or the goal of reconciliation.¹⁴

Reflecting on the importance of the *Declaration* to First Nations, Inuit, and Métis peoples in Canada, Grand Chief Edward John, Hereditary Chief of the Tl'azt'en Nation in northern British Columbia, explained,

We have struggled for generations for recognition of our rights. We have fought for our survival, dignity and well-being, and the struggle continues. Canada's denial of First Nations' land rights falls well short of the minimum standards affirmed by the *Declaration* and demonstrates a clear failure by Canada to implement its human rights obligations. Prime Minister Harper's apology for Canada's role in the Indian Residential Schools acknowledged that the policy of assimilation was wrong and has no place in our country. Yet Canada's policy of denying Aboriginal title and rights is premised on the same attitude of assimilation. It is time for this attitude and the policies that flow from it to be cast aside. The *Declaration* calls for the development of new relationships based on recognition and respect for the inherent human rights of Indigenous peoples.¹⁵

The TRC considers "reconciliation" to be an ongoing process of establishing and maintaining respectful relationships at all levels of Canadian society. The Commission therefore believes that the *United Nations Declaration on the Rights of Indigenous Peoples* is the appropriate framework for reconciliation in twenty-first-century Canada. Studying the *Declaration* with a view to identifying its impacts on current government laws, policy, and behaviour would enable Canada to develop a holistic vision of reconciliation that embraces

all aspects of the relationship between Aboriginal and non-Aboriginal Canadians, and to set the standard for international achievement in its circle of hesitating nations.

Aboriginal peoples' right to self-determination must be integrated into Canada's constitutional and legal framework and civic institutions, in a manner consistent with the principles, norms, and standards of the *Declaration*. Aboriginal peoples in Canada have Aboriginal and Treaty rights. They have the right to access and revitalize their own laws and governance systems within their own communities and in their dealings with governments. They have a right to protect and revitalize their cultures, languages, and ways of life. They have the right to reparations for historical harms.

In 2014, the Supreme Court of Canada ruled that the Tsilhqot'in peoples have Aboriginal title to their lands in northern British Columbia, and "ownership rights similar to those associated with fee simple, including: the right to decide how the land will be used; the right of enjoyment and occupancy of the land; the right to possess the land; the right to the economic benefits of the land; and the right to pro-actively use and manage the land."¹⁶ The court said, "Governments and individuals proposing to use or exploit land, whether before or after a declaration of Aboriginal title, can avoid a charge of infringement or failure to adequately consult by obtaining the consent of the interested Aboriginal group."¹⁷

In the face of growing conflicts over lands, resources, and economic development, the scope of reconciliation must extend beyond residential schools to encompass all aspects of Aboriginal and non-Aboriginal relations and connections to the land. Therefore, in our view, it is essential that all levels of government endorse and implement the *Declaration*. The Commission urges the federal government to reverse its position and fully endorse the "Outcome Document." We believe that the federal government must develop a national action plan to implement the *Declaration*. This would be consistent with the direction provided by the Supreme Court of Canada. More importantly, it would be consistent with the achievement of reconciliation.

Calls to Action

- 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*.

- iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
 - iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health 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.
 - v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
 - vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.
 - vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.
- 56) We call upon the prime minister of Canada to formally respond to the report of the National Council for Reconciliation by issuing an annual “State of Aboriginal Peoples” report, which would outline the government’s plans for advancing the cause of reconciliation.

These new frameworks and commitments will not succeed without more understanding and sensitivity among those who will administer them.

Call 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 skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Church apologies

 There is an old and well-accepted adage that states, “It takes a village to raise a child.” The removal of Aboriginal children from their villages was seen as a necessary step in the achievement of assimilation. However, not only did the Government of Canada take the children from their homes, but it also then proceeded to destroy the cultural and

functional integrity of the communities from which the children came and to which they would return.

Christian teachings were a fundamental aspect of residential schools. Aboriginal children were taught to reject the spiritual ways of their parents and ancestors in favour of the religions that predominated among settler societies. As their traditional ways of worshiping the Creator were disparaged and rejected, so too were the children devalued. They were not respected as human beings who were equally loved by the Creator just as they were, as First Nations, Inuit, or Métis peoples. Rather, their Christian teachers saw them as inferior humans in need of being ‘raised up’ through Christianity, and tried to mould them into models of Christianity according to the racist ideals that prevailed at the time. The impact of such treatment was amplified by federal laws and policies that banned traditional Indigenous spiritual practices in the children’s home communities for much of the residential school era.

Spiritual violence occurs when

- a person is not permitted to follow her or his preferred spiritual or religious tradition;
- a different spiritual or religious path or practice is forced on a person;
- a person’s spiritual or religious tradition, beliefs, or practices are demeaned or belittled; or
- a person is made to feel shame for practising his or her traditional or family beliefs.

There is plenty of evidence to support our conclusion that spiritual violence was common in residential schools.

The effects of this spiritual violence have been profound and did not end with the schools. At the Alberta National Event, Survivor Theodore (Ted) Fontaine could have spoken for many Survivors when he said, “I went through sexual abuse. I went through physical abuse, mental, spiritual. And I’ll tell you … the one thing that we suffered [from] the most is the mental and spiritual abuse that we carried for the rest of our lives.”⁶⁹

At the Saskatchewan National Event, Survivor and Elder Noel Starblanket, National Chief of the National Indian Brotherhood (later the Assembly of First Nations), talked about the intergenerational spiritual impacts of the residential schools. He said, “My great-grandfather … was the first one to be abused by these churches and by these governments, and they forced his children into an Indian residential school and this began that legacy. They called him a pagan, a heathen … and that was in the late 1800s. So I’ve been living with that in my family since then.”⁷⁰

That Christians in Canada, in the name of their religion, inflicted serious harms on Aboriginal children, their families, and communities was in fundamental contradiction to what they purported to be their core beliefs. For the churches to avoid repeating their failures of the past, understanding how and why they perverted Christian doctrine to justify their actions is a critical lesson to be learned from the residential school experience.

Between 1986 and 1998, all four Settlement Agreement churches offered apologies or statements of regret, in one form or another, for their attempts to destroy Indigenous cultures, languages, spirituality, and ways of life, and, more specifically, for their involvement in residential schools. The United, Anglican, and Presbyterian churches followed similar pathways: individuals or committees at the national level of each church became aware that there might be a need to apologize, a decision-making process was established at the highest levels of the church, and the apology was subsequently issued through the moderator or primate who spoke for the whole church.

Unlike the three Protestant denominations, the Roman Catholic Church in Canada does not have a single spokesperson with authority to represent all of its many dioceses and distinct religious orders. The issuing of apologies or statements of regret was left up to each of them individually. The result has been a patchwork of apologies or statements of regret that few Survivors or church members may even know exist. Roman Catholics in Canada and across the globe look to the Pope as their spiritual and moral leader. Therefore, it has been disappointing to Survivors and others that the Pope has not yet made a clear and emphatic public apology in Canada for the abuses perpetrated in Catholic-run residential schools throughout the country.

On April 29, 2009, National Chief of the Assembly of First Nations Phil Fontaine, four other Aboriginal leaders, and five leaders from the Roman Catholic community in Canada travelled to Rome for a private audience with Pope Benedict XVI. No recording of the private meeting was permitted, but the Vatican issued a communiqué describing what the Pope had said.

Given the sufferings that some indigenous children experienced in the Canadian Residential School system, the Holy Father expressed his sorrow at the anguish caused by the deplorable conduct of some members of the Church and he offered his sympathy and prayerful solidarity. His Holiness emphasized that acts of abuse cannot be tolerated in society. He prayed that all those affected would experience healing, and he encouraged First Nations people to continue to move forward with renewed hope.⁷¹

The media reported that National Chief Fontaine and other Aboriginal leaders who had met with the Pope said that the statement was significant for all Survivors. Fontaine told *CBC News* that although it was not an official apology, he hoped that the Pope's statement of regret would bring closure to the issue for residential school survivors. "The fact that the word 'apology' was not used does not diminish this moment in any way," he said. "This experience gives me great comfort."⁷²

The Pope's statement of regret was significant to those who were present, and was reported widely in the media, but it is unclear what, if any, impact it had on Survivors, and their families and communities, who were not able to hear the Pope's words themselves. Many Survivors raised the lack of a clear Catholic apology from the Vatican as evidence that the Catholic Church still has not come to terms with its own wrongdoing in residential

schools, and has permitted many Catholic nuns and priests to maintain that the allegations against their colleagues are false. A statement of regret that children were harmed in the schools is a far cry from a full and proper apology that takes responsibility for the harms that occurred.

The Commission notes that in 2010, Pope Benedict XVI responded to the issue of the abuse of children in Ireland differently and more clearly when he issued a pastoral letter, a public statement that was distributed through the churches to all Catholics in Ireland. He acknowledged that the church had failed to address the issue of child abuse in Catholic institutions. He said:

Only by examining carefully the many elements that gave rise to the present crisis can a clear-sighted diagnosis of its causes be undertaken and effective remedies be found. Certainly, among the contributing factors we can include: inadequate procedures for determining the suitability of candidates for the priesthood and the religious life; insufficient human, moral, intellectual and spiritual formation in seminaries and novitiates; a tendency in society to favour the clergy and other authority figures; and a misplaced concern for the reputation of the Church and the avoidance of scandal, resulting in failure to apply existing canonical penalties and to safeguard the dignity of every person. Urgent action is required to address these factors, which have had such tragic consequences in the lives of victims and their families.⁷³

He directly addressed those who were abused as children by church clergy:

You have suffered grievously and I am truly sorry. I know that nothing can undo the wrong you have endured. Your trust has been betrayed and your dignity has been violated. Many of you found that, when you were courageous enough to speak of what happened to you, no one would listen. Those of you who were abused in residential institutions must have felt that there was no escape for your sufferings. It is understandable that you find it hard to forgive or be reconciled with the Church. In her name, I openly express the shame and remorse that we all feel. At the same time, I ask you not to lose hope.... Speaking to you as a pastor concerned for the good of all God's children, I humbly ask you to consider what I have said ... [and that] you will be able to find reconciliation, deep inner healing and peace.⁷⁴

In Canada, for more than a century, thousands of First Nations, Inuit, and Métis children were subjected to spiritual, emotional, physical, and sexual abuse in Catholic-run residential schools. Other than a small private audience with Pope Benedict XVI in 2009, the Vatican has remained silent on the Roman Catholic Church's involvement in the Canadian residential school system. During the Commission's hearings, many Survivors told us that they knew that the Pope had apologized to Survivors of Catholic-run schools in Ireland. They wondered why no similar apology had been extended to them. They said: "I did not hear the Pope say to me, 'I am sorry.' Those words are very important to me ... but he didn't say that to the First Nations people."⁷⁵

Call to Action

- 58) We call upon the Pope to issue an apology to Survivors, their families, and communities for the Roman Catholic Church's role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools. We call for that apology to be similar to the 2010 apology issued to Irish victims of abuse and to occur within one year of the issuing of this Report and to be delivered by the Pope in Canada.

Survivors' responses to church apologies

Survivors made many statements to the Commission about Canada's apology, but the same cannot be said for their response to church apologies. It is striking that although Survivors told us a great deal about how churches have affected their lives, and how, as adults, they may or may not practise Christianity, they seldom mentioned the churches' apologies or healing and reconciliation activities. This was the case even though they heard church representatives offer apologies at the TRC's National Events. Their engagement with the churches was often more informal and personal. Survivors who visited the churches' archival displays in the TRC's Learning Places picked up copies of the apologies and talked directly with church representatives. They also had conversations with church representatives in the Churches Listening Areas and in public Sharing Circles.⁷⁶

When the late Alvin Dixon, Chair of the United Church of Canada's Indian Residential School Survivors Committee, spoke to the Commission at the Northern National Event in Inuvik in 2011, he expressed what many other Survivors may have thought about all of the churches' apologies. He said,

The apologies don't come readily. They don't come easily. And when we heard the apology in 1986, those of us First Nations members of the United Church didn't accept the apology but we agreed to receive it and watch and wait and work with the United Church to put some flesh, to put some substance to that apology. And we all believed that apologies should be words of action, words of sincerity that should mean something.... Our task is to make sure that the United Church lives up to that apology in meaningful ways....

You know, our work is just beginning and we're going to hold the church's feet to the fire, other churches and Canada to make sure that this whole exercise of healing goes on for as long as it takes for us to recover from the impacts of our experiences in those residential schools.

The other issue that comes up that we are addressing is having our native spiritual practice condemned initially not just by the United Church but all churches ... well, we now have our church supporting Native spiritual gatherings and we're going to

host a national Native spiritual gathering in Prince Rupert this summer... So, we are very much holding the church's feet to the fire and making sure that there are real commitments to putting life to the apologies.⁷⁷

What Alvin Dixon told us is consistent with what the Commission heard from Survivors about Canada's apology. Official apologies made on behalf of institutions or governments may be graciously received but are also understandably viewed with some skepticism. When trust has been so badly broken, it can be restored only over time as Survivors observe how the churches interact with them in daily life. He explained, in practical terms, how Survivors would continue to hold the churches accountable. Apologies mark only a beginning point on pathways of reconciliation; the proof of their authenticity lies in putting words into action. He emphasized how important it was to Survivors that the churches not only admit that condemning Indigenous spirituality was wrong, but also that they go one step further and actively support traditional spiritual gatherings. That action, however, calls for ongoing commitment to educate church congregations into the future on the need for such action.

Call to Action



- 59) We call upon church parties to the Settlement Agreement to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.

Honouring Indigenous spirituality

Many Survivors told the Commission that reconnecting with traditional Indigenous spiritual teachings and practices has been essential to their healing, with some going so far as to say "it saved my life." One Survivor said, "The Sun Dances and all the other teachings, the healing lodges, sweat lodges ... I know that's what helped me keep my sanity; to keep me from breaking down and being a total basket case. That's what has helped me—the teachings of our Aboriginal culture and language."⁷⁸ Losing the connections to their languages and cultures in the residential schools had devastating impacts on Survivors, their families, and communities. Land, language, culture, and identity are inseparable from spirituality; all are necessary elements of a whole way of being, of living on the land as Indigenous peoples. As Survivor and Anishinaabe Elder Fred Kelly has explained,

To take the territorial lands away from a people whose very spirit is so intrinsically connected to Mother Earth was to actually dispossess them of their very soul and being; it was to destroy whole Indigenous nations. Weakened by disease and separated from their traditional foods and medicines, First Nations peoples had no

The Settlement Agreement churches bear a special responsibility to continue to support the long-term healing needs of Survivors, their families, and communities who are still struggling with a range of health, social, and economic impacts. The closure of the national Aboriginal Healing Foundation in 2014 when government funding ended has left a significant gap in funding for community-based healing projects, at the very time that healing for many individuals and communities is still just beginning.¹⁰³ The churches must also continue to educate their own congregations and facilitate dialogue between Aboriginal and non-Aboriginal peoples. Much has been accomplished through the healing and reconciliation projects of the Settlement Agreement churches, but more remains to be done.

Call to Action

- 61) We call upon church parties to the Settlement Agreement, in collaboration with Survivors and representatives of Aboriginal organizations, to establish permanent funding to Aboriginal people for:
 - i. Community-controlled healing and reconciliation projects.
 - ii. Community-controlled culture- and language-revitalization projects.
 - iii. Community-controlled education and relationship-building projects.
 - iv. Regional dialogues for Indigenous spiritual leaders and youth to discuss Indigenous spirituality, self-determination, and reconciliation.

Education for reconciliation

 Much of the current state of troubled relations between Aboriginal and non-Aboriginal Canadians is attributable to educational institutions and what they have taught, or failed to teach, over many generations. Despite that history, or, perhaps more correctly, because of its potential, the Commission believes that education is also the key to reconciliation. Educating Canadians for reconciliation involves not only schools and post-secondary institutions, but also dialogue forums and public history institutions such as museums and archives. Education must remedy the gaps in historical knowledge that perpetuate ignorance and racism.

But education for reconciliation must do even more. Survivors told us that Canadians must learn about the history and legacy of residential schools in ways that change both minds *and* hearts. At the Manitoba National Event in Winnipeg, Allan Sutherland said,

There are still a lot of emotions [that are] unresolved. People need to tell their stories.... We need the ability to move forward together but you have to understand

how it all began [starting with] Christopher Columbus, from Christianization, then colonization, and then assimilation.... If we put our minds and hearts to it, we can [change] the status quo.¹⁰⁴

At the Commission's Community Hearing in Thunder Bay, Ontario, in 2010, Esther Lachinette-Diabo said,

I'm doing this interview in hope that we could use this as an educational tool to educate our youth about what happened.... Maybe one day the Ministry of Education can work with the TRC and develop some kind of curriculum for Native Studies, Indigenous learning. So that not only Aboriginal people can understand, you know, what we had to go through—the experiences of all the Anishinaabe people that attended—but for the Canadian people as well to understand that the residential schools did happen. And through this sharing, they can understand and hear stories from Survivors like me.¹⁰⁵

In Lethbridge, Alberta, in 2013, Charlotte Marten said,

I would like to see action taken as a result of the findings of this Commission. I would like to see the history of the residential school system be part of the school curriculum across Canada. I want my grandchildren and the future generations of our society to know the whole truth behind Canada's residential school policy and how it destroyed generations of our people. It is my hope that by sharing the truth that it will help the public gain a better understanding of the struggles we face as First Nations.¹⁰⁶

Non-Aboriginal Canadians hear about the problems faced by Aboriginal communities, but they have almost no idea how those problems developed. There is little understanding of how the federal government contributed to that reality through residential schools and the policies and laws in place during their existence. Our education system, through omission or commission, has failed to teach this. It bears a large share of the responsibility for the current state of affairs. It became clear over the course of the Commission's work that most adult Canadians have been taught little or nothing about the residential schools. More typically, they were taught that the history of Canada began when the first European explorers set foot in the New World. Nation building has been the main theme of Canada's history curricula for a long time, and Aboriginal peoples, with a few notable exceptions, have been portrayed as bystanders, if not obstacles, to that enterprise.

Prior to 1970, school textbooks across the country depicted Aboriginal peoples as being either savage warriors or onlookers who were irrelevant to the more important history of Canada: the story of European settlement. Beginning in the 1980s, the history of Aboriginal people was sometimes cast in a more positive light, but the poverty and social dysfunction in Aboriginal communities were emphasized without any historical context to help students understand how or why these happened. This has left most Canadians with the view that Aboriginal people were and are to blame for the situations in which they find

themselves, as though there were no external causes. Aboriginal peoples have therefore been characterized as a social and economic problem that must be solved.

By the 1990s, textbooks emphasized the role of Aboriginal peoples as protestors, advocating for rights. Most Canadians failed to understand or appreciate the significance of these rights, given the overriding perspective of Aboriginal assimilation in Canada's education system.

Although textbooks have become more inclusive of Aboriginal perspectives over the past three decades, the role of Aboriginal people in Canadian history during much of the twentieth century remains invisible. Students learn something about Aboriginal peoples prior to contact, and during the exploration, fur-trade, and settlement periods. They learn about Métis resistance in the 1880s, and the signing of Treaties. Then, Aboriginal peoples virtually disappear until the 1960s and 1970s, when they resurface as political and social justice activists. The defining period in between remains largely unmentioned.¹⁰⁷ So much of the story of Aboriginal peoples, as seen through their own eyes, is still missing from Canadian history.

In the Commission's view, all students—Aboriginal and non-Aboriginal—need to learn that the history of this country did not begin with the arrival of Jacques Cartier on the banks of the St. Lawrence River. They need to learn about the Indigenous nations the Europeans met, about their rich linguistic and cultural heritage, about what they felt and thought as they dealt with such historic figures as Champlain, La Vérendrye, and the representatives of the Hudson's Bay Company. Canadians need to learn why Indigenous nations negotiated the Treaties and to understand that they negotiated with integrity and in good faith. They need to learn about why Aboriginal leaders and Elders still fight so hard to defend those Treaties, what these agreements represent to them, and why they have been ignored by European settlers or governments. They need to learn about what it means to have inherent rights, what those are for Aboriginal peoples, and what the settler government's political and legal obligations are in those areas where Treaties were never negotiated. They need to learn why so many of these issues are ongoing. They need to learn about the Doctrine of Discovery—the politically and socially accepted basis for presumptive European claims to the land and riches of this country—and to understand that this same doctrine is now being repudiated around the world, most recently by the United Nations and the World Council of Churches.

Survivors have also said that knowing about these things is not enough. Our public education system also needs to influence behaviour by undertaking to teach our children—Aboriginal and non-Aboriginal—how to speak respectfully to, and about, each other in the future. Reconciliation is all about respect.

The Commission's 2012 *Interim Report* made three recommendations directed at provincial and territorial governments:

Recommendation 4: The Commission recommends that each provincial and territorial government undertake a review of the curriculum materials currently in use in public schools to assess what, if anything, they teach about residential schools.

Recommendation 5: The Commission recommends that provincial and territorial departments of education work in concert with the Commission to develop age-appropriate educational materials about residential schools for use in public schools.

Recommendation 6: The Commission recommends that each provincial and territorial government work with the Commission to develop public education campaigns to inform the general public about the history and impact of residential schools in their respective jurisdictions.

At various times, the Commission met with provincial and territorial education ministers from across Canada. In July 2014, the Council of Ministers of Education, Canada (CMEC) gave us an update on the status of curriculum-development commitments across the country.¹⁰⁸ The Commission was encouraged to see that progress has been made. We note, however, that not all provinces and territories have yet made curriculum about residential schools mandatory, and not all courses cover the subject in depth.

The Northwest Territories and Nunavut have taken a leadership role in developing and implementing mandatory curriculum about residential schools for all high school students, in engaging Survivors directly in the development of new materials, and in ensuring that teachers receive appropriate training and support, including direct dialogues with Survivors. At the time of this writing, Yukon had begun the process of adapting the Northwest Territories and Nunavut materials for mandatory use in its territory. Among the provinces, Alberta publicly declared that it was launching its own initiative to develop mandatory curriculum on the Treaties and residential schools for all students.

These education initiatives are significant, but it will be essential to ensure that momentum is not lost in the years following the end of the Commission's mandate. To be successful over the long term, this and similar initiatives will require substantive and sustained support from provincial and territorial governments, educators, and local school districts. An ongoing commitment from ministers of education throughout the country is critical. The Commission notes that on July 9, 2014, the CMEC announced that education ministers

agreed to additional pan-Canadian work in Aboriginal education to take place over the next two years, which will focus on four key directional ideas: support for Aboriginal students interested in pursuing teaching as a career; development of learning resources on Canadian history and the legacy of Indian Residential Schools that could be used by teacher training programs; sharing of promising practices in Aboriginal education; and ongoing promotion of learning about Indian Residential Schools in K-12 education systems.¹⁰⁹

In regions where curriculum and teacher training on residential schools have been introduced, it will be necessary to build on these early successes and evaluate progress

on an ongoing basis. Where education about residential schools is minimal, provincial and territorial governments can benefit from the lessons learned in jurisdictions that have made this material a mandatory requirement.

The Commission notes that throughout the residential school era, Catholic and Protestant religious schools taught students only about their own religions. Students were ill prepared to understand or respect other religious or spiritual perspectives, including those of Aboriginal peoples. In our view, no religious school receiving public funding should be allowed to teach one religion to the complete exclusion of all other religions. This is consistent with the Supreme Court of Canada decision in *S.L. v. Commission scolaire des Chênes* in 2012. At issue was whether Québec's mandatory Ethics and Religious Cultures Program, which was introduced in 2008 to replace Catholic and Protestant programs of religious and moral instruction with a comparative religions course taught from a neutral and objective perspective, violated charter rights of Catholic parents and children to be taught only Catholic religious beliefs.¹¹⁰ However, the court ruled:

Exposing children to a comprehensive presentation of various religions without forcing the children to join them does not constitute an indoctrination of students that would infringe the freedom of religion.... Furthermore, the early exposure of children to realities that differ from those in their immediate family environment is a fact of life in society. The suggestion that exposing children to a variety of religious facts in itself infringes on religious freedom or that of their parents amounts to a rejection of the multicultural reality of Canadian society and ignores the Quebec government's obligations with regard to public education.¹¹¹

The Commission believes that religious diversity courses must be mandatory in all provinces and territories. Any religious school receiving public funding must be required to teach at least one course on comparative religious studies, which must include a segment on Aboriginal spiritual beliefs and practices.

Calls to Action

- 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 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.

Transforming the education system: Creating respectful learning environments

The Commission believes that to be an effective force for reconciliation, curriculum about residential schools must be part of a broader history education that integrates First Nations, Inuit, and Métis voices, perspectives, and experiences; and builds common ground between Aboriginal and non-Aboriginal peoples. The education system itself must be transformed into one that rejects the racism embedded in colonial systems of education and treats Aboriginal and Euro-Canadian knowledge systems with equal respect.¹¹²

This is consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*, which articulates the state's responsibility with regard to public education and the promotion of respectful relationships between citizens, as follows:

Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information. [Article 15:1]

States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society. [Article 15:2]