

MOVING TOWARDS TRUTH AND RECONCILIATION THROUGH ACCOUNTABILITY FOR REPARATIONS OF CRIMES AGAINST INDIGENOUS PEOPLE

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The Truth and Reconciliation Commission (TRC) collected the stories of Indigenous people who experienced the Indian Residential Schools policy and in 2015, the TRC released a report with 94 calls to action (Government of Canada, 2021). Within the report, there is a section of calls to action relating to Missing Children and Burial Information (Truth and Reconciliation Commission of Canada: Calls to Action, 2015). During the summer of 2021, many mass unmarked grave sites were unearthed at previously operated Residential Schools across Canada, and there are likely many more that have not yet been unearthed. Canadians must support Indigenous people in unearthing unmarked Residential School graves and honour the children who never made it home. How can policymakers and the policy community better support these types of reparations? Construct a brief that addresses this area of policy concern.

Executive Summary

The importance of addressing reparations of the crimes against Indigenous children within Residential Schools is imperative for accountability, and more constructive than blanket statements placed on the institutions and policy-makers of the time the crimes were committed. Through better funded forensics teams and a more publically available online database on the locations and manners of the deaths of Indigenous children in unmarked graves, the federal government can take measures to support these reparations.

Introduction

The Indigenous Residential School System in Canada held more than 150,000 Indigenous students across 130 schools for over a century (Simons and Nicols, 2021). Indigenous children were stripped of their languages and culture, separated from their families, and subject to “psychological, physical and sexual abuse” (Al Jazeera, 2022). The colonial assimilationist state was responsible for the death of hundreds of children, yet the death toll continues to grow as many unmarked grave sites are discovered on previously operated Residential Schools. Survivors in Canada have long struggled with intergenerational trauma that has

impacted Indigenous families in all aspects of life, including but not limited to, drug and substance abuse, domestic violence, and mental health (Simons and Nicols, 2021). In an effort to address these issues, the Truth and Reconciliation Commission was established to work with Indigenous leaders and community members to bring acknowledgement and support for the injustices that occurred against Indigenous Peoples for centuries. Today, seven years after the report's release, only 13 of the 94 Calls to Action have been addressed (Simons and Nicols, 2021). Additionally, only 50 convictions have occurred regarding the systemic abuse of Indigenous children, while there have been 38,000 reports of serious sexual and physical abuse under these educational institutions (Glimore, 2021). Thus, an understanding of the colonial violence and racist assimilation inflicted upon Indigenous Peoples over the last century is necessary to realize the importance of sections 74 to 76 of the TRC. It is imperative to push for accountability of the perpetrators responsible for the large death tolls by providing adequate resources, funding for

investigations and proper identification with transparency to Indigenous communities regarding the recent unearthings of unmarked Residential School graves of children who never made it home.

Approach and Result

Currently, the Truth and Reconciliation Commission's Calls to Action 74 to 76 set out an approach to address the missing children and burial sites of Indigenous Residential Schools. In August 2021, the federal government provided \$320 million to support these Calls to Action. However, at the rate that investigations are taking place, the allocated funding is not enough. This funding is primarily for "locating, documenting, maintaining and commemorating burial sites associated with former residential schools [and] responding to family wishes to commemorate or memorialize their losses and the children's final resting places" (Government of Canada, 2021). To add to this, under the Indian and Residential Schools Settlement Agreement, the Federal government is required to carry out an Independent Assessment Process in order to find and hold responsible the perpetrators who had a hand in the murder and cover

up of the Indigenous children (Gilmore, 2021).

Residential School Survivors are necessary witnesses in providing key details to the identification process of many of these deceased children. Yet, being primarily Indigenous Elders from the community, they do not have decades to wait. Furthermore, witness reliability relies on the ability to recall and clearly state their accounts, showcasing that time is of the essence (Vennavally-Rao et al. 2021). This is why it is crucial that policy changes are made to assist in efficiently and effectively finding and identifying these children so that family members can find clarity from accountability.

Forensic specialists need better funding in order to find the possible circumstances of foul play in the discovered bodies. Government archives must also be released in order to help identify the deceased and their alleged context of passing in order to provide clarity on what led to the large volume of mortality of Indigenous children. These are essential in order to provide clarity, accountability and justice

through conviction of these crimes –whether the perpetrators were educational instructors or religious figures.

Implications and Recommendation

As mentioned above, Residential Schools are responsible for an untold amount of devastation to Indigenous people. Any form of reparations must attempt to facilitate healing by unearthing unmarked Residential School graves and assisting Indigenous people in uncovering the extent of the damage done. As such, we propose to policymakers in all levels of government to build off of Calls to Action 73 and 75 to work with Indigenous communities and Residential School Survivors to develop and maintain a publicly available online database on not only the locations, but also and manners of the deaths of Indigenous children in unmarked graves (Truth and Reconciliation Commission of Canada: Calls to Action 2015). This database will track ongoing identification efforts by listing successfully identified victims and victims yet to be identified. In addition, all suspected sites of mass graves will be protected and open to Indigenous appointed investigators to ensure proper Aboriginal protocol is respected prior to any

investigations into the cemetery sites. This database will benefit Indigenous communities by allowing them to coordinate and conduct investigations in suspected mass grave sites and to publicize findings without jeopardizing the investigation. We thus suggest the government enforce their Calls to Action to ensure the government obtains documents from parties involved so that our refined suggestion to an ongoing and more victim-specific database can be successful.

We also call on the federal government to allocate sufficient funds to the National Center of Truth and Reconciliation to acquire forensic expertise with particular cultural sensitivity to identify the remains of Indigenous children and their method of death. Forensic investigation will help to better contact Indigenous families and residential school survivors to find identifying features in the deceased, as well as provide specialized expertise to aid in investigation (Vennavally-Rao et al. 2021). When Indigenous voices are equitably included in the research design and

archeological methodologies, we see more meaningful collaborations that support and retribute Indigenous Residential School Survivors.

Conclusion

In conclusion, the Indigenous Residential School System alongside the Indian Act of 1876 has long suppressed and forcefully assimilated hundreds of thousands of Indigenous peoples. It is the government's responsibility to provide financial and emotional support to these families that have gone through severe intergenerational trauma. Most importantly, it is their responsibility to provide closure to families whose children never came home from Residential Schools by supporting adequate funding for forensic specialists and Indigenous investigation leaders to identify the children and build a foundation to convict the perpetrators. As well, it is necessary to honor and respect dead survivors by providing information on a public database on how Indigenous children were treated in the schools, and how they were killed. Vague acknowledgements and apologies issued by the government and participating institutions are not sufficient in addressing this historical blunder and thus action must be taken for accountability.

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