
Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
www.afn.ca

SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 34/2022

TITLE: **Justice and Reconciliation for Indian Residential School Survivors and Missing Children and Unmarked Graves**

SUBJECT: Justice and Reconciliation for Indian Residential School Survivors/Claimants

MOVED BY: Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC

SECONDED BY: Chief Roberta Joseph, Trondëk Hwëch'in, YT

DECISION Carried by consensus

WHEREAS:

- A. To date, 1,700 unmarked and undocumented graves of Indigenous children have been located around former Indian Residential Schools (IRS), reopening wounds for survivors and their families. Crimes have been committed against Indigenous people by the Government of Canada and the Churches.
- B. Although Canada's Indian Residential Schools were initially referred to as a form of cultural genocide by the Truth and Reconciliation Commission (TRC) (2015), that has since been amended to be described as a form of genocide by Indigenous groups as well as acknowledged by Pope Francis (2022) and officially recognized by the Canadian House of Commons as an act of genocide against Indigenous people in Canada (2022).
- C. The Government of Canada and Churches are both bound by the Indian Residential Schools Settlement Agreement (IRSSA) and are responsible for providing access to documents for researchers and disclosing its documents but have failed to comply fully, including the withholding of records and evidence to support claims of child abuse throughout the entire adjudication and compensation processes for the Claims made by IRS survivors thereby denying fair process and justice, failure to comply with Canada's Privacy Act (R.S.C., 1985, c. P-21) and suppressing the true history of IRS in Canada.
- D. The human rights of Indigenous children were violated by the Government of Canada, which is in contravention of the International Convention on the Rights of the Child.

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF


34 – 2022
Page 1 of 3

- E. The implementation of the IRSSA was problematic and revictimized survivors due to a breach of the settlement agreement, including the waiver by Canada of \$25 million owed by the Roman Catholic Church to survivors.
- F. The Supreme Court of Canada has denied hearing an appeal by survivors of St. Anne's IRS in their ongoing legal battle with the Government of Canada, and judicial processes in Canada appear to be exhausted.
- G. Many children who attended residential schools were sent to TB sanatoriums, and many of those children never returned home.
- H. Provincial Law Societies across Canada have failed to investigate and hold accountable the actions of lawyers accused of withholding evidence and having professional conflicts.
- I. The Assembly of First Nations previously passed resolutions 01-2021 on the examination of international processes to pursue the crimes against humanity committed by the accused and 02-2021 concerning "the appointment of a unique legal entity or guardian" that includes "the participation by an appropriate United Nations agency representative."
- J. Article 40 of the United Nations Declaration on the Rights of Indigenous People states that *"Indigenous peoples have the right to access and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights."*
- K. Reconciliation cannot be achieved without justice for all Indigenous people.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to prioritize the international actions included in resolutions 01-2021 and 02-2021.
2. Direct the AFN to advocate for the establishment of an independent international commission, such as utilizing the UN Special Rapporteur to examine how IRS survivors were failed by the IRSSA on their individual complaints, conduct studies, provide advice on technical cooperation and undertake visits to assess specific human rights issues or situations in Canada.
3. Direct the National Chief, Executive Committee, and AFN Secretariat to intervene in the legal matters of IRS survivors of national importance with the Government of Canada and the Roman Catholic Church, including calls

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF

for support from the international community on behalf of survivors to obtain relevant documents, have their claims reopened and re-adjudicated and appropriate compensations be awarded to them in a trauma-informed process.

4. Direct the AFN to seek justice through international processes to hold the Government of Canada and the Churches accountable for their actions and for the violation of human rights pursuant to the Convention on the Rights of the Child, the UNDRIP and the UNDA, without delay, in recognition that survivors are aging and are passing away before they receive justice.
5. Direct the AFN to commission an academic review, subject to funding, of the IRSSA to determine whether the IRSSA has fulfilled social justice obligations.
6. Direct the AFN to pursue the release of all related evidence and documents in full to the National Centre of Truth and Reconciliation.
7. Direct the AFN to adopt a definition of reconciliation which enhances and strengthens the TRC's definition of reconciliation with an emphasis that true reconciliation cannot be achieved until justice is served for Indigenous People.
8. Direct the AFN to report back annually at the Annual General Assembly on any progress made.

Certified copy of a resolution adopted on the 8th day of December, 2022 in Ottawa, Ontario



ROSEANNE ARCHIBALD, NATIONAL CHIEF