
Assembly of First Nations

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Assemblée des Premières Nations

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

Resolution no. 35/2022

TITLE: Reimbursements of Legal Costs for Residential School Survivors

SUBJECT: Residential Institutions

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

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

DECISION Carried by consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 8 (1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
 - ii. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
 - i. (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; and
 - ii. (d) Any form of forced assimilation or integration.
- B. Prior to, during, and after the ratification of the Indian Residential Schools Settlement Agreement in May 2006, thousands of Survivors brought forward claims to Canadian courts regarding the emotional, sexual, and physical abuse they experienced while attending Residential Schools (Survivor litigants).
- C. By bringing these matters before the courts and into the public eye, these Survivor litigants' actions led to the negotiation of the Indian Residential Schools Settlement Agreement (the Settlement) and the establishment of the Truth and Reconciliation Commission.

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- D. As noted by Honorary Witness and former lieutenant governor of British Columbia, the Honourable Steven Point, in *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (2015):
- i. "We got to this place, to this time, because Aboriginal Survivors brought this [Residential Schools] to the Supreme Court of Canada."
- E. The Final Report also states, "The Commission believes that Survivors, who took action to bring the history and legacy of the residential schools to light, who went to court to confront their abusers, and who ratified the Settlement Agreement, have made a significant contribution to reconciliation."
- F. These Survivor litigants each paid thousands of dollars in legal costs to have their cases heard in the Canadian justice system.

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

1. Direct the National Chief and the Assembly of First Nations (AFN) Executive Committee to call on the federal government to compensate those Survivor litigants who were not reimbursed for the legal fees that they incurred by bringing their individual Residential School claims through the courts.
2. Direct the National Chief and the AFN Executive Committee to call on the federal government to ensure that the families of those Survivors litigants, who have since passed on, are eligible to receive the compensation.
3. Direct the National Chief and the AFN Executive Committee to call on the federal government to resolve this outstanding issue for Survivor litigants as expeditiously as

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