



ANNUAL GENERAL ASSEMBLY
July 9, 10, 11, 2024, Montreal, QC

Resolution no. 48/2024

TITLE: Support for First Nations Accessing ICMP Expertise for Missing Children, Unmarked Graves, and Burial Sites Associated with the Former Indian Residential Schools

SUBJECT: Indian Residential Schools

MOVED BY: Chairperson Khelsilem, Squamish Nation, BC

SECONDED BY: Don Tom, Proxy, Oregon Jack Creek Band, BC

DECISION Carried by consensus.

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- ii. Article 7(2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.
- iii. Article 8(1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- iv. Article 8(2): States shall provide effective mechanisms for prevention of, and redress for:
 - i. 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;
 - ii. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - iii. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - iv. Any form of forced assimilation or integration;

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- v. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.
 - v. Article 11(1): Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
 - vi. Article 12(1): Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains; and
 - vii. Article 12(2) States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples concerned;
 - viii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ix. Article 41: The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.
- B.** The Truth and Reconciliation Commission of Canada (TRC) Calls to Action 71–76, call on churches, the federal government, and civil society to locate all unmarked and/or mass burial sites associated with Indian Residential Institutions (IRI) and to determine the real number of children who died while being forced to attend these institutions.
- C.** To-date, approximately 2,000 anomalies have been detected using ground penetrating radar on the grounds of, or adjacent to, former IRI sites located across First Nations' territories; and that these anomalies and ground disturbances have been analyzed by experts to be consistent with burials of unidentified and missing individuals who may have died while in attendance at one of the IRIs.
- D.** First Nations have expressed a need to work with expert agencies and organizations with the proven background and technical expertise in locating and identifying missing persons using appropriate protocols, forensic archaeology, and anthropology, including DNA testing and processing.
- E.** On June 8, 2022, Crown-Indigenous Relations and Northern Affairs (CIRNA) appointed a Special Interlocutor for Missing Children and Unmarked Burials Sites associated with Indian Residential Schools whose mandate is to recommend a new legal framework to ensure the respectful and culturally appropriate treatment and protection of unmarked graves and burial sites.
- F.** A National Advisory Committee was created by CIRNA to provide a national source of independent, expert information to support community efforts to locate, identify and commemorate their missing children.

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- G. On February 17, 2023, CIRNA made a joint announcement with the International Commission on Missing Persons (ICMP) that they entered into a technical arrangement for the ICMP to conduct a cross-country outreach and engagement campaign with Indigenous communities wishing to explore options for identification and repatriation of human remains from unmarked burial sites associated with former IRIs and to develop a National Strategy for the Identification and Repatriation of Human Remains of Indigenous persons.
- H. AFN Resolution 02/2021, *Preliminary Examination of the Prosecutor of the International Criminal Court*, mandates the Assembly of First Nations (AFN) to formally invite the ICMP to work with First Nations to support work as part of an international entity, and seek justice through intervention at the International Criminal Court in this matter, to hold the Imperial Crown, the Government of Canada and the Vatican accountable for their actions, and to seek justice for the crimes against humanity for the victims' families and the international community.
- I. AFN Resolution 29/2022, *Establishment of an AFN Chiefs' Committee on Indian Residential Schools*, directs the AFN to establish a Chiefs' Committee on Indian Residential Schools to, among several mandates, help track and share information between First Nations who are undertaking ground searches for unmarked graves at former Residential Schools and to advocate to fully implement the TRC Calls to Action.
- J. AFN Resolution 29/2023, *Support for Indian Residential School Survivors Organizations*, calls on First Nations-in-Assembly to support regional Indian Residential School Survivors' organizations in their efforts and ongoing work.

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

1. Reaffirm Resolution 02/2021, *Preliminary Examination of the Prosecutor of the International Criminal Court*, directing the Assembly of First Nations (AFN) to:
 - a. immediately begin work with all First Nations in Canada to support the investigation of former Indian Residential School sites with the purpose of identifying crime scenes of children.
 - b. work with all First Nations in Canada to support additional works as required and considered appropriate by each First Nation to conduct archeological investigations, document research and other such methods of investigation as required to collect more information about any gravesites discovered during the investigation.
2. Support Pimicikamak Cree Nation and all other First Nations in accessing technical support and expertise from the International Commission on Missing Persons (ICMP), and by extension the objectives and activities of the ICMP Canada Residential Schools Project.
3. Direct the AFN and the Chiefs' Committee on Indian Residential Schools, to engage with the ICMP for the benefit of those First Nations that wish to engage and access the technical supports of the ICMP per the technical arrangement they entered with Crown-Indigenous Relations and Northern Affairs.
4. Direct the AFN and Chiefs' Committee on Residential Schools to advocate to Canada on behalf of First Nations for the complete independence of the ICMP Canada Residential Schools Project's National Strategy for the Identification and Repatriation of Human Remains of Indigenous persons, while

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maintaining the collective First Nations' position to seek justice through intervention at the International Criminal Court as per AFN Resolution 02/2021.

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