
Assembly of First Nations

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Assemblée des Premières Nations

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Special Chiefs Assembly
December 7, 8, 9, 2021, Ottawa (Ontario)

Resolution no. 32/2021

TITLE: Independent Review of the McLean Federal Indian Day Schools Settlement

SUBJECT: Indian Residential Schools

MOVED BY: Chief Mark Hill, Six Nations of the Grand River Territory, ON

SECONDED BY: Chief Derrick Henderson, Sagkeeng First Nations (Fort Alexander), MB

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: (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; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them

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- B. The Government of Canada operated and funded Indian Day Schools, designed to assimilate Indigenous children, and affecting up to 200,000 children, many of whom suffered physical, verbal, and sexual abuse.
- C. In August 2019, the Federal Court approved the McLean Indian Day School Settlement Agreement with five (5) levels of compensation and a deadline to file a claim by July 13, 2022.
- D. In March 2020, COVID-19 was declared a global pandemic, and during this global health crisis, over 110,000 Day School Survivors filed a claim, many without legal counsel, technical resources or mental health supports.
- E. Thousands of Survivors accepted the lowest claim level due to financial limitations, illness, onerous requirements of filing at higher levels, and barriers associated with disclosing abuse without adequate supports.
- F. The Claims Administrator announced that claimants would not be allowed to change levels or offer additional information, known as progressive disclosure, if they filed a claim prior to June 15, 2020, thereby preventing potentially thousands of Survivors from achieving a fair and just settlement.
- G. Day School Survivors who pursued level 2 to 5 claims without adequate supports are now receiving decisions downgrading their claims.
- H. Due to these various problems, the July 22, 2022, deadline does not provide enough time for Survivors to file the highest claim for which they are eligible.
- I. The Oneida Nation of the Thames has a unique lands and estates authority, and manages such outside of the authority of Canada, applicants from Oneida Nation of the Thames will not be able to submit Indigenous Services Canada-approved wills and estates; as we manage that ourselves.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Call on the Assembly of First Nations to seek funding to establish an independent review of the implementation and administration of the Indian Day School Settlement Agreement. Upon receipt of funding, the independent review will be conducted, and the findings will be presented to the Assembly of First Nations Annual General Assembly in July 2022.
2. Call on the Parties to the Indian Day School Settlement Agreement to amend the Agreement to extend the deadline to submit a claim to July 2023 and remedy the decision to prohibit progressive disclosure by Day School Survivors.

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3. Call on the Parties to the Indian Day School Settlement Agreement to make adequate resources available immediately to Day School Survivors to prepare and file their claims, including funding for local mental health support, technical support, and legal support of their choice.
4. Call on the Parties to the Indian Day School Settlement Agreement to amend Schedule K of the agreement to include Indian children whose education was arranged and paid for by the Department of Indian Affairs to attend neighbouring provincial schools.

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