

## OVERVIEW

The Assembly of First Nations (AFN) provides annual updates assessing the progress toward the full implementation of the [Truth and Reconciliation Commission of Canada 94 Calls to Action](#) released June 2, 2015. This report card identifies advancements made in the last year.

June 2022 marks seven years since the release of the TRC Calls to Action. Progress has slowed considerably in the last three years. Implementation and change will require all governments, organizations, and individuals in Canada to recognize the shared responsibilities and act with a commitment to learning the history and ongoing harmful legacies of centuries of discriminatory and unjust policies forced upon Indigenous Peoples that amount to genocide. Reconciliation requires taking meaningful action to address long standing inequities maintained by colonial policies and Canadians want their governments to act. The time is now.

Last Fall, AFN National Chief RoseAnne Archibald released *The Healing Path Forward, 2021 Federal Priorities for Strengthening and Rebuilding First Nations*. The Healing Path calls for the Government of Canada to fully implement all Truth and Reconciliation Commission Calls to Action that fall under the responsibility of the federal government and develop a joint action plan with First Nations to ensure implementation is undertaken in the spirit of reconciliation. The Healing Path Forward was released shortly after the May 2021 announcement of the recovery of 215 First Nations children in unmarked graves at the Kamloops Indian Residential School. Since that time, hundreds more children have been identified by their First Nations communities at more than six former sites of residential institutions across Canada. The AFN stands in support of Te'Kemlups Te Secwepmc and all First Nations who have suffered as a result of genocidal practices and policies of the Residential Institution System.

The AFN remains committed to advocating for the implementation of all 94 Calls to Action of Truth and Reconciliation Commission of Canada, including efforts to advance TRC Call to Action #58 which calls for the Pope to deliver an apology in Canada to Survivors, their families, and communities for the Roman Catholic Church's role in spiritual, cultural, emotional, physical, and sexual abuse of survivors of Catholic-run residential institutions. AFN Resolution 01/2015, *Support for Implementation of all Calls to Action*, provides a mandate to advocate for implementation of all 94 Goals. Additionally, more than 20 AFN resolutions direct the AFN to work together with the federal government to achieve substantial progress.

## METHODOLOGY

The AFN tracks the implementation of the Calls to Action through an assessment of its advocacy and joint work with the Government of Canada on implementing the TRC Calls to Action. The AFN also utilizes the following resources for analysis and monitoring of progress on implementing the Calls to Action.

- [Indigenous Watchdog](#)
- [CBC News Beyond 94](#)
- [Yellowhead Institute 2021 Status Update](#)
- [Government of Canada](#)

<sup>1</sup> A poll conducted by the Canadian Race Relations Foundation, the Assembly of First Nations and Abacus Data shows that the majority of Canadians believe governments are not doing enough to teach students about the legacy of the residential school system. <https://www.afn.ca/years-after-release-of-trc-report-most-canadians-want-accelerated-action-to-remedy-damage-done-by-residential-school-system-says-poll/>



Assembly of First Nations

# 43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY

## *Walking the Healing Path*

July 5-7, 2022 • Vancouver, British Columbia

**PROGRESS ON REALIZING THE TRUTH AND**

**RECONCILIATION COMMISSION'S CALLS TO ACTION - JUNE 2022**

Where action on a Call has been undertaken, the AFN utilizes the following system to track its progress:

✔ No Progress » 🟡 Little Progress » 🟠 Moderate Progress » 🟢 Significant Progress » 🟩 Complete

### STEPS FORWARD JUNE 2021-2022:

- **Child and Family Services:** Agreements-in-Principle on compensation and long-term reform of the First Nation Child and Family Services (FNCFS) Program and Jordan's Principle were achieved December 31, 2021. These Agreements-in-Principle outline a framework for a proposed settlement package that includes a total of \$20 billion to compensate First Nations children and caregivers and \$19.807 billion to reform the FNCFS Program and Jordan's Principle.
- **Early Learning and Childcare:** The Government of Canada undertook the implementation of a Canada-wide system of Early Learning and Child Care (ELCC). Federal Budget 2021 proposed to invest more than \$2.5 billion over five years in Indigenous ELCC.
- **United Nations Declaration:** Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples, achieved Royal Assent on June 21, 2021. Federal Budget 2022 invests \$75 million over 5 years to implement the United Nations Declaration on the Rights of Indigenous Peoples Act.
- **National Council for Reconciliation:** In June 2022, the Minister of Crown-Indigenous Relations tabled an An Act to provide for the establishment of a national council for reconciliation.
- **Church Apologies and Reconciliation:** The Pope delivered an acknowledgment of genocide and an apology and will travel to Canada to meet with Indigenous Peoples in July 2022. The Canadian Conference of Catholic Bishops expressed their profound remorse and identified a target of \$30 million over 5 years to support healing and reconciliation initiatives.
- **Missing Children and Burial Information:** \$320 million was provided by the Government of Canada to support community-led efforts to locate, document, commemorate, and memorialize burial sites associated with former residential institutions and honour the wishes of families wishes to bring the remains of children home. More than 99 formal requests totaling more than \$215 million have been requested for activities relating to 110 residential institutions.
- **Commemoration:** In 2021, the federal government committed \$20 million to build a national monument in Ottawa to honour survivors of residential institutions and children who never returned home. A survivor-led steering committee has been created.

### STEPS BACKWARD JUNE 2021-2022:

- **Child Welfare:** In 2021, Quebec challenged C-92 in the Quebec Court of Appeal, arguing it was unconstitutional for the federal government to disrupt provincial authority over public services. The Quebec Court of Appeal upheld most of this rationale in its February 2022 decision, striking sections which give First Nations laws the force of Federal law. The federal government has appealed the decision at the Supreme Court of Canada. The provinces of Quebec, New Brunswick, Manitoba, Alberta, and British Columbia as well as the AFN will be intervenors in the case. In May of 2022, a Manitoba judge found the Manitoba government improperly withheld hundreds of millions of dollars in federal benefits meant for First Nations children in care.
- **Language and Culture:** Quebec's new bill, C-96, *An Act respecting French, the official and common language of Quebec*, passed in May 2022. The legislation infringes on First Nations inherent rights, including language rights, access to post-secondary education and health care services in Quebec and impedes First Nations from receiving education and other services in the language of their choice. It also comes during a decade of international efforts to protect and revitalize Indigenous languages.
- **Justice:** Data released shows an increase of more than 30% of Indigenous Peoples admitted to provincial custody federal custody since 2007/2008.

### Child Welfare (1-5)

**Moderate progress** has been made in this area following the passing of C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families*. On December 31, 2021, the AFN, the Government of Canada and other Parties signed Agreements-in-Principle (AIPs) on compensation and long-term reform of the FNCFS Program and Jordan's Principle. The settlement package includes a total of \$20 billion to compensate First Nations children and caregivers impacted by the federal government's discrimination in the FNCFS Program and Jordan's Principle, along with \$19.807 billion over five years to reform the FNCFS Program and Jordan's Principle to end the discriminatory aspects of these programs and ensure that such discrimination does not recur.

In September 2021, the provincial government of Quebec challenged C-92 in the Quebec Court of Appeal, arguing it was unconstitutional for the federal government to disrupt provincial authority over public services. The Quebec Court of Appeal upheld most of this rationale in its February 2022 decision, striking sections 21 and 22.3 of the Act, which give First Nations laws the force of Federal law. The federal government has appealed the decision at the Supreme Court of Canada implementation of the Act. The provinces of Quebec, New Brunswick, Manitoba, Alberta, and British Columbia as well as the AFN will be intervenors in the case. In May of 2022, a Manitoba judge found the Manitoba government improperly withheld hundreds of millions of dollars in federal benefits meant for First Nations children in care. Calls to Action 1, 2, 3 and 5 call upon all levels of government to act.

### Health (18-24)

**Moderate progress** has been made in this area. In 2021, Canada committed to working to co-develop distinctions-based Indigenous health legislation with First Nations, Inuit and the Métis Nation to improve access to high-quality and culturally relevant services. Engagement is now underway. Ongoing concerns with the Non-Insured Health Benefits program (NIHB) remains. \$686.1M was provided in Budget 2022 to support the Indigenous Community Support Fund, Mental Wellness and the NIHB.

### Education (6-12)

**Moderate progress** has been made in this area. Budget 2022 invests \$310.6M over 5 years to support better student outcomes through Regional Education Agreements. To date, eight Regional Education Agreements have been finalized with over 70 in development. Billions in investments are still required to alleviate overcrowding and poor conditions in First Nations education facilities which require immediate replacement or additions in fulfillment of Calls #7 and #8. Canada is working with the AFN and the National Indian Education Council to seek the authority to fully implement First Nations-led local, regional and Treaty-based post-secondary education models.

Throughout 2021 and 2022 the federal government and the province undertook implementation of a Canada-wide system of Early Learning and Child Care (ELCC). Budget 2021 proposed to invest over \$2.5 billion over five years in Indigenous ELCC, including investments in governance and capacity, infrastructure, workforce development and flexible care. Provinces have also identified funding to support inclusion of urban Indigenous children and families into their provincial child care agreements. The federal government has indicated plans to introduce an ELCC Act by the end of 2022, although to date, First Nations have not been adequately consulted.

### United Nations Declaration (43-44)

**Moderate progress** has been made in this area. Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* achieved Royal Assent on June 21, 2021. Budget 2022 invests \$75M over 5 years plus \$10 million to the Department of Defence to implement the United Nations Declaration Act. In December 2021 the federal government launched a distinctions-based engagement process with Indigenous Peoples on the development of an action plan to achieve the objectives of the Declaration. At a provincial level only BC and the Northwest Territories have made legislative commitments to develop and implement UNDRIP legislation. Ontario and Quebec reneged on their original commitments.

### Language and Culture (13-17)

**Significant progress** has been made in this area through the passing of C-91, the Indigenous Languages Act, the appointment of an Indigenous Languages Commission. To fulfill Calls to Action 13-17, the AFN identified an additional \$4 billion is required in the next five years for First Nations language revitalization and the implementation of the Act. More is required to ensure provinces fulfill CTA #17 (waiving administrative fees for name changes on official identity documents). Quebec First Nations have also identified significant issues with Quebec's new bill, C-96, *An Act respecting French, the official and common language of Quebec*, passed in May 2022. The bill provides additional impediments to First Nations receiving education and other services in the language of their choice. Indigenous Languages.

### Justice (25-42)

**Little progress** has been made in this area. While progress has been made on monitoring the progress on eliminating the overrepresentation of Indigenous Peoples in custody; however, the over-incarceration of First Nations people has only worsened.<sup>2</sup> In June 2022, the Correctional Service of Canada identified it's in the process of hiring a deputy commissioner of Indigenous corrections to help advocate for inmates who are overrepresented in Canada's penal system.

In June 2021, Canada provided \$4.8M in funding to the Correctional Service of Canada's Indigenous Offender Reintegration Contribution Program to improve correctional results for Indigenous offenders. The AFN continues to advocate for the full implementation of a First Nations policing legislative framework that supports non-colonial, community-based models by First Nations police services.

On June 3, 2021, the federal government with contributing partners released the National Action Plan to ending violence against MMIWG and 2SLGBTQIA+ supporting CTA #41. AFN has identified an additional 3.5 billion needed for a First Nations specific National Action Plan priority areas to improve the safety and security of First Nations women, girls and LGBTQ2S+, and provide culturally appropriate healing and support services for survivors and families.

<sup>2</sup> Statistics Canada reports a 30% increase of Indigenous people admitted to provincial custody and a 31% increase for those in federal custody since 2007/2008. The rates for Indigenous youth have risen nearly 40% within the same timeframe



### Royal Proclamation & Covenant of Reconciliation (45-47)

**Little progress** has been made on executing a Royal Proclamation of Reconciliation. The federal United Nations Declaration on the Rights of Indigenous Peoples Act identifies the Declaration as the framework for reconciliation as called for in CTA #45. Central tenets of the Royal Proclamation also include the repudiation of the Doctrine of Discovery and terra nullius and commitments to renewing or establishing treaty relationships and the recognition of Indigenous laws and legal traditions. In March 2021, representatives of the AFN travelled to the Vatican and urged the Pope to repudiate the doctrine of discovery and terra nullius in fulfillment of CTA#46.



### National Council for Reconciliation (53-56)

**Little progress** has been made in this area. In 2018, a final report was presented by the Interim Board of Directors providing advice and recommendations on the National Council for Reconciliation. In January 2022, Canada announced the establishment of an Indigenous-led Transitional Committee to lead engagement on a legislative framework for the National Council of Reconciliation, including setting up the first Board of Directors. In June 2022, the Minister of Crown-Indigenous Relations tabled An Act to provide for the establishment of a national council for reconciliation.



### Museum & Archives (67-70)

**Significant progress** has been made in this area. Canada provided funding to the Canadian Museums Association to support the implementation of CTA #67, a national review of museum policies and best practices to determine the level of compliance with the United Nations Declaration on the Rights of Indigenous Peoples. A final report and recommendations are expected to be released imminently. Library and Archives Canada continues to report progress through the Indigenous Heritage Action Plan Implementation Progress Report.



### Settlement Agreement Parties & the United Nations Declaration (48-49)

**Little progress** has been made in this area. Repudiation of the *Doctrine of Discovery* and *terra nullius* is needed from more religious groups. Implementation of the United Nations Declaration is at the beginning stages.



### Training for Public Servants (57)

**Significant progress** has been made in this area. The Federal Government has introduced a non-mandatory "Indigenous Learning Series" for all public service employees, although not all the course content aligns with the specific "Actions" identified in C2A # 57. In March 2022 Canada agreed to implementation of mandatory cultural competency training for employees within ISC. Provinces, Territories and Municipalities are at different degrees of commitment and implementation.



### Youth Programs (66)

**Moderate progress** has been made. The Government of Canada launched a 3-year Indigenous youth-led pilot program in 2019 in partnership with Canadian Roots Exchange to support youth leadership development. The Canadian Roots Exchange is the only organization identified by the Government as supported under CTA #66.



### Education for Reconciliation (62-65)

**Little progress** has been made in this area. The Government is working with the Council of Ministers of Education Canada (CMEC) to enhance knowledge and awareness pertaining to Action #62. CMEC is currently planning a Symposium on Indigenizing Education for July 2022.



### Equity in the Legal System (50-52)

**Little progress** has been made in this area. Most notable is Action #50 through the University of Victoria's dual degree program in Canadian Common Law and Indigenous Legal Orders; the University of Alberta has also followed this example. On May 17, 2021, the Minister of Justice and Attorney General of Canada announced Canada's support for 21 projects that respond to the TRC CTA #50 in the Justice Partnership and Innovation Program. Despite the "Directive on Civil Litigation Guidelines Involving Indigenous Peoples", Canada still has failed to repeal legally discredited policies such as the Inherent Right to Self-Government Policy.



### Church Apologies and Reconciliation (58-61)

**Moderate progress** has been made in this area. The Pope delivered an acknowledgment of genocide and an apology in recognition of CTA #58. The Pope will visit Edmonton, Quebec City and Iqaluit on Canada in July 2022. In September 2021, the Canadian Conference of Catholic Bishops expressed their profound remorse for their participation in the system and identified a target of \$30 million over 5 years to support healing and reconciliation initiatives.



### Missing Children and Burial Information (71-76)

**Moderate progress:** has been made in this area. In August 2021, the Government announced additional investments of approximately \$320 million to support Indigenous community-led work surrounding burial sites. This included \$83 million to support community-led efforts to locate, document, commemorate and memorialize burial sites associated with former residential institutions and honour families' wishes to bring children's remains home. As of March 2022, there have been more than 99 formal requests totaling over \$215 million for activities relating to 110 residential institutions. In 2022, Crown-Indigenous Relations and Northern Affairs Canada will set up a National Advisory Committee to guide the implementation of Calls to Action 74 and 75.



### National Centre for Truth and Reconciliation (77-78)

**Little progress** has been made in this area. In January 2022, Canada signed a Memorandum of Agreement with the NCTR to share information not previously released to the NCTR after the Centre said it was missing supporting documents from the federal government used in Independent Assessment Processes.

### Commemoration (79-83)

**Moderate progress** has been made in this area. Canada celebrated its first National Day for Truth and Reconciliation on September 30, 2021, after the passing of Bill C-5. Not all provinces have worked to ensure it is a provincial statutory holiday. In August 2021, the federal government committed \$20M to build a national monument in Ottawa to honour survivors and children who were lost. Next steps including selecting a site and launching a design process will be determined by a survivor-led steering committee.

### Media & Reconciliation (84-86)

**Significant progress** has been made in this area. In March 2022, APTN and CBC/Radio-Canada announced an agreement to create and improve access to Indigenous programming.

### Sports & Reconciliation (87-91)

**Significant progress** has been made in this area. The North American Indigenous Games will be held for the first time in 3 years in July 2023 in Kijipuktuk (Halifax) and Millbrook First Nation, Nova Scotia. In December 2021, four First Nations, the City of Vancouver and Resort Municipality of Whistler signed an agreement to explore the possibility of hosting the Winter Olympic and Paralympic Games in Vancouver in 2030.

### Business & Reconciliation (92)

**Little progress** has been made in this area. The Canadian Council for Aboriginal Business provides a certification program for Progressive Aboriginal Relations (PAR) with dozens of corporations certified. Despite this, free, prior and informed consent and the duty to consult often continues to be misinterpreted or ignored in corporate Canada.

### Newcomers to Canada (93-94)

**Moderate progress** has been made in this area. Bill C-8, *An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94)* achieved Royal Assent on June 21, 2021. The Department of Immigration, Refugees and Citizenship Canada have revised a study guide, study materials and a new citizenship kit for newcomers in partnership with Indigenous Peoples. A date for its release has not been determined.

### ASSESSING COMPLETION PROGRESS BY CATEGORY

Below is a diagram that illustrates the AFN's assessment of progress in each category of the Truth and Reconciliation Commission's Calls to Action.

