



LESSONS LEARNED

Survivor Perspectives



National Centre for
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Message from Eugene Arcand, Residential School Survivor

I survived the residential schools. I also survived the Indian Residential Schools Settlement Agreement. I emerged from neither unscathed.

The creation of this report asked us Survivors to share our experiences. Just as we turned to Survivors to seek direction on what not to do as a nation during the Truth and Reconciliation processes, in this process, we turned to Survivors once again to seek their guidance on what not to do in future settlements and efforts at collective healing.

Survivors spoke frankly and honestly about their experiences inside the Settlement Agreement – both the positive and the negative they encountered. The frustration often focused on the harms created by the agreement rather than the healing that was supposed to occur.

As a member of the Survivor community, I am acutely aware of everything that went wrong with the agreement because it has happened to my friends, family

and former schoolmates. It was painful to watch many of the early concerns we shared materialize over the course of its implementation.

We must truly and fully adopt Survivor-centered approaches in any and all forms of redress aimed at correcting past wrongs. This approach applies equally to all forms of abuse or historical wrongdoing be it related to Residential Schools, Day Schools, Missing and Murdered Indigenous Women and Girls or any other form of personal or collective abuse.

The pattern of continuing harm due to colonial processes has to stop.

It is my hope that these reports are respected, reflected on and, importantly, acted on. For them to collect dust on a shelf would be to repeat yet another pattern so often seen in the past.

I also feel strongly that these reports will not go far enough into examining the full extent of the lessons learned. There simply

was not enough time nor were we able to examine documentation that would provide further clarity on the full nature of certain processes.

As such, I call upon the Auditor General of Canada to conduct a comprehensive audit of the Independent Assessment Process with a particular focus on reviewing the consistency of decision-making across adjudicators, average amounts for each decision by adjudicator and the number of rejections by each adjudicator.

I also call for there to be a comprehensive examination of the law firms and other entities that represented or engaged Survivors with a specific assessment conducted on the fees charged by the lawyers for their services to Survivors. For all the money dispersed in the Settlement Agreement, there is not a single Survivor that became rich yet there are multiple lawyers who did.

I call for there to be a specific focus on all Survivors whose claims for abuse or school attendance were denied. From what I have seen and experienced within the Survivor community, these rejected claims – either early in the process by the law firms representing Survivors or by the adjudicators themselves – did some of the most harm to individuals and created significant pain for many.

Finally, an assessment of whether Survivors were truly provided with the benefit of the doubt throughout the compensation processes is essential. For me, the invasiveness, persistence and depth of the questioning we were subjected to inside of our compensation hearings was obscene and did not need to occur to verify whether sexual or physical abuse had occurred. That day of my hearing, and the days that followed, were some of the worst days in my life second only to when my abuse actually occurred.

For certain, I will be the first to admit that I never believed a Settlement was even possible. The level of engagement with Truth and Reconciliation processes across the country continues to amaze me.

But this does not discount the experiences of many Survivors inside the Settlement Agreement– and it is the experiences of Survivors throughout the process that must take center stage in assessing whether this agreement was a success.

In reading this report, I will ask that you remember all Survivors out there who did not and still do not have a voice. Their silence does not mean acceptance or acquiescence. Too often, silence results from that terrible pattern of harm repeating itself over and over again. This is the pattern that needs to be broken.

Message from Ry Moran, Director, National Centre for Truth and Reconciliation

On behalf of the National Centre for Truth and Reconciliation, we submit this report detailing Survivor perspectives on the Indian Residential Schools Settlement Agreement.

Contained within the pages of this document are many important lessons learned. It is imperative that these lessons be heeded. The same mistakes must not be repeated in the future if we are to take the healing work facing this nation seriously.

Therein lays one of the most significant challenges presented in these lessons learned. Of the harm that was created, the source of much of this was doing things the “same old way” rather than adopting and implementing fully informed Indigenous practices and approaches. This “same old way of doing things” is the insidious pattern of behaviour that prevents this country from reaching its full potential and achieving the healing intended.

There are solutions to this however. Both the *UN Declaration on the Rights of Indigenous Peoples* and the TRC Calls to Action outline paths to ensuring Indigenous peoples can participate in processes without further harm to themselves, their families, communities and nations.

In examining a new path forward that avoids the harms created through the implementation of the Settlement Agreement, we can ask ourselves a number of relatively simple questions:

What would the implementation of the Settlement Agreement have looked like if:

- a. It was built upon cornerstone principles of relationship and Indigenous law and ceremony?
- b. Survivors were full participants in every decision made about their human rights?

c. If ALL staff, lawyers, adjudicators and service providers had taken robust intercultural competency, conflict resolution, human rights and anti-racism training called for in TRC Call to Action 57?

We know now, and should have known at the outset of the Settlement Agreement process, that not including affected people in decision-making process at every level all too frequently leads to discrimination, inflicts further harm and prevents healing.

We also know that ignorance of Indigenous approaches proved deeply harmful for many within the agreement.

The failure to consider the diverse perspectives, needs and realities of all Survivors impairs and limits the intended benefit of redress, compounding the harm already suffered.

It is for these reasons that the lessons learned in this report – as with every other report issued by Indigenous peoples providing advice on challenges, problems and issues that require address – must be taken seriously.

The scale of the harms inflicted through the course of Canadian history is enormous.

People have lost their lives in both the past and present as a result of these harms.

We cannot underscore enough the urgency of making these fundamental changes to the way we make amends in this country.



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Introduction

In 2018, the National Centre for Truth and Reconciliation (the NCTR) initiated a project to hear from Survivors about their experiences related to the Indian Residential Schools Settlement Agreement (IRSSA) and to identify important lessons that should inform future work on settlements, truth-telling, reconciliation and healing. This lessons learned project specifically considered experiences related to the following elements of the IRSSA:

1. The Common Experience Payment (CEP);
2. The Independent Assessment Process (IAP);
3. Funding for health initiatives such as the Aboriginal Healing Foundation (AHF);
4. Funding for commemoration initiatives; and
5. The Truth and Reconciliation Commission (TRC).

This report draws on the experiences and perspectives shared by Residential School Survivors, including Inter-generational Survivors. Every effort was made to ensure that the process used for preparing this report was as inclusive as possible, and was informed by and applied Indigenous methodologies, particularly in terms of taking a holistic approach to honouring the testimonies of Survivors.

Specific engagement activities on this report undertaken by the NCTR included eight engagement sessions held between October 31 to December 6, 2018 in the following locations: Edmonton, Eskasoni, Montreal, Prince Albert, Prince George, Sioux Lookout, Sault Ste. Marie and Yellowknife.

It also considers seven individual interviews with Survivors and a two-day national focus group session held in Winnipeg from February 20 to 21, 2019.

In addition, Commissioners Wilton

Littlechild and Marie Wilson were interviewed on May 17, 2019. Over 300 people participated in these conversations. In addition, this report also includes comments made during seven National Student Memorial Register Engagement Sessions and eight Health Support Train the Trainer sessions. One special session was held with Health Support workers in Winnipeg specific to this report. These sessions all took place between September 2018 and March 2019 at locations across the country.

The report also includes commentary from a facilitated discussion with Parties to the Settlement Agreement that took place on February 27 and 28, 2019 in Ottawa.

Finally, the Survivors Circle of the NCTR was engaged throughout the process and provided important information along the way.

Integration of information gained from these events and documents was necessary to stay true to the message from Survivors that their stories should be honoured, regardless of the particular forum where they were shared.¹

It is important to acknowledge that there

are many perspectives and important experiences that go beyond the scope of this project. This underlines the importance of continued respectful and culturally appropriate engagement with Survivors, including their descendants in ongoing truth-telling, reconciliation and healing endeavours.

Survivors clearly identified many benefits of the settlement process, including the fundamental importance of finally having the opportunity to have their stories heard and the truth of their experience vindicated through public debate, the Calls to Action, and concrete reconciliation measures that were taken.² However, Survivors were also clear about the shortcomings of the process,³ including the people who were left out of the process, the unresolved needs for inter-generational healing,⁴ the re-traumatization that many experienced,⁵ and the devastating experience of dealing with lawyers and officials who were felt to be indifferent or even hostile to Survivors.⁶ Too many times, unprofessional and unethical conduct was reported.

Throughout all the feedback Survivors shared in the process of this research,

¹ Approximately 250 Survivors and other involved in the process participated in the Engagement Sessions; 22 Survivors and others participated in a two-day focus group; approximately 30 people attended a two-day All Parties lessons learned meeting; approximately 7 Survivors were interviewed in person or by telephone individually; and 2 Commissioners were interviewed (together and separately).

² Yellowknife Engagement Session.

³ Sault Ste. Marie Engagement Session.

⁴ Sioux Lookout Engagement Session.

⁵ Yellowknife Engagement Session.

⁶ Yellowknife Engagement Session.

a clear and direct link can be drawn between successful outcomes and effective methodologies. In particular, the cultural fluency that surrounded the TRC process was seen to be key to its success in creating an environment in which Survivors could trust to share their stories and have these experiences understood and acted on. Conversely, many of the obstacles and frustrations related to other aspects of the settlement processes, particularly the IAP and CEP process, can be traced to the complexity and inaccessibility of the processes and gaps in cultural competency. Too often, the IRSSA process was not trauma-informed and as a consequence, Survivors experienced needless re-traumatization, rather than a supportive and caring environment for healing.

There remains important and necessary work to be done to ensure that the needs of all Survivors and their descendants are met so that the work of reconciliation can be advanced. The successes, gaps, effective processes and obstacles identified by Survivors provide important solutions and lessons for how to move forward to address the needs they have identified as ongoing and urgent. The underlying lesson of all the experiences shared is the value and necessity of breaking away from the model of adversarial, legalistic

redress processes and instead shifting into modalities where the traditions and protocols of Indigenous peoples shape and inform any given process, thereby adequately responding to the needs of Survivors. Cultural safety is not an option, but rather a requirement. When absent, the result is to reinforce rather than ameliorate the harm that those mechanisms are meant to redress.

This report provides a summary of the positive outcomes, successful methods and elements of the process, continued gaps, challenges with the process, Survivors’ perspectives on solutions, and lessons learned that can be applied to other, similar processes in the future.



II Positive Outcomes

In terms of positive outcomes arising from the IRSSA process, a few common themes emerged. The main positive outcomes identified by Survivors are public recognition of the harm done by the residential school system and its legacy (truth); healing and reconciliation; commemoration and compensation.

1. Public Recognition of the Residential School System and its Legacy (Truth)

First and foremost, the Agreement and particularly, the TRC, led to much greater recognition in Canada of the profound intergenerational harm caused by the residential school system and its role as part of a larger policy of cultural genocide. The TRC provided an opportunity for the truth to be told, both in terms of the big picture of Canadian history and government policy and the lived experiences of individual Survivors. Some Survivors stated that the TRC hearings

were the first opportunity they had for family members to witness one another's truths.

Survivors talked about the IRSSA processes as having an impact on their ability to break the cycle of silence that has surrounded their experience of abuse. One survivor recounted her experience of her parents not believing her experience of abuse and underscored that the TRC allowed her to finally tell her story and to be believed.

Other Survivors talked about being profoundly touched by other Survivors' testimony and by the Calls to Action themselves. The report of the TRC and commentary on the TRC, in the media and in academic articles, validated their experiences. This was seen as a beginning of a new chapter in the lives of the Survivors and the relationship between Canada and Indigenous peoples.⁷

The process of honorary witnesses, where

⁷Yellowknife Engagement Session.

Commenting on the fact that this lessons learned project is not just in relation to the legal process, but rather about continuing the journey of right relations, one participant stated:

We can never return to pre-apology or pre-TRC Canada.

United Church

non-Indigenous leaders came forth from all sectors of Canadian society to bear witness to the truths of Survivors and afterwards share what they learned with their very diverse circles of influence, was highlighted as a critical piece of truth-telling. This process provided for a high level of public awareness about the residential school history. Another example was the Royal Winnipeg Ballet's Reconciliation Ballet, initiated to garner

public attention to the issue. Education Days held in schools and universities also had a profound impact in reaching children and youth.⁸

2. Healing and Reconciliation

Another positive outcome of the IRSSA process was the healing and reconciliation that occurred in the lives of the Survivors, and for others involved in the process, Indigenous and non-

We have learned that we need to build on the strengths of our people. I've used a word along the journey as a commissioner of upintowin (meaning "to lift each other up in Cree). That's important going into the future.

Further, I would really focus heavily on the importance of love – to love each other. We heard stories where people hated themselves, but then at the national event in Halifax where the theme was love we turned a corner in this country where people were saying, "You know, I can get up in the morning now for the first time and say to myself in the mirror, 'I love you, I love you.' Now I can say it to my spouse or my partner, 'I love you.' I can say to my children or my grandchildren, 'I love you.' I couldn't do that before. Now that we know that it's important to be open about it, it moves us to express love from here on in. We need to love each other.

Also, for those that have lost hope – it is important to seek that hope, to choose life and to celebrate life. In a sense, that's a reflection of directing our attention to reconciliation, focusing on lifting each other up and loving each other and collectively developing a hopeful future for those who are coming behind us.

Commissioner Wilton Littlechild

⁸ Interview with Commissioner Marie Wilson.

...I talked with a friend who is active as a trustee of a school board. He talked about how they have immersed the seven grandfather teachings of Anishnaabe people into the school curriculum. In addition to the seven grandfather teachings of love, respect, wisdom, bravery, honesty, humility and truth, they have also added forgiveness.

We still have a lot of work to do in both healing and rebuilding of relations. But it is through gestures such as speaking of forgiveness that reconciliation is possible, especially as we look into the eyes of our children and grandchildren. Our children and grandchildren offer hope.

For where there is hope, there is healing. Through healing there is restoration. Through restoration there is forgiveness. Through forgiveness there is peace.

Sault Ste. Marie

Indigenous individuals alike. Survivors commented that the IAP and CEP processes brought their memories back to the experiences they had in residential schools, which sometimes lead to healing and reconciliation for themselves as individuals as well as for their families as a whole.⁹ Others identified how discussing the legacy of residential schools was a unifying force in their communities.¹⁰

An example of community engagement in the process of reconciliation was the establishment of Orange Shirt Day where communities come together, with everyone invited to wear an orange shirt, that signifies a spirit of reconciliation and hope because every child matters.¹¹

Another example is the formation of support groups by Survivors themselves following participation in national events

or community events hosted by the TRC. For example, one group of women who attended the Muskowekwan Event held in November recounted that the process of travelling together to TRC events benefited them, as this provided an opportunity to share their stories and understand one another's experiences as Survivors.¹²

Survivors underscored the positive relationships that were created between otherwise disconnected or disparate groups. For example, the planning committee struck for the Saskatchewan National Event has transformed into an ongoing process of reconciliation advocacy – including the annual Witchitowin conference. Ron Rice, Executive Director of the Victoria Native Friendship Centre highlights the ongoing relationships formed between survivors and religious organizations in the aftermath of the

⁹ Yellowknife Engagement Session.
¹⁰ Yellowknife Engagement Session.
¹¹ Edmonton Engagement Session.
¹² Muskowekwan Engagement Session.

When I went to the TRC in Montreal, I met a lot of friends. I said, ‘We should do something and talk about it at home.’ The eighty-year-olds didn’t want to, but I didn’t want to stay silent anymore. Two years later, we formed a committee of former classmates and now we have annual conferences. I was silent for 30 years. Now, I’m beginning to come out.

Montreal

Victoria Regional Event. In both these cases, groups continue to work together years after the original events occurred. Essential components of the success were the sense of welcome that people felt and the focus on taking collective action.¹³

Survivors identified that the money received from the IAP or the CEP process was not what mattered to them; rather, what did matter was the healing and personal resolution that came with going through the process.¹⁴ For some, healing meant being able to let go of years of

anger, sadness and trauma.¹⁵ For others, this also included reuniting with old friends, including an example of a group of elderly women reclaiming their voices and forming a committee to organize an annual conference.

3. Commemoration

Some participants noted that the IRSSA processes, and the TRC in particular, prompted their communities to host commemoration activities to honour Survivors and to help in their healing. One participant reported that a

I want Indigenous children and grandchildren and great-grandchildren to know how brave their ancestors were as little children – how much they lived through and their parents lived through by way of measurable injuries but also by way of devastation of spirit. Yet, they came forward with courage and determination and created an opportunity for their voices to be heard, to be forced on the rest of the country and the world. I want them to know that with deep pride and lasting inspiration.

I want non-Indigenous Canadians to know that this happened in our country and it happened in ways and in circumstances that allowed most of us to have no idea it was happening. I want them to be reminded of the importance of paying attention and holding our elected leadership to account on fundamental human rights.

Commissioner Marie Wilson

commemoration stone with the names of residential schools had been erected in North Bay, Ontario.¹⁶ Others talked about community events and traditional activities, such as beading and making ribbon skirts.¹⁷ Other participants noted that there are increasing efforts within communities to commemorate and to preserve residential schools.

One common theme expressed was the concern that Survivors are passing away at an increasing rate, which makes the opportunity to pass along knowledge to future generations all that much more pressing. Commemoration was seen as part of this and played a particular role in inter-generational healing for Survivors’ children and grandchildren. Where commemoration projects did take place, they were very powerful in bringing communities together towards reconciliation and healing.¹⁸

4. Compensation

Through the CEP and IAP more than \$4.8 billion in compensation was paid.¹⁹ For the CEP applications, 75% of those submitted were awarded and for the IAP applications, 84% were awarded. The average amount of CEP compensation was \$19,412²⁰ and

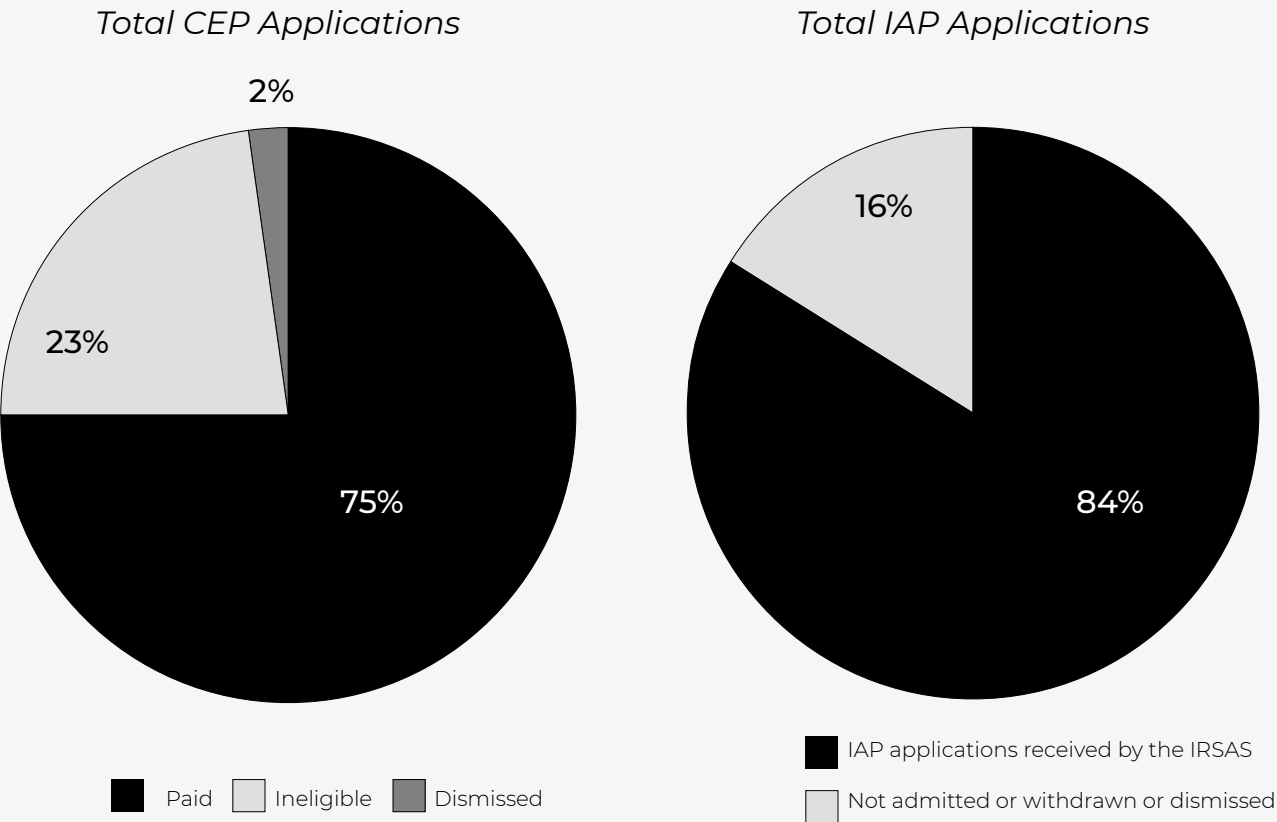
the average amount per IAP compensation was \$91,482.62.²¹ As noted below, there were numerous barriers and obstacles to Survivors receiving such compensation as well as many outstanding concerns, such as the adequacy of compensation received by individual Survivors, the large percentage of the compensation that went to lawyers, and the numbers of Survivors who were deemed ineligible. Furthermore, many Survivors clearly expressed that monetary compensation was never their first priority. However, compensation represented an acknowledgement of the harm and of federal government accountability for that harm. Furthermore, payments did make a significant difference in lives of many.

For example, a Survivor who was homeless used her payment not only to house herself but also to host community healing events. In particular, this Survivor held a memorial for her son who died from AIDS, which she attributed to the inter-generational effects of the residential school system. She organized workshops on HIV/AIDS, as well as drum groups, talking circles and sweat lodges.²² Other survivors spoke of using the money to

¹³ Interview with Ry Moran, Director, National Centre for Truth and Reconciliation.
¹⁴ The Aboriginal Healing Foundation Research Series. (2010). The Indian Residential Schools Settlement Agreement’s Common Experience Payment and Healing: A Qualitative Study Exploring Impacts on Recipients. Page xv.
¹⁵ Prince Albert Engagement Session.

¹⁶ Survivor Interview.
¹⁷ Eskasoni Engagement Session.
¹⁸ Commissioners Wilson and Littlechild Interview.
¹⁹ Indian Residential Schools Adjudicator Secretariat: <http://iap-pei.ca/stats-eng.php>.
²⁰ Indigenous and Northern Affairs Canada. (2015). Lessons Learned Study of the Common Experience Payment Process: <https://www.aadnc-aandc.gc.ca/eng/1468333119050/1468333202767>.
²¹ Indian Residential Schools Adjudication Secretariat. (September 19, 2007 – May 31, 2019). Independent Assessment Process Statistics: <http://iap-pei.ca/stats-eng.php>.
²² Sioux Lookout Engagement Session.

acquire tools to improve their quality of life such as sled dogs, fishing vessels, and vehicles.²³



Source: Indigenous and Northern Affairs Canada and Indian Residential Schools Adjudication Secretariat.²⁴

²³ Survivor Interview.
²⁴ Indigenous and Northern Affairs Canada. (2019). Statistics on the Implementation of the Indian Residential Schools Settlement Agreement: <https://www.aadnc-aandc.gc.ca/eng/1315320539682/1315320692192>. See also: Indian Residential Schools Adjudication Secretariat. (2019). Independent Assessment Process (IAP) Statistics: <http://iap-pei.ca/stats-eng.php>.





III

Successful Methods and Elements of the Process

Residential School Survivors identified a number of key aspects of the IRSSA processes that contributed to positive outcomes. These included the process of truth-telling and forgiveness, the cultural elements, supports, the apology issued by the leaders of the Government of Canada and research.

1. Truth-Telling and Forgiveness

First and foremost, the process of truth-telling and forgiveness that was central to the Truth and Reconciliation Commission was seen as critical. As noted above, many Survivors described the opportunity to tell their own truth, and to have that truth heard and validated, as having positive

impacts in their own lives, including in their relations with their families and communities.²⁵ The fact that the TRC was independent of government was extremely important to the willingness of Survivors to engage in truth-telling. It was also critical to the impact of the 94 Calls to Action and 20 recommendations.²⁶ These represented the Commissioner’s own, unfettered opinions about what was necessary to address the legacy of the residential school system.

2. Cultural Elements

Cultural elements and protocols were well integrated into the TRC, contributing to its success. The Commissioners represented

With the healing component, I wanted to stand in front of my community and call them together and feast with them and to have them know what happened to me, because not everyone went to Residential School. We did 2 full days of healing for the whole community.

Memorial Register Focus Group

²⁵ Prince Albert Engagement Session.
²⁶ Yellowknife Engagement Session.

We were blessed to be advised by the Survivors Committee, which was composed of former residential school survivors from across the country. One of the cautions given to us by the Survivors Committee was to make sure we had a safe setting – to make sure the environment was safe for the individual because you're asking them to relive their story, relive their life in front of you and sometimes it was a very traumatic life. We were cautioned that we might cause more harm if we were not careful. So, based on their advice, we had medical support, mental health support, cultural support and spiritual support – a blanket of support around the individual before we began to listen to their stories.

Commissioner Wilton Littlechild

three distinct perspectives: Commissioner Wilton Littlechild is a Survivor himself, Chief Commissioner Murray Sinclair is an inter-generational Survivor and Commissioner Marie Wilson is a spouse of a Survivor. Furthermore, each of the Commissioners demonstrated a high degree of personal cultural awareness and competency.

Commissioners Littlechild and Wilson identified the significance of the Survivors' Advisory Committee, which was at the heart of their work. The Commissioners appointed one of the Committee members to be the Elder to provide guidance to them on an ongoing basis.

Commissioner Wilson also recounted the importance of respecting the Indigenous homeland of each place they went to, and the TRC being guided by specific Cultural Advisory Committees and Cultural Advisors (in addition to the Survivors' Advisory Committee) across the country.

The Cultural Advisory Committees ensured respect for the protocols and cultural practices of each homeland of the Commissioners visited, including valuable spiritual practices and language needs.²⁷ While the TRC employed a common approach to the organization of events, local peoples and Elders dictated the protocol and ceremony that occurred. Central in this was the participation of senior officials (including Commissioners) of the TRC in ceremony. This ensured not only that those ceremonies occurred but that the Commissioners modelled the importance of ceremony on a “lead by example” basis.

The fact that the Survivors were involved from the negotiation of the Settlement Agreement through to the end of the TRC was identified as critical to the cultural approaches taken in completing the work. In fact, each Commissioner had a spiritual advisor to assist them with their roles

²⁷ Yellowknife Engagement Session.

as Commissioners, a necessary support for the important work of truth-telling, reconciliation and healing.

In the course of the research for this report, we heard differing accounts of the significance or ultimate degree of influence of these various cultural advisors and Committees on the work of the TRC. The Commissioners themselves strongly emphasized their importance.

3. Supports

Dedicated, well-trained and well-equipped health supports were available to participants before, throughout and after the IAP and TRC hearings.²⁸ These supports are particularly important given concerns raised in Section V below about the inherent risk of re-traumatization. Thus, it was vital that these approaches be trauma-informed. One piece of this was the provision and accessibility of culturally-based supports.

After it was recognized that completing the forms without assistance was too difficult, Health Canada assisted some communities by having workers provide in-person guidance with completing the IAP forms, which somewhat increased accessibility to Survivors.²⁹

Supports were essential in both the outreach phases (information sharing) and

during the activities of the IRSSA. Those health support workers – often Survivors themselves – were and remain essential persons for communities involved the IRSSA processes. Their work deserves recognition. Brenda Reynolds, a Health Canada contractor responsible for the Alberta region, recounts attending and hosting many community training and engagement sessions early in the IRSSA processes, particularly the TRC. The TRC noted that the opportunity for Survivors to discuss their experiences with health support workers made it easier for many to then share their story.

4. Apology

Another positive element in the process was the fact that it was supported by an official apology made by the Prime Minister of Canada on behalf of the Government of Canada and the leaders of all political parties. This had a profound effect on the Survivors in terms of feeling believed and having their personal experiences validated. It was noted that this resulted in a monumental shift in the Canadian public consciousness from Survivors' experiences being discounted to being widely understood as part of Canada's history.

²⁸ Yellowknife Engagement Session.

²⁹ Yellowknife Engagement Session.

5. Research

A significant contribution to the quest for truth and reconciliation was the large amount of research completed by the Truth and Reconciliation through its mandate. This immense body of knowledge formed the foundation for its comprehensive final report including its Calls to Action. This research also informs all continuing measures meant to address the legacy of the residential school system, including the work of the NCTR, of Survivors themselves, and of broader educational efforts.





IV Continued Gaps in Meeting the Needs of Survivors

Despite the successes identified above, Survivors noted significant ongoing gaps that have not yet been adequately addressed. These include concerns related to exclusion of Survivors; healing and inter-generational supports; language revitalization; and economic security.

1. Exclusion of Survivors

From its inception, the IRSSA was set up to address the needs of a specific group of survivors. In essence, there were hard limits established around the “borders” of the agreement rendering the IRSSA inherently exclusionary. Subsequent settlement agreements have adopted a mixed approach to the collection and preservation of historical records associated with the claim. The Newfoundland and Labrador Residential Schools Class Action Settlement, for example, there was a different approach taken. It provides for a travelling exhibition, an historical account and a permanent document collection related

to the schools in Labrador that will serve as a lasting record of these claims of Newfoundland and Labrador Survivors.

In other cases, however, we were informed by the Government of Canada that it took a proactive approach to reducing the administrative burden on Survivors or claimants by reducing the need or requirement to produce historical records to prove attendance or other matters. In the context of the current day schools settlement, the NCTR is informed that the requirement for original documentation is significantly lessened with the goal of making the process easier for Survivors to navigate and access.

That said, recent Settlements have not featured statement gathering or document collection activities approaching the scope or extent of the Truth and Reconciliation Commission’s efforts. This suggests that more weight has been given to the process of settlement rather than to creation of a record of the collective truth telling

process. Attention needs to be paid to the role that settlements can have in enabling the truth of survivors to be recorded and made known to future generations, which is linked to ensuring the overall guarantee of non-recurrence.

Given the central importance of the truth in the IRSSA – and the corresponding awakening within the Canadian public regarding the treatment of Indigenous peoples – it is worth highlighting the imbalance of truth created by exclusions. Many students from Boarding schools, Day schools, Métis schools, Residential schools in the far North and Labrador Schools were excluded. In addition, many Survivors who were intended to be included were ultimately excluded by gaps and other inadequacies in residential school records and by the standard of proof required for access to compensation.

The Métis Nation has highlighted the failure of the Indian Residential School Settlement Agreement to address the impacts of the residential school system on Métis Survivors and their descendants.³⁰ The Métis Nation has called on Canada to accept its jurisdictional responsibility to the Métis, ideally through a negotiated settlement that will lead to fair compensation for Métis Survivors and their descendants.

Furthermore, students who attended convent schools or religious institutions where education was provided on-site or through home placements also identified being excluded from the IRSSA processes.

It was originally understood that the mandate of the IRRSA processes were to be flexible and that, as the body of evidence was developed, the settlement would be expanded to include many if not all those groups excluded in the original mandate. This did not happen. The continued exclusion of certain groups of Survivors, and the confusion and further harm that resulted for those Survivors, has been described as a shadow that hung over the process:

“One shadow that hung over the process was the promise that was made early on that schools that somehow were disqualified from enrolment in the IAP process would be dealt with at some point, once Canada had been able to research the history of the institutions and make an informed decision that would expand the settlement.”

Accordingly, many students from Boarding schools, Day schools, Metis schools, Residential schools in the far North or Labrador Schools... ended up applying and being rejected, often without much of a reason being given. The promised status review never happened. Rather, it

I call it the hidden truth. I never talked to my children, and there are other Survivors that tell me the same. My sisters, they never told their children...I don't know if I can ever forgive what...was done to the children. As for me, I'll probably die never forgiving them. I have a happy life now, beautiful children...(but) the nightmares never stop.

Prince Albert

was supplanted with Adjudicator decisions based on highly legalistic reasoning – a process one court found to be arbitrary and inconsistent with reconciliation principles but legally permissible.³¹

There are also unmet Survivor needs arising from those cases where there are no available residential school records, which led to some Survivors being unjustly left out of the settlement. Inaccurate records exist, due to either purposeful or accidental actions by administrators, schools, churches that burnt down, and inconsistent record keeping methods leaving out some students. In other cases, students' names were inaccurately recorded in government and church records, and these inaccuracies led to exclusion from claiming settlement.

It was conveyed that incarcerated Survivors received notification of the IAP and CEP process, but this notification was not given to them until their release. When they sought the right to apply, it was deemed by the authorities in charge that this did not constitute “extenuating circumstances” leading

them to be prohibited from applying for compensation.³²

Even where Survivors filed IAP claims, some of these claims were denied due to the arbitrator's analysis that the Survivor's witnesses did not provide credible and reliable evidence to meet the evidentiary standard of proof that on a balance of probabilities, the alleged event had occurred. In applying this standard, arbitrators considered the consistency with which Survivors told their stories over time as well as discrepancies between a Survivor's application and testimony. Even within families where all siblings attended residential school, it was a frequent experience for some siblings to receive compensation while other siblings from the same families did not, causing division and standing in the way of healing. Many Survivors felt that inadequate understanding or training about the realities of residential schools influenced these findings.

³⁰ The Métis National Council, “The Métis National Council: Response to Canada's 19th and 20th Periodic Reports (Covering the Period of June 2005 to May 2009) to the Committee on the Elimination of Racial Discrimination), 2012.

³¹ Paterson, D. & Blakeney, W.. (2019). IRSSA Lesson Learned: Two Perspectives on the Experience of Legal Counsel. Page 5. throughout multiple generations. While these authors are not Survivors themselves, we felt it important to include their comments. In the case of Mr. Paterson, he was a representative for Survivors. Mr. Blakeney represented the Jesuit entities but was directly involved in the processes. Both, as such, have first-hand experience observing and witnessing the process as it affected Survivors.

³² Winnipeg Focus Group Session.

One Survivor underscored the critical importance of addressing ongoing healing needs, including for intergenerational Survivors:

We can acknowledge certain turning points in redressing the wrongs of Canada's...Residential Schools system, but there remains a lot of work to do. With the Truth and Reconciliation Commission and the 94 Calls to Action, significant dialogue on reconciliation is happening at various levels across the country.

But efforts on reconciliation cannot overshadow the ongoing need to heal. The dialogue on reconciliation cannot leave behind the healing needs of Survivors including those affected by intergenerational trauma. The healing from historic trauma is far from over.

We need not look too far in this country to witness that there remains unresolved grief within the Indigenous community to mention a few examples: the disproportionately high number of missing and murdered Indigenous women and girls; the disproportionately high number of Indigenous men and women in Canada's prisons; the 60s Scoop; racism and poverty.

Sault Ste. Marie

Findings of zero compensation understandably left Survivors feeling re-victimized and re-traumatized. The exclusion of certain Survivors because of the evidentiary standards applied in determining compensation stands in sharp contrast with the principles of truth-telling, reconciliation and healing meant to have informed all aspects of the IRSSA. Further, it underscores the inadequacies of the Western legal system in achieving these important goals.

Survivors also highlighted the gap of compensation provided to intergenerational Survivors, including those where the Survivor had passed away prior to the 2015 deadline. The suffering of families whose loved ones had passed

before this deadline was exacerbated by their exclusion from the IRSSA process. These exclusions and unfair results remain in need of redress.

2. Healing and Intergenerational Supports

In terms of ongoing healing, many Survivors identified the need for culturally competent, community-based, in-person supports, for not only themselves, but also their children and grandchildren in order to overcome the inter-generational effects of the residential school system.³³

Many participants defined healing in a collective and intergenerational sense, as keeping children safe from harm, including physical, emotional and sexual abuse,

³³ Yellowknife Engagement Session.

The fact that the IRSSA did not address Family Law and intergenerational abuse and neglect meant that an entire generation would feel disenfranchised by the settlement.

D. Paterson and W. Blakeney

as well as enabling the revitalization and practice of Indigenous cultures and identities. Healing supports were seen as necessary for Survivors and their families to overcome intergenerational impacts of residential schools, such as addictions and other mental health and emotional issues, lack of parenting skills, violence, bullying, gang involvement and family breakdown.³⁴

As the IRSSA process wound down, there was an increased need expressed for health and healing services. Unfortunately, actual availability of services and awareness of services that do exist is low and compounds the unmet needs of Survivors and their descendants. An Indian Residential Schools Resolution Health Support Program of the First Nations and Inuit Health Branch of Indigenous Services Canada does continue to provide some

health and healing supports. However, the availability of these services is not well known. Furthermore, by its very mandate, this program does not serve Métis Survivors.

Survivors stated that web-based, or telephone services were ineffective in meeting healing needs of Inter-generational Survivors. Other Survivors stated that services within the Western education or social work systems were ineffective in addressing these needs, as contrasted with culturally-based, community-based healing services.³⁵

It was identified that the Aboriginal Healing Foundation served as an independent, well-run and effective resource for Survivors.³⁶ Positive aspects of AHF-funded projects identified by

I'd like to see language be mandatory in cities where there is more than 10% Indigenous population. People in jails should have free identity classes. People need to have free places to see who they are, their culture. It should be ongoing. I feel that is something that is not being done right now. Residential school tried to brainwash us and we need to re-discover. I don't think Canada is helping us re-discover. This area needs to be better focused on.

Survivor Interview, January 29, 2019

³⁴ Sioux Lookout Engagement Session.
³⁵ Edmonton, Prince Albert and Yellowknife Engagement Sessions.
³⁶ Yellowknife Engagement Session.

Survivors in a recent report are: their focus on residential school trauma, that staff were Indigenous and/or Survivors themselves and that traditional Indigenous activities and wellness practices were viewed as important to the healing process.³⁷

The fact that the AHF is no longer in existence creates a significant gap. The extent of the need only came to be understood as the TRC process unfolded, which led to a recognition that the extent of the devastation and the extend of the tragedy was so great, and that it spanned not only over the lifetimes of Survivors, but also of their descendants throughout multiple generations.

Many Survivors saw the shutting down of the AHF as a betrayal during a critical time in the healing. There were express calls made by Survivors throughout the engagement sessions for the re-instatement of the AHF, which supported many grassroots organizations that were viewed by Survivors as essential to their healing needs.³⁸

3. Language Revitalization

Language revitalization is a critical area where greater support is needed to address the impacts of the residential school system. Residential schools caused a profound loss in language fluency as students were punished for speaking their languages, and denied access to their parents and grandparents who were Indigenous language speakers. Survivors said that currently available supports for language revitalization were insufficient to reverse the tide of language loss and therefore failed to remedy the harm caused by residential schools.³⁹

4. Economic Security

If true healing is to occur, the economic status of a large percentage of Indigenous persons in Canada must be improved. Low socio-economic status and economic marginalization impacted Survivors’ ability to participate in the IRSSA processes, contributed to unhealthy power dynamics in the IAP and CEP processes, and remains

People weren’t able to heal unless their basic human needs were met. How can I feed my children or focus on healing when my roof is leaking and it’s not safe? Every community needs more funds for economic development, for their own communities, for their Survivors.

Eskasoni

an unresolved barrier to reconciliation. Some survivors said that the settlement processes did little to change their overall lives – after decades and decades of colonization, oppression and cultural genocide, a couple of payments could not reverse all the damage done.⁴⁰ In particular, participants highlighted that health conditions in Indigenous communities remain poor, requiring urgent attention to ensure the gap between Indigenous people and non-Indigenous people is lessened so that true equality can be experienced by the Survivors and their families.⁴¹ In general, many expressed challenges attending events and covering the cost of their participation. For some, attending a national gathering was simply prohibitive despite ad-hoc efforts of the TRC and of the parties to the settlement agreement to assist with travel where possible.

³⁷ The Aboriginal Healing Foundation Research Series. (2010). The Indian Residential Schools Settlement Agreement’s Common Experience Payment and Healing: A Qualitative Study Exploring Impacts on Recipients. Page xv.

³⁸ Train the Trainer Sessions.

³⁹ Sioux Lookout Engagement Session.

⁴⁰ Eskasoni Engagement Session.

⁴¹ Edmonton and Prince Albert Engagement Sessions.



V Challenges in the Process

The participants identified numerous challenges related to the IRSSA. This included the re-victimization or re-traumatization caused by participating in the processes; structural discrimination and inequalities; accessibility and communication; compensation shortcoming; limitations associated with professional and cultural competency; and the need for continued commemoration efforts.

1. Re-traumatization and Re-victimization

The most commonly identified challenge relates to the experiences of re-victimization or re-traumatization. The IRSSA process should have been designed from the outset to be trauma-informed, but was not. These concerns were raised principally in respect to the CEP, and IAP, but in certain cases with the TRC as well.

As noted above, the TRC provided culturally grounded Indigenous

approaches to its work. Ceremony and traditional protocol were central in the process. For example, trained, culturally competent supports for Survivors giving testimony were provided. The TRC placed heavy emphasis on ensuring a high percentage of Indigenous staff. This included a specific effort to ensure all senior leaders within the organization were either Indigenous or well-grounded culturally. In contrast, Survivors commented supports provided in the IAP and CEP processes were often not culturally appropriate, or were not available when needed.⁴²

Going through the IAP or CEP processes often brought the Survivors' memories back to the experiences they had in residential school.⁴³ Some Survivors reported long waiting periods between when they initiated a claim and when they were contacted, with no supports provided in the interim.⁴⁴ Others said that were

⁴² Yellowknife Engagement Session.

⁴³ Yellowknife Engagement Session.

⁴⁴ Yellowknife Engagement Session.

The compensation process and how they determined compensation was deplorable and dragged on with a long, excruciating process. This one avenue to determine their own personal outcome was very difficult to go through.

Yellowknife

never informed of the existing supports that were available to them or learned of supports after the time during which they were most needed.

Re-traumatization was often triggered by having to repeatedly recount traumatic experiences in order to complete the CEP and IAP processes. One-third (1/3) of Survivors surveyed in one study said that the CEP process “triggered negative emotions or traumatic flashbacks...that ranged from feelings of discomfort and loneliness to reactions of panic and depression, sometimes leading to self-destructive behaviours.”⁴⁵ Some Survivors also described that the questioning that they underwent as part of submitting these claims was particularly intimidating and re-traumatizing.⁴⁶

The environment of the TRC was much more culturally based than the Western, legalistic setting of the IAP. Had more

Survivors been equipped with the supports necessary to go through both processes, a greater level of healing could have been experienced. By its very essence, the IAP process required full disclosure - whether the claimant was ready for that or not. The compensation was awarded only upon sufficient “evidence,” which often required precise and in-depth disclosure.

In some Survivors, re-traumatization triggered alcohol misuse after years of sobriety.⁴⁷ Other Survivors identified cases of suicide.⁴⁸

For some Survivors, the triggering of their Post-Traumatic Stress Disorder (PTSD) prevented them from giving statements. This experience of Survivors not having the opportunity to tell the full truth through the IRSSA process was reported to have led to compounding the hurt experienced at residential schools.⁴⁹

A particularly concerning aspect are

We suffered a lot and we still suffer.

Montreal

⁴⁵ The Aboriginal Healing Foundation Research Series. (2010). The Indian Residential Schools Settlement Agreement’s Common Experience Payment and Healing: A Qualitative Study Exploring Impacts on Recipients. Pages xiv.

⁴⁶ Yellowknife Engagement Session.

⁴⁷ Sault Ste. Marie Engagement Session.

⁴⁸ Edmonton Engagement Session.

⁴⁹ Yellowknife Engagement Session.

Oh, a nun can’t rape you, they have no penis.

Eskasoni

accounts of some Survivors being disbelieved by lawyers, judges or government officials involved in the CEP and IAP process about the abuse they suffered at residential school. One Survivor states that in the settlement agreements, they were only allowed to talk about their sexual abuse experiences, and that most of these experiences were brushed off.⁵⁰ Health support workers reported witnessing unprofessional behaviour from lawyers, judges and other professionals who made inappropriate comments at hearings.

The very denial of compensation through the CEP and IAP processes led Survivors to feeling re-victimized and de-valued.⁵¹

Different IRSSA processes used starkly different terminology. For example, Survivors were sometimes instead referred to as “claimants.” Not only is this language more legalistic, the inference is that they have a claim that needs to be verified. In contrast, the term “Survivor” implicitly recognizes that they have a truth to be

shared. Greater attention needed to be paid to the connotation of the terms used and their potential to reinforce negative power dynamics or be dehumanizing and re-traumatizing for Survivors.

Furthermore, some Survivors recounted being told by local church officials that if they applied for compensation, they would not be allowed to attend church anymore.⁵² This is an example of the fear of ostracization experienced by Survivors, based on misinformation spread throughout a community.⁵³

Many Survivors said they did not have the strength or psychological ability to tell their stories to both the IAP hearing and the TRC. This is reflected in the fact that there were approximately 38,000 successful IAP applications and 7,000 TRC statements. This created a siloed approach to truth-telling and compensation, that did not serve the Survivors well. It would have been beneficial for Survivors to have had the option to tell their stories once and to have information shared and preserved

Always be mindful and don’t lose the human element with stats. Show dignity and respect; don’t turn them into a statistic or a number.

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⁵⁰ Eskasoni Engagement Session.

⁵¹ Prince Albert Engagement Session.

⁵² Yellowknife Engagement Session.

⁵³ Edmonton Engagement Session.

for the purposes of both compensation and creation of the record of Survivors’ experiences. The failure to provide, from the outset, an option to preserve their testimony put all parties, particularly Survivors and their families, in a less than ideal situation.

In addition, both Indigenous and non-Indigenous participants experienced vicarious trauma, the “emotional residue of exposure” to the trauma of others. Vicarious trauma is a “a process of change resulting from empathetic engagement with trauma Survivors” and “anyone who engages empathetically with Survivors of traumatic incidents, torture, and material relating to their trauma, is potentially affected.”⁵⁴ Insufficient attention was paid to the issues of vicarious trauma throughout the IRSSA.

2. Structural Discrimination and Inequalities

The structural discrimination and inequalities reflected in the system led to the establishment of biased processes, particularly in the IAP and CEP process. Bias affected policy decisions, such as cancelling the Aboriginal Healing Foundation altogether and the hiring practices for health supports, lawyers, adjudicators and others. Ultimately, the use of processes grounded in adversarial, non-

Indigenous legal traditions and methods was a central challenge in reaching the overall goals of truth-telling, reconciliation and healing. In particular, the imposition of the Western legal system, power dynamics, the complexity of the process, the perceived or actual lack of impartiality, and the lack of reflection of cultural practices and worldviews of Indigenous peoples upheld structural discrimination and inequalities, rather than eradicating them.

a) Western Legal System and Power Dynamics

An important observation from participants who attended the All Parties Lessons Learned meeting is that a Western, adversarial process came to dominate much of the IRSSA process, often to the detriment of the overall goals of truth, reconciliation and healing. Once this approach took over and the structures were in place for the IAP and CEP process in particular, the relationships, the timelines and the determination of what qualified as “evidence” were all structured along this Western, non-Indigenous framework.

The adoption of highly formal, legalistic and adversarial processes, without proper use of Indigenous protocols and traditions as counterbalance, placed Survivors at a disadvantage in the process. It was

observed that the IAP hearings were operated akin to residential schools themselves, where Survivors were taken from their communities, brought to buildings that were like compounds, victimized by re-telling their stories in a culturally unsafe manner, and then returned to their communities without support, in a manner that was not trauma-informed. Once the processes were set up this way, it was seen as being very difficult to shift direction in a way that would be more respectful of Survivors and able to incorporate Indigenous methodologies. The domination of Western legal processes in the determination of IAP cases created widespread dissatisfaction that was arguably harmful to all parties.

b) Complexity of the Process

Survivors reported having trouble understanding the complex nature of the IAP and CEP process and that it was difficult to participate in these processes. A frequently identified challenge was that information was not conveyed to Survivors

in an easily understandable manner. The language was much too complicated. Some said that the implications of signing waivers needed to be better explained. It was perceived that the forms utilized were designed to collect the information needed by Canada but they did not clearly convey how it was determined who would be considered critically ill and how eligibility overall was determined.

Some also noted the challenge of understanding the evidentiary limitations inherent in the legal process, which often entailed onerous legal requirements.⁵⁵ Key concepts such as “loss of income,” “confinement,” “accumulated affects,” “serious physical abuse,” and “other wrongful acts” were not explained well, and no examples were provided to assist Survivors in the process. This required resource people or lawyers to aid Survivors in completing forms but too often, these supports were not available.

When CEP came out I wasn't interested in the money; I'm educated but the whole application process from the start looked intimidating. I didn't bother with it but at the 11th hour...I put in my application and there was a lot of intimating information in there. So many other applicants didn't know who could help them...When all the money started coming through there was no support.

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⁵⁴ Anglican Church of Canada. (2019). One Step on a Journey: The Indian Residential Schools Settlement Agreement and the Anglican Church of Canada – Lessons Learned. Page 16.

⁵⁵ Yellowknife Engagement Session.

Deadlines were viewed as being too short and that not enough was done to make Survivors aware of the deadlines. In fact, issues surrounding the arbitrariness of deadlines for the IAP and CEP process were raised at every single engagement session. Of important consequence, these arbitrary deadlines too often meant Survivors were unjustly excluded from receiving compensation.

c) Impartiality of the Process

A serious challenge with the process related to the lack of impartiality. At the outset, it was understood that Canada would be the trustee and administrator of the CEP Program. In contrast, the IAP was to have been established as an entirely independent entity, funded by Canada, but implemented and administered by the Indian Residential Schools Adjudication Secretariat (IRSAS), an arms-length, independent organization that would be responsible for supporting the Chief Adjudicator. Instead, in practice, the IAP Secretariat functioned as a sector within Indigenous and Northern Affairs Canada, where their procurement and security resources were used, and it was reported that interference took place in relation to the processes of the Oversight Committee tasked with, among other things, hiring adjudicators.⁵⁶

This same issue also plagued the TRC and created multiple friction points between the TRC and the Government of Canada in regards to getting the task accomplished. A poignant example of this is the TRC’s attempt to receive residential school records under the control of the Government of Canada, which was denied and resulted in the TRC being forced to take legal action despite the stated goal of “reconciliation.”

d) Cultural Practices and Worldviews

Some Survivors said that the TRC hearings should have integrated more traditional ceremonial practices, such as holding circles, smudging or utilizing an eagle feather. Survivors stated that having time set aside during the reconciliation process for storytelling could help with healing, mentioning the ways that stories about the Creator have been useful for generating resilience.⁵⁷

3. Accessibility and Communication

There were numerous issues about the accessibility of IRSSA processes and communication strategies employed, related to unclear communication, barriers to accessibility, promotion of the TRC, the role of survivors and responding to online misinformation and hatred. Poor

I'm a health support worker. I've worked with a lot of Survivors... and what really bothered me about going to the hearings was lack of health supports. Survivors were supposed to be told about health supports but the lawyers never did. Survivors didn't even know they existed. They were going through it alone. If they were told, it was the day before the hearing. We would get a hearing notice the day before and have to visit them that evening and work with them to prepare them for the next day. If it would have been weeks' notice it would have been ideal or better. I didn't get the hearing notice until the day before or I'd get a call saying "we need a health support; can you make it?" that same day. At that point I'm just a person that they don't know on short notice.

Winnipeg Lessons Learned Focus Group

communication fosters mis-information and mis-understandings. If, as a result, the Survivors perceived that certain IRSSA processes were not available, accessible or appropriate, this was harmful to the healing process, even if the perceptions were inaccurate at times.

Many Survivors expressed concern that the different elements of the IRSSA, including how Survivors could participate in them, were not clearly explained. Even though lawyers had an obligation to inform Survivors of the availability of health supports for hearings, they often did not provide this information at all or only at the last minute, leading Survivors to go through the process alone, without supports, or to receive these supports in an untimely, unhelpful manner.

Some Survivors identified that even now communication is not clear about this

Settlement Process. There is no centralized place for Survivors and their families to seek out reliable, accessible information.⁵⁸ In fact, still today, the NCTR receives calls from Survivors seeking to apply for the CEP and IAP, who are not aware that the deadlines have passed.

Even where information was available, Survivors noted numerous barriers to accessing that information. These barriers included the language used, literacy levels, geographic reach and accessible for people with disabilities. Survivors noted that greater attention needed to be paid to the challenges faced in dealing with long and complex documents produced in written English and French. Some Survivors said that the IRSSA process should have adopted Indigenous methodologies for disseminating information, such as building networks of family contacts

⁵⁶ Paterson, D. & Blakeney, W. (2019). IRSSA Lesson Learned: Two Perspectives on the Experience of Legal Counsel. Pages 4-5.
⁵⁷ Memorial Register Focus Group Meeting.

⁵⁸ Edmonton Engagement Session.

We did a survey of Survivors in Saskatchewan on their fears and concerns with the process [pre-settlement]. We had this information, we were not listened to and in the end, many of the things we raised as concerns before the process ended up occurring during the process.

Winnipeg Lessons Learned Focus Group

and frontline workers who could share information orally and in the Indigenous languages spoken in communities. Accessibility was further challenged in the North, where there was less access to adequate representation to go through the IAP process.⁵⁹ Information was frequently difficult to access in the North, especially for those whose first language was an Indigenous one. It was noted that Survivors with hearing loss (often caused by abuse experienced at residential schools) did not have access to information in alternate formats.

In addition, many Survivors felt that the TRC hearings and events were simply not as high profile as they should have been. Many Survivors said that they simply did not know what communications strategies were in place to reach wide audiences or to have a positive impact on public debate. From their own experience, it did not seem as though there was sufficient

media coverage of TRC events given the importance of the issue.

Further, Survivors felt they should have had a greater role in design and delivery of messages. A Study conducted by the National Indian Residential Schools Survivors Society Pre-IRSSA group of Survivors provided comprehensive advice and flagged a number of concerns. Central in these was the need for a robust, Survivor-led, trauma-informed communications strategy. As noted elsewhere, these concerns materialized.⁶⁰

Lastly, it is necessary to consider the context of the IRSSA, where concerns about the inaccurate, misinformed and sometimes hateful commentary online and in the media needed to be addressed through a robust communications strategy. It is well recognized that any online platform that provides a space for commentary will attract racist commentary

Many good people did their best to make sure communication happened, but it only happened in pockets. Some people still had no clue.

Anglican

when the topic concerns Indigenous peoples. This is evidenced by the fact that CBC and a number of other online news publications no longer allow online public commentary on stories involving Indigenous peoples. For Survivors, the kind of abusive and hate-filled commentary that took place online was a further cause of re-traumatization during the IRSSA process. Survivors emphasized that there was an obligation to counter such messages.⁶¹ Instead, at times the public discourse was so uninformed and trauma-inducing that online platforms related to residential school stories during the TRC had to be closed down.

In relation to the IAP process, it was noted that where lawyers offered translation services, they often did not understand the need to be cognizant of different dialects of the same language, leaving even those Survivors who were technically provided with translation services to have unmet needs.

4. Compensation

Several concerns were identified related to compensation received through the CEP and IAP processes. These included both the amount of compensation provided, how the levels of compensation

were determined and management of compensation once received.

Under the IAP compensation model, three levels of compensation were available: for specific physical and sexual abuse suffered in residential school; for consequential harms of post-traumatic stress disorder, anxiety, depression or a physical disability injury; and for consequential loss of opportunity, meaning where a person had fewer opportunities to become educated or trained or fully employed because of the abuse experienced at residential school.⁶²

Under the CEP model, a lump sum payment was provided to recognize the experiences of Survivors who attended residential schools and the impacts of these experiences. These payments were only available to Survivors alive on May 30, 2005.⁶³

No proof of specific abuse was necessary for CEP payments, although a record of attendance at the schools was required. It was reported by a Survivor that an affidavit by another student could be signed as proof of attendance, but this was ineffective when the whole school's records were missing and therefore no student could establish their attendance.

⁶¹ CBC. (2015). CBC closing comments on indigenous stories 'commendable,' says N.W.T. man: <https://www.cbc.ca/ews/canada/north/cbc-closing-comments-on-aboriginal-stories-reaction-1.3345137>.

⁶² Canada Indigenous and Northern Affairs Canada. Indian Residential Schools: <https://www.aadnc-aandc.gc.ca/eng/1100100015576/1100100015577>.

⁶³ Canada Indigenous and Northern Affairs Canada. Common Experience Payments: <https://www.aadnc-aandc.gc.ca/eng/1100100015594/1100100015595>.

⁵⁹ Yellowknife Engagement Session.

⁶⁰ Study conducted by the National Indian Residential Schools Survivors Society Pre-IRSSA (2006).

Survivors have expressed mixed feelings about compensation. As noted in previous studies, positive and negative perceptions and feelings are not mutually exclusive. The benefits of compensation, such as being able to pay off debts, improve living conditions and support educational pursuits of their children, do not negate the experience of re-traumatization. This was further compounded by the sense that compensation levels were unfair.⁶⁴

It is also important to acknowledge as the Aboriginal Healing Foundation study clearly states that while Survivors report both positive and negative experiences associated with compensation, for many Survivors, their families and their communities, the magnitude of the negative experiences “greatly outweigh any positive, material benefits of the payment.”⁶⁵ The study also suggests that the positive experiences may often have been relatively short-lived, while the negative impacts were long-lasting.

a) Levels

Many Survivors said that the levels of compensation that they received were simply inadequate in consideration of the trauma and harm they had experienced. Some commented that in similar

processes in other countries, such as Ireland, Survivors of abuse at church-run institutions had received higher monetary levels of settlement.⁶⁶

For some, the compensation levels fell so short of their expectations that the impact left Survivors feeling violated and re-victimized.

Many questioned the wide differences in levels of compensation provided. Some said that there was too much emphasis placed on sexual abuse rather than all types of abuse experienced in residential school, noting that all forms of abuse have long-lasting impact on all aspects of life. It was reported that women generally received less compensation than men (likely due to compensation for estimated losses of lifetime earnings reflecting gender gaps in wages). This is supported by academic research. One author comments that:

“The IAP compensation model, like other Canadian legislation, does not place value on what traditionally is considered women’s work – that is, the invisible, unpaid work that sustains families and communities...In relation to the IAP, one adjudicator similarly explained the relationship between women and unpaid work:

This process is really based on what

the common law is. Traditional work such as hunting, trapping is recognized...that’s easier to recognize because there is a proven history, but women’s work is not...”⁶⁷

Other Survivors commented that they felt that the fact that they were able to secure a good education and maintain employment throughout their lives unfairly counted against them in the determination of compensation.⁶⁸

b) Methods

Some Survivors commented that the emphasis on evaluating compensation based on cultural harm was too limiting and failed to acknowledge the overall harms experienced by Survivors as “human beings.”⁶⁹

Furthermore, the methodology used to determine CEP was flawed to the extent that it was based on requiring residential school records that were in and of themselves flawed, through no fault of the Survivors themselves. For example,

even one of the Commissioners of the TRC, Dr. Wilton Littlechild, was denied CEP for two years of his residential school tenure, due to inaccurate records kept by the residential schools.⁷⁰ The reliance on paper records over the testimony of Survivors is another example of the failure to apply Indigenous methodologies in favour of Western processes, with a negative result on the outcomes.

c) Management

Management of compensation received was discussed from different perspectives. Two lawyers involved in the process took issue with a widespread idea, often reported in the media, that Survivors had not been able to handle the sudden influx of money from compensation. They reported that:

“There was also an unfortunate disconnect with the media and the Churches, all of whom promoted the racist concept that “Indians can’t be trusted with money”. There

I watched people who were really poor receive money, but it did more damage. They didn’t know how to handle it, some people used it foolishly, for substances. A month after they had to start selling their stuff. And so that was tough to watch. On a positive note, Canada started to hear the true story of what happened to our people.

Survivor Interview

⁶⁴ The Aboriginal Healing Foundation Research Series. (2010). The Indian Residential Schools Settlement Agreement’s Common Experience Payment and Healing: A Qualitative Study Exploring Impacts on Recipients. Pages 44-46.
⁶⁵ The Aboriginal Healing Foundation Research Series. (2010). The Indian Residential Schools Settlement Agreement’s Common Experience Payment and Healing: A Qualitative Study Exploring Impacts on Recipients. Page xiv.
⁶⁶ Sault Ste. Marie Engagement Session.

⁶⁷ Hanson, C. (2016). Gender, Justice, and the Indian Residential School Claims Process. The International Indigenous Policy Journal, 7(1) . Page 7. Retrieved from: <https://ir.lib.uwo.ca/iipj/vol7/iss1/3>
⁶⁸ Prince Albert Engagement Session.
⁶⁹ Yellowknife Engagement Session.
⁷⁰ Interview with Commissioner Littlechild, June 21, 2019.

were offensive and misplaced fears that the CEP money would result in widespread drunkenness and social upheaval on the Reserves.

The experience of legal counsel was that the money was generally put to very good use, with many claimants setting up educational funds, making donations to local causes and generally treating the money as special or even sacred funds that needed to be spent thoughtfully.”⁷¹

In fact, in the course of this project, there were many personal accounts of compensation not only benefiting individuals but of being put to good causes, including those aimed at reconciliation efforts, or at the education of children and grandchildren.⁷²

At the same time, some Survivors did report challenges in dealing with the compensation and that better supports for financial planning would have been helpful. In fact, some stated that because such help was not available, too often, non-Indigenous businesses took advantage of Survivors who received compensation.

For example, one Survivor said that they felt that they had been taken advantage of by a car dealership that had convinced the Survivor to spend their full compensation on a new truck. Another Survivor suggested that payments be drawn out rather than provided in a lump sum to be akin to a retirement fund.⁷³

5. Professional and Cultural Competency

Throughout the processes, particularly the IAP and CEP process, there was a need for everyone involved to be culturally competent, including the administrators, the adjudicators, the lawyers, the health supports and therapists. This is clearly set out in the Calls to Action issued by the Truth and Reconciliation Commission. Unfortunately, the Survivors had to deal with a system designed without the benefit of the Calls to Action, including shortcomings in the cultural competency

I had a lawyer that came to the reserve... at the appointment he wanted me to blow my story out of proportion but I didn't want to. I went and saw my own lawyer and was happy with her.

Memorial Register Focus Group

⁷¹ Paterson, D. & Blakeney, W. (2019). IRSSA Lesson Learned: Two Perspectives on the Experience of Legal Counsel. Page 4.

⁷² See also: The Aboriginal Healing Foundation Research Series. (2010). The Indian Residential Schools Settlement Agreement's Common Experience Payment and Healing: A Qualitative Study Exploring Impacts on Recipients. Page xv.

⁷³ Sioux Lookout Engagement Session.

Many of the adjudicators, including some of the very senior ones, had little significant experience working in the field of Aboriginal rights or with Indigenous communities. The most common areas of expertise were in administrative and personal injury law.

D. Paterson and W. Blakeney

of many involved in the processes.

a) Lack of Adequate Legal Representation

A commonly expressed challenge in the CEP and IAP process was the lack of adequate legal representation. Survivors recounted stories on having legal counsel explain the morning of a hearing how to testify, which provided Survivors with inadequate guidance, and in some cases, meant they did not share everything that needed to be shared in order to receive fair compensation.⁷⁴

Survivors also recounted having to pay their lawyers large legal fees. Others recounted having to do their own research on records from the residential schools, even though they understood this to be the lawyers' jobs. Other Survivors talked about legal counsel losing their files. Some of the stories shared, for example, about lawyers who accused Survivors of lying about their experiences, suggest a problem with lawyers not having necessary cultural competency.⁷⁵

Some shared stories of lawyers being

disbarred as a result of their negligent representation, with far-reaching implications for the Survivors' individual cases.

It was reported that in Saskatchewan, there were instances of Survivors being asked by lawyers to sign blank forms with their information, in order to authorize fees being charged unfairly. Similar problems were reported in relation to therapists charging time for attending hearings. This led to the recommendation that Law Societies conduct investigations and issue disciplinary action in future efforts where such abuses occur.⁷⁶

b) Lack of Adequate Training and Experience of the Adjudicating Officials, Lawyers, Therapists and Support Workers

Survivors identified concerns that the officials reviewing the CEP and IAP cases did not have the cultural competence, or simply the prior experience of working with Indigenous peoples, needed to build a rapport with the Survivors. This led to Survivors being re-traumatized.

Some Survivors reported a lack of

⁷⁴ Yellowknife Engagement Session.

⁷⁵ Eskasoni Engagement Session.

⁷⁶ Memorial Register Focus Group Meeting. Page 6.

They were flying in therapists that were not even familiar with what reserves looked like.

Memorial Register Focus Group

confidence that adjudicators had received appropriate training for their roles, noting that the Survivor experience was not validated during the hearing process, consistency varied between Indigenous and non-Indigenous adjudicators and the environment created during the hearings were insensitive and inhumane (such as not developing a relationship with the claimant prior to, or during, the intensive hearing process).

Other Survivors spoke of being screened out by lawyers before they even got to a hearing. One Survivor, for example, recounted the story of a broken arm at the hands of a school official but the lawyers would not take the case. Later in the process, this same Survivor recounts being “hounded” by the same law firm, encouraging her to proceed with the claim.

This Survivor wondered whether this was altruistic or an effort to raise funding for the firm as the number of hearings wound down.⁷⁷

It was noted that lawyers, therapists and support workers alike were ill-equipped to perform their duties and would have benefitted from specific training for the context of working with Indigenous Survivors of residential schools. Some support workers for the IAP and CEP processes said that they did not receive the training needed to be able to answer all the Survivors’ queries about the forms to be completed, such as whether students who attended industrial or boarding schools qualified for compensation. Inadequate preparation to deal with vicarious trauma meant that staff were not properly supported to deal with the

A survivor shares a story of an IAP experience in Kenora where an 81-year-old survivor came with his 82-year old wife:

The translator never showed up. [The Survivor] was handicapped. I had to ask the guy who was driving the medical van to do translations. This lost the gist of what this man was saying because of the lack of a translator. The room wasn’t handicap friendly; they couldn’t get him in the bathroom. He had to urinate in a bottle. He couldn’t relieve himself in privacy. Two days later the phone rang, it was the adjudication secretariat, and they apologized like crazy.

Winnipeg Lessons Learned Focus Group

It would be nice if people approached us to ask what we want first... There was talk of a cultural centre. We wanted the symbolism around the tipi because it is a common cultural thing. Personally, I wanted to honour my dad’s last request. He asked me to look for some siblings who ...left by steamboat and never returned home...There needs to be some commemoration for these people.

Yellowknife

emotional impact of hearing so many stories of trauma and abuse.

The imposition of non-Indigenous systems led to the exclusion of Indigenous therapists from the approved list of registered therapists, where allowances should have been made, since Indigenous therapists would have been more well-equipped to meet the needs of Survivors.⁷⁸

Particularly in the North, Survivors identified the inadequacies of therapist services that were provided on a rotational basis, resulting in Survivor fatigue over having to repeatedly re-tell their stories to different therapists. In addition, Survivors recounted the sense that therapists were more concerned with payment of services than with providing adequate services. Survivors felt that the therapist lacked the cultural understanding of the Indigenous peoples living in the North, which negatively impacted the ability to provide adequate service.

6. Commemoration

In relation to commemoration, it was

identified that commemoration initiatives should be Survivor-driven. It was also noted that commemoration continues to require financial support.

In the engagement sessions that the NCTR conducted on access to memorial registry documents, Survivors highlighted the importance of commemorating children who died in residential schools. Several suggestions were provided, including holding cultural ceremonies to commemorate the lives of these children at the gravesites and displaying photos. The importance of their families driving the decisions of the form of commemoration was underscored.⁷⁹

Commissioner Marie Wilson observed that the communities with the greatest need for commemoration of residential schools were often those that had the least capacity to prepare a successful proposal. This was unfortunate because where funding was provided for commemorative projects, the benefits for community healing were profound.⁸⁰

⁷⁸ Memorial Register Focus Group Meeting. Page 7.

⁷⁹ Sault Ste. Marie, Eskasoni, Montreal, & Victoria Memorial Registry Engagement Sessions. ⁸⁰ Commissioners Wilson and Littlechild Interview.

⁷⁷ Interview with Ry Moran, Director, National Centre for Truth and Reconciliation.



VI

Survivors’ Perspectives on Solutions

Survivors articulated an array of recommendations related to meeting the needs of Survivors and their families, as well as broader recommendations aimed at the general public and implementation of the Calls to Action. These include the need to redress exclusion of sectors of students; intergenerational healing efforts; retention of residential school records as part of the complete history of residential schools in Canada; a commitment to further research efforts; the establishment of an independent legal review; compensation avenues of redress still available to Survivors; issuance of further apologies; implementation of the Truth and Reconciliation Commission of Canada’s Calls to Action; Indigenous languages and cultural revitalization; the need for further commemoration; the need for public education; and support for self-sufficiency, a healthy environment and responsible resource extraction.

1. Exclusion of Sectors of Students
- It was recommended that the Government of Canada take responsibility for redress for those students who were excluded from the process. For example, Métis Survivors were excluded in the settlement and the Métis Nation has sought a remedy to this inequity, such as through the negotiation of a separate Settlement Agreement.⁸¹ It was further recommended that intergenerational Survivors should be compensated, including those where the Survivor passed away prior to the 2005 deadline.
2. Intergenerational Healing Efforts
- It was recommended that support be provided for community-based healing focusing on Inter-generational Survivors, including those experiencing homelessness and those involved with the health, child welfare, social welfare and judicial systems.⁸² Sexual violence leading to missing and murdered Indigenous

⁸¹ Prince Albert Engagement Session.
⁸² Yellowknife Engagement Session.

women and girls should also be a focus.⁸³ Further, particular attention should be paid to the youth, including addressing youth suicide.⁸⁴

Educational, employment and training supports need to be provided to help Inter-generational Survivors overcome the legacy of the residential school system. The need for treatment centres and education about nutrition were also identified. This includes a need to revive cultural practices, including pow wows, crafts, arts, sweat lodges and pipe ceremonies, based on respect and on the specific needs of the particular community involved.⁸⁵ Repatriation of cultural artefacts was also raised as part of this journey.⁸⁶

It was recommended that a greater level of family supports be provided that aim to overcome the generational experiences of families being broken apart. This could be accomplished through a community development model focused on strengthen families, supporting the functions of families and aiding family members in meeting their respective responsibilities, such as land-based responsibilities. This also includes men’s healing in the North, which is currently lacking.⁸⁷

3. Residential School Records

It was recommended that concerted efforts be undertaken to ensure that Survivor statements are not destroyed after ten years, as is currently the practice. The IAP records are scheduled to be destroyed on September 19, 2027. Community members have repeatedly expressed concern that the family members or executors of a Survivor’s estate cannot choose to save the IAP records once a Survivor passes away.

Throughout the engagements, Survivors expressed that the process for records was not clearly or consistently conveyed to them – some had an expectation that the records would be saved and others had an expectation the records would be destroyed. Further, some Survivors were informed at the time of their hearing that they could obtain copies of the materials, while others were not. The process and information shared around retention of records was seen as a breach of trust and contrary to the mandate of the TRC to safeguard the complete history of residential schools.⁸⁸

Related to the issue of exclusion, all Survivors left out of the IRSSA process should have access to another form of settlement. In historic cases where

⁸³ Edmonton Engagement Session.
⁸⁴ Yellowknife Engagement Session.
⁸⁵ Sioux Lookout Engagement Session.
⁸⁶ Edmonton Engagement Session.
⁸⁷ Yellowknife Engagement Session.
⁸⁸ Yellowknife Engagement Session.

records are likely to be missing or incomplete, processes should be in place to accommodate this reality. The processes should take into account the difficulty of obtaining such documents and the challenges that difficulty will pose the claimant from practical, legal, and emotional points of view.⁸⁹

Most Survivors felt that families should always be able to access records of children who had died at residential schools. They felt that access to records helps bring closure and some degree of peace to them. Where opinions diverged related to the value of providing access to these records for the general public. Concerns were raised about how the documents would be used and the potential that their use without consent would be re-traumatizing for the families.⁹⁰

4. Research Efforts

It was recommended that ongoing research be conducted on the residential school system. It was underscored that Indigenous peoples should lead research efforts, based on traditional ways of learning and knowing. Youth were called upon to take leadership in using information technology to conduct research.

Most Survivors held the perspective that research should be community-directed and community-owned. This was viewed as the best way to ensure research benefits the community and is culturally relevant. Concerns were raised about researchers from outside the community using information collected for their own benefit and in a way that would harm the community, including re-traumatizing Survivors.⁹¹

5. Independent Legal Review

Based on concerns about the inadequacies of the Western legal process, including inadequate and unethical legal representation, as well as remedial processes, such as Law Societies failing to

Regarding the CEP process:

The important work today is preparing records for future use and to be properly funded to do a good job. It's not only the compensation but the honouring of the stories and records and their place in the history of this country.

Memorial Register Focus Group Meeting

⁸⁹ Presbyterian Church in Canada. (2019). The Presbyterian Church in Canada and the Indian Residential Schools Settlement Agreement – Lessons Learned Process. Page 12.
⁹⁰ Eskasoni Memorial Registry Engagement Session.
⁹¹ Muskowekwan Memorial Registry Engagement Session.

address Survivor concerns, some Survivors recommended that an independent legal review of the IRSSA be undertaken.⁹²

It was stated that the purpose of such an independent legal review would be to advance truth, reconciliation and healing, rather than to re-negotiate the Agreement. A review of the results and findings could help guide the move to other important tasks of reconciliation that lay ahead in Canada related to truth, reconciliation and healing. Further, this review could determine whether all elements of the IRSSA have been appropriately completed. This may involve seeking further remedies.

To ensure neutrality and objectivity, it was suggested that such a review be undertaken by the Courts and include the following activities: appointment of a neutral party to conduct the legal review; approval of the Terms of Reference that set out the involvement of key stakeholders, especially Survivors, as well as the government, churches, and the Independent Assessment Process Secretariat; and establishment of a deadline for delivery and public release of

the report. The mandate should include a thorough examination of the CEP process, including the Personal Education Credits, as well as the role of Law Societies in resolving Survivor allegations of mishandled compensation claims by lawyers.⁹³

It was further suggested that if such an independent review establishes evidence of wrong-doing by lawyers, this evidence be turned over to law enforcement agencies for consideration of possible criminal charges.

6. Compensation

Survivors recommended that information be provided to communities about the current class action suits that are underway that are of particular relevance to residential school and Inter-generational Survivors. For example, some Survivors think that because they received an IAP payment, they cannot apply to be a part of the Sixties Scoop Settlement currently underway. Inter-generational Survivors also would like to have information about claims of deceased Survivors and whether this entitles the

Healing starts with self-love, understanding the past and forgiving oneself, as well as parents and family members for the issues they faced, such as alcoholism and other addictions.

Prince Albert

⁹² Sioux Lookout Engagement Session.
⁹³ Survivor Submission, Sioux Lookout.

What I'd like to see is events for 'Survivors' only; I know there's not many of us left and I wish we could gather and have a 'special day' just for fun, which we didn't have at the Residential School.

Survivor Interview

descendants to any compensation.⁹⁴

7. Aboriginal Healing Foundation and Community Healing Efforts

Several participants noted the importance of reinstating the Aboriginal Healing Foundation, emphasizing that the need for community healing initiatives remains great and that the Aboriginal Healing Foundation had the expertise to carry out these initiatives in a highly effective manner.⁹⁵

There were many recommendations related to supporting community healing, including taking personal responsibility as Inter-generational Survivors to address the legacy of residential schools, including educating the public, encouraging leadership to make community healing a priority and establishing healing lodges in every community.⁹⁶ This includes addressing the issue of student-on-student abuse and lateral violence in Indigenous communities, both effects of historic trauma experienced at residential schools.

Addressing these deep types of healing and recovery requires ongoing healing and support.

One Survivor recounted experiences of feeling left out, on the sidelines, when attending events and gatherings focused on truth and reconciliation. Her experiences were that too often, Survivors are not given the opportunity to tell their stories. A solution to this is to hold Survivor-only events, where this dedicated space would purposely be created.⁹⁷

Other participants recommended that Indigenous safe spaces be created that promote land-based ways as a positive way forward.

A common recommendation identified was the need of governments and churches in Canada to commit ongoing investments to address the legacy of residential schools affecting all Survivors, including Inter-generational Survivors. For example, the Anglican Church participants expressed the need for the Anglican Church of

It's time we took control of our own lives.

Eskasoni

⁹⁴ Edmonton Engagement Session.
⁹⁵ Survivor Submission, Sioux Lookout.
⁹⁶ Edmonton Engagement Session.
⁹⁷ Yellowknife Engagement Session.

Inequality, racism, colonialism and hurt are still with us.
Anglican, Page 18

Canada to “put our money where our mouths are.” This included financial allocations to healing initiatives and spaces, language revitalization, education, suicide prevention, prison chaplaincies, and Indigenous clergy stipends – not simply as “grants” or “add-ons” but as a matter of course. Land and property were also referred to several times as resources that the Anglican Church of Canada needs to consider carefully and “decide upon in consultation with Indigenous peoples.”⁹⁸

It was recommended that religious institutions make a renewed commitment to anti-racism work at the national level. It was noted that connections are often not made between systemic racism and ongoing effects of colonization. Examples of how such anti-racism work could unfold included “A Charter for Racial Justice in the Anglican Church of Canada,” the re-activating of the Council of General Synod’s Anti-Racism Working Group, and the naming of a staff support person to the Working Group.⁹⁹

Participants from the Anglican Church of Canada also recommended building a stronger national network of local

reconciliation work. These participants noted that initial actions have been taken by its Reconciliation Animator to identify local leaders in reconciliation, in order to promote ongoing education. However, the “[movement] from education to relationship” that is needed at grassroots levels requires a strong, more organized network, to learn from, share with, and support one another. This network would also assist in localizing relationship-building, education and advocacy initiatives.¹⁰⁰

8. Apologies

Some Survivors identified the need for further apologies to be issued. It was noted that all people who committed abuse during the residential school era have an obligation to apologize to Survivors and their descendants, including through Indigenous-led ceremonies. In particular, the Pope owes Survivors an apology for the abuse suffered within Catholic-run schools.

9. Calls to Action

Some participants underscored the importance of implementing the Truth and

Reconciliation Commission of Canada’s Calls to Action, through workshops held for Survivors, in order to facilitate a greater level of understanding and awareness about the Calls to Action. It was also underscored that it is important that non-Indigenous people take action as well, as Treaty partners in Canada. Provincial governments and churches have an ongoing responsibility to promote truth-telling, reconciliation and healing. Finally, it was recommended that a Steering Committee of Survivors be formed to guide ongoing healing and reconciliation efforts.¹⁰¹

There is an unacceptable gap in reporting back to Survivors on the status of implementation. While the parties representing the Survivors receive information, the need to maintain ongoing information flow to Survivors directly in a trauma-informed manner is essential and what Survivors deserve.

10. Indigenous Languages and Cultural Revitalization

Some participants recommended that more emphasis should be placed on supporting Indigenous-led programs to preserve and develop language and culture rather than simply educating non-Indigenous communities about the abuses

that occurred at the schools.¹⁰² It was underscored that Indigenous immersion programs, rather than simple classroom instruction are needed to preserve Indigenous languages. Financial support by Canada and the churches would be a way for them to remedy some of the harm that the schools caused to Indigenous peoples’ languages and cultures.¹⁰³

11. Commemoration

In relation to commemoration projects, Survivors emphasized the need to have direct input into the selection process. Survivors encouraged continued support be provided for these projects, given their results often form an important part of Survivors being able to share their stories with their children and grandchildren. For example, Survivors talked about their ideas for future projects, such as compiling photo collections or buildings that are accessible within the community.¹⁰⁴

Another idea proposed was for Canada to declare a Memorial Day specifically to remember war veterans who were also Survivors. Other forms of commemoration recommended included creating a national registry of Survivors and erecting regional monuments across Canada that display

⁹⁸ Anglican Church of Canada. (2019). One Step on a Journey: The Indian Residential Schools Settlement Agreement and the Anglican Church of Canada – Lessons Learned. Page 19.
⁹⁹ Anglican Church of Canada. (2019). One Step on a Journey: The Indian Residential Schools Settlement Agreement and the Anglican Church of Canada – Lessons Learned. Page 18.
¹⁰⁰ Anglican Church of Canada. (2019). One Step on a Journey: The Indian Residential Schools Settlement Agreement and the Anglican Church of Canada – Lessons Learned. Page 20.

¹⁰¹ Edmonton Engagement Session.
¹⁰² Bisson, P. & Blakeney, W. (2019). Spanish IRSSA Lessons Learned Exercise. Jesuits of Canada. Page 5.
¹⁰³ Bisson, P. & Blakeney, W. (2019). Spanish IRSSA Lessons Learned Exercise. Jesuits of Canada. Page 5.
¹⁰⁴ Yellowknife Engagement Session.

It can't just be a list of names. It should be grouped by schools or communities, then you can see the names and then click the profile and that is dedicated to that child. All of the information in the profile needs to be there on its own page for each child.

their names.¹⁰⁵

The importance of national recognition of the residential school system was highlighted. This solution is consistent with an effort underway by the National Centre for Truth and Reconciliation in partnership with Parks Canada, and informed by the perspectives of Survivors, to have the residential school system designated as a national historic event.

It was noted that it is important to memorialize children who went missing or died at residential schools as well. Stories were recounted of the remains of children being found in the walls of former residential schools – terrible stories that should be shared with Canadians as an important part of truth-telling. It was also recommended that children who died in schools where there were outbreaks of Tuberculosis should be honoured and commemorated, including through ceremony (for example, pipe ceremonies and feasting).¹⁰⁶

Some suggestions included having an Elder perform a ritual or a memorial feast, having a designated area/ceremony for memorialization annually, having a national day of mourning and asking every community where there is a Residential School Site to organize local events around that day. These forms of honouring missing children or children who died will convey the message that “nations of people are commemorating the memory of this.”¹⁰⁷ Participant noted the important of tangible recognition to feel the impact.

Protection of gravesites needs to be provided by Indigenous leaders to ensure that such sites are commemorated and not utilized for other purposes such as gardens, which was reported to have occurred in some communities.

Finally, where commemoration projects continue to be supported, the importance of putting in place monitoring mechanisms to ensure commemoration project objectives are achieved was emphasized.

Sometimes our own people don't know or understand the reasons behind why we are suffering.

Anglican, Page 18

¹⁰⁵ Sault Ste. Marie Engagement Session.
¹⁰⁶ Sault Ste. Marie Engagement Session.
¹⁰⁷ Memorial Register Focus Group. Page 11.

12. Public Education

Many participants asserted the need for ongoing public education on the history and legacy of residential schools as well as Treaties, Indigenous rights (including self-determination) and current manifestations of racism and colonialism.

For children, the education should include age-appropriate teachings on the history of early Indigenous-settler relationships, Treaties, residential schools, as well as “experiences for non-Indigenous children of Indigenous ways of knowing and importance of the land.” In the case of Indigenous children, many expressed the need for language and cultural teachings – that which was taken away in the “seven generations.”¹⁰⁸

It was recommended that public education be provided about the impacts of the residential schools on Survivors. For example, Survivors talked about the impact on their identity. The losses suffered as a result of having one’s identity robbed, preventing one from being grounded, were highlighted.¹⁰⁹ More public education and outreach programs about residential schools are needed in order for truth and reconciliation to be achieved.

Education strategies aimed at the general

public that profile the true history of the residential school system, are imperative. Such strategies will help to ameliorate racism experienced in society today against Indigenous peoples. Too often, racism, such as that displayed through social media, perpetuates trauma for Survivors.¹¹⁰

There is urgency in doing public education today. Knowledge Keepers and the Survivors are passing on, and the cultures and languages are being broken. There is a need for a circle of intergenerational knowledge sharing with the new generations to restore and to revitalize their own cultures for their own peoples.

Another recommendation related to storing records online for public education purposes. For example, it was suggested that the NCTR could provide a portal for Survivors to upload photos or additional records onto the website as a way to preserve the record for future generations. This could include preserving nicknames of Survivors who attended residential schools, as often this was the only name by which other Survivors knew the person. Where students had spirit names, these should be preserved in the record as well.¹¹¹

¹⁰⁸ Anglican Church of Canada. (2019). One Step on a Journey: The Indian Residential Schools Settlement Agreement and the Anglican Church of Canada – Lessons Learned. Page 15.
¹⁰⁹ Sault Ste. Marie Engagement Session.
¹¹⁰ Prince Albert Engagement Session.
¹¹¹ Sault Ste. Marie Engagement Session.

Further, it was recommended that educational efforts be prioritized for people who work in the criminal justice, social services, child welfare, education and health systems.¹¹² This is because Survivors, including Inter-generational Survivors, often receive services from these systems. A greater understanding of the legacy of the residential school systems by these individuals providing services would facilitate better relations.

In terms of public education within schools, it was recommended that teachers be adequately supported in order to teach about residential schools in a sensitive and culturally appropriate way. For example, Survivors recounted experiences of having their grandchildren ask them about their residential school experiences as part of the grandchildren’s school assignments.¹¹³ While it is important that schools encourage learning about the residential schools, and to include the voices of Survivors in such learning, they also need to be aware of the potentially harmful impacts of such requests. Schools need to be supported to develop greater awareness and competency around issues of trauma related to learning on the residential schools.

Further, where Inter-generational Survivors

within the education system struggle with emotional problems, or drug and alcohol abuse, culturally appropriate mental health supports are needed. It is difficult for educators to meet the needs of students without adequate supports.¹¹⁴

13. Self-Sufficiency, a Healthy Environment and Responsible Resource Extraction`

It was recommended that funding be provided for self-sufficiency initiatives based on reclamation of traditional practices in a contemporary context. This should include re-introduction of the buffalo as a self-sustaining traditional food source and promoting self-sustaining housing (with solar panels and other environmentally sustainable aspects).¹¹⁵

One group of Survivors identified that meaningful reconciliation must be based on the Government of Canada, along with provincial governments, working collaboratively with Indigenous peoples to ensure that all Indigenous individuals have the opportunity to live in a healthy environment. For these participants, healing requires that all communities in Canada be on an equal footing, for example, in relation to access to water, clean water supplies, affordable housing and other basic infrastructure needs.¹¹⁶

It was recommended that efforts be undertaken to change current practices of resource extraction, specifically mining and hydro, in northern communities where companies do not involve or provide benefits to Indigenous peoples in the area. These practices should be replaced with models where Indigenous peoples are partners with governments and private industry, based on sustainable practices and Indigenous knowledge. The opportunity to right the injustices caused by the residential schools, through current reconciliation efforts, is an essential aspect of the healing required.

¹¹² Edmonton Engagement Session.
¹¹³ Yellowknife Engagement Session.
¹¹⁴ Yellowknife Engagement Session.
¹¹⁵ Edmonton Engagement Session.
¹¹⁶ Fr. Peter Bisson and William Blakeney (Jesuits of Canada), Spanish IRSSA Lessons Learned Exercise. Page 5.



VIII

Lessons Learned for Other, Similar Processes

Participants in this project highlighted numerous lessons learned that can be applied to other, similar processes in the future. These lessons learned ranged from relating to the mandate and commitments of future processes; the methodology for statement-gathering and legal proceedings; communication strategies that will foster accessibility; and the need for ongoing monitoring, evaluation and accountability.

1. Mandate and Commitments

a) Intergenerational Impacts

It was recommended that in future processes of a similar nature, Inter-generational Survivors be included in the supports and compensation offered. It was noted by many Survivors that future

agreements should better reflect the needs of Inter-generational Survivors, including those related to healing, culture, education and employment must be the focus.

Participants emphasized the need for future processes to be based on an understanding of the enormity of multi-generational trauma that colonial institutions and policies have created, and to establish trauma-informed mechanisms to deal with trauma in an ongoing way.¹¹⁷

b) Expectation Setting

Several participants stated that some Indigenous peoples expected outcomes that were not delivered upon – including the opportunity to confront perpetrators as was done in the case of the South African TRC. At the same time, it was noted several

Let's not treat the 60's Scoop and Day School Students and Survivors like we did the residential school Survivors. This ought to be the goal of this lessons learned exercise.

Lessons Learned All Parties Meeting

¹¹⁷ The United Church of Canada. (2018). Indian Residential Schools Settlement Agreement Lessons Learned Exercise Summary of Discussion by the United Church of Canada, November 2018. Page 8.

times that a perfect process is not possible and that trying to formulate a perfect one may stall things inevitably and get in the way of actually moving ahead.¹¹⁸

c) *Honesty*

The need to be fearless in speaking and hearing truth was also a repeated insight learned from the process. Survivors counselled, “Be honest with yourself,” “take the risk,” “don’t take your story to the grave,” and “be honest with the young folks.” Others identified the need for non-Indigenous people to listen without defensiveness, “learn to listen intentionally.” One Indigenous leader simply said, “Do not be afraid. It will be okay in the end.”¹¹⁹

d) *Records of the Process*

In the IRSSA, the National Administration Committee (NAC) was tasked with working in concert with the TRC and having responsibility for first appeals from the CEP claims. Largely due to the enormous number of CEP appeal claims, the NAC did not have the time to work in concert with the TRC to proactively resolve certain important issues, such as retention of records of individual applications. As explained by legal counsel:

The obvious solution would have been for the adjudicators at the beginning of each IAP hearing to explain to the claimant that they had the option to allow their records to be turned over to the TRC or the NCTR. If they agreed to this, their personal information could either be preserved or rendered anonymous.¹²⁰

The records were not retained, or are subject to being destroyed. It was recommended that a clear and transparent process for seeking permission regarding what to do with an individual’s records and statements be contemplated at the outset of future projects and that there be a commitment by Canada to remedy the shortcomings of the IRSSA process.¹²¹

2. Methodology for Statement-Gathering and Legal Proceedings

a) *Research*

Some participants underscored the need for documentation and research to be done in a professional way in future processes. Survivors highlighted that community ownership over the stories and experiences related to residential schools are important. In Eskasoni, Survivors recounted non-Indigenous researchers coming into the community, taking the information they needed for their study,

¹¹⁸ Anglican Church of Canada. (2019). One Step on a Journey: The Indian Residential Schools Settlement Agreement and the Anglican Church of Canada – Lessons Learned. Page 16.
¹¹⁹ Anglican Church of Canada. (2019). One Step on a Journey: The Indian Residential Schools Settlement Agreement and the Anglican Church of Canada – Lessons Learned. Page 16.
¹²⁰ Paterson, D. and Blakeney, W.. (2019). IRSSA Lesson Learned: Two Perspectives on the Experience of Legal Counsel. Page 14.
¹²¹ Presbyterian Church in Canada. (2019). The Presbyterian Church in Canada and the Indian Residential Schools Settlement Agreement – Lessons Learned Process. Page 7.

We have been researched to death. What we need now is to be researched back to life based on our needs and realities.
Elder Harry Bone, Elders Gathering, Turtle Lodge, 2015

without providing any follow-up or showing any reciprocity whatsoever.¹²²

Other Survivors recounted feeling that research and documentation collected was used against them and their families. Survivors reported feeling taken advantage of by researchers and concerned that researchers would benefit from their suffering from the residential school system and the consequences and outcomes of the IRSSA.

b) *Culturally Relevant Models, including in relation to Conflict Resolution*

Some participants recommended that, in future processes, settlements should be considered to be Treaty-like agreements seeking to effect reconciliation principally between First Nations and the Crown. In such a paradigm, of secondary importance is the relationships between those impacted by Residential Schools and the Churches which operated them. This could have provided for the foundational use of a different set of principles of interpretation

and engagement. For example, in one case, the Court held that the conduct of the Crown in the implementation of the settlement agreement was “arbitrary” and that this was “unfortunate when one considers the aim for truth, reconciliation and assistance for historical wrongs,” but that the Court had no power to intervene and the remedy, if at all, lay “in the court of public opinion and the political arena.”¹²³

Similarly, other participants identified the need to de-emphasize dominant models of conflict resolution,¹²⁴ prioritize Indigenous law, cultural practices and protocols,¹²⁵ and integrate Indigenous worldviews in design and implementation of the work at hand, particularly with respect to healing.¹²⁶

Noting that some Survivors refused to leave their communities during the IRSSA process, mobile centres were identified as a solution. This could be applied to future processes.

¹²² Eskasoni Engagement Session.
¹²³ Paterson, D. and Blakeney, W. (2019). IRSSA Lesson Learned: Two Perspectives on the Experience of Legal Counsel. Page 3.
¹²⁴ The United Church of Canada. (2018). Indian Residential Schools Settlement Agreement Lessons Learned Exercise Summary of Discussion by the United Church of Canada, November 2018. Page 8.
¹²⁵ The United Church of Canada. (2018). Indian Residential Schools Settlement Agreement Lessons Learned Exercise Summary of Discussion by the United Church of Canada, November 2018. Page 8.
¹²⁶ The United Church of Canada. (2018). Indian Residential Schools Settlement Agreement Lessons Learned Exercise Summary of Discussion by the United Church of Canada, November 2018. Page 8.

c) Progressive Community Disclosure

In the TRC’s experience, Survivors need time to be comfortable sharing their experiences of trauma. People who had previous experiences in sharing their stories were in turn more comfortable when provided the opportunity to testify before the TRC. Conversely, communities that had not shared as much or had not engaged in as much open dialogue through health supports were often less willing to participate and generally hesitant to share. The concept of progressive community disclosure is important to accommodate in future processes.

d) Addressing Vicarious Trauma

The issue of vicarious trauma, highlighted by staff involved in the IRSSA process deserves attention at the outset of any future similar processes. In order to further explore and establish better approaches, additional reflection with staff involved would be prudent given the intensity and nature of the work.

e) Non-Harmful Redress Mechanisms

A very common theme identified as a lesson learned from the CEP, IAP and TRC processes was the need to design future, similar processes in a way that do not re-traumatize or re-victimize the Survivors and their descendants. The fact that triggering of Survivors’ PTSD prevented them from even giving statements should have been considered in how compensation was determined. For example, the process could have relied upon evidence of attendance at residential schools only. Further, some Survivors suggested that the whole IAP should have been replaced with a system that would simply provide the same amount to every Survivor. This approach could be considered in future processes.

Furthermore, for future forms of compensation processes, it was recommended that legal counsel be trained in receiving progressive disclosure, which allows Survivors to recount their stories over time in order to prevent

One Survivor recounted the gendered racism she experienced by an adjudicator:

I did qualify for it and it helped my family out a bit, but when I told my story, I thought I was going to pass out. I was so scared and nervous. I had a judge from Quebec, and after I poured my heart out, when it was over, he told me: The priests only liked the cute little girls.

Eskasoni

Definitely have to find out a dispute mechanism rather than having lawyers looking after it. Out of the billions of dollars the government sent, a huge percentage went to lawyers so definitely that part [needs to change for future processes]. We have to find a different way to settle these agreements without the legal system playing such a huge part.

Survivor Interview

it from being too overwhelming for Survivors. Related to this, lawyers, governments and judges involved in such processes need to be culturally competent, and carry out their duties in a non-discriminatory manner. Training of non-Indigenous professionals is needed in advance of the process. Further, there should be concerted efforts to involve Indigenous professionals who are more likely to possess culturally competent skills. Cultural safety is not optional.

Related to this, there is a need to ensure safe spaces to heal and to receive treatment are available alongside similar processes. Information should be provided in a respectful, understandable manner and stories should be kept confidential. It was further recommended that non-adversarial processes be adopted for future efforts to address the residential school legacy or similar issues. Such processes should be based on recognition of Indigenous sovereignty, ways of life and ceremonies in order to truly achieve healing and reconciliation.

Another identified benefit of establishing non-adversarial proceedings in the future is the prevention of large percentages of settlement fees going to lawyers, which happened far too often in the CEP and IAP processes.

It was recommended that in cases where large sums of money may be awarded, avenues to access financial counselling should be available for interested individuals.¹²⁷

e) Aftercare

It is recommended that in future processes, aftercare following the end of the process be part of the overall plan. While future care plans were part of the eligible compensation under the IAP, in practice, the needs far outweighed the compensation levels. This was based on the observation that there was little or no aftercare provided to staff and volunteers who engaged with the Settlement Agreement. Staff have reported challenges in their personal lives that relate directly to the content and nature of the matters observed.¹²⁸

¹²⁷ Presbyterian Church in Canada. (2019). The Presbyterian Church in Canada and the Indian Residential Schools Settlement Agreement – Lessons Learned Process. Page 12.
¹²⁸ Winnipeg Focus Group Session.

Survivors involved in the TRC reported experiences of (PTSD) resulting from participating in the hearings and encountering many others’ stories that reflected similar forms of trauma that they themselves suffered.

While there are some federal government programs that can provide ongoing health and healing supports, these programs are under-prescribed. This is likely because the programs were not advertised during the IRSSA processes as available aftercare and continue to be not well-advertised. One solution may be providing a link to these programs on the NCTR website, as well as engaging in a national media campaign. It is important that such services are available to all Survivors (including those that were excluded from the IRSSA). Further program names should reflect an inclusive mandate. Currently, one of the programs, Indian Residential Schools Resolution Health Support Program of the First Nations and Inuit Health Branch, does

not meet this criterion, but this is under review.

Several participants said that they struggled with vicarious trauma during and after the IRSSA process. They asserted that if the process was done again, the potential for this should be openly talked about, and there should be debriefing sessions and regular “check-ins” with staff and volunteers so that they could deal with their experiences in an appropriate and helpful way. Indigenous leadership needs to play a role in supporting Survivors. In terms of advice for others entering into this type of process, clarity around goals and purpose was often cited.¹²⁹

3. Communications Strategies and Accessibility

Communication and engagement policies and practices should be trauma-informed and monitored and evaluated throughout the process, particularly in cases where decisions are being communicated

There’s no aftercare. They’ll say if you have problems because of this, here’s this phone line. You can come to this place for sessions twice a week to deal with the situation and your feelings. What happens if you get a busy signal? What if there’s 300 people ahead of you? Canada is not really interested in all of that. They haven’t thought this thing through properly. They want to walk away...To me its living through it again. I have to prevent it from hurting my grandchildren.

Survivor Interview

¹²⁹ Anglican Church of Canada. (2019). One Step on a Journey: The Indian Residential Schools Settlement Agreement and the Anglican Church of Canada – Lessons Learned. Page 16.

The English language can play tricks on the core meaning of the message. It needs to be explained in the cultural context of how it will be understood.

Anglican, Page 16

with Survivors and/or members of their families.¹³⁰

A strong communications strategy for future processes should include Survivors at the center of it, guiding how it is developed and being included as spokespersons. Communication materials should be available in Indigenous languages and accessible formats. A trauma-informed approach dictates that after-care should be available upon completion of such processes. This remains a gap in need of redress for

Survivors, including those who received compensation and those who were excluded from compensation. The distinct needs of Métis, Inuit and First Nations Survivors must be considered and reflected in communication strategies.

It was recommended that in future processes, attention be paid to the need for an effective communications strategy in the North to convey the diverse experiences of Inuit, Dene and Métis Survivors that is reflective of the Inuit, Dene and Métis peoples. It is necessary

A leader shares that his biggest criticism about the CEP was the failure to keep the Survivors at the center through careful preparation and insightful attitudes:

Everyone emphasized Survivors first but as we moved from stage to stage, the first people that were left out were Survivors. Lawyers, healers, consultants and experts took over. Survivors were left in the sidelines wondering what they were all talking about. The first step should have been a lot of preparation for Survivors before IAP hearings; it would have been very useful to have spent even a few months engaging groups and learning what we could expect going in to those situations. Nothing like this had happened before, let alone in Canada. No one knew for sure what we should be doing to strive to bring about a satisfactory conclusion. Preparation was a key short fall as a country, a government and as a group of lawyers. Everyone came into this process with the same perspectives and with the same attitudes. No one took the time to realize this as a unique situation.

Memorial Register Focus Group

¹³⁰ Presbyterian Church in Canada. (2019). The Presbyterian Church in Canada and the Indian Residential Schools Settlement Agreement – Lessons Learned Process. Page 12.

For me, I didn't have too bad a time in the process. It was tough but I made it through. It was all the others I heard about that worries me...lots had it worse and I heard about a lot of negative experiences.

Survivor, Winnipeg Focus Group

to ensure that events taking place are advertised well in advance, in modalities that will reach even remote communities.

Where Survivors managed to retain their Indigenous languages, services in these languages should be provided in processes such as those related to the IRSSA. Being careful in translating communications and having people available to explain concepts was also advised.¹³¹

Some Survivors felt that more should have been done to ensure that public communications would continue after the IRSSA processes were concluded. For example, this was the intention behind Honourary Witnesses.¹³²

Participants advised that communication cannot be solely or even predominantly internet-based. Many remote Indigenous communities do not have reliable (or any) high speed internet so receiving information, downloading information, or filling out online forms is not a realistic expectation. Other means, such as radio, newspaper, flyers, or fax should be used.

Many communities were isolated and technology was not available for a lot of people, which lead to people having no accessibility to the compensation. One participant, with an incarcerated son, underscored the importance of people incarcerated having access to such processes.¹³³

4. Ongoing Monitoring, Evaluation and Accountability

It was noted that for future processes, an ongoing monitoring and evaluation process should be in place from the outset. This could provide an avenue for ongoing feedback to be received from claimants, drawing attention early on to emergent issues and providing timely information about strengths and weaknesses of Settlement processes.¹³⁴

It was also recommended that accountability mechanisms, such as an oversight mechanism, be established within agreements to ensure that all parties meet their responsibilities and projected outcomes are achieved.¹³⁵

¹³¹ Anglican Church of Canada. (2019). One Step on a Journey: The Indian Residential Schools Settlement Agreement and the Anglican Church of Canada – Lessons Learned. Page 16.
¹³² Presbyterian Church in Canada. (2019). The Presbyterian Church in Canada and the Indian Residential Schools Settlement Agreement – Lessons Learned Process. Page 12.
¹³³ Memorial Register Focus Group.
¹³⁴ Presbyterian Church in Canada. (2019). The Presbyterian Church in Canada and the Indian Residential Schools Settlement Agreement – Lessons Learned Process. Page 13.
¹³⁵ The United Church of Canada. (2018). Indian Residential Schools Settlement Agreement Lessons Learned Exercise Summary of Discussion by the United Church of Canada, November 2018. Page 8.

I want non-Indigenous Canadians to know that this happened in our country and it happened in ways and in circumstances that allowed most of us to have no idea it was happening. I want them to be reminded of the importance of paying attention and asking questions and expecting big things of our elected leadership and not letting them off the hook-on issues that are fundamentally about human rights. At the same time, I also want us to allow that we may not feel personally responsible for things that have happened in the past, but we are personally and directly and collectively responsible for things as they go forward. And so, I hope in the future, descendants of all the non-Indigenous peoples who have come from everywhere else in the world will be able to say we learned about what happened in Canada in the early 2000s and we did something about it. We tried our best, first and foremost, to come to know each other in this country instead of continuing to live as neighbours who are strangers to each other and to uphold human rights in our country for all people.

Commissioner Marie Wilson

It was specifically recommended that a review and audit of the IAP be undertaken to determine whether funds were properly spent and that the monitoring mechanism established to resolve disputes was overtaxed with other issues.

This highlights that while some Survivors came through the process in a positive way, not everyone did. There is an obligation to conduct a thorough review to ensure that any practices that contributed to Survivors’ negative experiences can be remedied going forward and prevented in future processes.



IX

Conclusion

This report identifies several over-arching themes that can be drawn from Survivors’ experiences with the IRSSA process.

It is critical to structure future processes in a way that supports the overall goal of redress. For the IRSSA process, the ultimate goal was to stop the trauma experienced by Survivors and their descendants and to create peaceful relations among all peoples, breaking the cycle of colonization between Indigenous peoples and non-Indigenous Canadians. The vision was to move from intergenerational trauma to a path of truth, reconciliation and healing that would ultimately lead to intergenerational wellness.

Achieving this goal requires a Survivor-focused, trauma-informed approach. These processes are by nature difficult to implement due to the subject matter of extreme trauma and inter-generational impacts. It is essential to institute any measures that can mitigate the negatives

through thoughtful design and delivery, as well as through ongoing monitoring and evaluation.

Unfortunately, a Survivor-focused, trauma-informed approach was sadly lacking in many elements of the IRSSA process. However, some of the ways in which the IRSSA was found to be Survivor-focused and trauma-informed included having a truth-telling and forgiveness process set up through the independent Truth and Reconciliation Commission of Canada, where people had an opportunity to be heard, to tell their truth and to reconcile with others. The Government of Canada did not direct nor influence the Commission’s independent report, including the 94 Calls to Action. The fact that the TRC was a result of the Survivors’ Settlement of the largest class-action suit in Canada was a positive element in this regard.

Furthermore, there were many cultural elements to the design and delivery of

the TRC – from the guidance received by a cultural advisory committee and a Survivors Circle, to the National Events focused around the Seven Sacred Teachings, to the provision of culturally competent health support workers for the TRC hearings and national events, many of whom were Indigenous themselves.

Future processes can benefit from the lessons learned from the IRSSA process, including the importance of mandate-setting, providing training in cultural sensitivity, applying Indigenous methodologies, ensuring provision for extensive communication strategies and ensuring ongoing monitoring, evaluation and accountability processes are set in place that will be Survivor-focuses and trauma-informed. The Truth and Reconciliation Commission’s final report, including its recommendations and the Calls to Action will be instructive in many of these cases.



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LESSONS LEARNED

Survivor Perspectives



National Centre for
Truth and Reconciliation
UNIVERSITY OF MANITOBA

Centre national pour la
vérité et la réconciliation
UNIVERSITÉ DU MANITOBA