



TRUTH & RECONCILIATION CALLS TO ACTION

BACKGROUND:

Between 1883 and 1996, the Canadian Indian residential school system removed 150,000 First Nation, Métis, and Inuit children¹ from their homes, families, communities, and culture—often forcibly—in an effort to “civilize and Christianize”² Indigenous children by assimilating them into dominant society. This exposed a significant number of Indigenous children to poor living conditions as well as physical, emotional, and sexual abuse.

The final residential school was shuttered only slightly more than 20 years ago—which many Canadians don’t realize—but the lasting effects of more than 100 years of trauma continues to affect survivors and their families intergenerationally.

The legacy of the residential school system can be **clearly seen** in the continued and “significant **educational, income, and health disparities** between Aboriginal people and other Canadians—disparities that condemn **many** Aboriginal people to **shorter, poorer, and more troubled lives.**”³

In 2008, the Canadian government established the Truth and Reconciliation Commission (TRC) to inquire into residential schools and the lasting negative legacy they have had on former students, their children and families, their culture, and on all Canadians.

1 CBC Canada. 2016. “A History of residential Schools in Canada.” CBC.
<https://www.cbc.ca/news/canada/a-history-of-residential-schools-in-canada-1.702280>.

2 “Overview of IRS System.” Truth and Reconciliation Commission of Canada.
<http://www.trc.ca/websites/trcinstitution/index.php?p=158>.

3 The Truth and Reconciliation Commission. 2015. *Canada’s Residential Schools: The Legacy. The Final Report of the Truth and Reconciliation Commission of Canada*, McGill-Queen’s University Press.
http://nctr.ca/assets/reports/Final%20Reports/Volume_5_Legacy_English_Web.pdf.

“The Truth and Reconciliation Commission spoke to **thousands of survivors** and found that what took place in residential schools in Canada **amounted to cultural genocide** of Indigenous Peoples.”⁴

In 2015, the TRC issued its final report that included 94 Calls To Action. The report called upon governments, institutions, other change-makers, and the public to act to redress the legacy of residential schools and advance reconciliation with Canada’s Indigenous peoples.

94
CALLS TO
ACTION

THE ISSUE:

One of many areas where Indigenous people continue to experience marginalization and discrimination is in Canada’s justice system, where examples of systemic bias pervade at every level. This bias serves to deny Indigenous people equal access to justice and perpetuates the cycle of intimidation and mistrust.

A most compelling example of this bias is the fact that Indigenous peoples are over-represented in the Canadian criminal justice system as a whole, with Alberta historically having the highest level of Indigenous incarceration of any other province.⁵

A significant root cause of this overincarceration stems from the trauma experienced from over 150 years of government intervention and maltreatment, residential schools included, and the resulting educational, economic, health, and social disadvantages that Indigenous individuals, families, and communities continue to suffer from.

Not only are Indigenous people more likely to be imprisoned (than non-Indigenous people), **but they are also more often subjected** to some of the **most restrictive levels of punishment**, including segregation, forced interventions, higher security classifications, involuntary transfers, physical restraints, and self-harm.⁶

WHY CBA IS INVOLVED:

The Canadian Bar Association (CBA) and its members are committed to addressing persistent and critical Canadian problems and to the goal of reconciliation as a national concern relevant to the well-being of all Canadians.

4 The Truth and Reconciliation Commission. 2015. *Canada’s Residential Schools: The Legacy. The Final Report of the Truth and Reconciliation Commission of Canada*, McGill-Queen’s University Press.
http://nctr.ca/assets/reports/Final%20Reports/Volume_5_Legacy_English_Web.pdf.

5 Benjamin Perrin, Richard Audas. 2018. “Report Card On the Criminal Justice System.” Macdonald Laurier Institute.
<https://www.macdonaldlaurier.ca/report-card-criminal-justice-system/>.

6 Chartrand, Vicki. 2018. “Why is a quarter of Canada’s prison population Indigenous?” *The Conversation*.
<https://theconversation.com/broken-system-why-is-a-quarter-of-canadas-prison-population-indigenous-91562>.

The Calls to Action outlined in the report included a number of initiatives aligned with the CBA's efforts to seek improvements in the law and the administration of the justice system for all Canadians, including the call for:

- The establishment of Indigenous law institutes for the development, use, and understanding of aboriginal justice systems and access to justice.
- Criminal justice reforms to improve the circumstances of the disproportionate number of Indigenous people in conflict with the criminal law, and to better address the unique needs of Indigenous people in the criminal justice and corrections systems.
- A reduction in the number of Indigenous children in care, the improvement of their circumstances, and the improvement of educational opportunities.

The CBA also endorses "Jordan's Principle", which calls for equality in services so that steps are taken to ensure that Indigenous children on reserves receive the same services ordinarily available to other Canadian children.

DESIRED OUTCOME:

The CBA believes that through the implementation of the Calls to Action and meaningful reconciliation with Canada's Indigenous people, the link between the legacy of the Indian residential school system and systemic problems plaguing Indigenous communities can be broken.

The CBA has advocated for changes to services that might include:

- Meaningful, transparent action by the Government of Alberta to advance the Calls to Action in the Truth and Reconciliation Report, including those related to Alberta's Courts and correctional services.
- A commitment of funding and resources to the services necessary to enhance the circumstances of disadvantaged children both on and off reserve.
- Amendments to the Child Youth and *Family Enhancement Act* to take into consideration not only a child's Indigenous heritage but a family's history of exposure to the damages caused by residential schools and the general disadvantages that First Nations Communities experience living on reserve.
- Greater availability of culturally appropriate alternatives to traditional incarceration, such as aboriginal healing lodges.
- An end to solitary confinement.
- Flexibility to accommodate issues that are over-represented in Indigenous communities, such as Fetal Alcohol Spectrum Disorder.
- Culturally-relevant programming for incarcerated Indigenous people.

WORKS CITED

Benjamin Perrin, Richard Audas. 2018. "Report Card On the Criminal Justice System." Macdonald Laurier Institute.
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