



Canada Article The Aftermath of the Canadian Indian Residential School System

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Introduction



'Indigenous peoples' or 'First Nations' are the collective names used to describe the original people who inhabited North America (and their descendants) prior to the arrival of European colonizers. In Canada, 4.9% of the population (1.67 million people) self-identify themselves as Indigenous persons, according to the 2016 Census. There are 634 First Nation communities in Canada, representing more than 50 Nations and 50 Indigenous languages.³ Therefore, it

is accurate to state that Indigenous Canadians are diverse peoples with unique cultures, histories and languages.⁴

Despite the Canadian government's numerous laws, policies and programmes targeting Indigenous peoples' issues, both at federal and provincial levels, the critical condition of this population in such a highly developed country is difficult to reconcile. The current strained relationship between the federal government and Indigenous people derives from the structural and historical discriminatory treatment given to this population.⁵ This has resulted in distressing socio-economic conditions, not to mention the indelible dispossession of their culture and the active role of the Canadian State in a genocidal⁶ operation such as the Indian Residential School (IRS) System.

2. Reuters, "Factbox-Unmarked graves found at Canadian former residential school sites" (2021) available at: <https://www.reuters.com/article/us-canada-indigenous-children-factbox-idCAKCN2EC2GO> [accessed 7 December 2021]
3. Minister of Indigenous Services Canada Marc Miller, "Annual Report to Parliament" (2020) available at: <https://www.sac-isc.gc.ca/eng/1602010609492/1602010631711> [accessed 19 October 2021]
4. OECD, "Linking Indigenous Communities with Regional Development in Canada" Rural Policy Reviews (2020) available at: https://www.oecd-ilibrary.org/urban-rural-and-regional-development/linking-indigenous-communities-with-regional-development-in-canada_fa0f60c6-en [accessed 19 October 2021]
5. UN Human Rights Council, "Report of the Special Rapporteur on the rights of indigenous peoples, Addendum : The situation of indigenous peoples in Canada", 4 July 2014, A/HRC/27/52/Add.2, available at: <https://www.refworld.org/docid/53eb3b774.html> [accessed 19 October 2021]
6. Truth and Reconciliation Commission of Canada (TRC), "Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the TRC", Library and Archives Canada Cataloguing (2015)

Indian Residential School System



Canada's Indian Residential scheme for Aboriginal children was a “school” or “educational” system operated by the Canadian government in partnership with the Anglican, Catholic, Methodist and Presbyterian churches between the 1870s and 1990s. These “schools” were attended by children (between the ages of 4 and 16) for 10 months each academic year, and in some cases, the children lived at the residential school all year-round.⁸

As the Truth and Reconciliation Commission

(TRC) stated in 2015, these residential schools were created with the purpose of separating Aboriginal children from their families in order to “minimize and weaken family ties and cultural linkages, and to indoctrinate children into a new culture”,⁹ i.e. the hegemonic Euro-Christian Canadian society. Although this operation was in place for over 100 years (the last one was closed in 1996), it was a reality that became completely invisibilized and hidden from Canada's history until a few decades ago, when survivors of the system had the courage to speak up, and their experiences were brought to light.

7. The New York Times, “Canada's Forced Schooling of Aboriginal Children Was 'Cultural Genocide', Report Finds” (2015) available at: <https://www.nytimes.com/2015/06/03/world/americas/canadas-forced-schooling-of-aboriginal-children-was-cultural-genocide-report-finds.html> [accessed 7 December 2021]
8. Union of Ontario Indians, “An Overview of the IRS System”, Creative Impressions (2013)
9. Truth and Reconciliation Commission of Canada (TRC), “Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the TRC”, Library and Archives Canada Cataloguing (2015)

Discovery of Unmarked Graves



What is now labelled as 'genocide' by many came to light due to the discovery of 215 unmarked graves of Indigenous children in British Columbia in May, 2021.¹¹ Weeks later, 751 additional unmarked graves were found at a former residential school in Saskatchewan, which marks only one of the 130 compulsory boarding schools funded by the Canadian Government.¹² Although it is not

yet established that there is a direct link between the remains and the school, the TRC estimates the number of deaths to be over 6,000 in total.¹³

The cause of death of these children remains to be unclear. However, investigations point in the direction of death resulting from the unsanitary living conditions in the IRS facilities. Some blame the government for intentionally building the institutions poorly for assimilation purposes. In addition, underfeeding and malnourishment increased the risk of children in residential schools diseases such as tuberculosis and influenza (which were significantly dangerous at the time due to the Spanish flu epidemic).¹⁴

The 'Truth and Reconciliation Commission' was launched in June 2008 to investigate the large numbers of Indigenous children that went missing between 1863 and 1998.¹⁵ The commission's report stated that the practice of the Canadian government amounted to cultural genocide. In this context, it is important to highlight that the concept of cultural genocide is not by itself spelt out in the United Nations' Convention on the Prevention and Punishment of the Crime of Genocide.¹⁶ However, many argue that there was a policy of aggressive assimilation aimed at inflicting "mental harm" on Indigenous groups, all the more so because attendance at the IRS was mandatory whereby Indigenous children were not allowed to speak their native languages. Similarly, children were stripped of their traditional clothes and their ethnic identities, inherently entailing that the Canadian government aimed to eliminate the Indigenous cultures and languages through the IRS system.

10. Opera News, "Today, deepen the family bonds that colonial wickedness tried to devour" (2021) available at: <https://www.dailyadvent.com/fr/news/9fab8fb6410b8c47c8cca3e69e6e7313> [accessed 7 December 2021]
11. CBC News, "Remains of 215 children found buried at former B.C. residential school, First Nation says" (2021) available at: <https://www.cbc.ca/news/canada/british-columbia/tk-eml%C3%B4ps-te-secw%C3%A9pemc-215-children-former-kamloops-indian-residential-school-1.6043778> [accessed 20 October 2021]
12. BBC News, "Canada: 751 unmarked graves found at residential school" (2021) available at: <https://www.bbc.com/news/world-us-canada-57592243> [accessed 20 October 2021]
13. CBC News, "Truth and Reconciliation Commission: By the numbers" (2015) available at: <https://www.cbc.ca/news/indigenous/truth-and-reconciliation-commission-by-the-numbers-1.3096185> [accessed 20 October 2021]
14. The Canadian Encyclopedia, "Residential Schools in Canada" (2021) available at: <https://www.thecanadianencyclopedia.ca/en/article/residential-schools> [accessed 20 October 2021]
15. CBC News, "Residential schools findings point to 'cultural genocide,' commission chair says" (2015) available at: <https://www.cbc.ca/news/politics/residential-schools-findings-point-to-cultural-genocide-commission-chair-says-1.3093580> [accessed 20 October 2021]
16. See United Nations' Convention on the Prevention and Punishment of the Crime of Genocide (1948) available at: <https://treaties.un.org/doc/Publication/UNTS/Volume%2078/volume-78-I-1021-English.pdf> [accessed 20 October 2021]

The Aftermath: The First National Truth and Reconciliation Day

In 2008, Prime Minister Harper formally apologized on behalf of the Canadians for the IRS system.¹⁷ In 2016, the Canadian Human Rights Tribunal found that the First Nations children were discriminated against and ordered the federal government to pay \$40,000 for each First Nations child removed from their homes as compensation by virtue of Jordan's principle.^{18,19} The Tribunal's finding was upheld by the Federal Court.²⁰

September 30, 2021, marked the first National Day for Truth and Reconciliation honouring the lost children and survivors of the IRS system as well as their families and communities. The federal statutory holiday was created through legislative amendments made by the Parliament.²¹ Citizens were encouraged to wear orange in memory of Phyllis Webstad, a First Nations child that was stripped of her orange shirt that she was wearing on her first day of school. The colour orange represents the eradication of culture, freedom, and self-esteem from Indigenous children for generations.



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17. Government of Canada, "Statement of apology to former students of Indian Residential Schools" (2008) available at: <https://www.rcaanc-cirnac.gc.ca/eng/1100100015644/1571589171655> [accessed 20 October 2021]
18. Jordan's Principle is a child-first and needs-based principle used in public policy and administration in Canada to ensure that First Nations children living on and off reserve have equitable access to all government funded public services.
19. See First Nations Child and Family Caring Society of Canada, "Canadian Human Rights Tribunal Finds Discrimination Against First Nations Children Living On-Reserve" (2016) available at: <https://fncaringsociety.com/sites/default/files/Information%20Sheet%20re%20CHRT%20Decision.pdf> [accessed 20 October 2021]
20. CBC News, "Federal Court upholds landmark compensation order for First Nations children" (2021) available at: <https://www.cbc.ca/news/politics/federal-court-decision-human-rights-tribunal-child-welfare-1.6074346> [accessed 20 October 2021]
21. Government of Canada, "National Day for Truth and Reconciliation" (2021) available at: <https://www.canada.ca/en/canadian-heritage/campaigns/national-day-truth-reconciliation.html> [accessed 20 October 2021]
22. News (Australia), "Canada Day eclipsed by graves found at indigenous schools" (2021) available at: <https://www.news.com.au/breaking-news/canada-day-eclipsed-by-graves-found-at-indigenous-schools/news-story/f070e93405cb2d4fd8342c8ee48dc71c> [accessed 7 December 2021]

Conclusion

Despite the many positive efforts made by the Canadian government by establishing a legal and institutional framework of protection to Indigenous peoples' rights in the aftermath of the findings of TRC, the well-being gap of Aboriginal and non-Aboriginal people in Canada has not significantly narrowed over the last decade. In fact, the prevalence of poverty among First Nations children is 3.8 times higher than non-racialized, non-Indigenous children.²³

On top of that, the mixed signals sent by the current administration keep mounting. In the context of the aforementioned (and extremely sensitive) Indigenous children's compensation judicial battle,²⁴ Prime Minister Justin Trudeau decided to go surfing in Tofino (BC) on the "National Day for Truth and Reconciliation", for which he later had to apologize.²⁵ Additionally, over the past few years, his administration has supported the construction of a massive natural-gas pipeline expansion that will go through Indigenous lands in opposition to many of their leaders,²⁶ which has further antagonized the PM with the Indigenous world.

The cultural genocide under the IRS system and the structural discrimination that Indigenous peoples have endured throughout Canadian history will not go away with mere diplomatic gestures of repentance. A long-term process of financial compensation, reparation and positive actions for closing that gap between Aboriginal and non-Aboriginal status is yet to be expected. Canada has indeed a long way to go.

23. Natasha Beedie, David Macdonald and Daniel Wilson, "Toward Justice: Tackling Indigenous Child Poverty in Canada", Upstream (2019)

24. The Guardian, "Indigenous children set to receive billions after judge rejects Trudeau challenges" (2021) available at: <https://www.theguardian.com/global-development/2021/sep/29/canada-indigenous-children-first-nations-trudeau> [accessed 20 October 2021]

25. The Toronto Star, "I regret it: Justin Trudeau apologizes for vacationing on National Day for Truth and Reconciliation" (2021) available at: <https://www.thestar.com/politics/federal/2021/10/06/i-regret-it-justin-trudeau-apologizes-for-vacationing-on-national-day-for-truth-and-reconciliation.html> [accessed 20 October 2021]

26. CBC News, "Without Indigenous consent for pipelines, experts say there will be more confrontations" (2020) available at: <https://www.ctvnews.ca/politics/without-indigenous-consent-for-pipelines-experts-say-there-will-be-more-confrontations-1.4839713> [accessed 20 October 2021]



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