

DECEMBER 2022

CALLS TO ACTION



ACCOUNTABILITY



SPECIAL REPORT

A 2022 STATUS UPDATE ON RECONCILIATION

EDITED BY EVA JEWELL & IAN MOSBY

CALLS TO ACTION ACCOUNTABILITY: A 2022 STATUS UPDATE ON RECONCILIATION



So, how should National Day for Truth and Reconciliation be observed?

One thing that is becoming clear to me is the need for two versions of the day: one for Indigenous peoples and one for Canadians.

- GINGER GOSNELL-MYERS; p 45

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LETTER FROM THE EDITORS

2022 marks the fourth Yellowhead Institute Status Update: Calls to Action Accountability report.

Since our first brief on Calls to Action Accountability in 2019, we have met with experts annually around the country to discuss and analyze reconciliation progress (and lack thereof) in Canada.

This year, we held a virtual Calls to Action Conversation event on September 29th, 2022, which set the stage for this Special Report. Here, we offer a check-in on the Calls to Action in a collaborative, edited volume with esteemed Indigenous experts and practitioners committed to ensuring that the final recommendations of Canada's Truth and Reconciliation Commission do not go unimplemented.

As in past years, we begin our issue with a review of the Year in Reconciliation. We provide our analysis of the completed Calls to Action in 2022, our methodology for tracking them, and our commentary on the reconciliation landscape in Canada.

Our collaborators in this issue cover topics in each Legacy category of the Calls to Action. Cindy Blackstock generously provides her wealth of expertise in the area of Child Welfare. We sat down with Douglas Sinclair of Indigenous Watchdog – our colleague in tracking the Calls to Action – in an interview on his

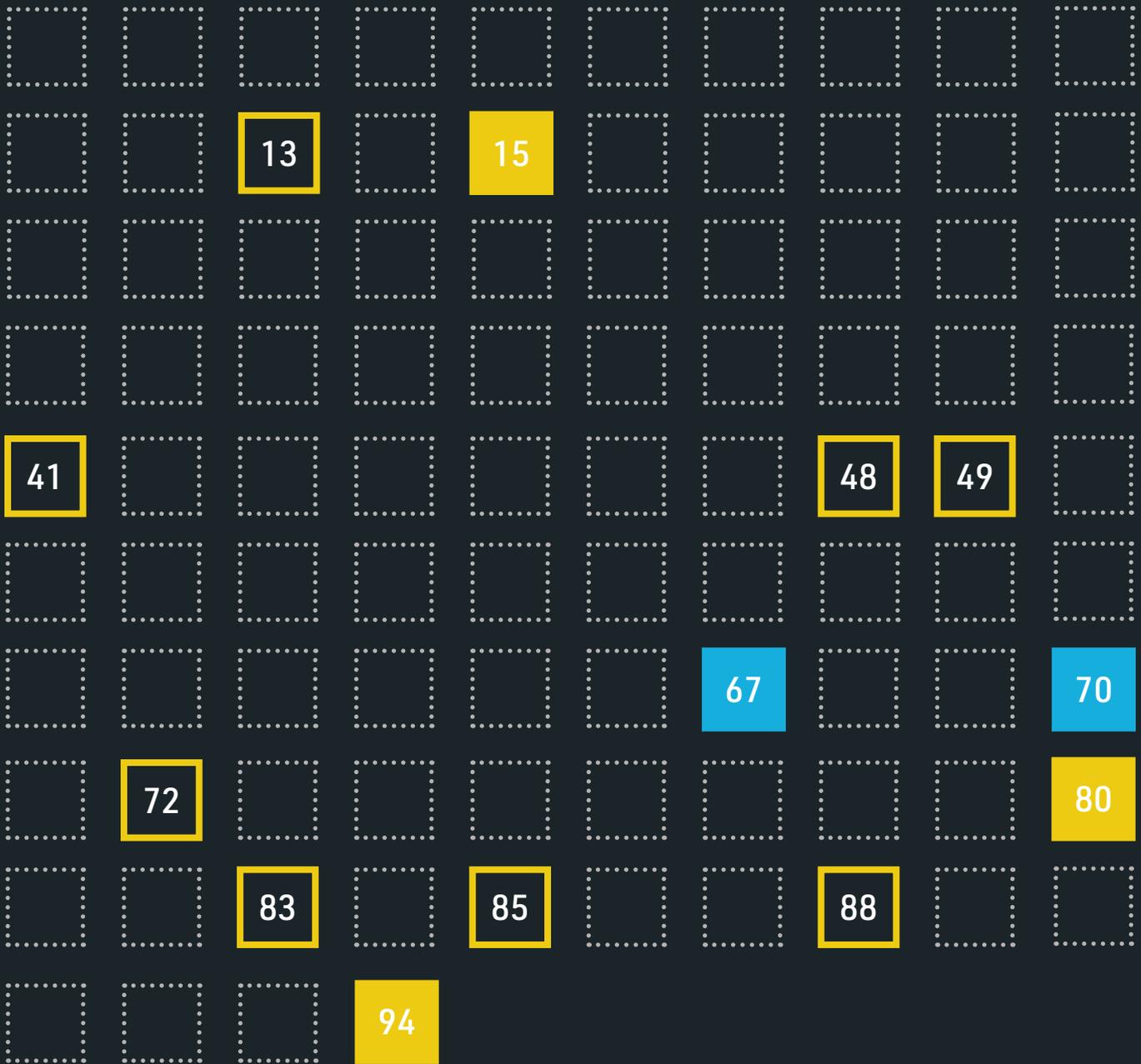
approach to assessing the completion of Education Calls to Action. Janet Smylie, a renowned researcher and physician, gives us an overview of the Health Calls to Action. Kunuk Inutiq, the former language commissioner for Nunavut, advocate, and Yellowhead Institute advisory board member, elaborates on the importance of Culture & Language Calls to Action. Legal scholar Scott Franks assesses the limited movement on the Justice Calls to Action.

This year's Special Report includes additional perspectives from Douglas Sinclair, Emily Riddle, and Ginger Gosnell-Myers, collaborations with artists Sonny Assu, Alanah Jewell, and Naacge Payer, contributions from our Yellowhead Institute production team members Kelsi-Leigh Balaban and Yumi Numata, and additional editing support from Jasmyn Galley and Hayden King. It is a collaborative labour, an offering, and a resolve to continue the work of accountability that the Survivors of Canada's Residential Schools fought for.

Yours in solidarity,

Eva Jewell & Ian Mosby





Two Calls to Action were completed in 2022.

In total, 13 Calls have been completed. At this rate, it will take 42 years, or until 2065, to complete all the Calls to Action.

 2022 Completed Calls to Action

 2021 Completed Calls to Action

2020: No Completed Calls to Action

 2015-2019 Completed Calls to Action

 Incomplete Calls to Action

Calls to Action Accountability: A 2022 Status Update

by DR. EVA JEWELL (ANISHINAABEKWE, DESHKAN ZIIBIING)
& DR. IAN MOSBY

*“If we were in a chapter of a book on reconciliation—
we are, today, on the first sentence of that book.”¹*

AFN NATIONAL CHIEF ROSEANNE ARCHIBALD

AFN National Chief RoseAnne Archibald’s characterization of the book of reconciliation being stalled on the first sentence is an apt one. We made clear in our 2021 report that too much of the work of reconciliation has, until now, focused on symbols and not structures. We seem to be stuck in an eternal prologue, trying to define the problems that need to be solved, but with incomplete data, laden with grand but ultimately empty promises from all levels of government, and with all of this covered with a thick layer of orange-glazed “good intentions.”

Indeed, seven years after the Truth and Reconciliation Commission of Canada (TRC) released the [94 Calls to Action](#), only 13 of them have been completed. And looking closely at this year’s progress, the two completed Calls — 67 and 70, relating to Canada’s museums and archives — are reports outlining the significant work that *still needs to be done* to address long-standing institutional racism. Put another way: progress on the Calls to Action this year revolves

around reports calling for progress on a whole new set of recommendations, frameworks, principles and, yes, Calls to Action.

While we might have something to say about reconciliation as both tragedy and comedy in this country, we will leave the substantive analysis on this point to our multiple contributors. But we think it’s worth spending some time thinking about how we got here and what comes next.

Background 2022

As mentioned above, December marks seven years since the Truth and Reconciliation Commission of Canada (TRC) released its [six-volume final report](#) and [Calls to Action](#). Formed in 2008 with the mandate to [inform all Canadians](#) about Canada’s Indian Residential School system, the TRC heard harrowing testimony from thousands of Survivors across the country, along with those of their

¹Testimony before the House of Commons Indigenous and Northern Affairs Committee on proposed Bill C-29 (National Council for Reconciliation Act) Oct 17, 2022.

families, communities, and even institutional staff and government officials.

The TRC's final report deemed Canada's system of removing children from their families, communities, and Nations as cultural genocide. The TRC was legally prohibited from declaring Canada culpable for their system of Indian Residential Schools. Honourable Murray Sinclair, chair of the Commission, later reflected on the "cultural" descriptor as a deliberate choice to avoid any dismissal of the TRC's important findings:

[W]e were concerned that if we simply used the term genocide — which surely we could have — the government or somebody would have asked a court to wipe out that part of the report. And the court, in its heavy-handed way, would likely have simply deleted those findings. So we couched it as carefully as we could, but as clearly as we could, by referencing the term cultural genocide.

Undoubtedly, the term cultural genocide was a strategic decision for the TRC. Nonetheless, the choice drew much public debate on whether adding the "cultural" label was appropriate, considering the consequential loss of Indigenous life, land, and nationhood caused by Canada's violent colonial policies. The debate reached a milestone in October 2022 when NDP Member of Parliament Leah Gazan urged the government to recognize what happened in Canada's Indian Residential Schools as genocide, gaining unanimous consent in the House of Commons for this motion.

The last federally funded Residential School closed in 1996. But the reverberations through Indigenous communities are far-reaching, compounded by ongoing injustices in punishing colonial systems that never went away. Many Survivors are aging,

and there are fears that meaningful measures toward reconciliation will not be realized for them to see.

TRC Commissioner Marie Wilson told the CBC, "We know that every single day, we are losing survivors who will not see the benefit of some of the bigger things we had hoped for."

Those hopes are captured in what Gitksan scholar and advocate Cindy Blackstock describes as "the Survivors' work plan for the nation." Reflecting the all-encompassing and far-reaching impacts of Canada's Residential School system, the 94 Calls to Action urge all levels of government (along with discrete parties like faith groups, educational and health institutions, professional societies, and civil servants) to redress the persistent legacies of the Residential School system and to advance reconciliation.

There are two categories of Calls to Action: Legacy and Reconciliation.

Legacy Calls to Action (1-42) seek to redress ongoing structural inequalities in Child Welfare, Education, Health, Culture & Language, and Justice. Many of the Legacy Calls to Action aim to end injustices that Indigenous peoples are still experiencing.

Reconciliation Calls to Action (43-94) are composed of 17 subcategories. Broadly, these Calls to Action are meant to advance reconciliation through a) inclusion of Indigenous peoples, b) educating Canadians on residential schools, reconciliation, and Indigenous worldviews, and c) establishing policy and practice in various sectors that uphold Indigenous Rights.

It is against this backdrop of limited transformative change, of symbolic, if even important, gestures, that we write yet another of our annual reports.

It has been seven years since the Calls were released. Seven years of federal governments (all Liberal governments led by Justin Trudeau) committing to action. Seven years of survivors and their families waiting for movement and seeing very little.

In seven years, 13 of 94 Calls to Action are complete.

Reconciliation in the Dark: The Calls for Data

Despite support within Indigenous communities and calls for swift action among Canadians, there continues to be dismal progress on the kinds of Legacy Calls to Action that, if implemented, would significantly improve the quality of life for Indigenous peoples across the country. Those Calls that address structural change in this country remain largely unfulfilled.

Equally troubling is the lack of attention to the Calls that would enable that structural change. For transformation to happen, Canada has to be honest about how its policies actually impact Indigenous peoples right now. This is why the TRC created a number of Calls to Action designed

to create meaningful benchmarks and annual reporting requirements.

Why does Call to Action 2 — which urges all levels of government to share data they already have regarding Indigenous children in the child welfare system into one annual report for the public to see — continue to go unimplemented? And why can't Canada “prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of [Indigenous] peoples in Canada compared with [non-Indigenous] people” as called for in Call to Action 9? Similar Calls to Action in Health (19) and Justice (30) also direct levels of government to release existing data on an annual basis so that the structural issues can be assessed and measures for redress can be developed.

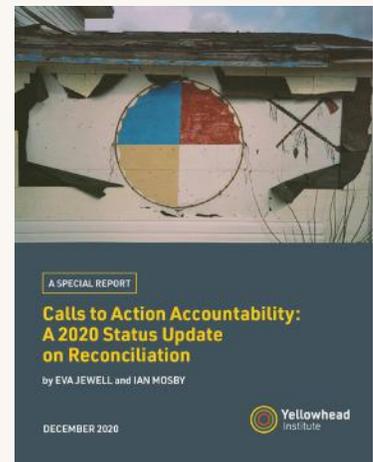
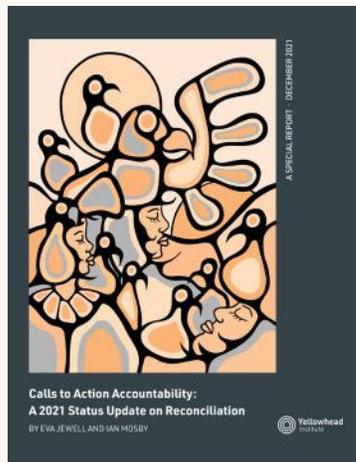
Why do these relatively simple Calls to Action remain incomplete?

Part of the answer, of course, is that the data is often at odds with the government's own narrative of progress. As Douglas Sinclair told us in our interview about the education Calls to Action in this report:



OUR METHODOLOGY for determining the completion of a Call to Action is simple: when all aspects of the Call are fulfilled, we mark it complete. This approach, we feel, upholds the integrity of the Survivors' calls for change and raises expectations beyond partial measures and commitments.

For more on our methodology, see our [2020](#) and [2021](#) Special Reports.



It comes down to the government narratives around funding: "Look how much money we're spending, look at what we're doing, we're doing a great job." But there's a lack of data to validate government claims. When they say federal funding matches the provincial funding, there's nothing to indicate that's actually the case. There's a lack of transparency generally.

This lack of transparency makes it difficult, if not impossible, to take the government's own claims regarding their progress on the Calls to Action seriously. Until Canada completes Calls to Action 2, 9, 19, and 30, the reality is that we don't actually have the data necessary to *measure* whether or not most of the Legacy Calls to Action are complete, let alone whether or not Canada is making any meaningful progress towards completion.

Calls to Action Completion

This year, there are two completed Calls to Action: both in the Reconciliation category and both completed by non-governmental professional associations.

Call to Action 67: Canadian Museums Association to undertake a national review of museum policies and best practices to determine the level of compliance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and to make recommendations.

Call to Action 70: Canadian Association of Archivists to undertake a national review of archival policies and their compliance with UNDRIP and the United Nations Joint-Orontlicher Principles and produce a report with recommendations for a reconciliation framework for Canadian archives.

Both Calls to Action are timely and necessary. They also share a number of characteristics, laying out more

hard work for museums and archives in Canada in the years to come.

The efforts to complete Call to Action 67 are a case in point. When the Canadian Museum Association (CMA) released *Moved to Action: Activating UNDRIP in Canadian Museums* as "a response to the Truth and Reconciliation Commission's Call to Action 67 under the guidance of the CMA Reconciliation Council" in October 2022, it was a project many years in the making. Aspiring to "convey how settlers can assist in dismantling the parts of museums that continue to perpetuate colonial harm," the 128-page report makes ten key recommendations and establishes thirty new standards for implementing UNDRIP and supporting Indigenous self-determination in museums.

Moved to Action makes abundantly clear that museums have always been at the center of Canada's colonial project and that they are "inextricably linked to the erasure of the histories of Indigenous Nations." The report's lead authors, Stephanie M Danyluk and Rebecca MacKenzie, outline that many of these attitudes and practices "remain today in museums, where we see the lingering paternalism over the ownership, preservation, and care of cultural belongings, and settler authority over the interpretation of Indigenous representations."

When we reached out to the CMA about what completing Call to Action 67 means in practice, they made it clear that *Moved to Action* is just a first step.

As the organization responsible for leading the work to answer TRC Call to Action 67, the Canadian Museums Association (CMA) is proud of the CMA *Moved to Action* report and recommendations and grateful to all who contributed. Regarding the specific work to formulate the report and recommendations called for by the TRC, we consider Call to Action 67 complete. However,

we would like to acknowledge that the report is a summary of the current national status but does not completely capture regional nuances. As well, if the spirit of the Call to Action is to ensure a decolonized museum sector, the specific obligations and actions recommended in the report must occur to fully implement UNDRIP, including financial and legislative support, as well as additional commemorative initiatives set out by the TRC. The report also calls out to institutions to develop proper administrative structures and implementation programmes to align with other TRC Calls to Action, as well as with UNDRIP. As the recommendations in the report indicate, the work of provincial, territorial, and federal governments, museums, the CMA and others who support this work is just beginning. The recommendations made in the report must be the measurement by which to evaluate the implementation of UNDRIP in the museum sector moving forward to actualize these in collaboration and in accordance with Indigenous Peoples.

The completion of Call to Action 70 is a similar story. In 2015, the Steering Committee on Canada's Archives established a Response to the Report of the Truth and Reconciliation Commission Taskforce to "address Call to Action #70 specifically, and the additional 93 Calls in spirit." Earlier this year, the Taskforce released its long-awaited *Reconciliation Framework: The Response to the Report of the Truth and Reconciliation Commission Taskforce*. The *Reconciliation Framework*, according to the Taskforce, "provides a road map of sorts, setting out a vision, foundational principles, and a transformative path forward for the archives profession in Canada."

In other words, it's clear that most of the hard work needed to counteract the historical and ongoing harms of colonial archives and archival practices is yet to be

done. When we reached out to Raymond Frogner, a Taskforce member and the Head of Archives at the National Centre for Truth and Reconciliation, he recognized that this marked the completion of Call to Action 70 but was just a first step for the field:

Canadian archivists have long discussed the need to decolonize their work. It has been recognized that public archives in Canada were part of the statist colonial program to marginalize and assimilate Indigenous peoples. The Reconciliation Framework offers Canadian settlers and Indigenous peoples the interpretive parameters to begin to decolonize our cultural institutions of social memory. Implementing the concepts discussed in the Reconciliation Framework is the ongoing work of such Institutions as Library and Archives Canada and the National Centre for Truth and Reconciliation.

Our hope, then, is that we see a robust response — with timelines — from federal and provincial archives, in particular, outlining how they plan to respond to the *Reconciliation Framework* over the next year.



As certain reporting Calls to Action are completed, we are also reminded this year that there can be pathways for settler institutional leadership. Indigenous peoples have, time and again, been taking on the hard work of leading and steering reconciliation efforts. But what does it look like to share the obligations of reconciliation?

As we noted in our report last year, the exercise of checking off completed Calls to Action can be useful when evaluating institutional commitment to reconciliation. But not every complete Call to Action means reconciliation is achieved. Calls like 41 (Inquiry into Missing and Murdered Indigenous Women and Girls) and this year's completed Calls 67 and 70 all result in recommendations for continued work on the path to reconciliation.

Indeed, while completing Calls to Action is undoubtedly important, we implore Canadians to remember that this is not a simple box-checking exercise. Reconciliation is a lengthier endeavour. In the case of completed Calls 41, 67, and 70, the real change will be seen when recommendations emerging from those final reports are implemented.

As certain reporting Calls to Action are completed, we are also reminded this year that there can be pathways for settler institutional leadership. Indigenous peoples have, time and again, been taking on the hard work of leading and steering reconciliation efforts. But what does it look like to share the obligations of reconciliation?

In the case of completed Call to Action 70, [the final report](#) by the Steering Committee on Canada's Archives details that the foundational "heavy research load" was taken on by settler members of the association to lessen the burden on Indigenous members. In contrast, Indigenous members took on the responsibility of keeping a critical eye on the methodology and the findings in order to identify "any unconscious bias or residual colonially based assumptions, attitudes, or activities." We are cautiously hopeful about this approach to reconciliatory work: it appears to take an anti-colonial lens and recognizes the need for an equitable division of labour.

Ultimately, it is positive that these non-governmental, professional associations are beginning their important reconciliation journeys, so their progress will be watched closely. At the end of the day, after all, reconciliation is about establishing relationality that is peaceful, just, and devoid of harm and violence.

An Incomplete Papal Apology

Regrettably, we are less optimistic about progress on Call to Action 58, the Papal Apology.

In March 2022, First Nations, Métis, and Inuit delegates travelled to The Vatican to seek a long-awaited apology from the Pope. Meetings with Pope Francis were reportedly positive, with members of the delegations [expressing hope](#) that the Pope would travel to Canada and deliver an apology.

Ultimately, Pope Francis made that [historic penitential visit](#) to Canada in July, with stops in Alberta, Quebec, and Nunavut over five days. Notably, the Pope delivered the anticipated apology in Maskwacis, Alberta.

Unfortunately, the Pope's apology fell short of the expectations laid out in Call to Action 58, which explicitly called for an acknowledgment of the Roman Catholic Church's role in the "spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children," and for the apology to align with the 2010 apology delivered to Irish victims of abuse.

Unlike the Irish apology, Pope Francis's apology made no mention of the sexual abuse that was rampant in Catholic-run Residential Schools. And while he expressed regret for the actions of "many members

of the Church” and “many Christians,” the Pope did not distinctly address the Church’s role in Residential Schools. Murray Sinclair, former Chair of the TRC, characterized the missing acknowledgements as a “deep hole” in the apology and a missed opportunity by the Roman Catholic Church to accept responsibility for their part in the genocidal system of Canada’s Residential Schools.

Before learning of the 2022 Papal visit, we regarded Call to Action 58 as one that might never be complete since the Call explicitly urges the Pope to deliver an apology within one year of issuing of TRC Final Report. By that measure, the apology was six years too late. We were willing to put aside the technicalities had the apology satisfied other parts of the Call. That is not the case, so Call to Action 58 remains unfulfilled.

Prospects for the National Council for Reconciliation

In June 2022, after years of development that included the appointment of both an interim board and a transitional committee, Minister of Crown-Indigenous Relations Marc Miller introduced Bill C-29, *The National Council for Reconciliation Act*.

Bill C-29 could ostensibly fulfill Call to Action 53, which calls for the creation of “an independent, national, oversight body with membership jointly appointed by the Government of Canada and national [Indigenous] organizations, and consisting of [Indigenous and non-Indigenous] members.”

The mandate for the National Council for Reconciliation, as laid out in Call 53, would include monitoring, evaluating, and reporting annually on the status of the Calls to Action.

If established, this national body has the potential to implement many of the reporting Calls to Action in the Legacy section (Calls 2, 9, 19, 30) — especially in combination with Call to Action 55, which directs all levels of government to provide annual reports and current data to the National Council for Reconciliation in the Legacy areas of Child Welfare, Education, Health, and Justice. Call to Action 54, for its part, directs the Government of Canada to provide funding to the Council. And the creation of the Council might also trigger the completion of Call to Action 56, wherein the Prime Minister would respond annually to the National Council for Reconciliation’s findings in a “State of [Indigenous] Peoples” report.

In short, the passing of Bill C-29 and the creation of a National Council for Reconciliation, *if reflecting the intent* of Calls to Action 53 through 56, could be a significant step on the path of reconciliation.

Yet, there are many concerns regarding the design of this Council. In October 2022, the Standing Committee on Indigenous and Northern Affairs heard from three National Indigenous Organizations regarding Bill C-29. Several concerns arose from leaders of the Assembly of First Nations (AFN), Inuit Tapiriit Kanatami (ITK), and Métis National Council (MNC).

One notable critique came from AFN National Chief RoseAnne Archibald, who expressed concern that the Bill grants ministerial authority to appoint two-thirds, or a majority, of the members of the Council. Chief Archibald characterized this move as “very paternalistic” and stated that it was inappropriate, particularly regarding the government’s history and ongoing colonial attitudes toward Indigenous peoples.

ITK President Natan Obed shared similar concerns, stating that the process leading up to the drafting



Perhaps, though, the ongoing failure of Canada to keep its promises when it comes to the Calls to Action highlights the limits of “reconciliation” as a framework for meaningful and lasting change. And we have to wonder: should we just abandon ‘reconciliation’ altogether?

of the Bill was neither transparent nor inclusive of national Indigenous organizations. Indeed, the [National Women’s Association of Canada](#) demanded a rewrite of the Bill, and the Congress of Aboriginal Peoples, which represents the interests of urban Indigenous peoples, [expressed disappointment](#) that they were not consulted on Bill C-29 and were the only national Indigenous organization to be excluded from appointing a representative.

More critical points [were made](#) by MNC President Cassidy Caron, who was concerned that the Council would not have legal power to access critical data: “As it is currently written, it does not allow subpoena power to the Council.” As noted in past years and elsewhere in this report, Canada has proven unwilling to provide up-to-date and meaningful data in areas like child welfare, education, health, and justice — not to mention [Residential School records](#).

Lastly, there have been limited commitments to fund the Council and their work. This is a deeply concerning omission, considering that Call to Action 54 directs the government to provide multi-year funding for the Council to ensure that it has the “financial, human, and technical resources required to conduct its work.”

Related, when Innu Senator Michèle Audette introduced the Bill to the Senate for [second reading](#) on December 6, she pointed to the possibility of charitable status for the National Council:

From what I understand, the organization will receive, if it hasn’t already, a charitable number, which will allow it to get funding from sources other than the federal government. Yes, the federal government should fund the council for the long term, but the commitment that we have and the numbers that I have right now will be used to start the work and to invest.

It is cause for concern, if not alarm, that before this national body is even established, it is already assumed that the Federal Government will abdicate its fiscal responsibility. Would we expect the Parliamentary Budget Officer or Auditor General to rely on donations? It is quite obviously inappropriate to suggest, and not only is it counter to the spirit of Calls to Action 53–56, but it is contradictory to the spirit of reconciliation more generally.

In any case, while the AFN made recommendations that the Bill “be amended to include guaranteed funding provisions to ensure that the work of the

NCR is sustained into the future,” they are unlikely to be included. Given this, among other concerns, ITK [has withdrawn support](#) for the Bill. CBC reported that ITK is more interested in an “Indigenous human rights tribunal... which would have more enforcement teeth.”

Within the concerns around the establishment of the National Council for Reconciliation, then, we are once again — in real-time — watching the barriers to meaningful action unfold:

1. **Paternalism:** the deep-rooted, ongoing paternalistic attitudes and behaviours of politicians, bureaucrats, and policy-makers, resulting in a “we know best” mentality that prevents Indigenous peoples from leading on issues with their own solutions;
2. **Structural anti-Indigenous discrimination:** Canada asserting legal myths to justify the [ongoing dispossession of Indigenous lands](#) and the subsequently [manufactured poverty of Indigenous peoples](#);
3. **“The Public Interest”:** policy-makers and Canada’s legal teams have used the interests of a non-Indigenous Canadian public to shore up their [inaction on compensation](#) for First Nations children and as the beneficiary of exploited Indigenous lands;
4. **Insufficient resources:** there’s no shortage of promises, but with ongoing and rampant funding inequities, meaningful reconciliation will always be out of reach;
5. **Reconciliation as exploitation or performance:** in the cases where “reconciliation” purportedly occurs, [exploitative or predatory behaviour](#) is rampant; in the case of performative measures, actions serve to manage Canada’s reputation.

Last Words

This year’s report is different from previous reports. Typically, we rely on interviews with area experts to inform a comprehensive analysis. But this year, we have made space for them to provide their own unfiltered perspectives. These are the key voices of experts working right now — as you read this — to ensure that Canada is being held accountable for its promises to complete the 94 Calls to Action.

And one thing that is clear is that we are a long, long way from that goal.

Earlier this year, on the eve of the National Day for Truth and Reconciliation, we hosted an event featuring many of this report’s contributors whose goal was to help us to understand what is happening right now on the frontlines to complete the 94 Calls to Action. Every speaker made it clear that Canada is far from achieving meaningful reconciliation and that, as AFN National Chief RoseAnne Archibald recently argued, “If we were in a chapter of a book on reconciliation — we are, today, on the first sentence of that book.”

All of this goes some way toward explaining why Canada has only completed 13 Calls to Action in seven years. Even still: we’ve been tracking the Calls to Action for quite a few years now and continue to be shocked by the glacial pace of Canada’s progress.

Perhaps, though, the ongoing failure of Canada to keep its promises when it comes to the Calls to Action highlights the limits of “reconciliation” as a framework for meaningful and lasting change. And we have to wonder: should we just abandon ‘reconciliation’ altogether?

There are, after all, a number of alternatives. We'll therefore leave you with the words of Karihwakeron Tim Thompson, who opened and closed our September event and spoke powerfully of the need to remember that much older, treaty-based models of relationality like the Silver Covenant Chain which — here in Toronto, where we are writing — provide a blueprint for how we could start to undo the legacy of violence and genocide that the TRC's Final Report outlines in such painful detail.

That Silver Covenant Chain was extended to all the nations around the Great Lakes, and its time was to last for as long as the sun shines, as long as the waters flow in certain directions, as long as the grass grows green at a certain time of the year. That was the relationship we were to have. It involves us keeping our lands and holding on to, what we have in our canoe: our people, our laws, our forms of government, and our ways of doing things.

We're grateful that we've been given this understanding, and we remind ourselves of it. Time and time again, we've been told when we come together, we remind ourselves of this thanksgiving. And in doing so, we remind ourselves of what was given to us in our original teachings from the time of creation. We bring those into the living present, and those help us find a direction as we go forward.



DR. EVA JEWELL (ANISHINAABEKWE, DESHKAN ZIIBING | CHIPPEWAS OF THE THAMES FIRST NATION) is Research Director at Yellowhead Institute and an Assistant Professor of Sociology at Toronto Metropolitan University. Her scholarship supports

community-led inquiry on topics of reclaiming Anishinaabe governance, with interest in the role of women/femmes. Dr. Jewell's recent research areas include urban Indigenous perspectives on gender, work, and care; and accountability in reconciliation.



DR. IAN MOSBY is an award-winning historian of food, Indigenous health, and the politics of Canadian settler colonialism. He is an Assistant Professor in the Department of History at Toronto Metropolitan University.

LEGACY

CALLS TO ACTION

These Calls seek to remedy the ongoing structural legacy of Canada's residential schools.

CALLS TO ACTION 1-5

Child Welfare

CALLS TO ACTION 6-12

Education

CALLS TO ACTION 13-17

Language & Culture

CALLS TO ACTION 18-24

Health

CALLS TO ACTION 25-42

Justice

Ending Racial Discrimination in Child Welfare

Holding the Canadian Government to Account

by DR. CINDY BLACKSTOCK (GITXSAN FIRST NATION)

additional editing by MELISA BRITAIN

The fact that Canada has failed, yet again, to complete any of the Child Welfare Calls to Action in 2022 should give us pause. This is particularly true because I believe it's important to think about the Truth and Reconciliation Commission's Calls to Action as the Survivors' work plan for the nation. The Calls to Action are really about justice and about learning from history.

Before reflecting on Canada's progress towards completing the Calls to Action related to Child Welfare, I want to begin by talking about Dr. Peter Henderson Bryce. One hundred years ago, in 1922, Bryce published a report called *A National Crime* about the preventable deaths of children in residential schools. Why were these children dying? Well, Dr.

Bryce made that clear in his 1907 report to the Department of Indian Affairs: poor ventilation and poor standards of care in the schools exposed healthy children to children infected with tuberculosis. The government was giving Indigenous children less because of who they were, and this created what the national papers called a "hotbed of disease," which resulted in so many children dying.

Some of the newspaper headlines that appeared after Bryce's 1907 report was made public horrified Canadians: "Indian Schools Deal Out Death: Startling Rate of Mortality is Shown in Report to the Department—Twenty-five percent," read one headline in the *Victoria Times Colonist*. "Schools Aid White Plague—Startling Death Tolls Revealed Among

Indians—Absolute Inattention to the Bare Necessities of Health," wrote the *Evening Citizen*.

But when the headlines died, so did the children. That is a key lesson for all of us when it comes to the TRC's Calls to Action.

This brings us back to the current generation of First Nations children. The Canadian government, after all, has been a repeat offender against our kids: first through residential schools, second through the Sixties Scoop, and now through that same underfunding that Bryce identified. The federal government still underfunds public services on reserve. But as families are trying to recover from the traumas of residential schools and the recent

...Why is Canada holding back some of the money when kids need it today? And how do we hold Canada accountable to ensure it doesn't discriminate against another generation of kids? How do we fix Indigenous Services Canada?

discovery of unmarked graves on the grounds of former residential schools, the federal government is creating a societal narrative that makes Canadians think First Nations children and families are getting more.

In 2007, along with the Assembly of First Nations, we (the First Nations Child & Family Caring Society) filed a [complaint](#) with the Canadian Human Rights Tribunal (the Tribunal), arguing that it was unfair for Canada to deny First Nations children and their families equitable services. The children won that case in 2016. That should have been it. Canada should have ended the inequality. But it didn't. Since then, there have been 21 noncompliance and procedural orders, seven Federal Court orders dismissing Canada's various appeals, and even a decision at the Federal Court of Appeal in favour of the children.

So, when the government talks about implementing the TRC Calls to Action and announces \$19.8 billion over five years to remedy these inequalities, that is good news. But that money is not something that the Government of Canada is giving willingly; it was hard-won by First Nations folks who have been fighting for their kids for all these years against a tide of great resistance by Canada. And when we look at this \$19.8 billion, it seems like a lot of money. But, really, it just shows how deep the inequality was in the first place.

And notice that they said they would pay it out over five years. What happens to these kids in year six? Does Canada go back to business as usual? In reality, the vast majority of this funding is actually tied to legal orders against Canada and, even now, has yet to be released to Survivors.

It's also worth keeping in mind that there are more First Nations, Métis, and Inuit children in child welfare care today than at the height of Indian residential schools, largely caused by the ongoing legacy of colonialism, discrimination, and structural inequities. This brings me back to the question: what happens in year six? Why is Canada holding back some of the money when kids need it today? And how do we hold Canada accountable to ensure it doesn't discriminate against another generation of kids? How do we fix Indigenous Services Canada?

On top of this, we need to ask clear questions about how we could better support Inuit and Métis families. Are Métis and Inuit kids going to be left to go to court as First Nations have for 16 years to get their needs met? We hope not. In 2019, Canada passed a new law called *An Act*

Respecting First Nations, Inuit, and Métis Children, Youth and Families. And while it affirms the right to self-government regarding child welfare, the act does not oblige governments to fund self-governed child welfare programs.

Thanks to the Tribunal's 2016 landmark ruling, some progress has been made for First Nations children. The Tribunal ordered the federal government to comply with [Jordan's Principle](#), a child-first principle to ensure First Nations children get the services they need when they need them. Since the Tribunal ordered the government to fully implement Jordan's Principle, First Nations children have received over 1.4 million products, services, and supports that they would have otherwise been denied.

Despite this improvement, inequalities in many areas still exist; Canada is still fighting against compensating the First Nations children and families they discriminated against by filing appeals against the Tribunal rulings in Federal Court. Instead of being dedicated to reconciliation, Canada's behaviour shows that they are resisting substantive change, preferring those Calls to Action they can easily perform and that makes them look good.

At the First Nations Child and Family Caring Society, we have a plan to remedy all these inequalities and fix the federal government: [the Spirit Bear Plan](#). It identifies the inequalities faced by First Nations children and calls on the government to fix them:

not in 25 years, but in a time frame that respects the fact that children only have one childhood.

We have been waiting – as Dr. Bryce's report evidenced – well over a hundred years to get equity in children's service. We shouldn't have to wait anymore.

In addition to implementing this plan, we also need to evaluate the Indigenous Services bureaucracy and find out why it repeatedly doesn't do better when it knows better.

I am tired of hearing politicians and bureaucrats respond to crises on First Nations like multi-decade boil water advisories by saying things like, "It's complex getting clean water to First Nations."



PLAQUE UNVEILING
HONOURING DR. PETER
BRYCE IN FRONT OF JAMES
HOPE & SONS PUBLISHERS
ON ORANGE SHIRT DAY
2022 IN OTTAWA.

IMAGE PROVIDED BY
THE FIRST NATION
CARING SOCIETY

And yet, somehow, we can get clean water onto the International Space Station! I am also tired of hearing the government say, “We can't expect change overnight,” when we've been waiting 157 years. This is not overnight; this is for the entirety of Canada's history. Another toxic response by the government is to tell First Nations, Inuit, and Métis people to “be patient,” which really means that we should suffer in silence while our fundamental human rights are being violated.

And the other one I've heard more recently is this notion of “Indigenous-led” or “First Nations-led.” But in our human rights case — brought against Canada by the Caring Society and the AFN — the government of Canada

said, “Well, we're not going to pay compensation to the victims as we're ordered to under the Tribunal, because we need to talk to the First Nations people before we do that.”

So, these are the kinds of ways that systemic racism comes up in everyday parlance and practice. And I know that — well, I hope, I don't actually know this — I hope that sometimes the people saying these things are not aware. But the fact that they're not aware in 2022 is problematic, and that's why we need to bring out some of these threads, expose some of these markers of what systemic discrimination is in dialogue, and then have courageous conversations about how to deconstruct them.



DR. CINDY BLACKSTOCK (GITKSAN FIRST NATION) is honoured to serve as the

Executive Director of the First Nations Child and Family Caring Society and a professor at McGill University's School of Social Work. She has over 30 years of experience working in child welfare and Indigenous children's rights, and has published more than 75 articles on topics relating to reconciliation, Indigenous theory, First Nations child welfare and human rights. Cindy was honoured to work with First Nations colleagues on a successful human rights challenge to Canada's inequitable provision of child and family services and failure to implement Jordan's Principle.

Where is the Data?

An Interview with Douglas Sinclair of Indigenous Watchdog on the Education Calls to Action

by DR. EVA JEWELL (ANISHINAABEKWE, DESHKAN ZIIBIING) & DR. IAN MOSBY

There are 11 TRC Calls to Action that address Education. Calls 6–12 in the Legacy section seek to repeal a Canadian law that permits violence against children, redress Canada’s chronic underfunding of Indigenous children and post-secondary students, and draft new legislation to support Indigenous education and early childhood education. While Calls 62–65 promote the inclusion of Indigenous people’s worldviews, knowledges, and cultures — as well as their contributions to society — in education curricula throughout the country.

We sat down with Douglas Sinclair of [Indigenous Watchdog](#) to discuss his methodology and approach to tracking these Education Calls to Action.

Eva: We wanted to begin by asking you a simple question. Has Canada completed any Education Calls to Action in 2022?

Douglas: No. Of the 11 Education Calls, three have not started, four have stalled, and only four are actually in progress.

Eva: Why are the Calls to Action that deal with Education important?

As Murray Sinclair said, “Education got us into this mess, and education will get us out.” Now, to me, the

Education Calls to Action, especially those Legacy Calls to Action, are the foundation for success. Indigenous-led education — where the culture, the values, and the vision are determined by Indigenous leadership to empower the next generation of leaders — ultimately creates healthier Indigenous communities.

There are actually 22 Calls to Action that have an education component: child welfare, justice, health, and Calls for lawyers, doctors, nurses, and journalists — all of these have specific requirements to be educated about Indigenous issues.

Ian: Education Calls to Action 6–12 in the Legacy section address the ongoing education inequalities that Indigenous children are experiencing, especially First Nations children on-reserve. Governments say there is action, but we see little of it. What’s going on?

It comes down to the government narratives around funding: “Look how much money we’re spending, look at what we’re doing, we’re doing a great job.” But there’s a lack of data to validate government claims. When they say federal funding matches the provincial funding, there’s nothing to indicate that’s actually the case. There’s a lack of transparency generally. And if there is funding, is it effective? They don’t identify what those results are other than at a really high level.

For example, a lot of the available statistics are quite dated. For Call to Action 9 [which calls on the government to publish annual reports comparing education funding for First Nations children on and off reserves], they have a K–12 operating budget from 2016–2017 that they use as the most recent example. There is no data beyond 2017. In my mind, there's no reason, no excuse, for not providing that level of detail every single year so that people can actually do something with it.

Ian: Do you think that's purposeful? With Call to Action 9, there's this missing data, and it's almost impossible to find. Is this simply because the data is embarrassing, or is this because there's something about the bureaucracy, for instance, that makes it impossible to produce this data?

I think it's probably a combination of the two — I think the bureaucracy gets in the way. I've been perplexed as well; they have this K–12 report from 2016–2017, which is quite granular and quite detailed. Why can't they replicate that in subsequent years? They must have the processes and the systems in place to capture the data — they're just not making it available. And so, a really good question is, why aren't they?

Ian: One of the things you noted in your research is that new funding has been announced for post-secondary students, but more is needed to complete Call to Action 11. Can you talk us through your interpretation of what completion would look like for Call to Action 11?

Well, how many students are actually being supported? How much of the funding is actually dispensed and dispersed in a given year, an academic year? I don't have good visibility into the overall budget of the post-secondary program. When I started doing the

report, they kept talking about \$90 million a year as the budget item for the Métis, First Nation, and Inuit post-secondary support program. But the actual amount they have for the post-secondary support program now, based on the most recent numbers, is less.

Ian: Sheila Cote-Meek made a key point at Yellowhead's National Day for Truth and Reconciliation event by saying, "You know, it's one thing to provide funding, but it's often one-time-only funding, or it's a grant that goes to help a particular group of students for two or three years. But there haven't been any changes to core budgets. And in post-secondary, there's heavy, heavy reliance on grants or external funding to support the work, or we have initiatives that are very short-lived for two or three years."

Does this explain what you're seeing? These are short-term programs that are not about changing core realities. Do you see any movement away from the kind of piecemeal nature of these approaches to funding, or is this something when it comes to education overall that you see as a pattern?

If you look at the [Crown-Indigenous Relations and Northern Affairs Canada] CIRNAC website, the focus is all on numbers, numbers, numbers. Who knows what the reality is or what the truth is behind all the numbers? It actually feeds into the Conservative agenda because then you get Tom Flanagan and other people from the National Post, or whoever, publishing articles lambasting, "Look at all this money that's going into First Nations and what are the results? What's happening? It's a waste of money. Let's scrap all this stuff." And then it feeds into the narrative that a substantial portion of the Canadian population is hearing, which distorts the reality.

Eva: Can you talk us through some of these education Calls that are stalled, and the direction of their progress, or lack thereof?

Repealing the spanking law [Call to Action 6] is not started. The official government website has been saying the same thing since 2016: “We’re working on it; we’re looking at options.” Meanwhile, Bill C-273, “An Act to amend the Criminal Code (Corinne’s Quest and the protection of children),” was introduced on May 19, 2022, and only passed First Reading. It’s been stalled ever since.

Call to Action 9 [which calls for annual reporting on education data] is not started. The financial data the federal government provides is a Parliamentary Budget Office report from 2015.

On Call 64, funding denominational schools to teach courses on Indigenous spirituality is happening, but nothing is mandatory.

Calls 6 (repealing section 43 of the criminal code), 9 (annual reports on comparing education funding), and 64 (education in schools on Indigenous spirituality) are not started and probably won’t be until the National Council is in place.

There are four that are stalled. These all involve education funding. We don’t actually know what’s happening, where the money is going, and if it’s being effective.

The education legislation that includes closing educational achievement gaps and developing culturally appropriate curricula, Call to Action 10, is not happening. Instead, we get that narrative: “We’re funding the First Nations; we’re funding the Métis; we’re funding the Inuit. We’re collaborating with leadership within those three groups.” They make

it sound like it’s a collaborative effort but are totally ignoring what the TRC called for, which was the legislation inclusive of all three groups as an integrated whole, not a splinter group where you negotiate with each one separately. Because then it’s just like a divide and conquer strategy, as opposed to something that can actually work.

Call to Action 12 includes developing culturally appropriate early childhood education programs for Indigenous families. On this Call, they announced the Indigenous national framework in 2019, but there’s been no update on the program whatsoever.

Ian: We’re so grateful for your time and also for all the work you do. I think we agree that these Education Calls to Action are about responding to the legacy of residential schooling – education is fundamentally at the heart of it, and yet this is a pretty disappointing area.

Of all the areas covered on Indigenous Watchdog, education is probably the one that has the least amount of current, valid information because of the lack of data.



DOUGLAS SINCLAIR (PEGUIS FIRST NATION)

was a member of the Board of Directors for Native Child and Family Services of Toronto (NCFST) for over 15 years including serving a three year term as President when NCFST negotiated their Child Welfare mandate with the provincial

government. In addition, he was also the Toronto coordinator for the Environics Research Urban Aboriginal Peoples Study and led a team of researchers who conducted interviews with First Nations, Métis, and Inuit participants to collect detailed responses to their experiences within an urban context. Douglas launched the initial Indigenous Watchdog website at the end of February 2020 after three years of development and the newly re-designed website in April 2022.

Awakening Indigenous Languages from the Imposition of *Terra Nullius*

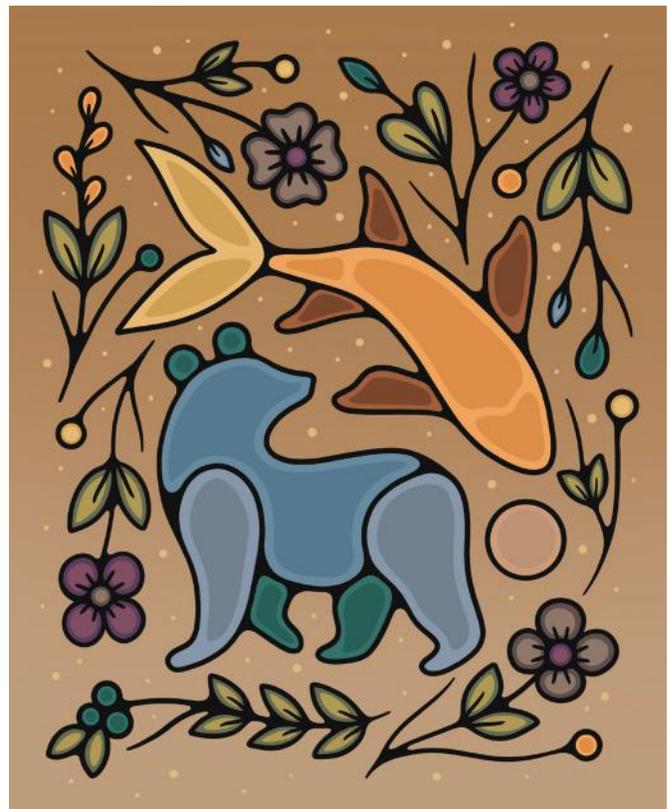
by KUNUK INUTIQ (INUK)

As Indigenous peoples, we deeply know the impact of having our languages stolen. Even for those of us who are privileged enough to speak our language, the scope of language knowledge theft and loss is extreme and devastating. We were taught European languages to bring us out of “savagery” — as if we ourselves were *terra nullius* — treated just like our lands as empty and for the taking. Of course, nothing could be further from the truth.

During law school, as we studied Inuit law, I remember an Elder-professor teaching us about shamans' spiritual language. They knew how to speak to the animal and land spirits. An example he gave was the name the polar bear spirit called us humans: “the long-shinned ones.” I was blown away because we not only had our language as humans to talk to each other, the teaching allowed us a window into how other beings and spirits saw us. And to be able to remove ourselves from the centre of all things and imagine ourselves through other perspectives enables us to appreciate our place on earth. Not only that, but our language has our land names, our plants, our food systems, spirituality, and our kinship terms within our family and community. They are so critically important to us.

So how do we protect and awaken our languages? Calls to Action 13-17 outline what the Truth and Reconciliation Commission saw as steps Canada can take to redress its part in stealing our Indigenous

languages. Yet, many aspects of these Calls have not been realized. While it's true that the *Indigenous Languages Act* was enacted, it fell short of guaranteeing language rights and basically created an advocacy office. Meanwhile, we also have a newly created Office of the Commissioner of Indigenous Languages that could perhaps move beyond the limitations of the Act and lobby for further, stronger powers. Even if that were the case, the question remains: will there be enough political will to enact this change?



HABITAT BY ALANAH ASTEHTSI OTSISTOHKWA (MORNINGSTAR) JEWELL

Nunavut has a very rigorous Official Languages Act, which recognizes Inuktitut (along with French and English) as an official language and offers a framework for encouraging the use of Inuktitut.

It took years to research and create; a synthesis of best practices to promote a language, safeguard it, pass it on, and have a language authority that standardized terminology – it's all there. But despite this legislation, the use of Inuktitut continues to decline because the Act isn't implemented or enforced. We have a perfect Language Act that gets overridden by systemic racism and the larger power dynamic.

In 2014, when I served as Languages Commissioner of Nunavut, we did a comprehensive investigation into language services in our regional hospital. It was clear to us that the lack of language services was — and continues to be — the result of systemic racism. Until this is addressed, language protection and revitalization will be very difficult.

However, there is work that is making a difference in protecting our languages. In Iqaluit, the [Pirurvik Centre](#) has programs that see language as integral to our identity, knowledge systems, and reclaiming our whole selves. These programs see participants succeed in all realms of their lives, with language as a foundation. It's amazing to see the spark and the hope they create in our community. Killulark Arngna'naaq [stated](#), “If we're serious about bringing back languages or strengthening them, we need to value the people that are doing that work so they can dedicate time and energy to language teaching and learning.”

Communities need the tools to do their revitalization language protection work — with the funding to match. A critical measure to ensure the good intentions in language policies are realized is whether communities are properly resourced with tools to plan their language revitalization and implement these plans. We don't yet know how the newly created Office of the Commissioner of Indigenous Languages will fulfill these needs, but I hope the Office works with community-based organizations like Piruvik.

The solution is within us. The question is whether Canada (and other governments) will finally see that or continue to stand in the way while creating smoke and mirrors to *pretend* as if they're doing something. Will they see the value in fostering the whole human being?

Our languages should be allowed to grow within our community, within our place, and within our natural environment. We are not *terra nullius*.



KUNUK INUTIQ (INUK) is newly self-employed. She previously served as the Director of Self-Government at Nunavut Tunngavik Inc. (NTI), studying self-government for Nunavut. Before that, she was the Chief Negotiator for the Qikiqtani

Inuit Association for the Tallurutiup Imanga National Marine Conservation Area's Inuit Impact and Benefit Agreement. Inutiq received her law degree from Akitsiraq Law School in 2005, and in 2006, she became the first Inuk woman in Nunavut to pass the bar exam.

Moving Beyond Canada's Colonial Indigenous Health Plan

by DR. JANET SMYLIE (MÉTIS)

“Of all forms of inequality, inequity in care is the most shocking and inhuman because it often results in physical death.”

– DR. MARTIN LUTHER KING

The Calls to Action related to health are intimately linked to all of the other Calls and, therefore, difficult to talk about in isolation. Based on the work of multiple analyses, including my own, that of Douglas Sinclair at Indigenous Watchdog, and the Yellowhead Institute, it is clear that as of December 2022, zero out of the seven Calls to Action in the area of health have been completed. In fact, what we've seen instead over the past seven years is piecemeal action. Part of the challenge is the complicated healthcare landscape in Canada. It is not just one federal system but a patchwork quilt of provincial and territorial systems. And then we have the health regions and municipal

governments, as well. Indigenous service providers commonly end up having to negotiate at all of these different levels.

But the interconnected nature and complexity of the healthcare system are not the root causes of this inaction. Rather, it is due to a gap in real commitment on Canada's part to honesty and transparency when it comes to reform. The first step Canada needs to take is a recognition of the colonial roots of Indigenous health inequities. For many, there is only denial. Take, for example, the failure of the Premier of Quebec to actually acknowledge systemic racism in the aftermath of the death of Joyce Echaquan.

And it is not just in Quebec where structural racism affects the health outcomes of Indigenous peoples within the healthcare system.

Clearly, until all of the leaders of the federal government and the provinces and territories can acknowledge systemic racism, there will be limited progress on Calls to Action such as Call 18, which calls upon all levels of government “to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international

law, constitutional law, and under the Treaties.”

Another pressing failure revolves around establishing measurable goals to identify and close health gaps (Call to Action 19), which relates to the distinct needs of Métis, Inuit, and off-reserve First Nations (Call to Action 20). Equally important is accurate demographic data of First Nations, Inuit and Métis people living in cities. This is one area that I'm passionate about, and I have had the opportunity to engage in wonderful partnered work with amazing health and social service agencies serving First Nations, Inuit, and Métis living in urban and related homelands.

September 2022 saw the release of new census data. The reality is that the census continues to undercount the numbers of First Nations, Inuit,

and Métis people living in big cities like Toronto or Thunder Bay, often by a factor of three, as shown by some of my previous research. I believe this undercounting is directly tied to colonial policies where Indigenous peoples were expected to assimilate in cities but haven't.

All of this has real consequences – real life-impacting consequences – with what we saw in Ontario during COVID-19 being a key example.

As a result of this discounting or exclusion of constitutionally recognized First Nations, Inuit, and Métis peoples living in urban and related homelands, there were delays in access to life-saving COVID-19 vaccines during the pandemic.

So, in fact, we were seeing vaccines delivered to our relatives living in First Nations communities, but here in the City of Toronto, I had to beg every day for a month to get vaccines to the First Nations men living in the Na-Me-Res shelter. Similarly, in Manitoba, we saw Métis getting delayed access to the vaccine, even though the facts support the need to prioritize this population for access to vaccines along with their First Nations relatives.

Another example demonstrating how a hard reset in policy thinking is required to make true progress toward health equity is the striking mismatch between the number of existing Indigenous health facilities and the size and health needs of the Indigenous population. Health facilities planning and distribution in a relatively affluent country like Canada involves looking at the number of people and their health needs, then matching health services funding and infrastructure. But this type of population needs-based planning goes out the window when we come to Indigenous populations.

Let me share an example. We have been advocating for a long time to have more birthing services for Indigenous peoples. Indigenous midwifery is one of the strongest evidence-based



AUDUZHE VACCINE POW WOW. IMAGE PROVIDED BY DR. JANET SMYLIÉ.



...instead of a Comprehensive Health Plan, we have a Colonial Health Plan based on fiscal constraints versus true population counts and needs assessments. This approach normalizes the exclusion or discounting of our relatives, and it imposes inadequate non-Indigenous systems.

practices that could address the fact that infant mortality rates are still two to four times higher for First Nations, Métis, and Inuit in Canada compared to the general population.

It doesn't get any better in cities. A decade ago, Ontario announced it would be funding some new birth centres in Ontario. At the press announcement, I asked the Premier, "Will one of these be an Indigenous birth centre to address disparities in infant mortality rates?" I was told there is already one birth centre for Indigenous people in the province — as if that would be sufficient.

More recently, in light of further community tragedies, we have heard from Indigenous leaders about the need for drug treatment centres. We had one in Toronto but lost it because of gaps in sustainable funding, not because there wasn't a need.

Quality in health requires a comprehensive plan. But instead of a Comprehensive Health Plan in Canada, we have a Colonial

Health Plan based on fiscal constraints versus true population counts and needs assessments. This approach normalizes the exclusion or discounting of our relatives, and it imposes inadequate non-Indigenous systems.

If we hope to complete the Calls to Action and make meaningful and lasting changes, this entire approach needs to change and must centre the work, ideas, and plans of Indigenous people and be based on high-quality, accurate data — something we are currently missing. As a nation, Canada, the provinces, and territories need to stop hiding ongoing Indigenous health inequities with bad data and denial.

Where do we go from here, then? To quote former AFN Chief Phil Fontaine, "The answers lie in our communities; the answers lie in our communities; the answers lie in our communities." If Canada wants to meet its commitments to residential school Survivors and complete the health Calls to Action, it needs to make sure that Indigenous communities

— whether they are on reserves or major urban centres like Toronto — have the resources and decision-making powers they need.

Our leaders are capable of making important decisions; they simply haven't been given the power to do so.



DR. JANET SMYLIE (MÉTIS) is a respected international leader in the field of Indigenous

health. Throughout her 30-year career in research and medicine, Dr. Janet Smylie has focused on addressing inequities in the health of Indigenous peoples in Canada by bridging gaps between Indigenous and non-Indigenous health knowledge, practice, and policy. A Métis woman, Dr. Smylie acknowledges her family, traditional teachers, and ceremonial lodge.

Jurisprudence, the Legal Profession & the Limits of Action

by SCOTT FRANKS (MÉTIS)

It has been seven years since the Truth and Reconciliation Commission released its Final Report, and several of the Calls — namely Calls 25–52 — directly address Canadian law and the legal system. What is the progress here?

Canada continues to self-report its progress, but there are many reasons to distrust its claims. I sense that any meaningful movement on these Calls will remain restricted until the Supreme Court of Canada aligns its jurisprudence on Indigenous peoples and their rights under Section 35 of the Constitution Act of 1982 with the UN Declaration on the Rights of Indigenous Peoples, not to mention the philosophy underlying the Calls to Action.

This is critically important because Canada's actions tend to treat the Supreme Court of Canada's jurisprudence as a *limit*.

The Supreme Court of Canada's jurisprudence on Indigenous rights is implicitly based on the Doctrine of Discovery. The court has stated that *terra nullius* was never the law in Canada and that Indigenous peoples were never conquered. But aside from treaties — which are more often honoured in their breach — *the only remaining legal justification* for Canada's occupation is the Doctrine of Discovery.

Recently in a case called *Thomas and Saik'uz First Nation v. the Province of British Columbia*, Justice Kent posed an important question. If the Doctrine of

Discovery and *terra nullius* are, indeed, legally invalid or simply inapplicable in Canadian law, what then is the legal justification validating the assertion of Crown sovereignty over Indigenous peoples and Indigenous lands? Justice Kent couldn't answer this question except to note that Canada practically occupies this land, a concept called *de facto control*. And this is the problem.

Until the Doctrine of Discovery is ostracised from the law — where it has been deployed, from *St Catherine's Milling, Calder, and Delgamuukw* — everything else is just settler harm reduction.

This settler harm reduction approach is present throughout Canada's response to the Calls. Calls to Action 30–40 address the incarceration of Indigenous persons. For the most part, Canada's response has not addressed the systemic factors related to the mass incarceration of Indigenous persons, which undermines Indigenous self-determination and sovereignty. First, it excuses Indigenous jurisdiction over justice in their territories. Second, it physically removes the citizens and members of Indigenous nations and communities and places them into the state's custody. The answer, I would argue, is found in Call to Action 42, which calls on respect for Aboriginal justice systems.

What is lost in Canada's interpretation of and action concerning the Calls is that they are implicitly



The judiciary has been told that there is a duty to learn about Indigenous legal orders and to take action by incorporating Indigenous law into their decision-making. We don't need to wait until our current law students become lawyers and eventually judges to do something.

decolonial and repeatedly challenge Canada's assertion that its claims are just. But Canada's response has, for the most part, been limited by its reliance on the Supreme Court of Canada's jurisprudence. As Naiomi Metallic has recently argued, we have to think of Section 35 of the *Constitution Act, 1982* as a floor and not a ceiling on what Canada can do.

There have been recent attempts to address this. On Valentine's Day in 2018, Canada created a framework for the recognition of Indigenous rights. But its actions on this file have created conflict and division. It has also released a litigation directive and some principles that are, for the most part, consistent already with the Supreme Court of Canada's directive to negotiate claims rather than litigate them. However, one area of conflict here is the directive related to a "full box approach" to Aboriginal rights under Section 35 of the *Constitution Act, 1982*. The provinces — namely, Quebec — are right now opposing this and want First Nations to prove each right piece-by-piece through court declarations.

Canada is financially supporting, to a greater extent than before, the future of Indigenous legal revitalization in Canada. But change is also needed in how justices are appointed to the courts. Suppose Canada makes Indigenous languages and law a requirement for appointment to the Supreme Court of Canada or other appellate courts. In that case, we might see changes to the Supreme Court's

jurisprudence in the future. We might hope that future benches will have Indigenous and non-Indigenous justices who have been trained in Indigenous law and in the Supreme Court of Canada's Aboriginal law jurisprudence. Since every lawyer is a potential judge-in-waiting, these investments in education might make an impact in the future. Whether these *future possibilities* are enough *right now* is another matter.

We need the bench, *right now*, to continue to take its commitments seriously to incorporating Indigenous legal orders into Canadian law. In 2015, Chief Justice McLachlin told the Canadian Institute for the Administration of Justice that education is a priority for the bench, the judiciary, and lawyers.

Her call has been repeated by the late and former Chief Justice Lance Finch and then by Chief Justice Robert Bauman, both of the B.C. Court of Appeal. Justice Sebastien Grammond has recently articulated a judicial philosophy for incorporating Indigenous law into administrative law under the *Indian Act*.

The judiciary has been told that there is a duty to learn about Indigenous legal orders and to take action by incorporating Indigenous law into their decision-making. We don't need to wait until our current law students become lawyers and judges to do something eventually.

Law schools have also made some progress in advancing Indigenous legal education. Indigenous

legal scholars have been at the forefront of this work for decades now. A new momentum has been gaining, one which includes non-Indigenous faculty members. We need to continue this commitment and extend it to include financial commitments from universities and law societies. We must also recognize the challenging labour demands that are placed on Indigenous nations and pre-tenured Indigenous faculty members to do this work.

Within the legal profession, we also have to address the problem of the neo-liberalization of the marketplace around Indigenous rights. Firms are competing for Indigenous clients. They are renaming their law practice groups into Indigenous law practice groups even when they do not practise Indigenous law. Firms are also hiring Indigenous associates without providing paid leave for them to continue their training in Indigenous law, which can sometimes require their participation in ceremonies or activities on the land. Some firms see things through a lens of cultural competency rather than respect for Indigenous self-determination.

At the end of the day, the business of law shapes the options that are available and accessible for Indigenous nations, communities, and individuals. We need to recognize this as a factor in implementing the spirit of the Calls.

This whole field of law and litigation is ultimately uneven, and Quebec and Canada's appeal in a reference related to *An Act Respecting First Nations, Métis and Inuit Children, Youth and Families* is an example of this. In 2019, Canada recognized jurisdiction over child welfare. This was, in part, a response to its losses and financial liability in the case brought by the First Nations Child and Family Caring Society about the discriminatory funding of child welfare on reserve, and in part, an expression

of Canada's interpretation of a "full box" approach to Aboriginal rights. Quebec brought a reference to the Quebec Court of Appeal about this Act, and now both Quebec and Canada appealed the subsequent decision to the Supreme Court of Canada. Because they're the only proper parties, Indigenous perspectives are reduced to interveners and permitted less time to argue their case.

It does not advance the spirit of the Calls to Action to have Indigenous people largely excluded in a case about Indigenous jurisdiction over Indigenous children.

Right now, there are good reasons to remain skeptical and cautious about the idea that Canadian judges and lawyers are fully cognizant of what it means to incorporate Indigenous legal orders so long as their own interests continue to be prioritized in a language of "reconciliation." As long as the interests of the status quo persist — a status quo of over-incarceration, of Indigenous legal orders being treated as evidence and not as law — any meaningful process will remain limited.



SCOTT FRANKS (MÉTIS) is an assistant professor at Toronto Metropolitan University in the Lincoln Alexander School of Law. His LLM research investigated barriers and opportunities to the implementation of the Truth and

Reconciliation Commission's Calls to Action in law schools. Franks continues to do research in the areas of Canadian Aboriginal law, Indigenous legal orders, constitutional law, legal professionalism and ethics, and Indigenous and interdisciplinary research methodologies. He also writes in criminal law and procedure, administrative law, and in other legal areas relevant to Indigenous-settler relations.

RECONCILIATION

CALLS TO ACTION

These Calls seek to repair and rebuild relations
between Indigenous Peoples and Canadians.

CALL TO ACTION 58

Papal Apology

CALLS TO ACTION 71-76

Missing Children & Burial Information

CALL TO ACTION 80

National Day for Truth & Reconciliation

The Pope Comes to Treaty Six

An Interview with Emily Riddle (nehiyaw, Alexander First Nation)

by KELSIE-LEIGH BALABAN (MÉTIS)

In late July 2022, the Pope embarked on a papal apology tour in Canada, visiting multiple communities in Treaty Six, including Edmonton, Maskwacis, and Lac Ste. Anne, as well as Quebec City and Iqaluit. The visit was compelled by Indigenous peoples across Canada imploring the Pope to apologize to Survivors, family members, and communities for the Roman Catholic Church's role in the abuse of First Nations, Inuit, and Métis children in residential schools. This was also the substance of Call to Action 58. The Pope's apology was much anticipated and discussed within and across Indigenous communities.

In this context, Kelsi Balaban speaks with Yellowhead Advisory Board Member, Emily Riddle, about the apology's reception in Treaty Six territory.



THE POPE, MÉTIS NATION OF ALBERTA PRESIDENT AUDREY POITRAS, AND CHIEF TONY ALEXIS OF THE ALEXIS NAKODA SIOUX NATION, AMONG OTHERS, MOVE TOWARD THE LAKE SHORE OF LAC STE. ANNE TO DELIVER PRAYERS AND TO ENGAGE WITH THE WATERS. IMAGE BY KIMMY FRASER-AIRHART

Kelsi: I want to start by discussing the intent behind the apology. The Pope's apology to residential school Survivors, their families, and communities is #58 of the TRC Calls to Action. Why do you think Survivors made this a Call to Action? Why is it important?

Emily Riddle: I think the reason why apologies are important mostly stems from our cultures. For us, in our Cree culture, apologies and words are really powerful. That comes from the power that stems from our language, too, and how sounds reverberate in the universe, which itself, we believe, is made of sound. Apologies are also really powerful to speak into the universe because they communicate intentions. While I think that there's a lot of criticism of apologies being meaningless, there is a cultural importance of apology, as well as active witnessing.

With all of this in mind, do you feel like the intent and importance behind the apology was sufficiently expressed by the Pope?

I feel like we have to separate the Pope from the structure of the Catholic Church to an extent. I think for the Pope, it was a genuine apology. When he was on the plane back to Italy, reporters asked him why he didn't include the word "genocide" in his apology, and he said, "Oh, certainly it was a genocide."

I know this trip was not viewed favourably within the Church. It was something that this specific Pope really pushed for. And while the actual apology itself was powerful, it was limited, too. For one thing, he implies there were a few bad apples in the Catholic Church that made this system bad. He repeats this sentiment in Lac Ste. Anne: Christian charity was not absent, although a few people misbehaved.

So I think the Pope did feel his apology, individually, but I don't think that the church understands how they're part of this system of dispossession. This system

has resulted in the continued removal of children, poverty, and us being alienated from our territories. And a part of this larger system of colonialism that the Catholic Church obviously still plays a role in is seen with doctrines and Papal bulls. I don't think that the apology addresses that.

The Church has committed to a report and an investigation, but I don't see a commitment to try to tear down the system they helped build or to give us some of their money or land they continue to own.

I say that because we've already seen the Canadian branch of the Catholic Church failing to pay the \$25 million it already owes to residential school Survivors, instead raising less than \$4 million dollars. Can't the Vatican implore their Canadian arm to actually pay those funds? It is all in very bad taste.

People think that Indigenous people are into settlements or money all the time, too. But for us, money is a part of a protocol. Gifting is very important; it's about the relationship and the cultural protocol of making an offering.

Despite the limitations, do you think the Call to Action can be considered complete?

The apology required a lot of advocacy by Indigenous folks over a number of years. I really respect the people who worked to bring the Pope here, such as Chief Wilton Littlechild and other community members. A lot of people expressed disagreement with the Pope's visit, but it was an intentional invitation by Indigenous community members and leaders. The fact that the Pope did come and make an apology does deserve some credit, at least for those who fought for it. But I know you mentioned that Yellowhead is not including Call to Action 58 as fully complete.

Apologies are also really powerful to speak into the universe because they communicate intentions. While I think that there's a lot of criticism of apologies being meaningless, there is a cultural importance of apology, as well as active witnessing.

Our reluctance to name this Call complete is because of strict methodology. It should have occurred within a year of the TRC report's release. And that was an intentional demand. Making the apology within a certain timeframe meant securing attention towards it, to carry that apology meaningfully. The Irish victims of abuse apology was included as an example in the Call to Action outlining what the apology should sound like. That apology acknowledged the Church's culpability as a whole, as an institution, whereas in this one, the Pope strategically avoided saying that.

As you said, there was also the part about "a few bad apples," and "we're sorry *some* Christians, contributed to this harm" when, really, the beliefs that guided the residential school system were also beliefs that guided colonization as a whole. I think these are reasons the apology did not live up to the call laid out by Survivors. However, although it may not be complete as a Call to Action, that doesn't negate its meaningfulness to some.

Yeah, that makes sense to me. Folks had to go to the Vatican and implore him to come and apologize. So, in that sense, is it really an apology if you have to ask for it? Is it really an apology if you're not offering it willingly?

I think that emptiness of the relationship was felt in the territory. There was so much media coverage, global attention, and anticipation for the visits. And along with that we saw the roads of Maskwacis being paved hastily in preparation. In Edmonton, houseless community members were displaced to make space for the Pope's presence. As someone who belongs to Treaty Six, can you speak to these acts of preparation that generally altered our communities and our presence?

The work done by mostly Indigenous communities to prepare for his arrival was really intense, starting with the financial resources we committed. We saw the roads being paved in Maskwacis, the whole town site, wherever the Pope would drive — the highway from Edmonton to Maskwacis got redone.

There was also a mass at the Commonwealth Stadium. I was really hopeful that it would be taken as an opportunity to educate people on their church's participation in this but it was only mentioned in passing. It was just an opportunity for Canadian Christians to have another mass.

Then the Pope visited Sacred Heart, which is a church in inner-city Edmonton. That brought a lot more policing: Secret Service-like officers

were downtown that week to remove largely houseless Indigenous folks who are Survivors or intergenerational Survivors of residential school from downtown. It opened lots of wounds for people. People were already hurting in downtown Edmonton with the Kenney government and now the Smith government's complete removal of harm reduction resources. The Treaty Six Confederacy officially requested resources for mental health following the trip, and that was ignored.

In Lac Ste. Anne, tens of thousands of people were invited, which created concern and discussion among community members about historical unmarked graves being walked upon and disrespected during the Pope's visit. There was also an erasure of Lac Ste. Anne as a culturally significant place prior to the Catholic Church. So there were physical alterations of space, sanitizations of the communities, as well as an erasure of the histories.

To me, these alterations to make the space accessible for the Pope does kind of communicate who is deemed important and valuable.

How do you think Call to Action 58, or all the Calls generally, should have been approached to centre the dignity of Survivors, their families and communities, and the restoration of Indigenous worlds?

It should have been Indigenous-led. So the federal government, the Catholic Church, the United Nations, or whoever it may be, should have given Indigenous nations the funds to inform and host the Pope on our own terms. A lot of power was given over to the Catholic Church to dictate what the visit was going to look like to Treaty Six and to other places as well.

This applies to other Calls: they should be Indigenous-led and resourced properly so that Indigenous people have the time to shape these Calls to Action. This is difficult since we are recovering from genocide and are often left reacting to ongoing oppression. We have the community expertise and our own distinct worldviews that must be honoured in any implementation of reconciliation.



EMILY RIDDLE (NEHIYAW, ALEXANDER FIRST NATION, TREATY SIX TERRITORY)

grew up in and is currently based in Edmonton. She has experience working with First Nations and Métis communities on policy, governance, and communications projects. Prior

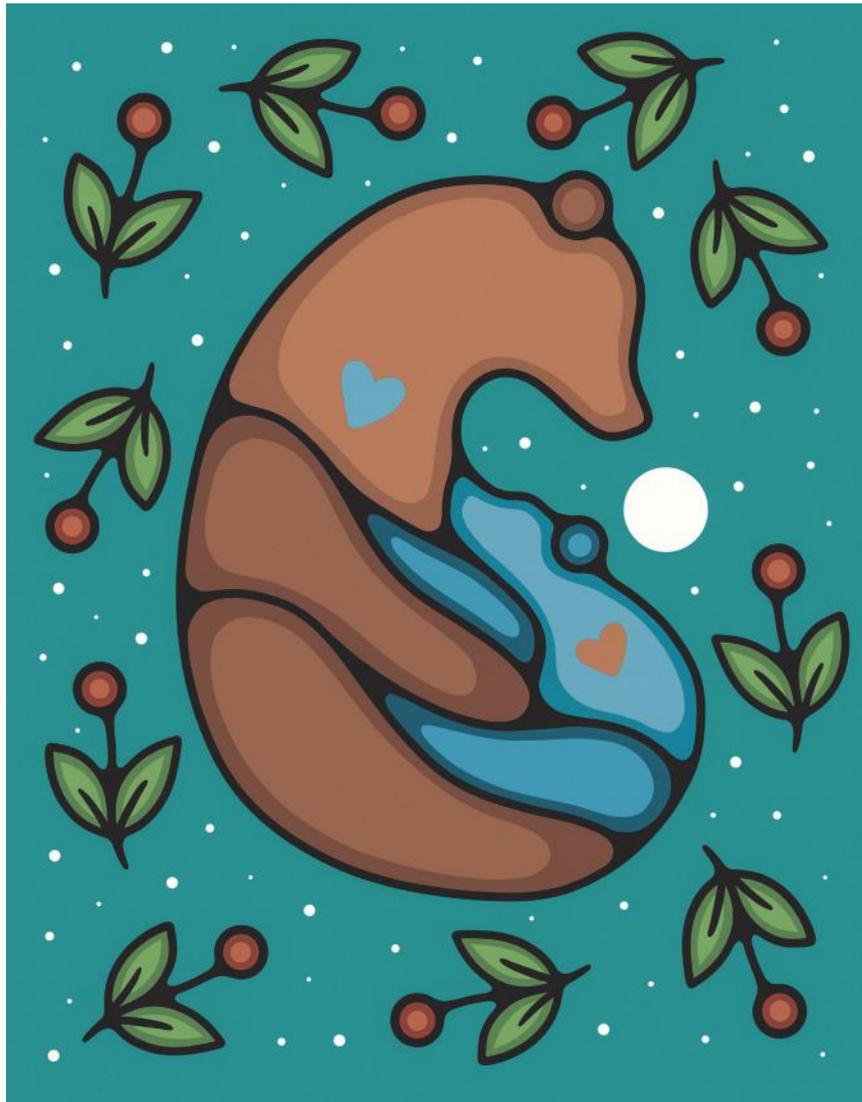
to her current role, she worked for the First Nations Education Steering Committee, a non-profit that represents over 100 First Nations. She is currently the Senior Advisor, Indigenous Relations for the Edmonton Public Library, and was named Top 30 Under 30 by the Alberta Council for Global Cooperation in 2019. Her writing has appeared in the Globe and Mail, Teen Vogue, Vice, and other publications.



KELSI-LEIGH BALABAN (MÉTIS AND SETTLER, TREATY SIX TERRITORY)

Her family is from Lac La Biche and she grew up near Edmonton. Kelsi is the Community Engagement Specialist at Yellowhead Institute. She is passionate about Indigenous governance

revitalization efforts and has been involved in youth organizing in Edmonton as well as active in harm reduction initiatives. Kelsi has a BA in Psychology and Native Studies and a certificate in Indigenous Governance & Partnership from the University of Alberta, and an MA in Political Science from the University of Toronto.



BEAR AND CUB BY ALANAH ASTEHTSI OTSISTOHKWA (MORNINGSTAR) JEWELL

Children, Cemeteries & Records

The Search for the Missing

by DR. KISHA SUPERNANT (MÉTIS, PAPASCHASE & BRITISH)

The conversation and movement on the Calls to Action related to Missing Children and Burial Information (71-76) has significantly accelerated over the past year as a result of Tk'emlúps te Secwépemc announcing their preliminary findings in May 2021. There had certainly been progress on some of these Calls before then; for example, the National Centre for Truth and Reconciliation had begun work on the memorial register (although it is by no means complete). We also saw work on establishing how the National Centre for Truth and Reconciliation (NCTR) could provide records on missing children and burial information to families.

But the progress had been very slow.

The difference in the speed of action before and after Kamloops tells us a lot about which kinds of Calls to Action earn political will and are treated with urgency, i.e. the ones that receive media attention and put pressure on governments. The majority do not, and they remain challenging.

One of these is Call to Action 74, which requires informing families of their child's burial location. The reality is this is very

difficult to do — in part because many of the records to facilitate this process did not end up at the NCTR as part of the work done by the TRC. Instead, these records are held in parishes or in vital statistics death records, if they exist at all. Accessing them remains a significant barrier for Indigenous communities trying to find missing children.

Related to this is the state of cemeteries where children were buried. Institutions knew children were going to die. So they built graveyards. Children that are in the records are attached to these; however, over the years, grave markers have also disappeared. As Cindy Blackstock reminds us, cemeteries are for the living.

And so the erasure of the children's graves tells us a lot about the value, or lack thereof, of maintaining, keeping, and knowing the location of those places. Since families were never notified that their children died or where they were buried, they never had a chance to take care of them.

If these cemeteries are known, many of them are not necessarily in environments where they can be protected. At the cemetery

connected to the Regina Industrial School, for example, the children's graves were in serious danger of being developed over. Others are on private lands where landowners do not want to provide access for ground searches. This can be a significant barrier for Indigenous communities wanting to commemorate and protect the burial grounds and progress on Call to Action 75 talks about the need for identification, documentation, maintenance, commemoration, and protection of residential school cemeteries.

There is much more to be done around finding the location of missing children. We have seen a lot of focus on ground searches in particular, where technology is used to detect potential graves. Since Tk'emlúps te Secwépemc, we've seen First Nations talking about using ground-penetrating radar. This is one among many strategies that include archival work, collecting Survivor testimony, creating support for Survivors and intergenerational Survivors, and working with Survivors from multiple communities. Technology alone cannot provide the specific answers that communities seek, although it can assist with locating areas where children may have been buried.

One crucial change this year has been the appointment of Kimberly Murray as the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools. I'm hopeful that with the creation of this position, there will be a better framework for Nations to locate, protect, and investigate the places where their children were buried and then be able to do the necessary ceremonies in order to lay them properly to rest. Between this office and the new National Advisory Committee on Missing Children and Unmarked Graves, whose mandate is to provide advice and guidance to Indigenous communities on the various aspects of this work, there is the possibility of sustained support for this long journey.

I see so much pain triggered by the attention paid to these Calls to Action over the past year and how deeply Survivors and families are feeling grief and anger; the impact of these missing children is felt across generations within Indigenous communities. So being able to get this right, to support these Nations to find out where their children are, to bring them home in their way — if all that were to happen, it would help with

healing and other areas of health for the community. However, healing can only come after the truth, and justice and accountability for what happened to the children are essential to this process.

At the same time, this is extremely emotionally difficult work, and a lot of it currently rests on the backs of communities. There could be much more support and coordination because the burden should not be on Indigenous peoples to bear alone.

This trauma was done to us, our Nations, our families, and our children, and we must receive the necessary support.

It has been seven years since the Calls to Action were first released. We saw incremental movement until the past year with some recent positive developments. The truth is it will likely take at least another seven years (or more) to complete the Calls because there are thousands of missing children and we know so little about many of them, including where their resting places are. I hope there will be continued pressure and attention paid to the missing children.

Also, I hope there will be continued advocacy and political will to help support communities to do this very sacred, very difficult, but very important work.



DR. KISHA SUPERNANT (MÉTIS/PAPASCHASE/BRITISH) is the Director of the Institute

of Prairie and Indigenous Archaeology and a Professor in the Department of Anthropology at the University of Alberta. Her research interests include digital technologies in archaeology, Indigenous archaeology, community-driven research, and heart-centred archaeological practice. Over the past several years, she has been helping Indigenous communities in western Canada use technology to locate and protect unmarked graves. She was recently appointed to the National Advisory Committee on Missing Children and Unmarked Graves.

3 Main Reconciliation Themes this Year



National Day for Truth & Reconciliation

2022 marked the second-ever National Day for Truth and Reconciliation. The day was observed across the country through healing walks, educational events, and ceremonial observances.

A new Orange Sprinkle Donut Campaign at national coffee chain Tim Hortons raised \$1.6M. All of the proceeds go to Indigenous charities like the Indian Residential School Survivors Society, but some suggested that the campaign encourages the commodification of reconciliation.



Papal Apology

In July, Pope Francis made a penitential visit to Canada. His apology for the actions of “many members of the church” in Maskwacis, Alberta, drew mixed reactions. Former TRC commissioner Willie Littlechild made headlines when he gifted the Pope with a headdress.



Rise of Residential School Denialism

There has been a concerning increase in Residential School denialism in public discourse. The National Post has published articles questioning the devastating legacy of the schools and whether the ground-penetrating radar method provides sufficient evidence of children’s unmarked graves.

Reconciliation: 2022 in Review

Top Mentions: Media Coverage of the Calls to Action



OUR RESEARCH METHODOLOGY includes tracking the mentions of Calls to Action in the news. Among the top mentions for both 2021 and 2022, was completed Call to Action 80, which established the annual National Day for Truth & Reconciliation. In 2021, Call to Action 58 calling upon the Pope to issue an apology was mentioned the second most of all calls. The news coverage on this Call was sparked by the visits by Indigenous peoples across Canada to the Vatican in 2021 as they implored the Pope to come to Canada deliver an apology for the abuses of residential schools. This apology took place in July of 2022, making it the most covered Call to Action in the media this year.

2022

#1

CALL TO ACTION 58
Papal Apology

#2

CALL TO ACTION 80
National Day for
Truth and Reconciliation

#3

CALL TO ACTION 50
Establishing Indigenous
Law Institutes

2021

#1

CALLS TO ACTION 71 - 76
Missing Children and
Burial Information

#2

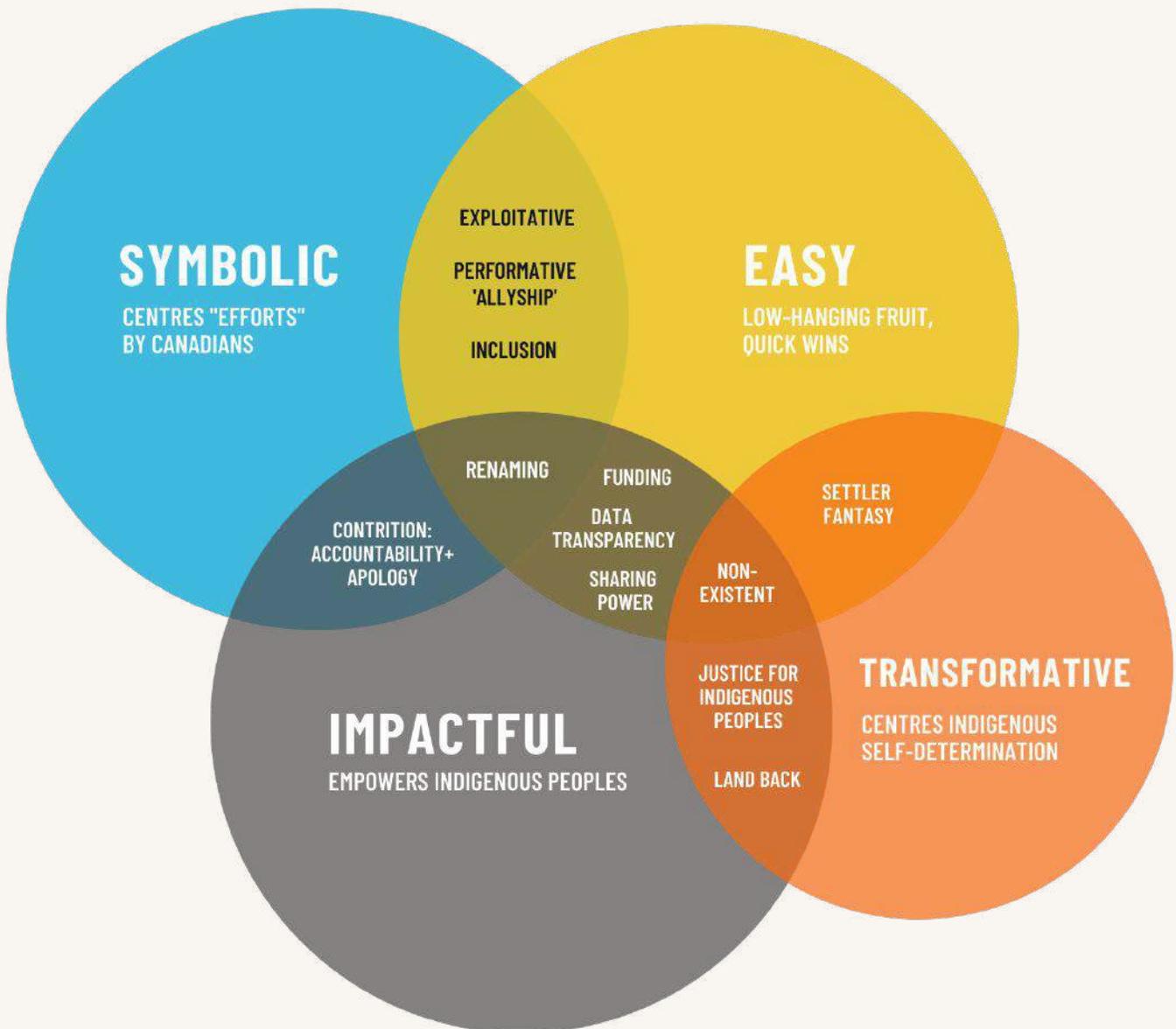
CALL TO ACTION 58
Papal Apology

#3

CALL TO ACTION 80
National Day for
Truth and Reconciliation

How Do You Like Your Reconciliation?

Without a shared understanding of reconciliation, it is difficult to measure progress. Reconciliation often means different things to different people, and in Yellowhead's work over the past few years, we have noticed both intersecting and diverging trends in interpretation. This infographic describes some of those trends, which also reflects the limitations and possibilities of reconciliation in contemporary Canada.



Progress on the Calls to Action

As of December 1, 2022, 38% of the 94 Calls to Action are either “Not Started” or “Stalled.” Why?

by DOUGLAS SINCLAIR (PEGUIS FIRST NATION)

Indigenous Watchdog is an online database led by Douglas Sinclair, which thoroughly reviews and curates multiple sources of data, delivering up-to-date information on the various Calls to Action and the status of their completion. Sinclair’s methodology is unique from Yellowhead Institute’s in that it tracks Calls to Action that are “stalled” and “in progress,” as well as “not started” and “complete.” In this essay, Sinclair writes about the trends in the “stalled” calls to action, and what can be gleaned from their lack of progress.

In June 2021, the Federal Government identified 76 Calls to Action that they are solely or partly responsible for and claimed that 80% of these Calls are completed or well underway. Moreover, in their 2021 statutory report on Crown-Indigenous Relations, the federal government claims to have completed 16 Calls to Action. But Indigenous Watchdog, Yellowhead Institute, and CBC – all independent – disagree.

Why the lack of progress?

When comparing all four organizations’ analyses – including the Federal Government – there is consensus on only five completed Calls to Action. Three of these Calls (15, 80, and 94) were completed within one month of the discovery of 215 unmarked graves at the Kamloops Indian Residential School on May 29, 2021.

One thing is clear in each independent assessment – many of the Calls to Action remain incomplete and progress is slow.

Indigenous Watchdog identifies four fundamental reasons for the lack of progress:

1. The absence of political will to tackle the hardest Indigenous issues, specifically issues of land and self-government;
2. Structural, legislative and institutional barriers embedded in the federal, provincial and territory colonial governance systems;
3. Systemic racism and discrimination entrenched within multiple sectors of society;
4. Failure to collect and disseminate quality data makes accurate reporting on various statistical measures difficult.

The Slow and Complacent Path of Reconciliation

Ultimately, the success of federal reconciliation efforts depends on the political will of current leaders and bureaucracies. Unfortunately, this political will seems to be lacking, which is why progress on reconciliation is slow, even in areas where Calls to Action have been completed.

Take for example, Call to Action 67, a national review of museum policies and best practices. It was

Here, we share the 21 Calls to Action that are currently stalled and the 15 Calls to Action that have not yet been started, according to analysis by [Indigenous Watchdog](#):

STALLEED

- 8 |** Eliminate discrepancy in education funding for First Nations on-reserve vs off-reserve
- 10 |** Draft Indigenous Education Legislation, engaging Indigenous people
- 12 |** Develop culturally appropriate early childhood education programs
- 14 |** Enact an Indigenous Languages Act
- 17 |** Enable residential school Survivors to reclaim Indigenous names
- 18 |** Recognize and implement healthcare rights of Indigenous peoples
- 19 |** Establish measurable goals to identify and close health gaps
- 20 |** Address distinct needs of Métis, Inuit, and off-reserve First Nations
- 25 |** Affirm independence of RCMP from government civil litigation
- 29 |** Residential School Settlement Agreements for those excluded from the TRC process
- 30 |** Commit to eliminate overrepresentation of Aboriginal people in custody
- 32 |** Amend criminal code to depart from mandatory minimum sentences
- 41 |** Appoint public inquiry into MMIW
- 58 |** Apology from the Pope to Catholic church residential school Survivors
- 62 |** Consultations on Indigenous education reform (curriculum content, funding)
- 71 |** Deliver residential school death records to the National Centre for Truth and Reconciliation
- 77 |** All archives to collaborate with NCTR on collection
- 78 |** \$10M funding for NCTR and \$10M for communities for reconciliation
- 87 |** Provide public education to tell national stories of Indigenous athletes
- 92 |** Corporate sector to adopt UNDRIP as a reconciliation framework and apply to policy and operations
- 93 |** Revise information kit for citizenship test with Indigenous content

NOT STARTED

- 2 |** Publish annual child welfare reports: Indigenous vs non-Indigenous
- 6 |** Repeal Section 43 of the Criminal Code
- 9 |** Prepare and publish annual education reports: Indigenous vs non-Indigenous
- 26 |** Review and amend their respective Statutes of Limitations
- 34 |** Reform criminal justice system to address needs of people with FASD
- 42 |** Commit to recognize and implement Aboriginal Justice Systems
- 45 |** Government of Canada to develop with Indigenous peoples a Royal Proclamation of Reconciliation
- 46 |** Parties of Settlement Agreement to develop and sign a Covenant to advance reconciliation
- 47 |** All levels of government to repudiate Doctrine of Discovery and *terra nullius*
- 51 |** Publish legal opinions on scope and extent of Aboriginal and Treaty rights
- 52 |** Adopt “acceptance and burden of proof” principles on Aboriginal claims
- 55 |** Provide annual reports on progress towards reconciliation
- 56 |** Prime Minister to deliver a State of Aboriginal People’s report
- 64 |** Denomination schools must teach course on Indigenous spirituality
- 89 |** Amend Physical Activity and Sport Act to ensure Indigenous inclusivity

technically completed on [September 27, 2022](#) by the Canadian Museums Association. Like [Calls to Action 41](#) and [70](#) (which called for the inquiry into Missing and Murdered Indigenous Women and Girls and a review of Canadian archival policies respectively), [Call 67](#) resulted in additional recommendations that are yet to be fulfilled.

Extensive follow-up is often required in most areas to ensure their recommendations toward reconciliation are implemented. In the case of [Call to Action 41](#), the government established a National Inquiry into Missing and Murdered Indigenous Women and Girls, but the Federal Government’s [Action Plan](#) — [widely criticized](#) by Indigenous leaders — is just getting started.

[Call to Action 80](#), which establishes the new National Day for Truth and Reconciliation (observed September 30), was implemented in 2021. Yet, eight provinces with 93.2% of the Indigenous population do not recognize September 30 as a statutory holiday: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Québec, New Brunswick and Newfoundland and Labrador. Six of these eight provinces are also [thoroughly opposed to implementing UNDRIP legislation](#).

Can these Calls to Action be considered complete when so much more work remains? Or are they stalled when we consider the bigger picture of reconciliation?

Overall, there are 15 Calls to Action “not started.” Seven of those directly address hard legal issues like broken treaties and stolen land, as well as reckoning with Indigenous laws, legal traditions and governance systems that pre-date confederation (all of which were prohibited under Canada’s

colonial law). The fundamental problem is that no level of government wants to relinquish any of their authority — and power — especially over land and the abundance of natural resources upon which the Canadian economy is built.

As of December 2, 2022, Indigenous Watchdog has documented 331 positive actions and commitments to advancing reconciliation. At the same time, 263 current problems have been documented, highlighting the political paralysis around the more difficult Indigenous issues and the structural and systemic barriers that continue to plague reconciliation.

No one believes that reconciliation will be easy. But every time a government erects a roadblock, it will only get harder: 34 of the 36 Calls to Action that are [“Not Started”](#) or [“Stalled”](#) are the direct responsibility of governments.

Now is the time for Canada to challenge colonial attitudes, beliefs, and economic self-interest that makes a mockery of reconciliation. Now is the time to exhibit the patience, resilience, and determination that Indigenous people have shown. This is what will make reconciliation a success for everyone.



DOUGLAS SINCLAIR (PEGUIS FIRST NATION)
Bio on page 23.

A Proposal for National Day for Truth & Reconciliation, Two Ways

by GINGER GOSNELL-MYERS (NISGAA & KWAKWAK'AWAKW)

The year 2022 marked our second-ever National Day for Truth and Reconciliation in Canada. I think a lot of people are still scratching their heads and wondering, “What does this mean for me? What does this mean for Indigenous peoples, and what does this mean for Canadians?”

On September 30th, many Indigenous peoples and organizations led workshops or hosted events open to the public. Tens of thousands of Canadians participated in these events. We also see that people are wearing orange shirts. The orange shirt — which originated with [Phyllis Webstad’s story](#) — is now an important symbol of reconciliation. These small actions, such as attending an event or wearing an orange shirt, are places to start.

But last year, after attending events on National Day for Truth and Reconciliation, I walked past the shopping mall. Seeing how crowded it was, I asked my husband, “Is this just a good day for capitalism?” Because that’s what it



But last year, after attending events on National Day for Truth and Reconciliation, I walked past the shopping mall. Seeing how crowded it was, I asked my husband, “Is this just a good day for capitalism?” Because that’s what it felt like: just a day off and business as usual for too many. And it shouldn’t be.

felt like: just a day off and business as usual for too many.

And it shouldn't be.

A day of small actions isn’t the type of day we should sustain when it comes to reconciliation. So how should National Day for Truth and Reconciliation be observed?

One thing that is becoming clear to me is the need for two versions of the day: one for Indigenous peoples and one for Canadians. I think that much like the creation of the day or the decision to accept the Pope's non-apology, we are rushing into some aspects of systems change

without creating space for dialogue amongst ourselves as Indigenous Nations.

We need to talk to each other and have the space to be truthful about our issues — and take as long as we need to work through our pain, grievances, and anger.

I also hope that Canadians are wondering what this day means for them. Much of it will focus on understanding how this country was shaped through Indigenous genocide and land theft, and this truth should make them angry. I want to validate that anger, which is developing into a new lens to view the country.



'ICK-CONCILIATION' (BASED ON TRUE EVENTS); ILLUSTRATION BY NAACGE PAYER (ANISHINAABE/HO-CHUNK)

"What I hate about Truth & Reconciliation Day is how the government and politicians, who have power to make real change, have encouraged everyday Canadians to think reconciliation is achieved through individual capitalist consumption..."

 ALICIA ELLIOTT | @WORDSANDGUITAR

Once considered a world leader in human rights, Canada is now seen as sanctimonious due to its continued unjust treatment of Indigenous peoples.

National Day for Truth & Reconciliation for Canadians

We need space for ourselves. We need to talk to each other without it turning to what we want to discuss with the federal, territorial, provincial or municipal governments, or trying to say things in a way that non-Indigenous people can understand. We know that our conversations are different when it's just us: our language is different, our body language is different, and our laughter is louder. And we need more of that. Our current conversations largely take place in political, academic, or economic/business/industry spaces. Those spaces have been co-opted to promote one-sided agendas or to further our assimilation as a marker of their success.

So what will come from our discussions when it's just us? We develop our connections and sense of community. When we come together without the white gaze, we begin to sort out our needs, understand our roles, and make our commitments to each other as family and as community. We are

collective; we value community: *Namwayut*. We are all one. This is an important value, and I think that September 30th should be about having a designated space and time for us to live in community and culture with one another.

We also need truth on this day. We need it to help us move past the hurt and anger that's carried and stems from residential schools and their intergenerational impacts because we aren't actually talking about these impacts with each other or at the family level.

The Truth and Reconciliation Commission's hearings and national events (the very same that led to the Calls to Action) brought us together for what felt like the first time to talk about how residential schools still impact us. It was incredibly healing for those of us who were able to attend. It was life-changing. And when it ended, it felt like it was an injustice not to have these spaces for this truth to be carried on.

How can we use the National Day for Truth and Reconciliation to share some of the truths we've been too afraid to say to each other — such as lateral violence, residential school experiences, or intergenerational pain? We know that these stories hold us back when we hold them in. A lot of

these stories, untold, are actually making us sick.

The National Day for Truth and Reconciliation could also be a day for us to process our grief. Due to COVID-19, we've been kept apart and unable to mourn as we would with the community. But we're experiencing so much loss — so much death — in our communities that we're rushing through both our past and, now, our ongoing grief. We can't normalize this because we will become numb and repetitive in how we deal with it, and that is not healthy, nor will it lead to healthy outcomes.

Right now, I grieve not just for my family and friends but for those I don't know personally: Colten Boushie, Barbara Kentner, Tina Fontaine, Chantal Moore, Jordan River Anderson, Joyce Echaquan, and James Smith Cree First Nation.

How can we use this day to process this grief collectively?

Part of the work and healing we need to do requires time and space to be with each other, which will facilitate our health and wellness. We need to build right relations with each other, our neighbouring

nations and strengthen our solidarity from the ground up. We are missing key steps in validating our connections with one another. This is creating a new set of neo-colonial problems for our communities. We forget that our collective survival required our ancestors to take care of each other, then later join together, sharing strategies and information to reclaim our lands, waters, children, women, and natural resources.

When we come together, not only is there healing, but there is strength, pride, wellness, and joy. Let's use September 30th to further this.

National Day for Truth & Reconciliation for Canadians

Seventy-thousand people attended the Walk for Reconciliation in Vancouver on September 22, 2013 — an event made possible by the leadership of Chief Robert Joseph, Karen Joseph, and Reconciliation Canada. It was a rainy day, and there was a real concern that the miserable weather would keep most from coming out. Yet, tens of thousands of people showed up. We had this positive collective healing moment. That public show of support made a difference, because when 70,000 people show up to demand change, the smart decision-makers follow suit.

What can the National Day for Truth and Reconciliation be for Canadians? The key is showing up and making a sustained commitment to learning the truth: this country was built on Indigenous genocide that was deliberate and, in many ways, ongoing.

Since that Walk for Reconciliation in 2013, the city of Vancouver officially recognized that it was located on unceded Musqueam, Squamish, and Tsleil-Waututh homelands. We all must know whose traditional territories we're on and acknowledge that they were taken without consent and often with force. But it's also important to know that acknowledgement is *just the beginning*.

To quote Chief Robert Joseph from his new book, *Namwayut*: "Before we can see where we're going, we have to know where we came from." We cannot enter into this future if Canadians are not doing their homework — if they aren't showing up and demanding change alongside all of us. We don't want success to look like further assimilation: we also need our cultures at the root of what takes place — to learn and embrace what Indigenous care and joy look like, to know what Indigenous

celebration and grieving look like, and to understand what Indigenous stewardship, honouring, perseverance, and recognition look like. This furthers our self-determination while creating opportunities for mutual respect between Indigenous peoples and all Canadians.

We have opportunities to use the National Day for Truth and Reconciliation to benefit us in good ways, but it should initially look different for Indigenous peoples and Canadians, respectively, to reach the kind of future we deserve.



GINGER GOSNELL-MYERS (NISGA'A & KWAKWAK'AWAKW) is passionate about advancing Indigenous rights and knowledge,

while breaking down barriers between Indigenous peoples and all Canadians. In 2019, Ginger was appointed as the first Indigenous Fellow with the Simon Fraser University Morris J. Wosk Centre for Dialogue, reflecting her achievements as a thought leader and practitioner. Ginger brings together a deep understanding of urban Indigenous issues, years of experience in bringing Indigenous and non-Indigenous communities together to develop public policy, and a passion for innovating new engagement processes that advance Indigenous rights.



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