

ICMP Canada Program  
**Interim Report**

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“They Were  
**Children”**

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# Introduction

Since signing a Technical Arrangement with Canada in January 2023, and in accordance with the invitation to Canada by the Assembly of First Nations (AFN) in 2021 under Resolution no. 01/2021<sup>1</sup>, the International Commission on Missing Persons (ICMP) has focused on building relationships with impacted First Nations, Metis and Inuit communities and leaders by providing presentations, facilitating key discussions, and participating in a range of national, regional and local events. Consistent with the recommendations of the above-mentioned AFN invitation and resolution, and the Technical Arrangement, the ICMP Canada Program has attended ground and site searches, which have been led by and conducted in ceremonies with Survivors and community members that underscore the sacred nature and crucial importance of this work. Indigenous partners have confirmed that ICMP's expertise in this area and its unique mandate, which supports rights-based approaches and community self-determination, can advance justice and accountability processes substantively while contributing to healing for Survivors, their families, and their communities. A rights-based approach and the right to self-determination for Indigenous peoples is supported by and grounded in international human rights instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This mandate and the potential work to be undertaken in partnership with communities and Survivors stands as a complement to other work being undertaken in this area by Indigenous-led entities and government appointed bodies and agents, such as the Office of the Independent Special Interlocutor (OSI)<sup>2</sup> and the

National Advisory Committee on Residential Schools Missing Children and Unmarked Burials (NAC)<sup>3</sup>.

This interim report contextualizes and summarizes the work accomplished by the ICMP Canada Program to date. It documents the repeated calls by Indigenous leaders for the involvement of ICMP in the context of community-specific or site-specific searches for unmarked burials in various locations across the country, and it outlines key themes drawn from consultations with impacted communities. These themes include the importance of supporting self-determination and community leadership, the need for technical assistance on the ground, the importance of supporting international visibility and accountability on the issues arising from searches, and key considerations in supporting trauma-informed approaches, including those considerations anchored in community-based worldviews and protocols.

In addition to providing a summary of work, this report points towards next steps and concrete opportunities to support communities and Survivors, by invitation, to contribute technical expertise to the ongoing efforts to better document unmarked burials in a way that supports community self-determination and choice. ICMP remains committed to this work, and to those Indigenous partners who have expressed an interest in continuing to walk together, so that the children who died within Canada's Indian Residential Schools (IRS) system can be honored in ways that contribute to justice, accountability, and healing.

<sup>1</sup> Assembly of First Nations (AFN), Resolution no.01/2021: Demanding Justice and Accountability for the Missing and Unidentified Children of Residential Schools, 6-8 July 2021: <https://www.afn.ca/wp-content/uploads/2021/07/AFN-AGA-2021-Resolutions-English.pdf>

<sup>2</sup> OSI website: <https://osi-bis.ca/>

<sup>3</sup> NAC website: <https://nac-cnn.ca/>

# Background

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As documented at length through examination of records and oral testimony to the Commissioners of the Truth and Reconciliation Commission of Canada (TRC), death among students in Canada's Indian Residential Schools (IRS) was commonplace. Deaths resulted from violence and abuse, illness, malnutrition, overcrowding and, tragically, in failed attempts by children to escape from these institutions to return to their home communities, which in most cases were several hundred kilometres from the IRS location. In addition to a lack of facts about the abuse and violence, information about the cause of death was often withheld from relatives or loved ones, many of whom never found out what happened to their family member. These children are not statistics: they were people, with real lives, dreams, personalities, and aspirations, who were targeted through a broad program of colonial violence and genocide aimed at destroying Indigenous cultures, communities, Nations – all through the children. In spite of the limited mandate and authority of the TRC Commissioners, in particular their inability to issue subpoenas and the lack of extension and expansion to the Commission's terms of reference and funding, the Final Report<sup>4</sup> provides crucial preliminary information into IRS deaths and burials.

In 2015, the TRC report was formally presented to Prime Minister Trudeau, documenting a total of 3,200 deaths of Residential School students. In these cases, the residential schools failed to record crucial information, including the name of the student for just under a third of these deaths (32%); the gender of the student who died for just under a quarter of these deaths (23%), and even the cause of death for just under half of these deaths (49%).<sup>5</sup>

Since the publication of the TRC final report in

December 2015, many more names have been added to the Register of Confirmed Deaths of Named Residential School Students, a project undertaken by the National Centre for Truth and Reconciliation (NCTR), an institution established through the TRC, to identify students who died during the school term or within one year of discharge. In addition, the Register of Confirmed Deaths of Unnamed Residential School Students was created to account for those who died but whose death was not identified by name, by institutional officials or government officials at the time.

Those thousands of children who died while attending residential schools in Canada were often buried in unofficial cemeteries or unmarked burial sites or cemeteries a long distance from their home communities, and families were routinely not notified of the burial location. As noted in the TRC report, the condition of the sites now depends on several different factors, including whether the cemetery continued in operation after the closure of the school, or the transformation of former sites into recreational areas or heritage sites, or whether the site was simply abandoned.<sup>6</sup> As such, many sites remain "vulnerable to accidental disturbance".<sup>7</sup>

Given the state of many burial sites and the lack of information surrounding those buried at these sites, Survivors, communities and Nations have had to contend with instances of significant re-traumatization, where the remains were disturbed by environmental factors. Inadequate cemetery/burial records (including the location of unmarked burials and the names of those who are buried there) and the potential for ongoing exposure of human remains pose significant risks for communities and families who wish to identify and understand the fate of their relatives.

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<sup>4</sup> Truth and Reconciliation Commission of Canada (TRC), *Canada's Residential Schools: Missing Children and Unmarked Burials, Volume 4*, 2015: [https://publications.gc.ca/collections/collection\\_2015/trc/IR4-9-4-2015-eng.pdf](https://publications.gc.ca/collections/collection_2015/trc/IR4-9-4-2015-eng.pdf)

<sup>5</sup> TRC, *Canada's Residential Schools* (...), p. 11.

<sup>6</sup> TRC, *Canada's Residential Schools* (...), p. 130.

<sup>7</sup> TRC, *Canada's Residential Schools* (...), p. 11.



A series of orange shirt cutouts placed on the grounds of the University of Winnipeg in memory of the children who never returned home. **Credit:** Sheila North

These risks must be addressed in keeping with communities and Nations' priorities and rights to self-determination.

The locations of graves associated with Indian Residential Schools have been identified<sup>8</sup> for decades. In 1974, students from the Department of Anthropology and Archaeology at the University of Saskatchewan undertook the excavation of 72 graves tied to the Battleford Industrial School, revealing the remains of 74 children who died attending the institution between 1883 and 1914. From 1992 to 1994, research into the old community cemetery near the site of the former Sacred Heart Residential School identified 298 people buried in unmarked graves, of whom 161 were children from across the Dehcho who had attended the institution. In 1996, in the context of a flood, the remains of 73 children who died while attending the Dunbow Industrial School were exposed along the banks of the Highwood River and in May of 2001, an additional 34 sets of children's remains were identified and reinterred at a site further away

from the river. Since 2012, work underway by the Regina Indian Industrial School Commemorative Association has revealed 38 graves outside of the former school site using ground-penetrating radar, and between 2018 and 2019, a team from the Muskowekwan First Nation, the University of Saskatchewan and the University of Alberta identified 24 unmarked graves on the former Muskowekwan IRS site.

More recently, new findings have animated new conversations about the responsibilities of governments to support communities in their efforts to find the remains of loved ones. In May 2021, a specialist using ground-penetrating radar made important preliminary findings suggesting the remains of 215 children were buried around the site of the former Kamloops Indian Residential School. Tk'emlups te Secwepemc Chief Rosanne Casimir expressed "an unthinkable loss"<sup>9</sup> that community members discussed, but that was never documented, in the operation of the school. In June, Cowessess First Nation, located in Saskatchewan,

<sup>8</sup> Carina Xue Luo, *Missing Children of Indian Residential Schools*, Academic Data Centre, 24 February 2024: <https://storymaps.arcgis.com/stories/cfe29bee35c54a70b9621349f19a3db2>

<sup>9</sup> Office of the Chief, Kamloops Indian Band, *Media release*, 27 May 2021: <https://tkemlups.ca/wp-content/uploads/05-May-27-2021-TteS-MEDIA-RELEASE.pdf>

announced that as many as 751 unmarked graves had been discovered near the former Marieval Indian Residential School, and the Lower Kootenay Band in British Columbia announced that ground penetrating radar had revealed 182 sets of anomalies that potentially contain human remains outside of St. Eugene's Mission School. More announcements about anomalies potentially representing unmarked graves soon followed: Kuper Island Industrial School near Chemainus, B.C., St. Joseph's Mission Residential School near Williams Lake First Nation, Brandon Indian Residential School, St. Philip's Indian Residential School, and many more<sup>10</sup>.

There is a need for information sharing with the families of those who are missing and who died at the schools. There have also been repeated calls by Indigenous leaders to develop a national legal

framework to address the identification of unmarked graves in the context of international criminal law and human rights abuses. In addition, there have been heightened calls for criminal investigations and prosecutions for which forensic investigative and identification techniques, including, but not limited to DNA testing, may be required.

For many former students, or family members of former students, finding answers is part of the healing journey. As they have expressed through public statements on behalf of the community and in individual stories in the media, finding answers to what happened to family members or to friends is an important priority that emphasizes the significant role that investigations conducted in partnership with communities and with Survivors can play.

## The Unique Role of the International Commission on Missing Persons (ICMP)

ICMP is an intergovernmental organization; its mandate is to secure the co-operation of governments and other authorities in locating persons missing as a result of armed conflicts, human rights abuses, natural and human-made disasters and other involuntary reasons, and to assist them in doing so. ICMP also supports the work of other organizations, encourages public involvement in its activities and contributes to the development of appropriate expressions of commemoration and tribute to the missing. ICMP is actively engaged in developing institutions and civil society capacity, promoting legislation, fostering social and political advocacy, and developing and

providing technical expertise to locate and identify the missing.

“We work extremely closely with communities, especially Survivors of missing persons to build their understanding of the process...We believe very firmly that the families of the missing have rights. They have rights to justice, to the truth and appropriate reparations.”

— **Kathryne Bomberger**, Director-General of the International Commission on Missing Persons

<sup>10</sup> Office of the Independent Special Interlocutor (OSI), *Sacred Responsibility: Searching for the Missing Children and Unmarked Burial, Interim Report*, June 2023: [https://osi-bis.ca/wp-content/uploads/2023/06/OSI\\_InterimReport\\_June-2023\\_WEB.pdf](https://osi-bis.ca/wp-content/uploads/2023/06/OSI_InterimReport_June-2023_WEB.pdf)

As has been shown in various contexts, modern science and technology are a crucial component in accounting for missing persons. Through clearly defined procedures, they can establish facts, including legal evidence to:

- **Identify** and therefore, reunite families through a holistic approach to identification including DNA comparison;
- **Determine** cause and manner of death;
- **Produce** evidence for accountability and justice, including establishing the severity and scale of human rights violations and abuses; and
- **Ensure** that the historical record is correct.

ICMP's technical assistance is primarily supported by three interrelated mechanisms:

1. **Forensic Archaeology and Anthropological support** with expert capabilities in the location, recovery and examination of human remains;
2. **A standing capacity to undertake a holistic approach to identification** where all lines of evidence, including DNA testing and kinship matching, are considered; and,
3. **Advanced informatics capacities through an Integrated Data Management System (iDMS)** that accommodates specific country needs and is provided to government and other authorities.

In the case of ground searches of former IRS, ICMP's expertise can be applied in the way that best suits the community's priorities and that respects their self-determined rights. Rather than imposing a specific process, ICMP works with distinctive communities to ensure that its services are

respectful, culturally safe, and sensitive to the needs and timelines of a diverse Indigenous population.

As many partners and potential partners have indicated, the provision of services within the timeframe in which communities wish to use them, and articulated in the way that communities would like to work, is an important and distinctive way in which ICMP can provide support.

Investigations such as those conducted by ICMP compare personal data about missing persons provided by their relatives with data obtained from other sources. For instance, a family member may provide information about their missing relative's health status; this may include details about an accident, for example, that the person had when they were young that resulted in a broken arm, or the fact that they had poor dental health. While such information on its own is not sufficient to make an identification, it can be very useful in the identification process when it is combined with other evidence. DNA analysis can establish family relationships to enable missing persons to be reunited with family members. Where a missing person may be deceased, DNA analysis constitutes one of three accepted human identification methods, the other two being fingerprints and dental analysis. The DNA of a family member of a missing person can be compared with DNA from unidentified human remains. ICMP's expertise in the use of specialized data processing systems, including its own iDMS, can, at the request of the communities, be brought to bear on their own cases.

## An Invitation

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Calls for a national strategy in this area, alongside technical assistance for community-based searches, began in earnest after the string of community announcements in 2021 that ground penetrating radar technology had helped to identify unmarked graves at former Indian Residential Schools in different parts of Canada. Building on repeated

calls by Indigenous leadership to develop a national strategy to address the identification of unmarked graves and repatriation of human remains, and as moved by Pimicikamak Cree Nation Chief David Monias, in July 2021, the Assembly of First Nations adopted Resolution no. 01/2021, in which they committed to work with all First Nations in Canada

to support the investigation of former IRS sites, to support the use of archeological methods to undertake investigations, document research and other investigation methods, to seek justice at the intervention at the International Criminal Court; and “to formally invite the International Commission on Missing Persons to work with First Nations”.<sup>11</sup>

In an effort to be able to provide such support, ICMP consulted with Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), beginning in April 2022, to develop a Technical Arrangement that would enable it to support communities. In January 2023, following more than a year of detailed discussions and informed by conversations on how best to provide support with Indigenous leaders, a Technical Arrangement was signed between ICMP and the CIRNAC, the federal government department responsible for meeting Canada’s obligations to First Nations, Inuit and Métis communities.

“It was great to hear ICMP was coming to Canada to partake in the investigations of the crime scenes identified as unmarked graves of the children who never made it home. Pimicikamak called for ICMP as a true unbiased and independent institution to research and support First Nations in their call for finding out the truth of the missing and murdered children that were forced out of their parental care. It is rather sad they (ICMP) have not been fully utilized by the government of Canada.”

— **Chief David Monias**, Pimicikamak Okimawin  
- Cross Lake Band

As outlined in the Technical Arrangement, the objective of ICMP’s Canada Program is to engage with Indigenous communities, inclusive of survivors, and to explore options for addressing the issue of unmarked burials and potential repatriation of children’s remains, considering that the needs of each community will be unique to their culture and tradition.

The Technical Arrangement is transitional, and leaves space for the work to unfold through invitation by Indigenous communities. The mandate is distinct from that of the OSI and the NAC, which were both established by the Government of Canada to support different aspects of the work.

In June 2022, the Government of Canada announced the establishment of the OSI. The OSI is tasked with recommending policy changes and identifying options to protect and preserve the sites; it will identify needed measures and make recommendations for a new federal legal framework to ensure the respectful and culturally appropriate treatment of unmarked graves and burial sites of children at former Indian Residential Schools and associated institutions, in collaboration with First Nations, Inuit and Métis governments, representative organizations, communities, Survivors, and families, other departments of the Government of Canada, provinces and territories, and other relevant institutions such as church entities and record holders. Building on this collaboration, the OSI is tasked with examining the existing federal, provincial, and territorial laws, regulations, tools, and practices that currently apply and have applied to protect unmarked graves and burial sites connected to former residential schools, as well as applicable Indigenous laws and protocols, in order to develop a description of the current legal framework. The OSI is also responsible for identifying areas of improvement in Canadian law and making recommendations for a new federal legal framework to identify, protect, and preserve unmarked burial sites connected to former residential schools and lands associated with the schools. Although the approach is national, where appropriate, the OSI will work with provinces and territories.

Through its mandate, the OSI is also responsible to act as a conduit, in collaboration with departments of the Government of Canada and other entities including the National Advisory Committee on Missing Children and Unmarked Burials, to help First Nations, Inuit and Métis governments, representative organizations, communities,

<sup>11</sup> Assembly of First Nations (AFN), *Resolution no.01/2021: Demanding Justice and Accountability for the Missing and Unidentified Children of Residential Schools*, 6-8 July 2021: <https://www.afn.ca/wp-content/uploads/2021/07/AFN-AGA-2021-Resolutions-English.pdf>



Shoes placed to mark the memories of the children who never returned home.  
**Credit:** Sheila North

Survivors and families navigate the federal system on matters relating to unmarked graves and burial sites at former residential schools and lands associated with the schools, and to help communities and Survivors navigate the federal system as communities seek to obtain and preserve relevant information and records from Canada, provinces and territories and other relevant institutions such as church entities and record holders.

Several national gatherings held by the OSI have made clear that the many priorities expressed by Indigenous partners to ICMP remain at the forefront of national conversations, while many of the particularities of searches have still to be elaborated at the community level, or determined in conversation with multiple communities whose children may have attended any given institution. This means that, while some of the information required by communities is of a more general nature, much of what remains to be discussed must be approached differently.

In addition, in July 2022, the NAC was established to share information that can help address key needs and priorities of communities considering or already undertaking searches and related activities. The NAC is not an investigative body: co-administered by CIRNAC and the NCTR, it brings together individuals with experience and expertise in areas such as Indigenous laws and cultural protocols, forensics, archaeology, archival research, criminal investigations, and working with Survivors.

In early 2023, the NAC launched its website, which includes general information<sup>12</sup> in fact sheets, guides and videos on navigating the search for missing children and unmarked burials. The NAC has also hosted three webinars, covering factors to consider when preparing for ground searches and knowledge gathering around potential burial sites, ground search technologies, and forensics.

To date, the work published by both the NAC and the OSI reflects their mandates, which remain distinct from the work proposed under the Technical Arrangement with ICMP. Both the mandates of the OSI and the NAC represent complementary fields of work at a national level that, per the amendments to ICMP's Technical Arrangement, do not include work on the ground to identify remains, at the invitation of distinct communities.

Other projects launched by the Government of Canada are, however, closely linked to the kinds of technical expertise that ICMP is well-placed to provide. The Residential Schools Missing Children Community Support Fund, established to support Indigenous communities in their efforts, was launched in June 2021. With a budget of over \$361 million, as of 16 August 2023, it reported having received 147 formal requests for funding from Indigenous communities and organizations and having approved 114 of these for a total of \$149 million. Eligible activities under the program include community efforts to engage, coordinate, develop and provide capacity support for

<sup>12</sup> National Advisory Committee on Residential Schools Missing Children and Unmarked Burials (NAC), *Navigating the Search for Missing Children and Unmarked Burials: An Overview for Indigenous Communities and Families*: [https://nac-cnn.ca/wp-content/uploads/2023/09/NAC\\_Navigator\\_Report\\_EN.pdf](https://nac-cnn.ca/wp-content/uploads/2023/09/NAC_Navigator_Report_EN.pdf)

initiatives; to conduct research and knowledge gathering; to memorialize and commemorate burial sites, unmarked graves and Survivors; and to pursue fieldwork investigation, identification and repatriation of remains. Some of these areas, as communities have made clear, will require careful collaboration with outside experts, who will be guided by community protocols, priorities, and voices. Independent expertise provided for the purpose of assisting communities, rather than as linked to academic projects, broader research initiatives, or pan-Indigenous projects, is key. As acknowledged by the Residential Schools Missing Children Community Support Fund, these initiatives must be flexible and responsive to the broad range of community needs, realities, and priorities.

Going forward, CIRNAC remains responsible for supporting communities through the Residential Schools Missing Children Community Support Fund, collaborating with Survivors, Indigenous communities, the National Advisory Committee, and others to support the work of locating, documenting, and commemorating cemeteries and unmarked burials associated with former Indian residential schools and honoring families' wishes, and for ensuring that Survivors, Indigenous communities, and families guide this work at their pace, in accordance with the principles noted in CTA 76.<sup>13</sup> These principles, which support community choice and self-determination and the leadership of Indigenous Survivors and community members, are well-suited to ICMP's expertise and approach.

## Supporting Rights-Based Approaches

Through the document "Principles respecting the Government of Canada's relationship with Indigenous Peoples"<sup>14</sup>, the Government of Canada commits to achieving reconciliation with Indigenous peoples "through renewed, nation-to-nation, government-to-government, and Inuit-Crown relationships based on the recognition of rights, respect, co-operation, and partnership as the foundation for transformative change." The first principle outlines the Government of Canada's commitment to relations with Indigenous peoples based on the recognition and implementation of their right to self-determination, including the

inherent right of self-government. The work to support communities in their efforts to identify human remains and, in some cases, to repatriate them, is important in the context of Canada's rights-based obligations and its obligations under various commitments.

On 21 June 2021, the UNDRIP<sup>15</sup> came into force in Canada. The Declaration includes key articles that relate to the rights associated with the repatriation of Indigenous artefacts and human remains, including the explicit right to repatriation of human remains as enshrined in article 12.1. Indigenous

<sup>13</sup> Truth and Reconciliation Commission of Canada (TRC), *Calls to Action*, 2015, p. 9, [https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls\\_to\\_Action\\_English2.pdf](https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf)

<sup>14</sup> Government of Canada, *Principles respecting the Government of Canada's relationship with Indigenous peoples*, 1 September 2021: <https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html>

<sup>15</sup> United Nations, *United Nations Declaration on the Rights of Indigenous Peoples, Resolution adopted by the General Assembly on 13 September 2007*: [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

partners have also cited as relevant, Article 7(1) affirming the rights of Indigenous individuals to life, physical and mental integrity, liberty and security of the person; Article 7(2) affirming the collective right to live in freedom, peace and security as distinct peoples and not to be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group; Article 8(1) related to forced assimilation or destruction of culture; Article 8(2) requiring states to provide effective mechanisms of redress for actions that seek to deprive Indigenous Peoples of their integrity as distinct peoples, of their cultural values or ethnic identities, of their lands, territories or resources, or of any of their rights. In addition, Article 41 clearly articulates that intergovernmental organizations – such as ICMP and others – “shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.” As noted by the Government of Canada, “Among the main goals of the Declaration is to support Indigenous peoples’ exercise of the right to self-determination.”<sup>16</sup>

The United Nations Declaration on the Rights of Indigenous Peoples Act, the Declaration’s formal adoption into Canadian law, requires the Government of Canada, in consultation and cooperation with Indigenous peoples, to take all measures necessary to ensure the laws of Canada are consistent with the Declaration, to prepare and implement an action plan to achieve the Declaration’s objectives, and to table an annual report on progress to align the laws of Canada and on the action plan.<sup>17</sup>

Further, the Rome Statute of the International Criminal Tribunal posits that enforced disappearance is a crime against humanity that comes with an

obligation, on behalf of states, to investigate disappearances officially and fully. “Enforced disappearance of persons,” in the context of the Indian Residential Schools system, refers to the ways in which Indigenous children were detained and/or abducted by persons with the “authorization, support or acquiescence of a State [...] followed by a refusal to [...] give information on the fate or whereabouts of those persons.”<sup>18</sup> As such, the sum of these domestic and international obligations to support Indigenous rights holders provides important grounding to the work that ICMP can help communities to conduct.

The importance of work on the ground and with communities – work being undertaken by the ICMP Canada Program – is also linked to the implementation of Calls to Action 74 to 76<sup>19</sup>, related to missing children and burial information. Call 74 requires the federal government to work with the churches and Indigenous community leaders to inform the families of children who died at residential schools of the child’s burial location, and to respond to families’ wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.

Further, Call to Action 75 asks the federal government to work with provincial, territorial, and municipal governments, churches, Indigenous communities, former IRS students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of appropriate memorial ceremonies and commemorative markers to honour the deceased children. Finally, Call to Action 76 directs the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to

<sup>16</sup> Government of Canada, *Background: United Nations Declaration on the Rights of Indigenous Peoples Act*, 10 December 2021, <https://www.justice.gc.ca/eng/declaration/about-apropos.html>

<sup>17</sup> Ibid.

<sup>18</sup> Office of the UN High Commissioner for Human Rights, *Rome Statute of the International Criminal Tribunal*, “Article 7, Crimes against humanity, 2. (i)”, 17 July 1998, <https://www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court>

<sup>19</sup> Truth and Reconciliation Commission of Canada (TRC), *Calls to Action*, 2015, [https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls\\_to\\_Action\\_English2.pdf](https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf)

adopt strategies in accordance with the following principles:

- The Aboriginal community most affected shall lead the development of such strategies;
- Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies;
- Indigenous protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.

CIRNAC is the department responsible for the coordination and implementation of Calls to Action 74 to 76. Its approach is informed by a series of 16 virtual engagement sessions held in June to November 2020 with more than 140 participants from a wide variety of organizations across Canada. Through these sessions<sup>20</sup>, Survivors spoke to the importance of developing a national strategy to facilitate the identification, documentation, information sharing and commemoration of Indian Residential School cemeteries and burial sites. These Indigenous rights and governmental obligations are directly linked to the importance of Indigenous self-determination because of their link to distinctive Indigenous histories, cultures, and governance systems. Within this space, contemporary tools to support community-based articulations of their rights remain an important and unique aspect of ICMP's technical abilities. A rights-based investigation, as noted by Andreas Kleiser and Thomas J. Parsons (2020)<sup>21</sup>, seeks to educate family members about the way in which scientific methods may be used to identify human remains and to determine their cause of death (197). Disappearances of individuals, such as the relatives who went missing within IRS, are human and Indigenous rights violations, not only of the missing

but also of their family members and loved ones. In January 2023, OSI made a submission<sup>22</sup> to the United Nations Special Rapporteur on the Rights of Indigenous Peoples (UN Special Rapporteur) in response to a call for inputs. At that meeting, Jerry Peltier, member of Kanehsatake and Survivor of the Spanish Indian Residential School, and Doug George-Kanentiio, Chairperson of the Akwesasronon Shonaten:ron and Survivor of the Mohawk Institute, noted the importance of increased funding for the investigation into unmarked burial sites, the identification of human remains, and the repatriation of children to their respective home communities.<sup>23</sup> In March 2023, at the end of the Special Rapporteurs Canada Visit, the End of Mission Statement<sup>24</sup> noted the importance of adequate financial support, provided by Canada, to cover the costs of forensic investigation, exhumation, and/or commemoration and of the necessity of Survivor-centered, Indigenous-led investigations that respect Indigenous Peoples' laws and protocols relating to grieving, death and burial practices.

<sup>20</sup> Available at <https://www.rcaanc-cirnac.gc.ca/eng/1524504992259/1557512149981>

<sup>21</sup> Andreas Kleiser and Thomas J. Parsons, *Silent-Witness: Forensic DNA Evidence in Criminal Investigations and Humanitarian Disasters, Chapter 9: Large Scale Identification of the Missing*, 2020, [https://www.icmp.int/wp-content/uploads/2023/03/Silent-Witness\\_Chapter-9\\_Large-Scale-Identification-of-the-Missing-2.pdf](https://www.icmp.int/wp-content/uploads/2023/03/Silent-Witness_Chapter-9_Large-Scale-Identification-of-the-Missing-2.pdf)

<sup>22</sup> Office of the Independent Special Interlocutor (OSI), *Submission to the UN Special Rapporteur on the Rights of Indigenous Peoples, Canada Visit 2023, 30 January, 2023*, [https://library.usask.ca/gp/osi/submission-the-UN-Special-Rapporteur-on-the-Rights-of-Indigenous-Peoples\\_Special-Interlocutor\\_Jan-2023\\_-FINAL.pdf](https://library.usask.ca/gp/osi/submission-the-UN-Special-Rapporteur-on-the-Rights-of-Indigenous-Peoples_Special-Interlocutor_Jan-2023_-FINAL.pdf)

<sup>23</sup> Office of the Independent Special Interlocutor (OSI), *Sacred Responsibility: Searching for the Missing Children and Unmarked Burial, Interim Report*, June 2023, [https://osi-bis.ca/wp-content/uploads/2023/06/OSI\\_InterimReport\\_June-2023\\_WEB.pdf](https://osi-bis.ca/wp-content/uploads/2023/06/OSI_InterimReport_June-2023_WEB.pdf)

<sup>24</sup> United Nations Special Rapporteur on the Rights of Indigenous Peoples, *Visit to Canada, End of Mission Statement*, 1-10 March 2023, <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>

# Summary of Key Engagements to Date



Shiela North, Director of the ICMP Canada Program, speaks to attendees at the 2023 BC Provincial Gathering for Lead Communities Investigating Indian Residential Schools and Indian Hospital Sites in BC.

The objective of ICMP's Technical Arrangement is to engage directly with Indigenous communities about options related to the search and recovery of human remains and the identification and repatriation of missing children. This will be done through a community-centered approach that acknowledges the diversity of communities and the fact that concerns and needs of communities may vary. As has been made clear, families and communities have different needs for repatriation, and different purposes and priorities for choosing to pursue DNA testing within that process. Local engagement with Survivors and concerned

family members, in ways that recognize the diversity and distinctiveness of communities, remains an important part of ICMP's mandate and approach, which has focused on generating conversations with communities and collectives around how best to proceed in their specific case.

To date, the ICMP Canada Program has conducted eight formal presentations and has participated in approximately ten key gatherings and meetings, reaching approximately 1,500 Indigenous rights holders and partners, in addition to many one-to-one discussions with key Indigenous representatives in support of the program. These partners represent a wide spectrum of Indigenous Survivors, leadership

and front-line advocates and technical knowledge holders, many of whom have asked for ICMP's site-specific technical assistance. These conversations have been respectful, trauma-informed, and focused on distinctive realities and needs within communities. Overall, they have reinforced the need to move forward in the way that communities wish, respecting their own priorities and timelines.

## Key engagements include:

- **April 2023: Williams Lake First Nation:** The first direct meeting of the Canada Program was with Williams Lake First Nation (WLFN) with the WLFN Chief and Council, the investigation team, and the Elders and Survivors of the St. Josephs IRS. This meeting was in follow-up to the 93 anomalies/reflections announced by the Nation and identified through ground penetrating radar. Meeting participants expressed the need to utilize ICMP expertise for possible excavation and DNA analysis under and according to First Nations data sovereignty principles, including the principles of ownership, control, access, and possession (OCAP).
- **May 2023: Assembly of First Nations Northwest Territories:** The ICMP Canada Program attended a meeting in Toronto with the AFN Northwest Territories (NWT) AFN NWT Regional Chief (RC) and Dene National Chief, Gerald Antoine. The purpose of the meeting was to support the RC and the AFN Executive in implementing AFN Resolution no. 02/2021, which calls on the AFN to invite ICMP to Canada to assist the IRS Survivors and their representatives on the issue of missing children and unmarked graves associated with the former IRS institutions. It was agreed that the ICMP Canada Program and the Dene National Chief would reaffirm the 2021

resolution for the Executive and take it to the AFN Annual General Assembly (AGA) to be held in Halifax in July 2023.

- **May 2023: Provincial Gathering for Lead Communities Investigating Indian Residential Schools and Indian Hospital Sites in British Columbia:** The ICMP Canada Program was invited to the Provincial Gathering for Lead Communities Investigating IRS and Indian Hospital sites in British Columbia (BC). This gathering took place on the Tseshaht First Nation located on Vancouver Island, where the Program presented the background, purpose, and process for the ICMP Canada Program to the 17 lead communities, approximately 40 IRS survivors, investigators, and federal and provincial officials. The presentation was well received as demonstrated by the multiple invitations for future engagements. Unfortunately, however, the Canada program at that time did not have sufficient resources to follow up on these individual requests. They are documented and the Program plans to follow up with the First Nations on Vancouver Island and in the North and interior of BC once the Technical Arrangement amendments are approved.
- **June 2023: Pimicikamak Cree Nation and Minegoziibe Anishinabe First Nation:** During the second week of June, the ICMP Canada Program met with Chief David Monias of the Pimicikamak Cree Nation and Chief Derek Nepinak of the Minegoziibe Anishinabe First Nation to discuss ICMP support for investigating the anomalies and reflections discovered in the grounds of the IRS institutions located within their respective Nations. An important topic of discussion was the AFN AGA and the possibility of the Chiefs moving and seconding a resolution directing the AFN to implement the 2021 resolution mentioned earlier in this status update. The Chiefs affirmed their support for the resolution and for the ICMP Canada Program. They also committed to utilizing ICMP technical support and to starting preliminary discussions on individual agreements between ICMP and their respective Nations.

“With such a monumental undertaking towards healing and reconciliation, we needed as many helpers along the way as we could muster. ICMP stepped up and offered support and expertise that helped us build our confidence that we would be ready for any potential outcome. At all times, we proceeded with the plan to prepare for the worst but hope for the best in our healing journey.”

– **Derek Nepinak**, Chief, Minegoziibe Anishinabe First Nation

- **June 2023: Sioux Valley Dakota Nation Council and partners:** In June, the ICMP Canada Program met with a Sioux Valley Dakota Nation council, and Katherine Nichols (Simon Fraser University) and Dr Emily Holland, (Forensic anthropologist, Brandon University) who are leading the investigation of the Brandon Indian Residential School with respect to the unmarked graves of IRS students suspected to be buried on private property in what is now a campground and trailer park located within the municipal boundaries of the City of Brandon. There was extensive discussion about the challenges of investigating unmarked graves located on private property. A detailed summary of the research and literature review of the “grey areas” that exist within federal and provincial regulations and legislation with respect to unmarked graves located on private property is being undertaken by the Brandon IRS investigation team.
- **July 2023: Assembly of First Nations Annual General Assembly (Halifax, NS):** In July, the ICMP Canada Program attended the AFN AGA in Halifax, where there was extensive networking with delegates from across the country and strategic lobbying of Chiefs for political support and for the draft resolution calling for AFN support for the ICMP Canada Program. RC Antoine in his update to Chiefs on his Indian Residential Schools portfolio, noted the importance of ICMP assistance to First Nations in unmarked graves investigations.

- July 2023: Minegoziibe Anishinabe First Nation:** In July, the ICMP Canada Program travelled to the Minegoziibe Anishinabe First Nation for the beginning of the excavation of the Catholic Church basement for possible unmarked graves. This was also an opportunity to reconnect with Dr Emily Holland who was leading the excavation process on behalf of the Nation, the Survivors and Chief and Council. It should be noted that during this Church basement project several community members were trained in excavation techniques, an important capacity development initiative. No human remains were discovered as a result of the excavation process.
- August 2023: Treaty 1-11 Gathering in Winnipeg, Manitoba:** The Program attended the Treaty 1-11 Gathering in Winnipeg as citizens of Treaty No. 5 and as representatives of ICMP. The ICMP Canada Program Director was invited by the Treaty 1-11 Chair to present to the delegates of the Gathering, which included many former IRS students, Knowledge Keepers, esteemed leaders, lawyers, Treaty experts, and Chiefs.
- August 2023: Manitoba Keewatinowi Okimakanak (MKO) Annual General Assembly (Thompson, MB):** The ICMP Canada Program was invited to present at the Manitoba Keewatinowi Okimakanak (MKO) AGA in Thompson Manitoba. ICMP's work was presented, along with a resolution calling for the MKO First Nations and the MKO Secretariat to work with ICMP on behalf of the Survivors and their families in Northern Manitoba. A motion was moved by Chief Monias and unanimously passed supporting ICMP and potential agreements with MKO First Nations and the MKO IRS Unit, which is engaging extensively across Northern Manitoba with and on behalf of Survivors.
- September 2023: Office of the Special Interlocutor National Gathering on Unmarked Burials, Montreal, QC:** In September, the ICMP Canada Program monitored the OSI Gathering in Montreal, where many of the stakeholders with whom ICMP worked with in the previous months were present and participating. The Program also attended the IRS section of the Healing Our Spirit Worldwide conference in Vancouver, where there were keynote speakers from Canada (Williams Lake First Nation), the United States and Australia who spoke about collective efforts to address the issue of missing children and unmarked graves associated with Indian Boarding Schools in the US and in Australia.
- September 2023: British Columbia Assembly of First Nations Annual General Meeting:** The ICMP Canada Program was invited by BCAFN Regional Chief Terry Teegee to address the Chiefs in Assembly. The BC Chiefs were very respectful and attentive at the presentation of the Canada Program, and they asked for support to draft a resolution for deliberation by Chiefs in Assembly. Together with BCAFN staff, the ICMP Program drafted the resolution. A mover was identified, and the draft was finalized for deliberation. However, the resolution did not make it to the floor at the intended time due to a community crisis and funeral and the Assembly had to be moved on-line for the final day. The resolution was brought forward the next day; however, the mover was not present, and a new mover was identified. The new mover needed more time to review the information, and subsequently moved to table the resolution to the next BCAFN Assembly.
- September 2023: Acimowin Opaspiw Society (AOS):** In September, the Canada Program met with the Acimowin Opaspiw Society (AOS) at the request of Leah Redcrow, CEO of the AOS and Investigation Director for the Blue Quills Missing Children in Unmarked Burials Inquiry. ICMP presented the Canada Program to approximately 150-175 Symposium delegates as part of the opening ceremonies of the AOS Investigation Methodologies National Symposium. In October, at the request of the AOS, ICMP provided a preliminary analysis of photographs of unidentified human remains found at the Sacred Heart (Blue Quills) IRS in St. Paul, Alberta, Canada. On the basis of the documentation received, ICMP determined that the photographs depicted isolated skeletal and dental elements, that corresponded to a juvenile/s (estimated to be less than five years old). Given the initial observations, ICMP

recommended that further investigation be undertaken. The AOS expressed their commitment to utilize ICMP expertise in the investigation of graves associated with the Blue Quills IRS.

“As we met Survivors, leaders and others at various events across the country, I felt a sense of urgency for ICMP to do what it can to support families and communities who are searching for closure, a sense of justice and peace with missing and murdered children. The needs are great, but so is the need for further truth and reconciliation efforts by all stakeholders that have the ability to do something. One phrase kept coming to mind as we met with people, and it remains with me, ‘They Were Children.’”

— **Sheila North**, ICMP Canada Program Manager, Unmarked Graves, Residential Schools and Engagement

• **September 2023: Inuit Tapiriit Kanatami:**

The ICMP Canada program attended events in Ottawa for the National Day for Truth and Reconciliation. Natan Obed, President of the Inuit Tapiriit Kanatami, expressed gratitude for the ICMP mandate for supporting the Inuit and further expressed that he would be pleased to be involved with the ICMP Canada Program on behalf of the Inuit Survivors of IRS institutions and Hostels located in the far North of Canada. The Program is exploring a possible visit to Nunavut and other regions of the far North.

• **October 2023: Government of Manitoba:**

Following the 3 October election of a new provincial government in Manitoba, the ICMP Canada Program was invited to a meeting with provincial Indigenous reconciliation officials following the election, where ICMP briefed officials on the status of the ICMP Canada Program. The provincial officials expressed a desire to work in partnership with the program on a proposed province-wide gathering on missing children and unmarked graves.

• **October 2023: Assembly of Manitoba Chiefs:**

The ICMP Canada Program was invited to a presentation on IRS and missing children and unmarked graves, at a gathering sponsored by the Assembly of Manitoba Chiefs (AMC). The feedback from the delegates was extremely positive, and further engagement is ongoing to solidify the relationship between the ICMP Canada Program and the AMC.

At many of these engagements, Indigenous partners stated that they are now ready to move forward to secure formal commitments from ICMP for assistance with investigations being conducted or planned in their respective territories and reserve lands.

# Summary of Key Themes and Priorities

Throughout the various exchanges with Indigenous partners at different stages of the process, participants raised important key themes and priorities for consideration in future planning. In no particular order, these include:

- **The Importance of Support for Indigenous Self-Determination:** As those who have spoken publicly on the matter have made clear, children, survivors and youth are at the center of the work ahead<sup>25</sup>.

From the initial invitation for ICMP to visit Canada, to ongoing conversations with key potential partners, including Survivors, partners have been clear: support to conduct searches that respects the choice and priorities of Indigenous communities and Nations in their own territories and on residential school sites is a key element of Canada’s responsibility to provide redress, to support individual and collective rights, and to respect self-determination. Communities and Nations are best placed to advise on the kind of approach that will respect Survivors and community members in their own, distinctive ways, and with respect for distinctive protocols, beliefs, and understandings. Further, partners, communities and Nations engaged have been clear that ICMP’s approach to working in a way that supports their priorities is a key component of Indigenous self-determination and of a rights-based approach that Canada must support through effective resourcing to

support ICMP involvement, where desired. As noted by CIRNAC in a statement in November 2023, “Canada will continue to provide support for communities that wish to engage with the (group) for its technical expertise”<sup>26</sup> it added.

An Indigenous-led investigation process, accompanied by technical assistance from ICMP, can effectively and respectfully incorporate Indigenous protocols and laws, and follow necessary forensic investigative techniques that may be required in the courts for future redress.

- **The Need for Technical Assistance on the Ground:** While the OSI and the NAC may provide general guidance in their own respective mandates, ICMP remains uniquely suited to assist communities on the ground. In presentations provided in September 2022 at the OSI National Gathering on Supporting the Search and Recovery of Missing Children, presenters Donald Worme (Cree, Kawacatoose First Nations, former Lead Commission Counsel for the Truth and Reconciliation Commission of Canada) and Nancy Sandy (Williams Lake First Nation) emphasized the importance of Indigenous communities gathering knowledge and developing expertise to conduct community-led investigations that will be forensically rigorous, with assistance and support as required.<sup>27</sup>

<sup>25</sup> Office of the Independent Special Interlocutor (OSI), *Moving from Our Heads to Our Hearts to Our Hands: Summary Report of the National Gathering on Unmarked Burials: Supporting the Search and Recovery of Missing Children*, 12-14 September 2022, p. 11, [https://osi-bis.ca/wp-content/uploads/2023/01/OSI-SummaryReport-Edmonton-Sept2022\\_web.pdf](https://osi-bis.ca/wp-content/uploads/2023/01/OSI-SummaryReport-Edmonton-Sept2022_web.pdf)

<sup>26</sup> The Canadian Press, *After concerns, Ottawa pauses work on \$2M contract for help on unmarked graves*, 29 November 2023, <https://www.aptnnews.ca/national-news/after-concerns-ottawa-pauses-work-on-2m-contract-for-help-on-unmarked-graves/>

<sup>27</sup> OSI, *Moving from Our Heads to Our Hearts to Our Hands* (...), p. 40.

Further, some communities have already planned and conducted searches and have invited ICMP to connect with their own appointed experts on the ground. This includes the 24-25 July excavation of the Catholic Church basement on the Minegoziibe Anishinabe First Nation for possible unmarked graves. During the excavation, ICMP was able to see that several community members were being trained in excavation techniques, highlighting the fact that capacity building in these specialized areas is a priority for some communities. Other partners have requested different kinds of assistance from ICMP, including assistance related to forensic archaeology and anthropology, requirements for undertaking an exhumation, and efficient data management in cases of long-term missing persons.

Finally, as some communities and individuals have pointed out, the OSI and the NAC's roles are to provide advice and guidance, but they cannot initiate a forensic investigation or provide subject matter technical expertise. As expert in search technologies Dr. Kisha Supernant (Institute of Prairie and Indigenous Archaeology, University of Alberta) noted in her presentation to the OSI National Gathering on Supporting the Search and Recovery of Missing Children, search and recovery work must be Indigenous-led, each site is unique and will require a tailored search plan and process, and subject matter experts must be made available to provide guidance to communities when requested.<sup>28</sup>

- **The Importance of International Visibility and Accountability:** As survivors and community members have affirmed publicly, the search processes planned and underway are important mechanisms for justice. As was pointed out in the report of the OSI, while not every community or individual wishes to pursue the matter within the criminal justice system, the process of searching and recovering is, for some, “its own form of justice. Regardless of which direction a community or family chooses, this work is

essential to creating a pathway for justice and accountability”.<sup>29</sup>

As has been pointed out during stakeholder engagement, ICMP's independence from Canada as an international organization and its ability to contribute to pathways to justice and accountability are important factors for many communities and potential partners. In the original resolution carried by consensus by the Assembly of First Nations at its Annual General Assembly in 2021, unmarked burials at IRS sites were linked to crimes against humanity by agents, employees or other actors working for the Government of Canada, as well as in this case, for the Government of Vatican City State, outside of Canada. The invitation to ICMP within the resolution is specifically framed as work conducted by an international entity, underscoring the difference between ICMP and other organizations that are working in this space in Canada. A key concern expressed by partners during dialogues with ICMP is the need for accountability while respecting communities' choices to pursue formal measures both domestically and internationally. The resolution also points to the potential for action through intervention at the International Criminal Court as a way of promoting individual and collective responsibility and for Canada to learn from the truth, as decided by communities who will each chart their own pathways in this space.

- **Supporting Trauma-Informed Approaches:** The work that communities wish to pursue is a foundational component of healing and must be embedded in community practices and protocols. At the September 2022 National Gathering on Unmarked Burials, Fredy Peccerelli, Director of the Forensic Anthropology Foundation of Guatemala (FAFG), described the importance of acknowledging the ways in which cultural and forensic integrity can be compatible. As Peccerelli noted, in his work in Guatemala, community members and family members have important ceremonies, protocols, and practices

<sup>28</sup> OSI, *Moving from Our Heads to Our Hearts to Our Hands (...)*, p. 35.

<sup>29</sup> OSI, *Moving from Our Heads to Our Hearts to Our Hands (...)*, p. 12.

that must be engaged and taken seriously in any search efforts.<sup>30</sup>

Linked to all previous themes, the need to support healing through trauma-informed approaches is a key consideration. But trauma-informed practices may not look and feel the same for all communities or Indigenous partners. Addressing trauma respectfully also requires the foundation of choice to participate, and choice in options for care (OSI National Gathering on Unmarked Burials, *Addressing Trauma in the Search and Recovery of Missing Children*, p.22). As such, ICMP's approach to identifying community partners and empowering stakeholders with knowledge, information, and expertise supports a trauma-informed approach, as determined by the community.

As guests, ICMP Canada Program representatives traveling to various gatherings participated in or witnessed different kinds of cultural ceremonies and events, including witnessing ceremonies, community feasts and banquets, sacred fires, and other ceremonies as appropriate, all of which respected local protocols, customs, and approaches to the specific circumstances of the community or the site.

As was noted by Elder and spiritual leader Tom Porter (Sakokweni'ónkwás) in March 2023 at the OSI's National Gathering on Unmarked Burials focused on Indigenous Laws, the work to be conducted is a necessary component for healing:

Those children whose graves are not found yet are stuck there. Because it is tragic what happened to them. That's why it's important to find where they are. And then each Nation has to consult with their oldest Elders, the ones that still know the history and the original teachings of the Creator... to consult on how to handle that.... And that's when our young will be free. And that's when we can begin our work to make sure the next generations will never be lost again.<sup>31</sup>

ICMP's direct engagement with communities can, in its future work, ensure that searches proceed with the care that is required and with attention to the impact that these searches may have on Survivors. As the report of the OSI pointed out, participants attending the National Gathering on Unmarked Burials in September 2022 identified the importance of proper health and wellness support in the context of any searches, and afterwards, so that "appropriate care can be provided by and within communities".<sup>32</sup> ICMP's approach, which is based on creating partnerships with communities who choose to leverage ICMP's expertise, provides a sound basis for moving forward on this healing journey by enabling the provision of trauma-informed support that is designed, delivered and led by community members, according to their own cultural traditions and protocols, to promote community wellness and healing.

<sup>30</sup> OSI, *Moving from Our Heads to Our Hearts to Our Hands* (...), p. 31-32.

<sup>31</sup> Office of the Independent Special Interlocutor (OSI), *National Gathering on Unmarked Burials: Upholding Indigenous Laws in the Search and Recovery of Missing Children: Summary Report*, March 2023, p. 32, [https://osi-bis.ca/wp-content/uploads/2023/11/OSI-SummaryReport\\_Toronto\\_2023\\_web.pdf](https://osi-bis.ca/wp-content/uploads/2023/11/OSI-SummaryReport_Toronto_2023_web.pdf)

<sup>32</sup> OSI, *Moving from Our Heads to Our Hearts to Our Hands* (...), p. 14.

**T**hese current recovery efforts of unmarked burial sites reveal truthful evidence of what our Family People had been sharing of the Indian Residential Schools system designed to, “kill the Indian in the Child.” Hidden evidence uncovers

this destructive and vicious framework, devastation, and effects of racial colonial violence. Families were uprooted, displaced, and relocated.

Since the beginning of time, as told in our Creation Story, we as the Original Nation of Families, of these lands, have lived according to the Original Instructions. Despite the relentless efforts afoot to convince us otherwise, we have never given up our teachings and how we perceive our existence.

Recently, our life has been laying out the culmination of research and investigation into another side of things. It is intended to tell a story of the settler state and the ways in which it asserted itself here, at the expense of us and our families.

Although, the story shines some light on some dark truths, it is not intended to feed fear or to create a sense of panic. However, it is presented to you so you can see that Truth.

It is this hope of a good life for our children, our grandchildren, and the Ones, who are yet to come, that this work forward is based in. Today we still have our connection to the land, we still know that Mother Earth and all the life she sustains are not commodities. We also know that we have a responsibility to live by that, and this gives us great capacity.

The networking of needed efforts this report highlights, enhances the possibilities to support and assist the families with an Important part of Our Way of Life, particularly, on how the family can address the loss of a loved one, in this case, the loss of the children.

The efforts of agencies such as ICMP provide an opportunity to provide supplemental support to the families’ efforts of taking the steps with their long-awaited closures.”

— **Gerald Antoine**, AFN NWT Regional Chief and Dene National Chief

# Walking Together

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Through meetings and engagements with Indigenous partners and rights holders, ICMP staff have detailed how ICMP can deliver a critical element in the process of securing justice and accountability for First Nations, Metis, and Inuit rights holders, while supporting accountability and helping Canada to meet its human rights and Indigenous rights obligations to Indigenous Peoples.

The ICMP Canada Program recommends that the Government of Canada:

- **Ratify the United Nations International Convention for the Protection of All Persons from Enforced Disappearance<sup>33</sup>**, adopted by the General Assembly of the United Nations in its resolution 47/133 on 23 December 2010;
- **Conclude the amendment to the existing Technical Arrangement with ICMP.** This amendment will facilitate communities and Survivors groups who wish to work with ICMP to develop Memoranda of Understanding (MoUs) and other mechanisms to engage in dialogue related to technical aspects of the scope of work;
- **Convene a multijurisdictional dialogue on the subject of lands and territories within which unmarked graves have been found**, to explore how to support the needs of Survivors and communities in a concrete manner within a jurisdictionally and legally complex landscape; and;
- **Establish continued, sustainable, and adequate funding beyond 2025** for Indigenous communities that wish to retain technical advice or services, or that are leading their own investigations, for current and future work related to the search and recovery of remains, identification, investigation, repatriation, and commemoration of children who died or became missing persons while being forced to attend Indian Residential Schools;

- **CIRNAC should remain vigilant in upholding Calls to Action 74 to 76** through coordinating and implementing support to communities.

These recommendations are moral and legal imperatives that support Indigenous rights holders and the families of the missing and build on the Government of Canada's public commitments to implement the United Nations Declaration Act, to support reconciliation, and to fulfil other key international and domestic legal and policy commitments.

Through the adoption of these recommendations the Government of Canada is ideally positioned to commit to concrete actions that will support Indigenous communities and rights holders who have advocated in their efforts to pursue work associated with former Residential School sites.

These recommendations are distinct but complementary to the recommendations and next steps already communicated through the OSI, and in the publications and community member engagements of the NAC.

ICMP recognizes the many difficult conversations still being held by communities and among community members, as more sites have been revealed and as new searches are launched. ICMP is committed to responding to calls for action by governments and civil society to support Indigenous self-determination, expertise on the ground, collective and individual accountability, and community-led, trauma-informed approaches to the challenging work ahead.

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<sup>33</sup> Office of the UN High Commissioner for Human Rights, *International Convention for the Protection of All Persons from Enforced Disappearance*, 23 December 2010, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>

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