

Indian Residential Schools Resolution Canada

2003-2004

Report on Plans and Priorities

The Honourable Ralph Goodale, M.P.
Minister Responsible for Indian Residential Schools Resolution Canada

Table of Contents

I	Messages	
	1.1	Message from the Minister..... 1
	1.2	Management Representation Statement..... 2
II	Raison d'être.....	3
III	Planning Overview.....	5
IV	Plans and Priorities by Strategic Outcome	
	3.1	Strategic Outcome..... 7
	3.2	Plans and Priorities..... 7
V	Organisation	
	4.1	Accountability..... 12
	4.2	Departmental Planned Spending..... 13
VI	Annexes	
	Table 5.1:	Net Cost of Program for the Estimates Year..... 14
	Table 5.2:	Summary of Transfer Payments..... 15
VII	Other Information	
	Contacts for Further Information.....	16

I Messages

1.1 Message from the Minister

The last year was a pivotal one for Indian Residential Schools Resolution Canada as the Government of Canada demonstrated on three separate occasions that it is committed to addressing the legacy of the Indian residential schools system.

Over the past five years, both government and churches have had to confront a grim and bitter reality concerning the legacy of these schools. Canadians have also made it clear that our society must do all that it reasonably can to meet the reality head on and to help those who have been so traumatically effected.

As a government, we have worked closely with survivors, Aboriginal organizations and the churches to respond to this legacy in a timely, fair manner so that opportunities for healing and reconciliation may continue.

In November, Canada and the Anglican Church of Canada reached an agreement-in-principle on the apportionment of our shared liability. A similar agreement-in-principle with the Presbyterian Church in Canada was announced in December. When ratified, these agreements ensure that former students who attended Indian residential schools administered by these churches will receive 100 per cent of the agreed-upon compensation.

Also in December, the government announced the Dispute Resolution Framework, part of a National Resolution Framework that will allow former students to have their claims addressed through an expedited and less confrontational process. The Framework offers choices to former students regarding how they wish to address their residential school experience.

The Resolution Framework contains a suite of approaches with a single-window of access that is comprised of a dispute resolution process for individuals and groups; health supports for people with abuse claims; and support for commemorative initiatives. Finally, litigation also remains an option for those claimants who choose this avenue to settle their claims.

Over the next year, we will continue to work with former students, Aboriginal leaders, and church and government officials to finalize the details of the Resolution Framework which offers former residential school students a unified and holistic response to their claims of abuse.

1.2 Management Representation Statement

Report on Plans and Priorities 2003-2004

I submit, for tabling in Parliament, the 2003-2004 Report on Plans and Priorities (RPP) for the Department of Indian Residential Schools Resolution Canada.

To the best of my knowledge the information in this document:

- Accurately portrays the organisation's plans and priorities.
- Is consistent with the reporting principles contained in the Guide to the preparation of the 2003-2004 Report on Plans and Priorities.
- Is comprehensive and accurate.
- Is based on sound underlying departmental information and management systems.

I am satisfied as to the quality assurance processes and procedures used for the RPP production.

The Planning, Reporting and Accountability Structure (PRAS) on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Deputy Minister

II Raison d'être

Indian Residential Schools Resolution Canada was created to resolve claims and to address issues arising from the legacy of Indian residential schools.

Residential schools were boarding schools for Aboriginal children between the ages of 5 and 16 years old that operated throughout Canada for well over a century.

The earliest residential schools predated Confederation and were run by church missionaries. The federal government began to play a role in the development and administration of this system as early as 1874, as part of its federal responsibility, under the *Indian Act*, to provide education to Status Indians.

[Over 130 residential schools operated over time throughout Canada.](#) The schools were located in every province and territory, except Newfoundland, New Brunswick and Prince Edward Island. The Government of Canada operated nearly every school as a “joint venture” with various church organizations. The majority of these schools ceased to operate by the mid-1970s and the last federally-run residential school in Canada closed in Saskatchewan in 1996.

In 1991, [the Royal Commission on Aboriginal Peoples](#) (RCAP), created to improve relationships between Aboriginal and non-Aboriginal people in Canada, outlined for the first time, in a comprehensive way, the impacts that the Indian residential school system had, and continues to have, on Aboriginal people.

In 1998, the Government of Canada issued its response to the RCAP Report called [Gathering Strength - Canada's Aboriginal Action Plan](#). This plan outlined a four-point strategy for addressing residential schools issues which are paramount to Indian Residential Schools Resolution Canada on-going priorities: apology; healing; litigation strategies and dispute resolution framework.

Apology: The Government of Canada delivered a *Statement of Reconciliation* to all Aboriginal peoples which included an apology to those people who experienced sexual and physical abuse while attending residential schools.

It also stated that the federal government regretted the treatment of Aboriginal people. “As a country, we are burdened by past actions that resulted in weakening the identity of Aboriginal peoples, suppressing their languages and cultures, and outlawing spiritual practices.”

Healing: The Government provided \$350 million to the [Aboriginal Healing Foundation](#) – an organization set up at arms-length from the government to provide funding for community-based healing projects.

Litigation: In instances where claims proceed to court, Government lawyers, working on behalf of Indian Residential Schools Resolution Canada, represent the interests of the Crown and contribute to the management of the government’s response to the litigation. Where possible, we are working to move as many cases as possible away from the court and into faster and more compassionate processes for the individuals.

Dispute Resolution: The Government sponsored ten Exploratory Dialogues across Canada in 1998/99 which provided former students, government and church representatives with the opportunity to sit down and jointly develop solutions to resolve residential schools issues. This marked the first time the three parties were able to sit together and constructively discuss these issues. In response to the dialogues, the Government established a number of alternative dispute resolution pilot projects. At present, eight alternative dispute resolution pilot projects are underway across the country.

In recognition of the importance of the residential school issue, the Minister was given the responsibility of coordinating all initiatives on behalf of the Government. To this end, Indian Residential Schools Resolution Canada was created on June 4, 2001 to centralize resources that are focused on resolving residential school claims and addressing the legacy associated with the schools.

III Planning Overview

Our organization is largely funded through operating expenditures and a claim settlement envelope. Due to a significant increase in claims relating to Indian residential schools, and the inability of existing approaches to adequately address the range of issues raised by former students, on December 20th, 2002, the Department announced that the National Resolution Framework would be expanded to incorporate a new Dispute Resolution Framework in 2003-2004. This new initiative is the product of five (5) years of extensive consultations and experience and, is expected to expedite claims, so that most claims will be addressed within seven (7) years, rather than the earlier fifty (50) year estimate.

The Resolution Framework continues efforts by the Government of Canada to create a culture of resolution, and is consistent with several themes in the September, 2002, Speech from the Throne, including Canada's pledge to close the gap between Aboriginals and non-Aboriginals, its commitment to social justice, and building healthy communities. Expediting the resolution of claims allows the Aboriginal community to move towards reconciliation and healing.

Under the expanded National Resolution Framework Indian Residential Schools Resolution Canada is:

- Working with former students, Aboriginal organizations, churches and government departments to move residential school claims away from the courts and into alternative dispute resolution processes which resolve claims in a fair, safe and timely manner.
- Continuing formal negotiations with the United Church on their shared liability for the compensation of victims of sexual and physical abuse, and attempting to resume discussions with representatives of the Roman Catholic Church. The Department successfully reached agreements-in-principle for the shared cost of compensation with the Anglican and the Presbyterian churches in the autumn of 2002.
- Speeding up the settlement of claims with former students, paying 70 per cent of agreed-upon compensation to victims with validated claims of recognized causes of action in instances where both the federal government and a church organization were involved in the school. This ongoing initiative ensures that claimants' needs and interests are not set aside while the federal government is without an agreement with the United and Catholic churches on the apportionment of compensation.
- Accepting that, in some cases, claimants will still choose the option of litigation.

- Continuing to compensate individuals 100 per cent for those claims for which the Government believes it is solely responsible, in law, for the claimant's loss.
- Engaging under the general theme of "Healing and Reconciliation" Aboriginal people and other Canadians in creating initiatives which commemorate those that attended these schools, and explore the history of this system.
- Building towards a future where litigation associated with these schools has been resolved and replaced by local, regional and national programs and partnerships.

IV Plans and Priorities by Strategic Outcome

3.1 Strategic Outcome

Strategic Outcome

(Total Planned Spending: \$96.33 million)

The management and resolution of Indian residential school claims.

3.2 Plans and Priorities:

1. **Identify initiatives for addressing the legacy of abuse in the Indian residential schools.**

To this end, the Department plans to continue to:

Liaise with former students, Aboriginal and church leaders, as well as other federal departments and provincial governments, and to consider all proposed initiatives relating to the impact and legacy of abuse that occurred at Indian residential schools. This includes health supports and commemorative activities. The Department also plans to continue to inform and raise the awareness of Canadians about the history and intergenerational impact of Indian residential schools.

For Canadians, this will result in:

- Improved relationships and better understanding between Aboriginal and non-Aboriginal people in Canada;
- Increased public awareness of Aboriginal issues;
- Stronger working relationships with Aboriginal people and organizations; and
- The cycle or legacy of abuse passed on from generation to generation is finally broken.

Our Planned Results are::

- In the medium term, the creation of a positive environment where hope for the future by Aboriginal people is restored, and the cycle or legacy of abuse passed from generation to generation is finally broken.
- In the longer term, new community, regional and national partnerships will come into being that will result in reduced levels of violence and addiction, and lower pressures on existing health support programs.

2. Supporting programs which promote healing and reconciliation.

To this end, the Department plans to continue to:

Fully support formal and informal healing and reconciliation programs such as the regular meetings of the National Survivors Coalition, in order to better understand the impacts of the schools and to identify the optimum means of resolving issues arising from them. The Department will also continue to work with former students, families and communities in support of projects that promote healing and reconciliation and deal with intergenerational impacts. The Department also liaises with federal departments, provincial governments, Aboriginals, and other interested groups in implementing the federal government's wider objective of healing and reconciliation. The department has a strong and positive relationship with the Aboriginal Healing Foundation.

For Canadians, this will result in:

- Improving the relationships and understanding between Aboriginal and non-Aboriginal people in Canada;
- Stronger working relationships with Aboriginal people and organizations; and
- Increased public sensitivity to Aboriginal issues.

Our planned results are::

- Public commemorative ceremonies or activities such as the project *Where are the Children?* That are jointly sponsored with Aboriginal organizations;
- Increasing numbers of legal claims settled out of court; and
- Reduced pressures on existing health support programs due to reduced levels of violence and substance abuse.

3. Resolving outstanding claims as efficiently, effectively, humanely and compassionately as possible based on the Government's offer of compensation.

To this end, the Department plans to continue to:

Offer to negotiate with plaintiffs and their counsel, and church and/or Aboriginal representatives in order to resolve as many cases as possible outside the court system.

The newly-announced Resolution Framework will further facilitate the settlement process and allow the Department to focus particularly on the vulnerable claimants such as the elderly and ill claimants.

For Canadians, this will result in:

- Improved relationship and understanding between Aboriginal and non-Aboriginal people in Canada;
- Stronger working relationships and partnerships with Aboriginal People and organizations;
- Reconciliation with the Aboriginal community; and
- Former claimants able to fully participate in the life of their communities.

Our planned results are:

- Increased numbers of out-of-court settlements;
- Increased speed in the resolution of a claim;
- Reduced administration and legal costs for the government; and
- Improved administration of the claims through better control, monitoring and reporting.

4. Prioritizing claimants with particular focus on elderly and ill claimants.

To this end, the Department plans to continue to:

Negotiate with plaintiffs and resolve cases on a priority basis based for plaintiffs who are elderly or in ill health on the basis of their needs. This allows individuals to bring closure to their claims in a more timely and satisfactory fashion.

For Canadians, this will result in:

- Improved relationships and understanding between Aboriginal and non-Aboriginal people in Canada that will provide the basis for subsequent new partnerships;
- Reconciliation with the Aboriginal communities, where elders are highly respected; and
- Increased self-sufficiency.

Our planned results are:

- Increased numbers of settlements out-of-court;

- The identification and expeditious resolution of all claims made by needy elderly or those in ill health; and
- Improved relationships and partnerships with Aboriginal communities..

5. Negotiating with churches to determine the shared cost of compensation.

To this end, the Department plans to continue to:

Seek to negotiate with representatives of the United and Roman Catholic Churches concerning their shared liability for the compensation of victims of sexual and physical abuse. The Department successfully reached agreements-in-principle on the issue with the Anglican and the Presbyterian churches in the fall of 2002.

For Canadians, this will result in:

- Improved relationships and understanding between Aboriginal and non-Aboriginal people in Canada;
- Reconciliation between governments, churches, the Aboriginal communities;
- Reconciliation with church communities;
- Stronger Canadian communities enriched by new partnerships; and
- Visible and ethical lines of responsibility for compensation to victims.

Our planned results are:

- Increased numbers of settlements with out-of-court for claimants who will be able to receive 100% of agreed-upon compensation for valid claims;
- Elimination of administrative and legal costs involved in negotiating these agreements; and
- Optimum utilization of resources available for the resolution process to expedite the resolution of claims.

6. Funding dispute resolution processes. (\$1.8 million)

To this end, the Department plans to continue to:

Moving to less adversarial out-of-court environment and reducing legal costs, based on consultations with Aboriginal representatives and plaintiffs' counsels. The Department expects to resolve claims in a manner that former students perceive to be more

compassionate and equitable through a process of third-party fact finders supported by on-site counselors to reduce the traumatic effects of the validation process.

For Canadians, this will result in:

- Better relationships with Aboriginal communities;
- Stronger working partnerships leading to healing and reconciliation;
- More effective and efficient resolution of disputes based on mutual respect; and
- Reduced cost and a more compassionate process for the claimants.

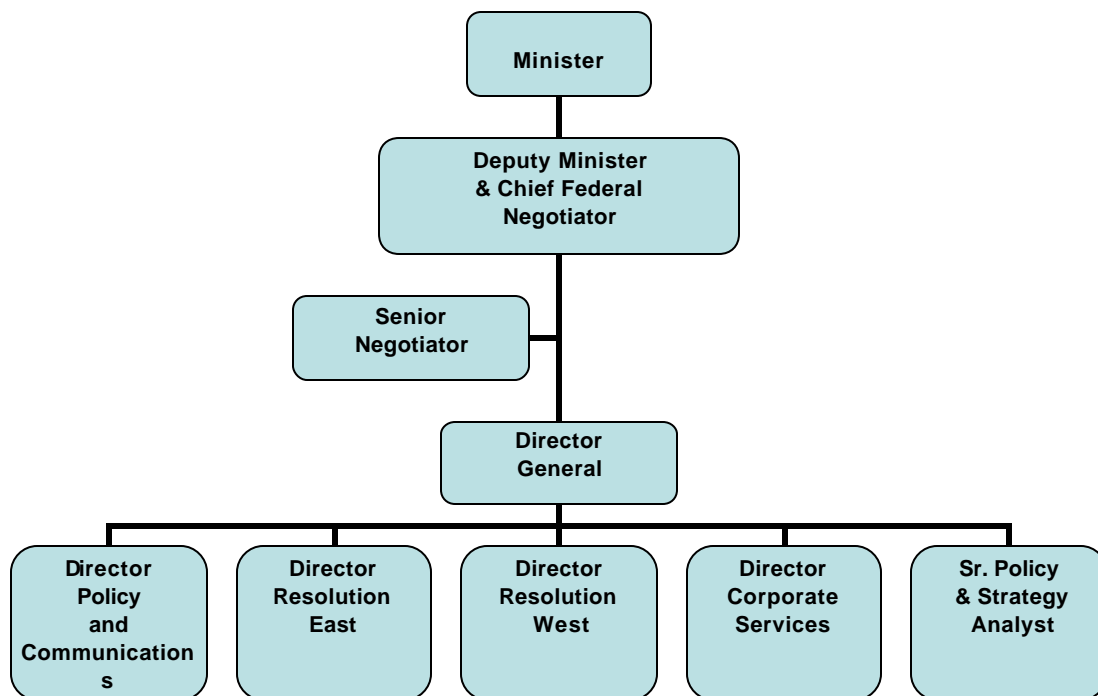
Our planned results are:

- Increased numbers of out-of-court settlements;
- Decreased time required to resolve each claim;
- Reduced administrative and legal costs for the all; and
- Improved administration of the claims through better control, monitoring and reporting.

IV Organization

4.1 Accountability

Indian Residential Schools Resolution Canada



4.2 Departmental Planned Spending

Approximately 12,000 individuals have filed Indian residential school claims against the Government of Canada. Indian Residential Schools Resolution Canada reviews, researches and validates these claims on an individual basis. To date, 634 settlements have been reached with former students.

The government will continue to settle as many of these claims away from the courts as possible.

(\$ millions)	Forecast Spending 2002–2003*	Planned Spending 2003–2004	Planned Spending 2004–2005	Planned Spending 2005–2006
Budgetary	56.1	56.6	-	-
Main Estimates				
Non-Budgetary	-	-	-	-
Main Estimates				
Less: Respendable Revenue	-	-	-	-
Total Main Estimates	56.1	56.6	-	-
Adjustments to Planned Spending	8.0**	39.73***	135.13	135.13
Net Planned Spending	64.1*	96.33	135.13	135.13
Less: Non-Respendable Revenue	-	-	-	-
Plus: Costs of services received without charge	3.0	1.5	-	-
Net cost of Program	67.1	97.83	135.13	135.13
Full-Time Equivalents	81	86	-	-

Due to rounding, figures may not add to totals shown.

* Reflects best forecast of total planned spending to the end of the fiscal year.

** Adjustments reflect approvals not included in the Main Estimates (e.g. Supplementary Estimates, Budget initiatives). The Department received funding through 2002-2003 Supplementary Estimates.

***The Federal Government announced a National Resolution Framework at the end of December, 2002. Planned spending was put forward in a Treasury Board Submission.

V Annexes

Table 5.1: Net Cost of Program for the Estimates Year

(\$ millions)

Planned Spending	96.33
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	1.1
Contributions covering employees' share of employees' insurance premiums and expenditures paid by TBS	-
Workman's compensation coverage provided by Human Resources Canada	-
Salary and associated expenditures of legal services provided by Justice Canada	.4
	97.83
<i>Less: Non-responsible Revenue</i>	-
2002–2003 Net Cost of Program	97.83

Table 5.2: Summary of Transfer Payments

(\$ thousands)	Forecast Spending 2002–2003	Planned Spending 2003–2004	Planned Spending 2004–2005	Planned Spending 2005–2006
Contributions	5,400.0	1,800.0	-	-
Total Contributions	5,400.0	1,800.0	-	-

VI Other Information

Contacts for Further Information

1. Web site address: www.irsr-rqpi.gc.ca
2. For general enquiries regarding Indian Residential Schools Resolution Canada, please contact one of the following offices:

If you currently reside in the East or Saskatchewan:

Indian Residential Schools Resolution Canada
90 Sparks Street
Room 304
Ottawa, Ontario
K1A 0H4
Telephone: (613) 996-2686
Fax: (613) 996-2808

If you currently reside in Alberta, British Columbia or the North:

Indian Residential Schools Resolution Canada
1138 Melville St
PO Box: Suite 400
Vancouver, British Columbia
V6E 4S3
Telephone: (604) 775-6400
Fax: (604) 775-5317