



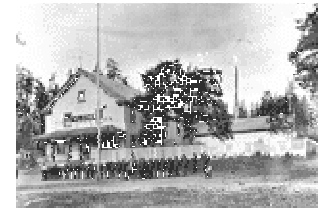
Indian Residential
Schools Resolution Canada

Résolution des questions des
pensionnats indiens Canada



Indian Residential Schools Settlement Agreement (IRSSA)

October, 2007



Canada 



Indian Residential Schools Settlement Agreement (IRSSA)

- Largest class action settlement in Canadian history
- The Settlement Agreement received court approval on March 21, 2007, with the full support of all parties involved; the Government of Canada, legal counsel for former students, legal counsel for the Churches and the Assembly of First Nations.
- The opt-out period ran for a period of 150 days, ensuring all persons affected by the IRSSA were informed of the components of the Agreement and how their legal rights may have been affected.
- Approximately 340 former students opted out
- Implementation began September 19, 2007





Elements of the IRSSA

The Settlement Agreement includes the following:

- Common Experience Payment (CEP) to be paid to all eligible former students who resided at a recognized Residential School
- Independent Assessment Process (IAP) for claims of sexual and serious physical abuse
- Establishment of a Truth and Reconciliation Commission
- Commemoration Activities
- Measures to support healing such as the Indian Residential School Health Support Program and an endowment to the Aboriginal Healing Foundation





Common Experience Payment (CEP)

- Lump sum payment that recognizes the experience of residing at an Indian Residential School and its impacts (loss of culture, language, etc.)
- Upon verification, each eligible former student who resided at an IRS who applies for the CEP will receive \$10,000 for the first year or part thereof plus an additional \$3,000 for each subsequent year or partial year. The average payment is estimated at \$28,000.
- Former Students can submit applications:
 - **by mail to a centralized processing centre (packages will be sent to those who request an application package by calling toll free 1-866-699-1742; TTY 1-800-926-9105)**
 - **in person through Service Canada Outreach Services or by visiting one of the more than 320 Service Canada sites across the country**
- Option of receiving a cheque by mail or payment by direct deposit.
- Former students do not need copies of their school records to apply for a CEP
- Legal advice not required for the CEP





CEP Process Flow

- **Service Canada (SC) receives CEP applications, verifies identity and ensures that applications are complete**
- **SC sends all complete applications to IRSRC for assessment of residence and duration of stay at an eligible Indian residential school. Application assessment follows the stages as outlined:**

Computer Assisted Research System (CARS):

- **Initial processing of applications is performed by CARS, for school years where all primary documents are available.**
- **CARS may assess CEP applications without requiring manual involvement.**

Manual Review:

- **Manual research is required for applications where CARS cannot assess or there are gaps in the historical records.**

Manual Review - Request for Additional Information:

- **In cases where there are gaps in the historical records, the applicant will be contacted and given the opportunity to provide further information/ documentation that would help assess residency and/or duration of stay at an IRS.**





CEP Process Flow (cont'd)

Reconsideration:

- In cases where applications are denied, in whole or in part, the client will be given an opportunity to supply new or additional information for reconsideration.
 - Every applicant has the right to Reconsideration as long as they are able to provide additional information before the CEP period has expired, except:
 - where the school applied for is not an IRS;
 - when the person for whom the application is made died prior to May 30, 2005 or, for Cloud Class Members, died prior to October 5, 1996,
 - Applicants who have been denied their application, in whole or in part, after reconsideration may appeal to the National Administration Committee (NAC)
- * It is important to note that the same rules for reconsideration apply at the appeal stage





Indian Residential School List

- The list of 130 recognized residential schools and hostels is available at www.residentialschoolsettlement.ca
- A residential school that is not on the list may be added if it meets the criteria contained in the Settlement Agreement
- The Government will research the proposed institution and determine whether it should be added to the list
- There is a right of appeal from that decision





Community Impacts

- The Common Experience Payment fund totals almost \$2B.
- A Community Impacts Working Group (CIWG) was established to develop a National Strategy to:
 - Promote positive impacts in communities (financial investment, economic development, wills and estates)
 - Reduce negative impacts and risk (fraud, elder abuse, unsupported trauma)
- Many communities are actively working with police agencies, social services and financial institutions to ensure the best result for recipients of CEP
- Assembly of Manitoba Chiefs sponsored a national conference on community impacts. Their workshop report is available at www.manitobachiefs.com/reschool





Independent Assessment Process (IAP)

- Adjudicative process which expands upon the Alternative Dispute Resolution (ADR) Model
- Provides individual compensation for
 - Sexual abuse claims
 - Serious physical abuse claims
- Legal advice is recommended
- Provides for new compensable elements
 - e.g. proven actual income loss
- \$960M has been allocated to pay for claims settled by the IAP
- The maximum payment is \$275,000. Actual income loss may also be compensated, up to a maximum of \$250,000
- It is important to note that former students can apply for both the CEP and IAP





Truth and Reconciliation Commission (TRC)

- The Truth and Reconciliation Commission (TRC) will report to the Canadian public on what happened in Indian residential schools (IRS) attended by First Nations, Inuit, and Métis children, and the lasting legacy of these institutions
- To provide those affected an opportunity to tell their stories in a safe and culturally appropriate forum
- To initiate and encourage reconciliation from all parties of interest including former Indian Residential School students, their families, communities, religious entities, government, and the people of Canada
- To complete an accurate and public historical record
- To promote awareness and public education about the IRS system and its impacts on the human dignity of former students





Truth and Reconciliation Commission

Key Objectives:

- Respectful individual statement-taking
- Facilitate community-driven reconciliation processes
- Support national and regional Commemorative initiatives
- Host seven national events
- Creation of a Research Centre/Archives
- Research and report on impacts of residential school system





Commemoration

- \$20M over five years to support activities to memorialize the legacy of IRS.
- IRSRC will assess validity of all applications, TRC to assess merit and complementarity.
- Supports events or projects at the local, regional and national level in order to remember, acknowledge, and educate on the impacts of the Indian Residential School (IRS) system:
 - Can include the creation of, or improvements to existing, permanent memorials, ceremonies or gatherings
 - Initiatives that focus on the IRS legacy and honour former IRS students, their families, and communities
 - Link to other aspects of the Settlement Agreement wherever possible to promote the goal of reconciliation
- Former IRS Students have said that Commemoration should:
 - Improve former IRS students' well-being
 - Enhance community interaction and cultural pride
 - Increase a sense of understanding by others
 - Nurture a positive perception of life in the future





IRS Resolution Health Support Program

- Health Canada administers \$95M over six years to ensure that eligible former IRS students and their families:
 - **Have access to emotional health and wellness support services**
 - **Can safely address emotional health and wellness issues related to the disclosure of childhood abuse(s)**
- Provides support to all former IRS students (regardless of status or place of residence) who are:
 - **Eligible to receive, or receiving, the Common Experience Payment**
 - **Resolving a claim through the IAP, the ADR, or the courts**
 - **Participating in TRC and/or Commemoration events**
- Coordinates and funds the following:
 - **Professional counselling services**
 - **Assistance with the cost of transportation (to access professional counselling services and/or Elders not available in home community)**
 - **Emotional support provided by Resolution Health Support Workers**
 - **Cultural support provided by Elders**





Other Elements of the IRSSA

- Aboriginal Healing Foundation endowment of \$125 million for five years to continue healing programs
 - Bridge fund of \$25M advance provided
- Legal fees payment of up to \$100 million, subject to verification
- Oversight bodies monitoring administration of the IRSSA include:
 - National Administration Committee (NAC)
 - Independent Court Monitor, Crawford Class Action Services, appointed by the courts to ensure Canada meets performance requirements.





Annex 1 –

Community Impacts Risks

	Impact Area (Risks)	Organizations Involved	Proposed Solutions	Timeline
1	Elder Abuse	Royal Canadian Mounted Police (RCMP)	RCMP distributing information package to police officers to educate their local communities across Canada about the SA and its impacts.	May 2007 and ongoing.
		Aboriginal Organizations eg. Indian Residential Schools Survivors Society (IRSSS)	Educational packages on the SA, impacts and resources are being provided to their members.	June 2007
2	Conflict and Addictive Responses	Health Canada	Resolution Health Support Program provides mental health supports on an expanding basis, including: <ul style="list-style-type: none"> • Professional counseling, assistance with transportation to access services, emotional support to all former students • Cultural support and services while attending the Truth and Reconciliation and Commemoration events 	Starts September 2007, at implementation.
		RCMP	Educating their officers and other police agencies.	June 2007
3	Frauds and Scams Directed at Former Students	RCMP	Addressed in public/officer education program, working with Aboriginal groups to raise awareness of issues.	Awareness programs starting November 2006, ongoing.
		Aboriginal Organizations eg. National Residential Schools Survivors Society (NRSSS).	Various initiatives to educate former students on risks.	Ongoing.





Annex 1 -

Community Impacts Opportunities

	Impact Area (Opportunities)	Organizations Involved	Proposed Solutions	Timeline
1	Financial Knowledge, Access and Opportunities	Canadian Executive Services Organization (CESO)	Will deliver 150 workshops to former students and front-line workers in communities nationwide on financial issues related to the SA.	Workshop curricula set, May 2007, to be delivered starting August 2007.
2	Wills and Estates	IRSRC, Service Canada	CEP application process includes capacity for people to apply on behalf of estates	April 2007.
		Aboriginal organizations (eg. Atlantic Policy Congress, Swampy Cree Tribal Council)	Providing will kits and related information to former students to educate them on the issue.	March 2007 and ongoing
		Public Guardian and Trustee's Office (British Columbia)	Two workshops held in British Columbia, educating former students on wills, estates and trusteeship issues in the SA context.	March 2007
3	Economic Development	INAC, IRSRC	Engaged in discussions about use of INAC programs and networks, including Access to Capital Unit, Community Economic Development programs, Aboriginal Business Canada to help recipients to use money for development should they choose.	June 2007 and ongoing.

