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Expert Mechanism on the Rights of Indigenous Peoples

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**United Nations Declaration on the Rights of Indigenous Peoples**

**Compilation of Calls to Action issued by the Truth and  
Reconciliation Commission of Canada relating to the United  
Nations Declaration on the Rights of Indigenous Peoples**

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## I. Introduction

This Conference Room Paper provides a compilation of the Truth and Reconciliation Commission of Canada's Calls to Action issued on June 2, 2015 at the National Closing Event held in Ottawa, Canada. These Calls to Action are set out in the Truth and Reconciliation Commission of Canada's summary of the final report entitled, "Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada."<sup>1</sup> Specifically, this Conference Room Paper sets out the Calls to Action that reference the UN *Declaration on the Rights of Indigenous Peoples*, utilized as a framework for reconciliation in addressing the legacy of the Indian Residential School system and providing a framework for reconciliation. The Calls to Action can serve as promising models for other transitional justice mechanisms globally. For each Call to Action, the relevant provisions of the UN *Declaration* have been referenced.

The Truth and Reconciliation Commission of Canada was created in 2008 in recognition of an emerging and compelling desire among Indigenous peoples in Canada, and Canadians as a whole, to seek healing and reconciliation to address the legacy of the Indian Residential School system and work towards a stronger and healthier future. The Truth and Reconciliation Commission of Canada was established to provide a forum and process for healing through truth telling and reconciliation as well as an acknowledgment of the injustices and harms experienced by survivors of the Indian Residential School System.

The Truth and Reconciliation Commission of Canada held its Closing Ceremonies in June 2015 during which it released 94 Calls to Action. These provide concrete steps that can be taken by the governments of Canada, Indigenous peoples, churches, educators, the business sector, civil society organizations and others in order to redress the legacy of residential schools and advance the process of reconciliation in Canada. His Excellency, United Nations Secretary-General, Ban Ki-moon offered a message for the Closing Ceremonies of the Truth and Reconciliation Commission. His Excellency congratulated the Canadian peoples and government on the release of the Commission's final report and on honouring the memory of all those whose human rights were violated in the Indian Residential School system. He noted that historical injustices contribute to continuing disadvantages and the ongoing violation of the rights of Indigenous peoples. Further, Secretary-General Ban Ki-moon encouraged all those involved to follow through with the Calls to Action and to utilize the *Declaration* as a roadmap for continued reconciliation (For the full statement of Secretary-General Ban Ki-moon see Annex "A").

## II. Compilation of Calls to Action from the Truth and Reconciliation Commission of Canada's Summary Report

### Theme 1: Calls to action on the Legacy of the Indian residential school system

24. We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential

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<sup>1</sup> The complete document can be available at: [http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls\\_to\\_Action\\_English2.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf). The paragraph numbers referenced in this conference room paper refer to the original paragraphs as set out in the Truth and Reconciliation Commission of Canada's summary report.

schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.<sup>2</sup>

27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.<sup>3</sup>

28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.<sup>4</sup>

42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada in November 2012.<sup>5</sup>

## **Theme 2: Call to action on reconciliation**

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.<sup>6</sup>

44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.<sup>7</sup>

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and terra nullius.
- ii. Adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

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<sup>2</sup> United Nations *Declaration on the Rights of Indigenous Peoples*. UN Doc. A/RES/61/295, preambular paragraphs 7, 8, 14 and 15; articles 3, 4, 5, 13 (2), 15, 23, 27, 33 (2), 34, 37, 38 and 40.

<sup>3</sup> *Ibid*, preambular paragraphs 3, 4, 8, 15 and 21; articles 5, 15, 37 and 40.

<sup>4</sup> *Ibid*, preambular paragraphs 3, 4, 8, 15 and 21; articles 5, 15, 37 and 40.

<sup>5</sup> *Ibid*, preambular paragraphs 7, 8, 14 and 15; articles 3, 4, 5, 13 (2), 15, 23, 27, 33 (2), 34, 37, 38 and 40.

<sup>6</sup> *Ibid*, preambular paragraphs 6, 15, 18, 19 and 24; articles 15, 38 and 42.

<sup>7</sup> *Ibid*, preambular paragraphs 19 and 24; articles 19, 22, 38, 39 and 42.

iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.

iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.<sup>8</sup>

46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:

i. Reaffirmation of the parties' commitment to reconciliation.

ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and terra nullius, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.

iii. Full adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.

v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.

vi. Enabling additional parties to sign onto the Covenant of Reconciliation.<sup>9</sup>

48. We call upon the church parties to the Settlement Agreement, and all other faith groups and interfaith social justice groups in Canada who have not already done so, to formally adopt and comply with the principles, norms, and standards of the United Nations Declaration on the Rights of Indigenous Peoples as a framework for reconciliation. This would include, but not be limited to, the following commitments:

i. Ensuring that their institutions, policies, programs, and practices comply with the United Nations Declaration on the Rights of Indigenous Peoples.

ii. Respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practise, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12(1) of the United Nations Declaration on the Rights of Indigenous Peoples.

iii. Engaging in ongoing public dialogue and actions to support the United Nations Declaration on the Rights of Indigenous Peoples.

iv. Issuing a statement no later than March 31, 2016, from all religious denominations and faith groups, as to how they will implement the United Nations Declaration on the Rights of Indigenous Peoples.<sup>10</sup>

<sup>8</sup> Ibid, preambular paragraphs 4, 6, 7, 8, 14, 15, 18, 19 and 24; articles 13, 15, 23, 27, 33 (2), 37, 38, 40 and 42.

<sup>9</sup> Ibid, preambular paragraphs 4, 6, 7, 8, 14, 15, 18, 19 and 24; articles 13, 15, 23, 27, 33 (2), 37, 38, 40 and 42.

50. In keeping with the United Nations Declaration on the Rights of Indigenous Peoples, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.<sup>11</sup>

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills- based training in intercultural competency, conflict resolution, human rights, and anti-racism.<sup>12</sup>

67. We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the United Nations Declaration on the Rights of Indigenous Peoples and to make recommendations.<sup>13</sup>

69. We call upon Library and Archives Canada to:

i. Fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Joint-Orntlicher Principles, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.

ii. Ensure that its record holdings related to residential schools are accessible to the public.

iii. Commit more resources to its public education materials and programming on residential schools.<sup>14</sup>

70. We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

i. Determine the level of compliance with the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Joint-Orntlicher Principles, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.

ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.<sup>15</sup>

86. We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of

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<sup>10</sup> Ibid, preambular paragraphs 3, 4, 5, 7, 9, 16 and 17; articles 3, 4, 5, 7, 8, 11, 12, 13, 14, 15, 25, 34 and 36.

<sup>11</sup> Ibid, preambular paragraphs 7, 10 and 11; articles 5, 8, 11, 12, 13 (2), 15, 27, 31, 34, 39 and 40.

<sup>12</sup> Ibid, preambular paragraphs 3, 4, 6, 7, 8, 13, 14, 15, 16, 18, 19 and 22; articles 1, 2, 5, 10, 15, 17 (2), 27, 34, 37, 40 and 42.

<sup>13</sup> Ibid, preambular paragraphs 3 and 24; articles 11, 12, 13, 15, 31, 34, 38, 39 and 42.

<sup>14</sup> Ibid, preambular paragraphs 3 and 24; articles 11, 12, 13, 15, 31, 34, 38, 39 and 42.

<sup>15</sup> Ibid, preambular paragraphs 3 and 24; articles 11, 12, 13, 15, 31, 34, 38, 39 and 42.

residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal– Crown relations.<sup>16</sup>

92. We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

- i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
- ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
- iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.<sup>17</sup>

### III. Conclusion

**The Calls to Action issued by the Truth and Reconciliation Commission of Canada provide an example of how the rights of Indigenous peoples as contained within the *Declaration* can provide a meaningful framework for reconciliation and understanding at the national level.**

As noted by UN Secretary-General Ban Ki-moon, “...historical injustices contribute to a legacy of continuing disadvantages and ongoing violations of indigenous peoples’ rights. Recording and sharing the truth, enables those affected to come to terms with their suffering, loss and grief. Informing society about how the rights of individuals and peoples have been violated is vital to preventing the recurrence of such tragedies.”<sup>18</sup> The Secretary-General underscores the critical importance of all involved to follow-up on the Truth and Reconciliation Commission of Canada’s Calls to Actions, using the UN *Declaration* as a roadmap.

<sup>16</sup> Ibid, preambular paragraphs 3, 4, 6, 7, 8, 13 and 15; articles 13, 15, 16, 37 and 42.

<sup>17</sup> Ibid, preambular paragraphs 4, 6, 7, 8, 10, 11, 15, 18, 19, 22 and 24; articles 2, 3, 4, 10, 11, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 32, 37 and 40.

<sup>18</sup> Available online at: <http://www.un.org/sg/statements/index.asp?nid=8694>.

## Annex A

### **Statement by UN Secretary-General Ban Ki-moon on the release of the Final Report of the Truth and Reconciliation Commission**

**(June 1 2015 Ottawa, Canada<sup>19</sup>)**

I congratulate the Truth and Reconciliation Commission, the peoples of Canada and the Government on the release of the final report to inform all about what happened in the “Indian Residential Schools” over the course of 126 years. I join Canada in honouring the memory of all whose human rights were violated in these schools through forced assimilation.

The support of the United Nations for the work of the Truth Commission is rooted in a conviction that historical injustices contribute to a legacy of continuing disadvantages and ongoing violations of indigenous peoples’ rights. Recording and sharing the truth, enables those affected to come to terms with their suffering, loss and grief. Informing society about how the rights of individuals and peoples have been violated is vital to preventing the recurrence of such tragedies.

I would like to recognize the courage of the survivors who carried their childhood wounds into their adult lives, and have lived to tell the truth. I also admire those who have agreed to accept the findings of this report.

Truth-telling is important but not sufficient for reconciliation. I encourage all involved in this effort to follow up on the report’s recommendations, using the UN Declaration on the Rights of Indigenous Peoples as a roadmap.

The United Nations stands with all peoples of Canada in remembering your losses and suffering, and calls upon other states with similar residential school practices to examine historic wrongs and legacies of injustice.

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<sup>19</sup> Ibid.