

Court Approval & Further Updates on Indian Residential Schools

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APC

The Atlantic Policy Congress (APC) is continuing to update Indian Residential School (IRS) survivors on the latest information regarding compensation, truth telling and reconciliation, commemoration, improved changes to the Alternative Dispute Resolution (ADR) process and an advance payment for the elderly which are all contained in the Final Settlement Agreement. The Agreement, which was signed on May 10th, 2006, has been accepted by the Government of Canada, the Assembly of First Nations, lawyers for survivors and churches and representation for the Metis and Inuit people.

The Final Settlement Agreement still requires the approval of the courts in nine jurisdictions across Canada where Residential schools existed. The courts will be reviewing the Agreement between August and October of this year. For Indian Residential School survivors that live in New Brunswick, Nova Scotia Prince Edward Island, or Newfoundland and Labrador, the Ontario court will be reviewing the Final Settlement Agreement in August from the 29th to the 31st.

In order for the Final Settlement Agreement to be made into a legal document, the courts must ensure that all circumstances are reviewed and that fairness is given due to the many circumstances of the ongoing legacy of the IRS. The courts do have the powers to make changes to the Agreement, however, they also have the power to reject the Agreement as well. If the courts do approve the Agreement, then survivors will receive an opt out coupon with a returnable address to decide whether it's acceptable to them in a five month opt out period. If 5000 former students reject the Agreement, it becomes null and void.

A National Administration Committee (NAC) will also be established, consisting of one person from each jurisdiction. This committee will consist of representation from Canada, church organizations, the Assembly of First Nations, the National Consortium, the Merchant Law Group, Inuit Representation and the Independent Counsel. This counsel has the power to interpret approval orders, hear appeals from eligible Common Experience Payment recipients and survivors can apply to the NAC in order to modify the Independent Assessment Process.

Many issues are arising from the Final Settlement Agreement, either what is or is not included in it. Such issues as day schools, families of deceased former students to receive compensation within a given timeline and healing are factors that are often heard in conducting outreach sessions and also what the courts may look at and many other things while reviewing the Final Settlement Agreement.

Since the announcement of the Final Settlement Agreement, the APC has been conducting outreach sessions with communities. These sessions involve discussing the Final Settlement Agreement, encouraging questions and dialogue, provide information on will kits and information on how a survivor can receive his or her school records from being in the Indian Residential School. The APC has also developed a database in which survivors can provide their names and addresses so that information on the IRS can be mailed as soon as new information comes out. Currently, the APC has approximately 350 survivors in the confidential database system. If survivors wish to be placed on the APC database system or know of a survivor who should receive IRS information, our contact information will be listed at the end of this article.

The following communities have been visited by APC to date:

- Membertou First Nation, May 26th
- Woodstock First Nation, June 10th & 20th, July 3rd
- Chapel Island First Nation, June 14th
- Eskasoni First Nation, June 15th & July 5th
- Wagmatcook First Nation, July 6th
- Whycocomagh First Nation, July 7th

The APC will continue to provide outreach sessions with all of the Mi'kmaq and Maliseet communities to ensure that all survivors understand the Final Settlement Agreement and what options that they have in order to achieve reconciliation. The APC is also documenting concerns that survivors have regarding the Final Settlement Agreement that can be brought before the Ontario court for their consideration.

In visiting communities to provide information, the APC is also gathering information on what each community has in regards to mental health services for survivors. This is to ensure that these supports are available when APC conducts sessions as the issue of IRS is a very difficult and emotional topic. We also are requesting the list of mental health services so Health Canada can obtain the list for their own records and know who to contact if a survivor reaches out for help. APC will continue to gather this crucial information.

Health Canada has also hired two new Regional Health Support Workers (RHSW) that survivors can contact if they wish to receive counseling of their own choosing. Mary Moore Phillips of Lennox Island First Nation is the new RHSW for the provinces of Prince Edward Island and Nova Scotia and Stanley Francis of Elsipogtog First Nation is the new RHSW for New Brunswick. Mrs. Phillips and Mr. Francis' roles and responsibilities are:

- Provide emotional support to IRS claimants during all phases of the resolution process with a focus on ADR and litigation events when requested (e.g. "on-the-scene" emotional support and/or telephone follow up);
- Identify claimant support needs offered within the IRS Mental Health Support Program;
- Refer IRS claimants to existing community services and supports;
- Ensure claimants are aware of their scheduled ADR or litigation events and are aware of how to access financial support to bring a support person to their hearing session (funded by IRSRC as part of the ADR process);
- Provide a liaison role between Health Canada, Indian Residential Schools Resolutions Canada and Aboriginal communities in raising awareness about the National Resolution Framework and support needs of former students; and

- Communicate with Health Canada in order to identify high claimant activity areas, emerging and emergency situations.

To contact the Indian Residential Schools Mental Health Support Program to access their services, you can call 1(866)414-8111. You can also contact Mary Moore Phillips, Regional Health Support Worker, at (902)368-8498 and Stanley Francis at (506) 523-8227.

The APC was also invited to attend the HEARTS of a Nation Gathering in Listuguj First Nation, Quebec from June 21st to 23rd. The gathering was open to survivors of Shubenacadie Indian Residential School to come together, reconnect with their former classmates, take part in activities and workshops and listen to presentations and video presentations held throughout each day. Every day began with a sunrise ceremonies and socials were held every evening. The master of ceremonies for the event was the very talented DJ Joseph of Elsipogtog First Nation. Opening remarks were made by the Chiefs of Listuguj, Gesgapegiag and Eel River Bar, Mawiomi Treatment Services, representatives of the Atlantic Policy Congress and the Assembly of First Nations. Survivors listened to songs, participated in talking circles and were given opportunities to express themselves. The event was very successful and all participants clearly enjoyed themselves. At the end of the gathering, a very touching closing ceremony took place with lead coordinator Brian Isaac, distributing gifts to everyone who participated, most notably, a frame with an eagle feather inside for survivors to take home to remember the special event. 🌟

Survivors who wish to obtain free legal advice regarding the Indian Residential School issue can do so by calling lawyer, Mike Taylor, who has joined a new law firm and therefore can be reached at the new phone number and contact information given below:

M.S. (Mike) Taylor

Presse & Mason Law Office

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For any information on the Final Settlement Agreement, advance payment forms or school records forms, you can contact Georgianna Barlow with the Atlantic Policy Congress toll free at (877)667-4007 and/or by email at georgianna.barlow@apcfn.ca.