



Progress Update Report


*Independent Special Interlocutor for Missing Children and Unmarked Graves
and Burial Sites associated with Indian Residential Schools*

November 2022



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Representing strength, family and healing, bears are the primary element in the Office of the Independent Special Interlocutor's logo. The larger bear represents the parent, family, and community, while the smaller bear symbolizes the children who were stolen and never returned.

The Northern Lights in the night sky are the Spirits of our ancestors dancing. The dancing guides the children to reunite with their ancestors.

The stars depict the connection between the children taken from their communities and the parents left behind, who would stare at the same stars longing to be reunited.

The flowers in the larger bear signify life and the resilience of Indigenous Peoples.

The changing colours in the dotted path illustrate the on-going search for truth, justice and healing.

The three pairs of moccasins honour and acknowledge all First Nations, Inuit and Métis children.

At the first National Gathering on Unmarked Burials in Treaty 6 Territory, Regional Chief Gerald Antoine observed that on the back of the larger bear, there is a clear outline of a child's face looking up at the sky. Although this was not intentionally part of the design, it has shown us yet another way that the children's Spirits are speaking to us all.

*“For the child taken,
For the parent left behind.”*

– TRC Interim Report, 2012



November 10, 2022

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

Dear Minister Lametti:

Re: Progress Update Report

My Mandate as the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools requires that I provide you with an update on my “plans and progress” and seek clarity on my role, no later than three months from the date of appointment.

Due to our conflicting schedules, we were not able to facilitate an in-person meeting. As such, I have taken the opportunity to provide this brief written progress report as an alternative to meeting.

This Progress Update Report provides an overview of:

- The Guiding Principles that I am striving to uphold;
- Early progress on the Mandate, including a description of future plans; and
- Common barriers.

For transparency purposes, I am providing this Progress Update Report simultaneously to First Nations, Inuit and Métis Survivors, families, communities, and Leadership as well as to the general public.

Once you have reviewed this Progress Update Report, I would be pleased to discuss it with you further.

Nyá:wen



Kimberly R. Murray BA, LLB, IPC

*Independent Special Interlocutor for Missing Children and Unmarked
Graves and Burial Sites associated with Indian Residential Schools |
Interlocutrice spéciale indépendante pour les enfants disparus et les
tombes et les sépultures anonymes en lien avec les pensionnats indiens*



Opening Words

The Sacred work that Survivors and Indigenous communities have been leading to recover the children who were never returned home from Indian Residential Schools has revealed an urgent need for legislative, regulatory, and policy protections of former Indian Residential School sites. There are likely unmarked burials associated with every former Indian Residential School across Canada, including those that are not covered by the [Indian Residential School Settlement Agreement](#). In addition, there are many associated sites that may need to be searched because children were often sent to other places from Indian Residential Schools, including Indian hospitals, sanatoria, provincial hospitals, reformatory schools, and industrial schools.

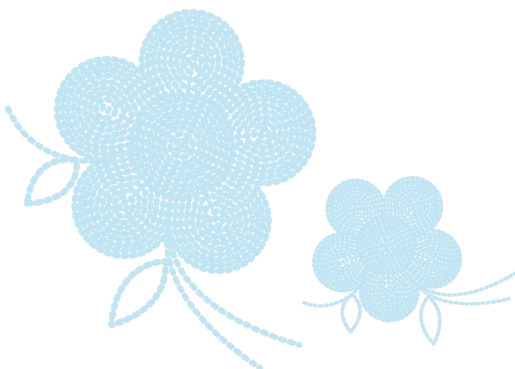
There are significant gaps in legal protections at the federal, provincial, territorial and municipal levels to protect these sites pending searches and investigations, and from further development. In addition, there are barriers for Survivors, Indigenous families and communities to access relevant records to locate unmarked burials and identify the children.

Finally, there are questions about whether law reform or other measures are needed to support death investigations and, where appropriate, criminal prosecutions.

As I continue to meet with Survivors, Indigenous Leadership, families and communities, I will likely learn of further gaps. As required by the Mandate, my Interim and Final Reports will provide assistance to government on how to protect the burial sites and bring honour, respect and dignity to the children.



Elder Wilson Bearhead and Kaylem Bearhead



Guiding Principles

In fulfillment of the Mandate entrusted to me, I have adopted the following Guiding Principles:

- The bodies and Spirits of missing Indigenous children must be treated with honour, respect and dignity.
- Survivors must be honoured and acknowledged for raising public awareness about the truths of unmarked burials of children who died at Indian Residential Schools.
- Indigenous families and communities have the right to know what happened to their children who died while in the care of the state and churches.
- Searches and investigations must follow the truth. This requires tracing the movement of each child, using records and Survivor testimonies, from when a child was first taken to an Indian Residential School through to any other institution or location they were sent.
- The search for unmarked burials and the recovery of missing Indigenous children must be governed by Indigenous laws, the United Nations Declaration on the Rights of Indigenous Peoples, and the United Nations Convention on the Rights of the Child.



Memorial for the missing children in Saskatoon, Saskatchewan

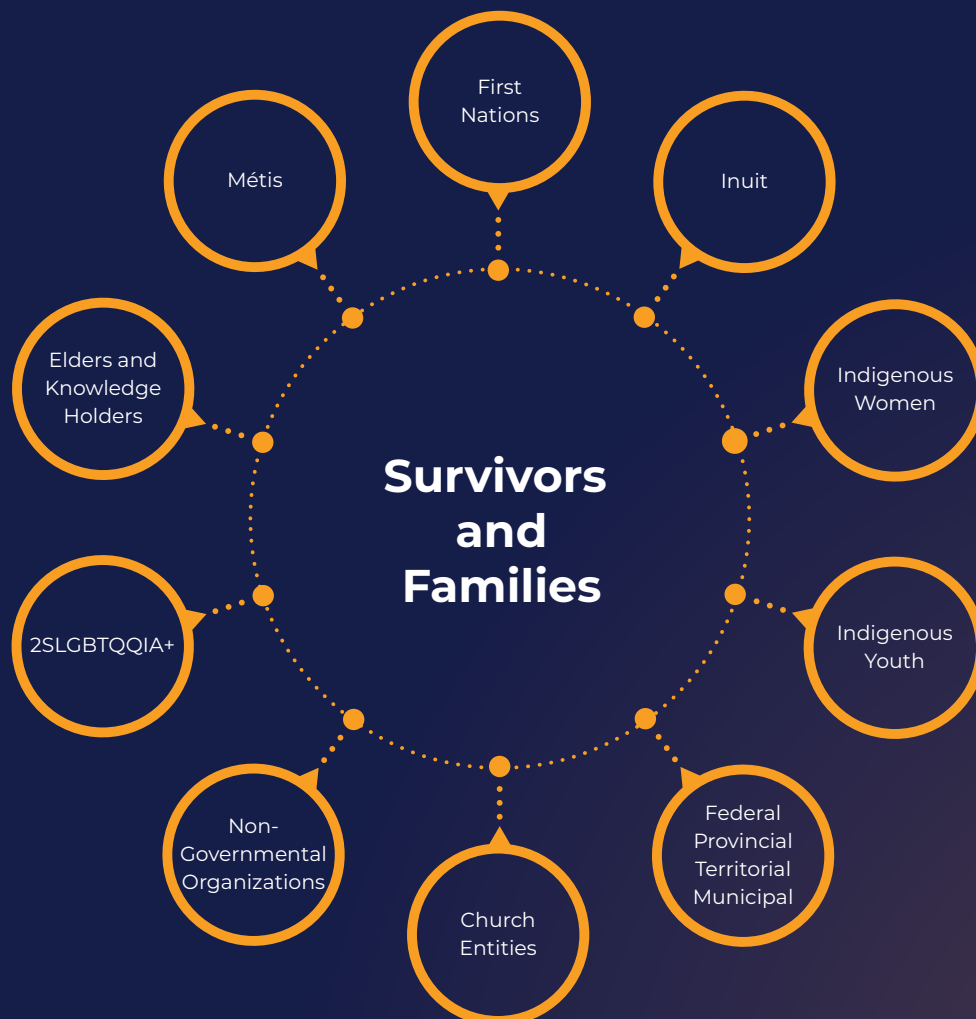


Engagement Plan

A distinctions-based Engagement Plan has been developed to receive input from Survivors, First Nations, Inuit and Métis Leaders, Indigenous organizations, communities and families. The Plan is designed to be transparent, accessible and respectful of Indigenous protocols.

It includes a combination of:

- Meetings;
- National Gatherings;
- Roundtables with Elders, Knowledge Holders, experts, academics, and technicians;
- Formal requests for information; and
- An open submission process.



Knowledge shared and information gathered through these various means will be considered in drafting the Interim and Final Reports.



Medicines being placed on the Empty Chair to honour the Spirits of the missing children

The Empty Chair

Survivors and Elders have emphasized the importance of holding the children who died while at Indian Residential Schools in our hearts and ensuring that all our actions honour and respect their bodies and Spirits. In keeping with these instructions, at each National Gathering, a Ceremony will be held to respect and honour the children by placing a blanketed Empty Chair in the room where we gather.

The Empty Chair will remain present for the duration of each Gathering and represents the Spirits of the children as they witness all that is being done to find them. The blanket, medicines, and any offerings placed on or near the Empty Chair will be cared for under the guidance of Elders and Survivors.





Grand Chief George Arcand Jr. providing a welcome to Treaty 6 Territory

National Gatherings

To facilitate knowledge sharing and receive input from Survivors, Indigenous families and communities, I will be hosting a number of National Gatherings throughout the course of my two-year Mandate. Some of these National Gatherings are focused on knowledge sharing amongst Survivors, Indigenous families, and communities leading the searches and investigations and others are focused on specific topics to help inform recommendations for a new federal framework as required by the Mandate.

This first National Gathering was held in Treaty 6 Territory on September 12-14, 2022. The Gathering brought together Survivors, Indigenous families, communities, and Leadership to discuss barriers and to share knowledge and various approaches to searching for unmarked burials. The Gathering also included presentations from international, legal and forensic experts.

Representatives from the federal government and various church entities provided their reflections on what they heard and witnessed at the Gathering and spoke of their current and future plans to assist Survivors and communities with their efforts to recover the children.



More than 300 attendees
participated in-person at the Gathering

More than 120 people per day
viewed the livestream of the Gathering

The livestream recording and a Summary Report of the National Gathering will be posted on the Office of the Special Interlocutor's website in the near future:
osi-bis.ca



George E. Pachano, Survivor of St. Phillip's Indian Residential School in Fort George, Quebec, who is currently leading the search and recovery work at two Indian Residential Schools that operated in Chisasibi, Quebec



Jeannette Starlight, Tsuut'ina Nation, worked to locate and memorialize children who died while in the care of the Dunbow Industrial School (St. Joseph's), Alberta



Left to right: Katherine Nichols, supporting Sioux Valley Dakota Nation's search and recovery work in relation to Brandon Industrial School; Sarah Longman from George Gordon First Nation, supporting the search and recovery work at Regina Indian Industrial School; and E. Dutch Lerat from Cowessess First Nation, supporting search and recovery work at Marieval Indian Residential School.

National Gatherings

September 12-14, 2022

Edmonton, AB

National Gathering on Unmarked Burials:
Supporting the Search and Recovery
of Missing Children

November 28-30, 2022

Winnipeg, MB

National Gathering on Unmarked Burials:
Addressing Trauma in the Search
and Recovery of Missing Children

January 16-18, 2023

Vancouver, BC

National Gathering on Unmarked Burials:
Affirming Indigenous Data Sovereignty

March 27-29, 2023

Toronto, ON

National Gathering on Unmarked Burials:
Upholding Indigenous Law

September 2023

Montreal, QC

National Gathering on Unmarked Burials:
Survivors' Voices

January 2024

Northern Location, TBC

National Gathering on Unmarked Burials:
Northern Voices

Progress on Mandate Commitments

In the first few months of my two-year term, I have begun to fulfill several aspects of the Mandate.

1. Relationship-Building and Engagement with Indigenous Survivors, Leadership, Families and Communities

As noted, the inaugural National Gathering was held in Treaty 6 Territory in September 2022 and several other National Gatherings are being planned.

In addition, I have travelled, and will continue to travel, to meet with Survivors, Indigenous Leadership, families and communities. I am committed to respecting Indigenous ceremonial, cultural and legal protocols prior to entering, and during my attendance in, each territory. This includes seeking appropriate permissions to enter the territory and ensuring that the timing and length of my attendance is respectful to Indigenous Leadership, Survivors, Indigenous families and communities working to recover the unmarked burials and missing children. It is not my intention to cause extra burden on the communities leading this Sacred work.



Chief Gerald Antoine, Dene National Chief and Assembly of First Nations NWT Regional Chief



President Cassidy Caron, Métis National Council



President Natan Obed, Inuit Tapiriit Kanatami
Left to Right Seated: Lilian Elias, Chief Wilton Littlechild, Dr. Allen Benson



I have also attended several Assemblies and Annual General Meetings of Indigenous Leadership to speak about the Mandate, answer questions and establish working relationships with individual communities.

Importantly, several communities have entrusted me to attend burial sites and grounds where searches have occurred or are occurring. I have humbly walked alongside Survivors as they share their knowledge about where children may be buried. It is during these times that I feel the enormous weight that Survivors carry in their hearts – a weight that may only be lifted, if and when, they are able to locate and protect the burials of the children who were never returned home to their families.

Future Plans: I will prioritize meeting with Survivors, Indigenous families, communities and Leadership, as requested. I will also continue to respond to requests to attend Annual General Meetings or Assemblies of Indigenous Leadership to share updates about my work and to seek guidance on how the Office of the Independent Special Interlocutor can assist in addressing and removing barriers.



Attendees at the National Gathering on Unmarked Burials, Treaty 6 Territory, September 2022



2. Meeting with Government, Non-Governmental Organizations, Churches, Institutions and Other Entities

To further the Mandate, it is important that I also engage with federal, provincial, territorial governments, church entities, non-governmental organizations and others, to include them in finding solutions to remove barriers. Federal government and church representatives were invited to the inaugural National Gathering and will be invited to attend future Gatherings.

I have also met with various federal, provincial and territorial (FPT) government representatives on topics that include adequate financial resources for communities and Survivors, the release of records, and access to and the protection of the lands where unmarked burials may be located.

In October 2022, I attended the FPT meeting of the Ministers of Justice and Public Safety in Dartmouth, Nova Scotia, to speak about my Mandate and work to date. This meeting included Leadership from the Assembly of First Nations, the Inuit Tapiriit Kanatami, and the Métis National Council. I asked that an efficient process be put in place by the FPT governments whereby requests for information can be directed and responded to in a timely way. I look forward to hearing back from FPT governments regarding this request.



Mayor Amarjeet Sohi, City of Edmonton, shaking hands with Survivor Jacquie Bouvier and greeting Elders Howard and Phyllis Mustus, among others



Federal/Provincial/Territorial Ministers of Justice and Public Safety meeting with National Indigenous Organizations, Dartmouth, Nova Scotia 2022



Meetings have been held with various experts in the areas of anthropology, archeology, forensics, and international law. Focused discussions have occurred with individuals and organizations who have expertise in finding and identifying missing and disappeared persons in mass and unmarked graves.

As required by the Mandate, engagement has occurred with the National Advisory Committee on Missing Children and Unmarked Burials. Members of the National Advisory Committee attended the inaugural National Gathering and have expressed an interest in participating at all future National Gatherings.

In an effort to facilitate access to records, I have met with several representatives from various archives across Canada. It is imperative that creative and collaborative processes and agreements are established to expedite full access to the records that will assist with locating unmarked burials and identifying the missing children.

Future Plans: I will continue to coordinate with, and seek information from governments, organizations and entities and encourage innovative and creative solutions. Upcoming plans include:

- Appearing before the Standing Senate Committee on Indigenous Peoples
- Meeting with the Canadian Archeological Association Working Group on Unmarked Graves
- Meeting with the All Parties Table of the Indian Residential School Settlement Agreement





Fredy Peccerelli, Executive Director, Forensic Anthropology Foundation of Guatemala



Representative Tamara St. John, Tribal Cultural Preservation Officer, Sisseton Wahpeton Oyate, South Dakota; Member of the South Dakota House of Representatives



Dr. Chile Eboe-Osuji, Former President of the International Criminal Court, Distinguished International Jurist at the Lincoln Alexander School of Law



3. Assisting Survivors, Indigenous Families and Communities

I am frequently called on to assist Survivors, Indigenous families and communities who are leading searches for missing children and unmarked burials, including being asked to:

- Participate in strategic planning sessions;
- Review historical records relating to Indian Residential Schools and other associated sites;
- Attend the sites being searched and investigated;
- Attend or coordinate meetings with private landowners to help facilitate access to the lands that need to be searched;
- Conduct or facilitate archival research; and
- Attend meetings between government officials and Survivors, Indigenous families and communities, and their teams leading the recovery of the missing children and unmarked burials.

When asked to assist Survivors, Indigenous families and communities, my intention is to support their work in any way possible and to help create collaborative relationships. The focus has been on supporting relationship-building and discussions so that Survivors, Indigenous families and communities can commence and complete searches and investigations at all of the sites.

Future Plans: I will continue to assist Survivors, Indigenous families, and communities as requested, and do everything I can, in accordance with the terms of the Mandate, to facilitate, collaborate and develop relationships that can support the search and recovery of the missing children and unmarked burials. I expect that the number of requests to assist Survivors, Indigenous families and communities will continue to increase throughout my Mandate.



Kimberly Murray and Survivor Jacquie Bouvier



Martha Malliki and Joanasie Akumalik, who support search and recovery work in relation to Inuit children



4. Research for a New Federal Legal Framework

In speaking with Survivors, Indigenous families and communities, it is clear that each site being searched is unique. Given the complexity of this work, there is a need to conduct thorough and extensive research to ensure that any proposed new legal framework provides comprehensive and robust access and protections before, during, and after searches and investigations occur.

Currently, the following research is being completed to guide discussions on what a new legal framework should include:

- a jurisdictional scan of federal, provincial, territorial legislation to determine what laws are currently in place;
- a jurisdictional scan of promising practices in other countries;

- the collection and review of previous reports relating to Indigenous burial sites, unmarked graves and missing children;
- a jurisdictional scan of the access to information and protection of privacy laws across the country; and
- a review of international legal remedies and their availability.

Future Plans: Further research will be completed to support the Interim and Final reports. A list of research questions and areas of inquiry will be developed with guidance from Survivors, and as knowledge is shared with me.



Memorial for the children who were never returned home from Brandon Indian Residential School





Launch of the Interactive Map on Unmarked Burials

5. Additional Activities: Public Education and Awareness

In the first few months of my Mandate, it has become clear that there remains a portion of the Canadian public that is not aware, or is misinformed about, the history of Indian Residential Schools, and the findings of the Truth and Reconciliation Commission of Canada and its Calls to Action, including those that relate to missing children and unmarked burials. There also continues to be a small subset of the public who deny that children died at these institutions, and that many are buried in cemeteries or unmarked graves at locations that were never disclosed to Indigenous families and communities. The Truth and Reconciliation Commission stated that there was an urgent need to develop “historically literate” citizens.

To date, I have responded to several opportunities to create greater public

awareness about the existence of missing children and unmarked burials.

On September 30, 2022 – the National Day for Truth and Reconciliation – in partnership with Canadian Geographic, an interactive map was launched to better inform the public about the locations where searches for unmarked burials have occurred and are on-going. Working with Dr. Scott Hamilton and Canadian Geographic, further information will be added to the map. To view the map, visit: <https://pathstoreconciliation.canadiangeographic.ca/>

Future Plans: I will continue to respond to opportunities that create greater awareness on the importance of supporting Survivors, Indigenous families and communities with their efforts to search for the missing children and unmarked burials.



Common Concerns

Through information shared to date, it is apparent that Survivors, Indigenous families, communities and Leadership are expressing common concerns as they search for and recover unmarked burials and missing children.

Access to Records

Access to records, including those at Library and Archives Canada, the National Centre for Truth and Reconciliation and various church entities is an issue for many communities. There is a need for more transparency and information on how to access records in a timely fashion. For some communities, it took over six months before access was granted. For others, access was limited to a small subset of records identified by the archive as being “relevant”.

Insufficient Funding

The federal government, along with some provincial and territorial governments, have provided important funding to support Survivors, Indigenous families and communities leading the searches for missing children and unmarked burials. This funding must continue.

There are, however, significant concerns regarding the funding that is currently available, including:

- Sufficient, long-term funding for wellness supports;
- The need for funding to support all Indigenous communities to participate in search and recovery efforts;
- A lack of funding to search sites that are not recognized under the Indian Residential Schools Settlement Agreement; and
- Restrictions on the use of funds for legal assistance or exhumation and DNA matching.



Delay to Analyse Data

Many communities are utilizing various remote sensing technologies such as ground penetrating radar, light detection and ranging, and electrical resistivity in their search and recovery efforts. As more communities commence their searches, there is an increasing demand for experts to analyse the data being collected. Currently in Canada, there are few experts who have the specialized experience and skills to analyse this data to identify potential burials.

Access to Lands

Significant barriers exist for Survivors, Indigenous families and communities to access sites to conduct searches, particularly where the sites in question are owned by corporations or private landowners. There is a lack of legal mechanisms to support access to and protection of these sites pending searches. This lack of legal protection may lead to disputes and strain relationships between those upholding their responsibilities under Indigenous law to protect the burials of the children and those who are refusing access to the lands. In some situations, federal, provincial and municipal governments are not taking active steps to support Survivors, Indigenous families and communities in obtaining access to the land or in protecting the sites from development until searches can be completed.

Accountability and Justice

Survivors, Indigenous families and communities are calling for accountability and justice. Accountability and justice may mean different things to different people, including:

- Establishing a domestic and/or international commission of inquiry or tribunal;
- Prosecuting individual perpetrators;
- Holding institutions accountable;
- Protecting the unmarked burials;
- Conducting appropriate Indigenous ceremonies; and
- Identifying and repatriating the children to their families and communities.

These are some common concerns that have been identified to date. As search and recovery work progresses at various sites, other common concerns are likely to be identified.





Closing Words

Survivors have been sharing truths about the existence of missing children and unmarked burials for decades. Many questions still need to be answered, including:

- Who are the children that died?
- What did the children die from?
- Where are the children buried?
- How many children are missing?

Survivors, Indigenous families, communities and Leadership are doing the careful work to locate, recover, protect and commemorate these children and the sites of their burials. **This will take time.**

This Sacred work requires collaborative efforts from all levels of government – federal, provincial, territorial and municipal – as well as from church entities, records holders, and private and corporate

landowners. The right to know, grieve, honour, protect, and repatriate must not be impeded.

There is a need for governments, churches and other entities to take a more active anti-colonial approach. **They can no longer be bystanders in reconciliation.** Instead, they need to acknowledge responsibility for their role in creating the conditions leading to the existence of missing children and unmarked burials, take action and make reparations.

Canadians cannot take pride in a country that permits the burials of children to be violently disrespected, allows shovels to dig into the bones of ancestors, and hides from the truth. **As a country, we can and must do more – the Spirits of the children are calling.**





Rain-O'Chiese Family Dancers



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Special Interlocutor**

for Missing Children and Unmarked
Graves and Burial Sites associated
with Indian Residential Schools

**Bureau de l'interlocutrice
spéciale indépendante**

pour les enfants disparus et les tombes
et les sépultures anonymes en lien avec
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