National Gathering on Unmarked Burials:

Affirming Indigenous Data Sovereignty and Community Control over Knowledge and Information

Summary Report
January 2023

Office of the Independent Special Interlocutor

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

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 people.

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

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Message from Kimberly Murray, the Independent Special Interlocutor

Kimberly Murray, Independent Special Interlocutor

I would like to begin by acknowledging the strength, resistance, and resilience of Survivors; it is due to their steadfast commitment to revealing the truth that we are working together to recover the missing children and unmarked burials today.

Survivors have been trying for decades to hold the government and churches accountable for the harms that have been inflicted on them. Many continue to share their truths about the horrors of their experiences at Indian Residential Schools and other associated institutions.

Many truths are buried in colonial archives. Survivors, Indigenous families, and communities have been forced to navigate complex legal regimes to access the records that can support the search and recovery of the missing children. In many cases, this has led to months, if not years, of delay. There are too many instances where governments, churches, and other institutions, have actively made it harder for those leading search and recovery efforts to access records. In some cases, records have been sent overseas; in other cases, permission to access the records has been withheld. Access to information and privacy legislation is all too often being used as a shield against providing full transparency and accountability.

The horrible reality for Survivors, Indigenous families, and communities who have experienced genocide, mass human rights violations, and abuse at the hands of the State is that they are now forced to go to the very same governments, church entities and institutions who perpetrated the harms to seek permission to access their own records. In many cases, these documents were created and collected without their knowledge or consent. While they may contain only partial accounts of the missing children's lives and deaths, when read together, they can help to fill information gaps as communities follow the truth.

Canada has a long history of denying Indigenous Peoples access to justice by controlling their access to records. Governments, churches, and other institutions act as gatekeepers, deciding which documents Survivors, Indigenous families, and communities can review. This violates Canada's obligations to comply with the *United Nations Declaration on the Rights of Indigenous Peoples*.

International legal mechanisms establish a State's responsibility to ensure that Indigenous Peoples' can exercise their right to the truth as victims of genocide and mass human rights violations. States have a duty to protect and preserve this information in archives and make it freely available to those seeking answers about why they were targeted and what happened to those who were disappeared.

[Volume 6](#) of the Truth and Reconciliation Commission of Canada's (TRC) Final Report emphasized the critical role of archives and museums in documenting the history and ongoing legacy of the Indian Residential School System, including records containing crucial information about the missing children and unmarked burials at these institutions. While the TRC was able to collect over four million records from the federal government and the church entities in accordance with the Indian Residential School Settlement Agreement (IRSSA), the Commission encountered significant resistance. The TRC was compelled to take the federal government to court for failing to comply with the document production provisions of the IRSSA. Many government and church records have still not been provided to Survivors, Indigenous families, and communities or to the National Centre for Truth and Reconciliation.

Under the terms of the IRSSA, only the federal government and church entities that ran Indian Residential Schools were required to produce documents to the TRC. However, many records that may contain information about the missing children and unmarked burials are also held by other institutions. This includes provincial governments, territorial governments, municipalities, and other entities such as police services, hospitals, universities, and museums.

At this third National Gathering on Unmarked Burials, Survivors, Indigenous families, and communities shared their frustrations about having to navigate multiple archives and other repositories where documents are held to try to gain access to records. Those leading search and recovery efforts also exchanged information on how they are affirming Indigenous data sovereignty in their work by taking control of their data and information and advocating for complete access to their records.

As we move forward in this Sacred work of finding the missing children and unmarked burials, I urge all record holders to cease being the gatekeepers. While some progress has been made, there is still an urgent need to eliminate bureaucratic barriers that make accessing records so difficult and time-consuming. Laws, regulations, and policies that govern archives must be decolonized and transformed to respect and uphold Indigenous Peoples' rights so that they can finally bring the children home.

A. Overview and Purpose

The third National Gathering took place January 16-18, 2023, on the unceded Territories of the xwməθkwəy̓əm (Musqueam), Sḵwx̱wú7mesh (Squamish), and səlilwətaɬ (Tsleil-Waututh) Nations, which is also now home to many Métis, Inuit, and other urban Indigenous Peoples from across Turtle Island.

Elected Chief Jen Thomas of the Tsleil-Waututh Nation, Councillor Stewart Gonzales of the Sḵwx̱wú7mesh Nation, and Knowledge Keeper Brandon Thomas

At previous Gatherings, Survivors, Indigenous families and communities have identified accessing records as a significant barrier to finding the children and unmarked burials. This concern is so significant that it was highlighted in the **Progress Update Report**

The third National Gathering brought over 300 participants together to discuss the importance of full access to records in relation to key concepts, principles, ethics, and emerging practices of Indigenous data sovereignty. Over 800 additional people joined the Gathering livestream each day. The Gathering was Co-Chaired by Dr. Gwendolyn Point and Tribal Chief Tyrone McNeil. Survivors, Elders, Knowledge Holders, youth, Indigenous leaders, archivists, data scientists, legal professionals, and researchers engaged in dialogue about the complexity of accessing records. Participants also heard from several Indigenous communities who are asserting their sovereignty and exercising their right to maintain or take back control of their knowledge and information.

For those who would like to watch the presentations, video recordings are available **here**.

To see the full program for this Gathering, visit the OSI website at www.osi-bis.ca and click on **Past Events**.

> *When we begin to turn this around, it becomes a strength - a foundation that we stand on. So each and every one of you, I appreciate and I'm humbled by your courage. [We need] a strong mind and a strong heart to do the work in a good way. And a strong mind means you're doing something, most of the time, against all odds.*
>
> - Gathering Co-Chair, Dr. Gwendolyn Point

> *We are putting our hands up to your courage... [these are] very difficult conversations... There's a lot of work to be done. We need to figure this out together.*
>
> - Gathering Co-Chair, Tribal Chief Tyrone McNeil

B. Ceremonies and Protocols

Participants and speakers from across Turtle Island attended the National Gathering and local territorial protocols were followed and respected throughout. Elders and Knowledge Holders shared their teachings to ensure all participants felt spiritually connected and supported. Prior to gathering in the territory, permission was sought and received from the xwməθkwəy̓əm (Musqueam), Sḵwx̱wú7mesh (Squamish), and səlilwətaɬ (Tsleil-Waututh) Nations.

Elected Chief Jen Thomas of the Tsleil-Waututh Nation and Councillor Stewart Gonzales, Sḵwx̱wú7mesh Nation, generously provided a 'Welcome to the Territories' at the beginning of the Gathering. Cedar Medicines were placed at all entrances and exits.

Knowledge Keepers Cheryl Rivers, Chief Dr. Robert Joseph and Aaron Williams provided Opening and Closing Prayers and shared important Teachings.

The Qulliq

To acknowledge and respect Inuit, a Qulliq was lit by Elder and Survivor, Dr. Levinia Nuqaalaq Brown. Carved in stone and filled with oil, the Qulliq provides warmth and light to the homes of Inuit families. Dr. Brown explained that the glow of the Qulliq provides strength to participants for the difficult conversations ahead. The Qulliq is always lit before Gatherings begin. Inuit women care for and light the Qulliq, and Dr. Brown carried that tradition into this National Gathering.

The Sacred Fire

A Sacred Fire was lit at the Gathering to allow participants to offer Medicines and prayers for the Spirits of the missing children, Survivors and family members. David Clarke was the Head Fire Keeper and tended to the Fire with support from the First Nations Health Authority cultural support workers. Together they ensured that local Indigenous protocols were followed and respected. Ashes from the previous National Gatherings in Edmonton and Winnipeg were added to the Sacred Fire when it was lit.
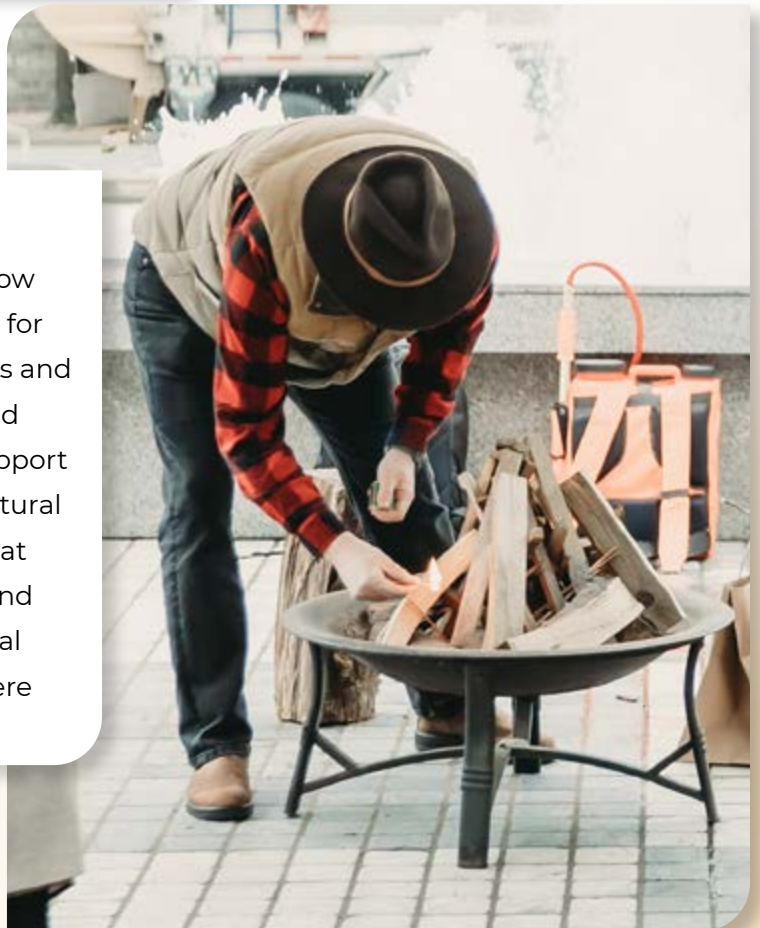
The Empty Chair

At each National Gathering, an Empty Chair is placed in the main Gathering room to represent the Spirits of the missing children. Survivors participated in ceremonies to invite the Spirits of the missing children to join the Gathering and witness the conversations and work being done to bring them home. Gifts and blankets from previous Gatherings were placed on the Chair along with Sacred Medicines. During the Gathering, the Sḵwx̱wú7mesh gifted an additional blanket to the Empty Chair and several participants offered gifts and Medicines. All these offerings and gifts are added to the Empty Chair's Sacred Bundle and will be brought to all future National Gatherings.

The Empty Chair

Charlene Belleau: "I intend to find my Grandpa in my time"

Charlene Belleau, Survivor of St. Joseph's Mission

Charlene Belleau is a Survivor of St. Joseph's Mission, whose parents and grandparents also attended St. Joseph's. She has been searching for the missing children for decades and is a strong advocate for Indian Residential School Survivors and their families.

Charlene told participants that, "you are here today because the ancestors chose you to do this work and the ancestors knew you would have the strength and the courage to find our missing children." She also emphasized that "the missing children are our ancestors too."

She shared that her Grandpa died by suicide at St. Joseph's Mission in 1920 after a pact he had made with a group of other children. After his death, she wrote to St. Joseph's Mission officials to ask them why they had buried her Grandpa there when they could have sent him home. Mission officials and a lack of records left her family without answers, and she is still searching for her Grandpa's burial site. She said that "I intend to find my Grandpa in my time."

At the Gathering, Charlene invited participants to join her around the Empty Chair: "I'm going to go down to the Empty Chair and speak to my Grandpa, and sing a song so he knows I haven't forgotten him, so please join me." Participants gathered around her in support as she spoke to her Grandpa and vowed to find him.

Artistic Performances and Drums

This National Gathering, like the others before it, was full of important and emotional conversations. Dancers, singers, and drummers strengthened and lifted the Spirits of participants and reminded all of the resilience and power of Indigenous laws, protocols, ceremonies, and cultures. Hoop Dancer, Shantae King, and the Sasquatch Dancers demonstrated the resilience of Indigenous youth in practicing their cultures – reminding participants of the purpose of the Gathering and providing hope for the future.

Knowledge Keeper Aaron Williams of the Sḵwx̱wú7mesh Nation drummed and sang for participants throughout the Gathering and provided opening and closing prayers. Inuk drummer and Survivor, Wilbert Papik, shared songs on the second day, while Shelly Joseph and the Namwayut Group shared songs and dances on the final day of the Gathering.

Health and Cultural Supports

Throughout the National Gathering, culturally-relevant and responsive health supports were available to provide emotional and spiritual support to participants and speakers. The First Nations Health Authority provided health and wellness support services including;

- Counselling support;
- Cedar Brushing;
- Access to ceremonial work;
- Prayer Circles;
- Traditional songs;
- Support for participants and speakers during presentations;
- Support at the Sacred Fire;
- Gifts to honour Elders and Survivors; and
- Referrals to the Resolution Health Support Program.

The four Sacred Medicines – tobacco, sweetgrass, sage, and cedar – were available to all participants throughout the Gathering. Participants could access these Medicines at any time to smudge, make offerings to the Sacred Fire, and to rebalance themselves.

C. Indigenous Data Sovereignty

During the Gathering, speakers, Survivors, and participants emphasized that access to and control of the records is essential to truth-finding about the missing children and unmarked burials. These truth-finding processes must be Indigenous-led and support the community's goals in their research. Indigenous communities are already doing this work: Indigenous archives, Indigenous research centres, and Indigenous media tell truths in ways that are trauma-informed and respect Indigenous sovereignty and community consent.

While different Indigenous communities will exercise data sovereignty in ways that meet their own specific needs, there was overall consensus that significant reform and fundamental change is required. As Indigenous Peoples assert and implement their sovereign right to control and protect their data, this work must be respected and supported by archives and record holders in governments, churches, universities, medical institutions, and other research entities. Those leading search and recovery work also said that maintaining Indigenous community control over knowledge and information is essential, including in the context of public disclosures of findings related to search and recovery work.

What is Indigenous Data Sovereignty and Why is it Important?

Indigenous data sovereignty refers to the right of Indigenous Peoples to exercise ownership, control, and access over their data. It recognizes the:

- unique cultural, social, and political contexts in which Indigenous data is collected, analyzed, and shared;
- reality that non-Indigenous governments and researchers have collected a lot of data about Indigenous people; and
- fact that non-Indigenous people and institutions have appropriated and used Indigenous knowledge in breach of Indigenous laws for their benefit and to the detriment of Indigenous Peoples.

This long history of disrespect and unauthorized use of Indigenous knowledge and data has created challenges for Indigenous people to access, reclaim, and control data collected and kept by the State, colonial institutions, and churches. It has also led to the misrepresentation and attempted erasure of Indigenous knowledge, laws, and data governance systems. Despite the efforts of government and churches to destroy these systems, Indigenous Peoples have created and maintained important ways to protect their data, knowledge, and information.

Upholding the right to Indigenous data sovereignty involves amending laws that put power into the hands of archives and record holders in governments, churches, universities, and other organizations – the 'creators' or copyright holders of documents – to shift power back to Indigenous people whose lives are documented in these records. The concepts, principles, ethics, and practices of Indigenous

data sovereignty are based on Indigenous-led research methodologies that respect community protocols for data sharing, and ensure that data collected is used ethically and with community consent. Researchers who respect these methodologies recognize the cultural significance of Indigenous data and the need to protect it from unauthorized access or use.

Respecting Indigenous data sovereignty also enables non-Indigenous researchers and archivists working in government, church, public education institutions, and other organizations to learn from Indigenous knowledge, to gain a better understanding of Indigenous laws relating to the protection and use of data, and to collaborate in respectful and mutually beneficial ways.

Indigenous sovereignty is closely linked to the protection and stewardship of Indigenous lands and resources. The relationship between Indigenous data sovereignty and the sovereignty of Indigenous Nations and lands is founded on the fact that data is an integral part of Indigenous knowledge, legal, and governance systems and is connected to Indigenous lands, cultures, and communities. Indigenous Peoples' relationships with their lands and knowledge systems are based on the accumulation of generations of knowledge about their environments, resources, and relationships.

Indigenous data sovereignty protects and asserts Indigenous sovereignty by enabling Indigenous Peoples to gather and analyze data about their lands and resources, monitor environmental impacts, and make decisions about their own futures. In this sense, Indigenous data sovereignty and sovereignty over lands are mutually reinforcing concepts. By asserting control over their own data, Indigenous Peoples can revitalize their laws and better protect and exercise their sovereignty over their lands, resources, and knowledge systems.

Indigenous Knowledge and Data as Sacred

Throughout the Gathering, participants emphasized how Indigenous knowledge and data are Sacred. Sḵwx̱wú7mesh Nation Elder Cheryl Rivers reminded participants that protocols, ceremonies and Sacred items are Indigenous data as much as any paper record is. Megan Metz, Haisla Nation Youth, said that the sharing of Indigenous knowledge *is* Indigenous data sovereignty:

We didn't navigate our waters using maps. We used the mountain tops and different landmarks as guides. We didn't have a written language or books to read. We sat around with our families, Elders, and leaders, as they taught us how to speak, how to behave and conduct ourselves, who we are as distinct peoples, and how to live in a humble way. To me, these are all forms of data sovereignty in action.

- Megan Metz, Haisla Youth

Jeff Ward, the founder and Chief Executive Officer of Animikii, said that complex methods of sharing and protecting Indigenous data and knowledge developed over millennia. He emphasized that Indigenous data sovereignty is a new term for the very old concept of working in Indigenous communities for communities as stewards of knowledge. He said:

What happens when we think of Indigenous data as Sacred? As representations of stories and people? Data is held in stories and families and hearts. Data is in the land; it's in our regalia, it's in our songs, it's in our stories, and it's in our languages.

- Jeff Ward, Founder and Chief Executive Officer, Animikii

Throughout the Gathering, participants echoed this view of Indigenous data as Indigenous knowledge; this knowledge is linked to the land through the laws and governance systems of Indigenous Nations across Turtle Island. It is documented and validated through languages, oral histories, songs, regalia, and ceremonies over time.

The Key Principles of Indigenous Data Sovereignty: Ownership, Control, Access, and Possession (OCAP)

> *I think it is very critical to translate the terminology so our own people understand what OCAP even means... It's not a new idea – it's about protecting and having ownership and having the intellectual property rights to our records. It's about ensuring that our people can access the information they need to make sure that we protect our stories, our files, and our records.*
>
> *- Participant*

Aaron Franks, Senior Research Manager at the **First Nations Information Governance Centre** (FNIGC), described FNIGC's work and how the principles of OCAP relate to the search and recovery of the missing children and unmarked burials. He began by explaining that FNIGC envisions "that every First Nation will achieve data sovereignty in alignment with its own worldview. To support that work we work largely through regional and national partnerships. We do not interfere or impose. We coordinate resources coming together." He noted that the OCAP framework was developed by First Nations in relation to First Nations data and that Métis and Inuit have their own principles of data sovereignty.

OWNERSHIP refers to the right of First Nations to own their data and information regardless of colonial conceptions of copyright law. First Nations have the right to determine how their data and information is used and shared.

CONTROL refers to the right of First Nations to control the collection, use, and sharing of their data and information. This principle means First Nations have the right to establish their own policies and procedures for managing their data and information. They have the right to decide who collects the data, how it is collected, and how people use that data.

ACCESS refers to the right of First Nations to access their data and information. This principle means First Nation people and communities have the right to access the data and information that institutions, churches, and governments have collected about them since the start of colonization. Access also means that First Nations have the right to know who has access to their data and information and for what purpose. The principle extends to the formation of any access protocols relating to their information.

POSSESSION refers to the right of First Nations to possess their data and information. First Nations have the right to have their data and information stored and managed in a way that respects their cultural values and traditions. They have the right to determine who has physical possession of their data and information and ensure that archives and databases manage their data securely and confidentially.

The principles of Ownership, Control, Access, and Possession (OCAP) are guidelines established by First Nations within Canada to assert sovereignty over their data and information. OCAP was first introduced in 1998 by FNIGC as a framework for managing and protecting First Nations data.

The OCAP principles provide a framework for ensuring that First Nations information and data benefits First Nations communities while minimizing further harms. These principles support First Nations in asserting sovereignty over their data and information while protecting their right to self-preservation, cultural values, and traditions.

The River: Revitalizing and Adapting Indigenous Laws to Support Indigenous Data Sovereignty

> *Revitalizing Indigenous laws and legal processes are essential for rebuilding healthy communities and for reconciliation in Canada.*
>
> - Koren Lightning-Earle, Legal Director, Wahkohtowin Law and Governance Lodge

Koren Lightning-Earle, Legal Director, and Hero Laird, Articling Student, both from the Wahkohtowin Law and Governance Lodge, University of Alberta, led an interactive workshop on affirming Indigenous data sovereignty in the search and recovery of the missing children and unmarked burials.

Koren explained how Indigenous concepts of law and colonial laws are fundamentally different. She described the concept of Indigenous laws as a river which is constantly moving and having to adapt based on the flow. By contrast, she characterized colonial legal structures as "a brick wall" that is organized and controlled brick-by-brick. She emphasized that: "a river cannot be controlled in the same way."

She said that "Indigenous laws need to be treated seriously as laws." Revitalizing and adapting Indigenous laws to support Indigenous data sovereignty in relation to search and recovery work requires the following:

- Indigenous laws and community protocols must be built into community research;
- Research must always be community-led; and
- Local practices and OCAP principles must be reflected in the Indigenous laws put in place.

Implementing these measures will ensure community control over the data and information gathered to support search and recovery work.

Affirming Indigenous Data Sovereignty through the United Nations Declaration on the Rights of Indigenous Peoples

Indigenous Peoples have an intimate relationship with, and a deep connection to, their information, knowledge, and data – particularly, traditional and Sacred knowledge that has been passed down from one generation to the next. It is from this premise that Indigenous communities are accountable to their own citizens, and to those that they serve for the use and management of community information. This authority is based on the inherent right and Treaty rights supported by international instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples.

- Kristin Kozar, Interim Executive Director
Indian Residential School History
and Dialogue Centre, UBC

Many speakers and participants referenced the importance of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) as it relates to exercising Indigenous data sovereignty. They called on governments, churches, archives, museums, universities, and other data institutions to adopt the UN Declaration in their records access and ownership policies.

The UN Declaration outlines the fundamental rights of Indigenous Peoples worldwide. Adopted by the UN General Assembly in 2007, and endorsed without qualification by Canada in 2016, the UN Declaration recognizes the right of Indigenous Peoples to self-determination, including the right to maintain their distinct governance and legal systems, cultural practices, languages, and traditions.

The UN Declaration has significant implications for how Indigenous Peoples' cultural heritage is documented, preserved, and shared. The UN Declaration highlights the importance of Indigenous Peoples' control over their own cultural heritage, including their traditional knowledge and cultural expressions. This includes the right to control and manage their own information and data, which is essential for protecting and preserving cultural heritage.

Articles 11 and 12 provide important guidance in the context of Indigenous data sovereignty. These Articles call for the protection of Indigenous Peoples' intellectual property rights, including the right to determine how traditional knowledge is used and the right to protect cultural expressions from unauthorized use or misappropriation. This protection includes the need for informed consent

from Indigenous Peoples before their cultural heritage is documented or shared and the right to control how that documentation is used and disseminated.

Importantly, these Articles also emphasize the State's responsibility to provide redress by working collaboratively with Indigenous Peoples to establish fair, transparent, and effective mechanisms for restitution, including the return of Indigenous knowledge and Sacred items taken without consent and the repatriation of human remains. This last protection supports Survivors, Indigenous families, and communities in their efforts to find the missing children and unmarked burials and to repatriate the remains of their children, where desired.

United Nations Declaration on the Rights of Indigenous Peoples

Article 11:

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12:

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Emerging Practice: How Indigenous Organizations are Reframing Colonial Data and Reclaiming Power

At the Gathering, speakers and participants highlighted how Indigenous organizations are working to reclaim power and reframe colonial data.

First Nations Health Authority

Richard Jock, CEO of the First Nations Health Authority (FNHA) noted that, "a data point is more than just something to quantify, or a single element, it's a complex relation of different forms of information, which then can be transferred into knowledge." Data without meaning or context is not very useful.

He explained that the First Nations Health Authority takes health and wellness data on Indigenous Peoples collected by colonial institutions and reframes it in ways that support the priorities and meet the needs of each Indigenous community. He said that, "part of reclaiming our collective power is by reframing that relationship," so that data is meaningful and useful for communities.

Drawing on the FNHA's transformative work in the context of First Nations health data, Richard emphasized the importance of reframing colonial data to shift the focus from a model that pathologizes Indigenous people to one that emphasizes Indigenous people's resilience, resistance and strength. For the FNHA, this meant reframing the data to move away from a *sickness model* towards a *wellness model*.

Richard also emphasized the need to tailor data to meet the diversity of priorities and needs within different First Nations. To respect this diversity, the FNHA has developed directives that guide their work in a way that is "community-driven and nation-based." This involves moving away from outside research being done *on* First Nations to an approach where research is being done *within and for* First Nations. The organization's mandate is to serve First Nations individuals and communities while also respecting their leadership and recognizing the people of the Nation as the rights-holders and decision-makers for their specific communities.

The FNHA collects information through community-led surveys and programs and prioritizes distributing reports to all First Nations.

Richard Jock, CEO of the First Nations Health Authority (FNHA)

This facilitates dialogue and knowledge sharing within and across all communities within BC.

Richard explained that privacy legislation must change so communities have the power to decide if they want to share their data with other communities. He pointed out that:

> *Where there is goodwill, it is possible to have access beyond the strict confines of privacy legislation. One of the bridges to that is developing data sharing agreements.*

Data sharing agreements are one way that communities can work collaboratively. These agreements set out the responsibilities of each party and define how the shared information can be used. This is an effective way to build bridges between data holders, which can be a complex process when numerous First Nations communities are involved. Richard concluded by reminding participants that "there is real power in collectives," and he encouraged communities to work together and share data as they continue the important work of finding the missing children and unmarked burials.

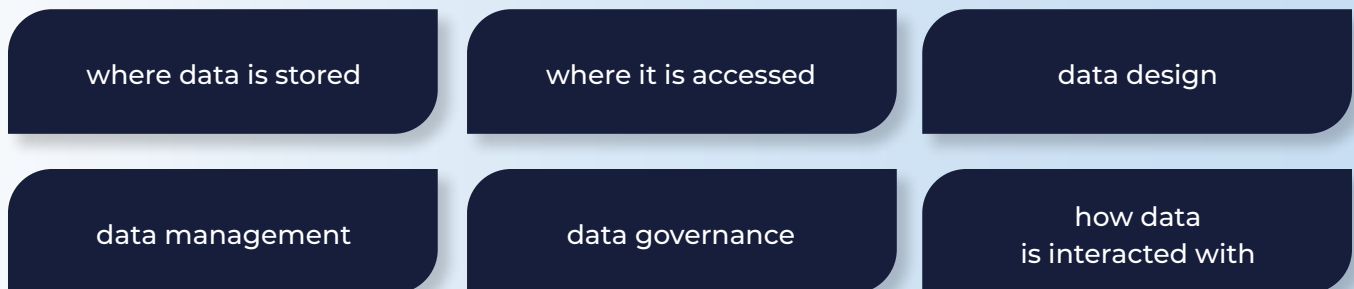Slide from Richard Jock's Presentation

Animikii

Jeff Ward is the Founder and CEO of Animikii, an Indigenous-owned technology company committed to driving positive change for Indigenous Peoples through technology. As a web designer and software developer, Jeff has been working collaboratively with Indigenous communities to implement Indigenous data sovereignty. He emphasized that there is a need for custom software for Indigenous communities because Western software solutions often do not reflect Indigenous concepts of data and data sovereignty. He noted that the digital realm has the power to make information accessible, but the right protocols need to be put in place by Indigenous communities. Animikii's approach is therefore to "develop a collaborative process to co-design technology, including the design of data."

As a former statement gatherer at the TRC, he has thought a lot about the importance of stories as data. He emphasized that there needs to be careful consideration about the definitions of Indigenous data, Indigenous technology and Indigenous sovereignty, and how they relate to one another. He said:

> *Some data is held in families, not recorded but held in oral histories; this makes you think about data differently. We try to shift the narrative. [Indigenous Peoples] have always been technologist, inventors, scientists. Data is not an object – they're people, they're stories.*

He talked about the importance of reframing data from Western concepts of something to be exploited to Indigenous concepts of data as Sacred. He emphasized the need for Indigenous data sovereignty to include questions about:

where data is stored	where it is accessed	data design
data management	data governance	how data is interacted with

Jeff emphasized the importance of reframing and reclaiming sovereignty over Indigenous data and implementing the OCAP principles and the UN Declaration. He concluded by asking: "How can we reimagine Indigenous people as keepers of this data?"

D. How Colonial Archives Suppress the Truth and Impede Search and Recovery Work

I want to know who else went to school with me. What were my grades? Who else worked at the Anglican school residence? I have no memory of those years. I want some memories back - good, bad, or ugly. Is there anyone out there that can help me start this search?

- Karen Andrews, Métis Survivor

A key theme throughout the Gathering was that Indigenous concepts of data and data sovereignty are not properly understood or respected by colonial archives, including government, churches, museums, universities and other non-Indigenous institutions. In his Keynote Address, Grand Chief Steven Point said that "it has become government policy to suppress Indigenous information."

Participants throughout the Gathering echoed similar sentiments; they felt unheard and disrespected by government, church, and other archives. Jeff Ward emphasized that "Indigenous knowledge systems, including Indigenous data sovereignty, have been disrupted by colonial forces and Eurocentric data technologies that do not align with Indigenous values." It was clear that participants felt that Indigenous worldviews and priorities are not reflected in the systems, structures, values and processes of colonial institutions holding their information.

Participants identified 13 barriers that operate on a systemic level to impede access to records and information that is necessary to support search and recovery efforts.

Grand Chief Steven Point delivering the Keynote Address

Barrier 1: Navigating the Challenges of Accessing Federal Government Records

Change is slow, the only way to make change faster is with more pressure from those asking for records.

- Jean-Pierre Morin, Departmental Historian, CIRNAC

Jean-Pierre Morin told participants at the Gathering that ever since the first Indian Affairs Department was established in 1755, the federal government has been collecting, classifying, and storing millions of records about Indigenous Peoples. This set of records covers the longest time period ever collected in Canadian history and they document Canada's assimilation policy over the past 268 years. All aspects of administrative activities relating to Indigenous Peoples are documented in corresponding departmental files, including in relation to:

- Treaty-making and implementation;

- Estates;

- Band governance;

- Schools;

- Funding;

- Administration of programs and services; and

- Reserve creation and management.

Jean-Pierre noted that not all of these records have survived. Some were destroyed accidentally in fires in government buildings or at the homes and offices of Indian Agents. Others were lost in transit when they were transferred from regional field offices to headquarters in Ottawa. Still others were disposed of as having "no archival value" by departments.

Organizational history of Indigenous Affairs Departments

Millions of records have been created by the various entities that managed Indigenous Affairs over the years. These include:

- Indian Department (1755-1860)

- Indian Affairs Branch (1860-1880)

- Department of Indian Affairs (1880-1936)

- Indian Affairs Branch (1936-1966)

- Department of Indian Affairs and Northern Development (1966-2019)

- Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada (2019 to present)

Jean-Pierre explained that the majority of historic records are not held by Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and Indigenous Services Canada (ISC). Documents that are considered no longer of "business value" are either destroyed or transferred to Library and Archives Canada (LAC) in accordance with disposition requirements for federal records. There is no set timing for the transfer of records from a department to LAC as each department determines how long records are needed to conduct the business of the department. Only those documents identified as having "archival value" by LAC are transferred and retained in the Archives, when the department no longer requires them.

Jean-Pierre said that records are accessible through LAC's Indigenous History Portal and the Indian Residential School Records Portal. He highlighted specific government collections held at LAC that may be particularly relevant to the search and recovery of the missing children and unmarked burials, including:

- RG 10 - Indian and Northern Affairs Records Group;

- RG28 – Health Canada; and

- RG18 – RCMP records.

He said that researchers should keep in mind that LAC's collection reflects the perspectives and voices of departmental officials that recorded the files. While some information and experiences of the children at Indian Residential Schools might be recorded, these are documented from the perspective of the Indian Agent and other government or church officials.

There are other barriers to researching records at LAC. For example, there are limits to LAC's online research tools, as the vast majority of its government collections are not digitized. Increasingly, finding aids are available for research through Collection Search. However, there are still some finding aids that can only be consulted on-site, and those that continue to have Access to Information and Privacy (ATIP) restrictions. Finally, most government records are described only to the file-level. To see what is inside a file, the records need to be physically consulted. In other words, researchers need to visit the archives in person and manually search through each file to determine if any information within that file is relevant.

Accessing records at CIRNAC and ISC presents other challenges. Their primary purpose is to support the work of the departments. These records, including paper files as well as the digital records and documents currently being created by public servants in the departments, are active files used continuously by departmental program officers. When files are characterized as "active", they are not an open archive accessible to the general public.

While there are no finding aids similar to those at LAC, there are the file classification indices that provide a subject level description of the various files. There is the possibility to consult departmental records by contacting the departmental ATIP office or the Records Office at the following emails:

atiprequest-aiprpdemande@sac-isc.gc.ca   recordsncrarchivalresearch@sac-isc.gc.ca

Jean-Pierre pointed out that the release of departmental records must follow the federal guidelines and procedures, and is subject to approval from the programs responsible for the records.

He told participants that archival records documenting the administration of Indian Residential Schools were key to proving the extent of the federal government's involvement in the system. Over four million documents were transferred to the TRC to support their work from the federal government holdings, including from Indian and Northern Affairs Canada (INAC), LAC and other departments.

In December 2021, Minister Miller, CIRNAC, directed that a broader internal review of existing documents be undertaken to ensure transparency and full disclosure of all relevant documents, where possible. This review is currently underway.

On January 20, 2022, Canada signed a Memorandum of Agreement (MOU) with the NCTR to facilitate the sharing of additional documents not previously provided to the TRC. To date about 1.6 million documents have been released under the MOU. Today, the NCTR Archives and Collections is the central repository of documents relating to the Indian Residential School System.

Although the federal government is actively working towards reviewing and disclosing additional records, there is more work to be done to remove barriers. As Jean-Pierre said:

There are rules preventing Library and Archives Canada from moving faster. This is a question of law. Historians do not have power to change the law but the people we elect do.

Participants at the National Gathering

Barrier 2: Colonial Gatekeepers - Defining Relevance of Records and Restricting Access

What is First Nations data?... Any data that's collected from First Nations...and about First Nations. It's data from or about First Nation's lands, territories, waters and Medicines – about the four leggeds and the flyers and the swimmers. Rather than sifting through their datasets to say: "do I have Indigenous data or not?" Governments and non-Indigenous institutions might be better off asking themselves: "what isn't Indigenous data?" The information associated with recovering our missing children will take many forms and it's going to be in many places. First Peoples have the right to reclaim and care for all of it, regardless of where it is.

- Aaron Franks, Senior Research Manager, FNIGC

In various non-Indigenous institutions, including governments, churches, universities and health institutions, gatekeepers maintain power and control over data and records that may contain information relating to the missing children and unmarked burials, including:

- governments and churches, that have destroyed and withheld records from Indigenous communities;

- other archives, institutions and organizations, that hold records that may contain important information about the missing children;

- private record holders, who may have boxes of documents that have not been searched;

- museums, that hold and have appropriated Sacred items and human remains; and

- the legal system, which creates laws, processes and procedures that restrict access to Indigenous data.

Colonial gatekeepers exercise discretion and control to decide which records, data and information are "relevant" and can be released to the requestor. This is problematic because information that may seem irrelevant to an archivist may actually be vital. For example, an administrative memo or an Indian Residential School budget report, can reveal a key piece of information that, when considered together with other records, may provide a more complete account of what happened to a child.

Survivors, Indigenous families, and communities leading search and recovery efforts emphasized throughout the Gathering that they are best positioned to determine the relevance of the records. Colonial gatekeepers must relinquish the power they continue to exercise in determining what information is relevant to finding the missing children and unmarked burials.

Whose Truths are Relevant?

Karen Andrews is a Métis Survivor of Bompas Hall Indian Residential School in Fort Simpson, Northwest Territories. She reflected on her experience in the IRSSA Independent Assessment Process (IAP) where her information about unmarked burials was not deemed relevant:

I said to my lawyer: "I can tell you where the babies are buried."
"Oh no no no" he said, "that's way too far out there, just stick to the facts."
"Okay," I said.

Karen wondered: "How many more Métis Survivors knew these truths, but were not listened to?"

The Barriers Facing the Children of Shingwauk Alumni Association in Accessing Federal Records

We are trying to find two boys that drowned in a pond that was located at the Shingwauk Residential School. These boys died in 1915. We have testimony from a former staff member that was at the school, that these boys did indeed die in that pond and are still there. The pond was filled in and eventually turned into a park in Sault Ste. Marie called Snowdon Park. And we are trying to get records from the Canadian government that are over 100 years old – and they are saying no... They are under restricted access and they will not give us access to help identify these two boys.

- Ed Sadowski, Researcher supporting the CSAA

The Children of Shingwauk Alumni Association (CSAA) is a Survivor organization that established the archives in the late 1970s at what is now the Shingwauk Residential Schools Centre (SRSC). The SRSC is a community archive that aims to preserve the history and legacy of the Indian Residential School System that impacted Indigenous Peoples across the country. Established in the late 1970s under the Shingwauk Project, the SRSC is located on the traditional territory of the Anishinaabe and Métis on the Robinson-Superior Treaty territory in Sault Ste. Marie, Ontario. It is also located on the former site of the Shingwauk Indian Residential School and the current site of Algoma University.

Ed Sadowski described the barriers CSAA has encountered in trying to access records that may contain information relating to the missing children on the Shingwauk site, including:

- Not being able to access records that may contain relevant information because many records prior to 1941 have been destroyed by the federal government;
- Not having relevant records disclosed to the CSAA due to restrictions on the records that should have been removed because many records being requested are over 100 years old; and
- Being required to navigate time-consuming and costly access to information processes to obtain records.

Despite these barriers, CSAA researchers continue to push for the release of all records that may contain information about the missing children and unmarked burials.

Barrier 3: Archives Serve Colonial Institutions not Indigenous Communities

Several speakers pointed out that institutions like Library and Archives Canada were designed to support the settler-colonial State and its government departments. In a similar way, church archives support the institutional memory of the churches and church staff determine what is important to telling their 'story'. This has significant consequences for search and recovery work since government officials or church staff determine what information is contained in the records and then archives determine what is relevant and which records are retained or slated for destruction.

In addition, the way the records are organized serve colonial institutions. For example, a collection of records may be organized together with all the records provided by a particular donor rather than by subject area. As a result, the records may not be easily searchable to those looking for vital information about the missing children and unmarked burials.

Wilbert Papik's Over 60 Year Search to Locate His Father's Burial Site

For over 60 years, Survivor Wilbert Papik tried to find where his father, Josie Papik, was buried. He was at Indian Residential School in Inuvik when he was told that his father had passed away at the Charles Camsell Indian Hospital in Edmonton after being admitted for tuberculosis. The family was never told the exact location of his father's burial.

Wilbert went to the Anglican Church and the Charles Camsell Indian Hospital to ask where they had buried his father. Neither the church nor the hospital provided him with any information: no records about his father and no information on where to look for records: "they both said that they didn't know."

Over 60 years after his father's death, the family finally uncovered information about the location of his father's burial. In August 2022, as part of the Nanilavut Initiative, Wilbert was finally able to visit his father's burial site, which was one of 40 unmarked burial plots in the cemetery. He said:

> We passed sixty years that we always wondered where [my father] was buried. In August 2022, [the researchers working to find my father's burial] finally phoned me. They said, "We found your Dad's grave. Do you want to go to Edmonton? There are other people, too, that they found. So we're going to go to Edmonton and have ceremonies for them and the laying of headstones." I said "ok," and that's what we did. I said, "How did you find him?" And they said, "Oh, the federal government had all the information." So they've been holding on to [the information] for more than 60 years. We've got to demand the government release all [the] information they have. We've got to find everyone.

Barrier 4: Privacy and Access to Information Laws are Failing Indigenous Communities

We have laws. We have systems in place. We don't always have to follow the government directives. We have our own protocols that are in line with who we are... We have been studied to death. We have filled out surveys many, many times over... An enormous amount of information has been gathered about who we are.

- Participant

Survivors, Indigenous families, communities and researchers described their frustrations of trying to work within or navigate federal and provincial privacy and access to information legislation. These legislations prioritize the rights of the person or institutions who created the records (i.e. governments and churches) over those of the Survivors and the missing children whose lives are documented in the records. Ryan Shackleton, CEO of Know History, indicated that privacy legislation is a barrier to accessing government records since the ownership and copyright usually remains in the hands of the archives or the donor of the collection.

Participants also identified laws and policies as barriers in accessing records from the NCTR. There are legal restrictions on the TRC records within the NCTR's collection that impact how they can be used by Indigenous communities and researchers. While access laws are supposed to assist the public with accessing information about their government, they are often used to keep information out of the hands of the public, including Indigenous communities.

The legal barriers must be addressed and there is an urgent need to get records into the hands of Survivors, Indigenous families, and communities leading search and recovery efforts. Participants emphasized that laws need significant reform, including privacy legislation, intellectual property laws, copyright laws, and other legislation that have provisions relating to the destruction of records.

Barrier 5: Key Records Have Been Destroyed

Many participants expressed concern about the fact that key records have been destroyed. Ed Sadowski noted in his presentation that the Shingwauk Residential Schools Centre (SRSC) focused on trying to find missing records during the Independent Assessment Process (IAP) of the Indian Residential School Settlement Agreement (IRSSA). The Children of Shingwauk Alumni Association (CSAA) determined that many Indian Residential School records, including quarterly returns that were the primary documents to identify which children were in attendance, were destroyed by the federal government prior to 1941. Ed emphasized that there were thousands of Survivors who did not receive compensation or recognition of their time at Indian Residential School because these records were destroyed.

Because the records have been destroyed, there is also no way to determine what information may have been in those records about the missing children or unmarked burials. Archival destruction policies (destroying records), or deaccessioning policies (removing items from a museum or archive's ownership) creates gaps in the documentary record that may impede search and recovery efforts. Participants emphasized that Indigenous Peoples' input should be sought in relation to these policies on what to destroy and what to keep.

ARCHIVAL DESTRUCTION POLICIES provide guidance on when, how and which records may be destroyed or disposed of. Government and corporate archives use destruction policies to keep items that are outside of relevance, or 'archival value,' from becoming part of the archive. This might include, for example, records that are seen as purely administrative. Or it can apply to items which no longer have value or relevance to an organization or institution. Destruction is viewed as a regular part of archival practice because archives typically have limited space to store collections. Most organizations only consider 5-10% of their archives as having 'enduring value.' Government bodies have rules about which items they can never destroy and how to destroy records properly. Destroyed archival items are usually shredded professionally at larger archives to ensure proper information protection. However, smaller archives without a destruction budget may throw documents into recycling bins or garbage containers.

DEACCESSIONING POLICIES provide guidance on destruction or donations and auctioning of artifacts and records and apply to museums and parks sites. Artifacts can be anything from material culture objects commonly seen on museum display to photographs and textual documents in collections storage rooms. Before a museum decides to auction or destroy an item, deaccessioning policies typically follow the best practices of finding the donor and offering to return the item or contacting other museums, cultural sites, or Indigenous communities to donate or repatriate the item.

Barrier 6: Métis Erasure in Indian Residential School Records

Métis Survivors have called for a greater recognition of their experiences, but unfortunately, they are often overlooked and missing from the historical record. The Gathering was enriched by the presence of Métis Survivors, Elders, and youth who shared their experiences.

Vanessa Prescott, a Métis Youth and Clinical Herbal Therapist, emphasized the importance of acknowledging the gap in the records when it comes to Métis children:

I'm Métis, my father was Métis, and my mother was Dene and Cree. Nothing is spoken about Métis. Where do people get the data, or who is working on the data [for Métis]?

- Participant

Métis experiences have consistently been left out of the national narrative, including [with respect to] the harms of Residential Schools... Due to inconsistent records, regulations, and status accounts, it's impossible to know how many Métis children attended Residential Schools... [Some] suggest Métis represent one in five Residential School Survivors in the Prairies.

All [Métis Survivors and children] were deprived of the care and nurturing of their parents, aunties, uncles, and grandparents – the care of their community, their true community, their family.

The importance of our people and communities having access to our own information is apparent: our stories are part of this data. Without our stories, so-called Canada tried to sweep it under the rug. The more our stories become part of the historical record, the closer we can get to the truth. Who were these children? Why did they die? Where were they buried?

Vanessa Prescott, Métis Youth

Métis Survivors and participants emphasized that the Sacred work of finding the missing children must include all the children who disappeared from and died at Indian Residential Schools, including Métis children.

Barrier 7: Records are Scattered Across Various Archives and Institutions

Throughout the Gathering, those leading search and recovery efforts highlighted the fact that multiple archives may have information on one child's experiences as they were transferred between Indian Residential Schools, Indian Hospitals, and other associated institutions. Many Survivors and participants talked about how these records, which are scattered across different archives and institutions, contain important pieces of information that are part of their stories, their family histories, and their truths.

Many of our children [in BC] not only attended one residential school, but they attended maybe two or three. Some of our children went over to Alberta for school. Some went into the Yukon. So we all need to be able to work together in the work we are doing to find the missing children.

- Charlene Belleau, Survivor of St. Joseph's Mission, BC Provincial Liaison

To gather this information, Survivors, Indigenous families, and communities must navigate how to access records across several institutions and multiple archives. As one participant said:

It's a very time consuming process – the research process – and when we started we had no idea where to start... [Research] is like putting together a puzzle and all these pieces are in so many different [organizations], so many different filing cabinets and vaults that I need to go search in. Although it's time consuming, it helps [to create] Sacred spaces of learning for younger generations and a history that is not written by non-Indigenous people, but interpreted in our own way.

The discussions made clear that finding, collecting and reviewing all the records necessary to piece together the experiences of each child in the search for the missing children and unmarked burials is both time-consuming and complex.

Emerging Practice: The Special Advisor to Support Families of Missing and Deceased Indigenous Children in Quebec

In June 2021, the Government of Québec passed *Bill 79: An Act to authorize the communication of personal information to the families of Indigenous children who went missing or died after being admitted to an institution* in response to Call for Justice #20 of Volume 2 of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) Quebec *Supplementary Report*. Under this Bill, Anne Panasuk was appointed as the first Special Advisor Supporting Families of Missing and Deceased Indigenous Children in Québec who is working "to return dignity and justice to the families."

Quebec Supplementary Report, National Inquiry into MMIWG

Call for Justice #20

WE CALL UPON the Quebec government to provide Indigenous families with all the information it has about children who have been apprehended following admission to a hospital or any other health center in Quebec.

In her presentation, Special Advisor Panasuk emphasized that a coalition of families called "Awacak" advocated for the legislation to help them find their missing children. The word Awacak is an Atikamekw word meaning "little beings of light."

Special Advisor Panasuk recounted that in 1971-72, nine children went missing within an 18-month period from the Innu community of Pakua Shipu. At the time, these nine children represented 20% of all the children in the community. Each child went missing after becoming ill, being sent to the hospital, then vanishing. There was no death certificate for any of these children and no information was provided to the families.

Similarly, 47 children had gone missing in three Atikamekw communities after being sent to the hospital. Later, one family learned that their child had not died but had been adopted. In another case, a sister was found 35 years after she went missing and had been sent 1000 km from her home.

Special Advisor Panasuk described the powers provided to her and her Office by the Act, including:

- Supporting Indigenous families in their search for information from an institution, body or religious congregation about the circumstances surrounding the disappearance and death of children;

Special Advisor Anne Panasuk

- Facilitating access to medical files and religious documents relating to all children missing before December 1992 upon any family member's request;

- Exercising powers to assist families obtain an order of disinterment and repatriation; and

- Utilizing powers to help the family find out where the child was adopted, if the child is still alive.

The Act also establishes a monitoring committee and requires the Minister of Indigenous Affairs to provide an Annual Report to the Quebec government. Special Advisor Panasuk emphasized that the Annual Reports are also tabled in Indigenous communities.

Importantly, the Special Advisor acknowledged that there was a challenge in creating trust with Indigenous communities because the children went missing in provincially-run hospitals. As a result, she has visited with families of missing children accompanied by Awacak representatives. She also works in partnership with the Awacak Association and the Direction de soutien aux familles ("Family Support Team"):

- The Direction de soutien aux familles facilitates access to information requests to different institutions; and

- The families sign a Power of Attorney to the Awacak Association to direct the search on their behalf. The Awacak Association works closely with the Special Advisor and Direction de soutien aux familles and provides updates to the families on what is happening in the investigations.

The Special Advisor also works with physicians and nurses, including Indigenous physicians, to review the medical files and help interpret the information contained in these files.

As of November 2022, Special Advisor Panasuk indicated that her Office was helping to search for 110 children, mostly from Innu, Naskapi, Atikamekw and Anishnaabe communities with a few of the children from Cree Eyou and Inuit families. There were three requests for disinterment. For more updates, see the Annual Reports, including those for 2021-22 and 2022-23.
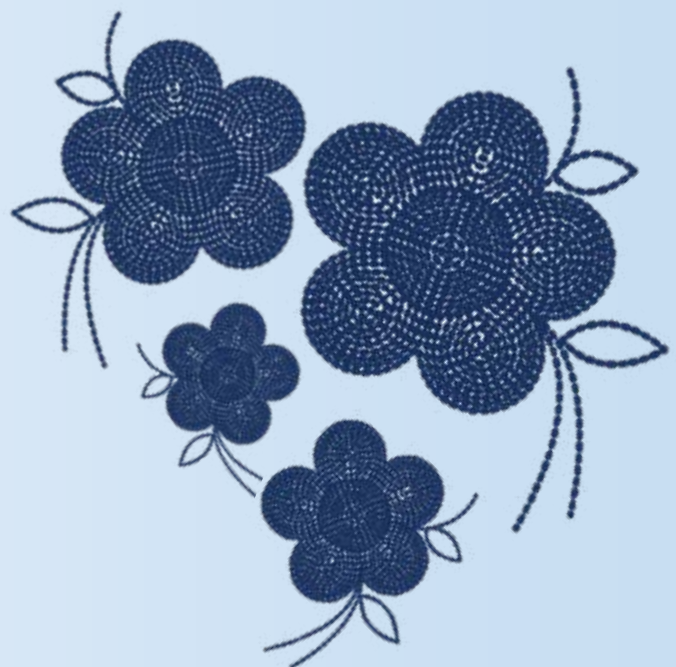
Barrier 8: Failure to Reclassify Restricted Records

Although there is work being done at the federal level to determine which additional records should be disclosed to the NCTR, Indigenous communities and researchers are encountering barriers to accessing restricted records. Ed Sadowski described the difficulties faced by the CSAA in gaining access to records of the Indian Register and the Indian Trust Fund that would help them identify additional children who died at the Shingwauk Indian Residential School between 1910 and 1920. He said:

> *The reason why we want access to the Indian Trust Fund is because students who died at an Indian Residential School paid for their own funerals. Line items in the Indian Trust Fund ledger show that when a student died at a Residential School the coffin cost $6, during that time period. The grave digger was paid $1. So the government has information about kids being buried because they paid for their own funerals. We are trying to follow the money [to help identify the missing children].*

In response to this request, the federal government indicated that it would not grant unfettered access of these documents to the CSAA nor would it provide an inventory list of these records. Ed Sadowski told participants that requests and meetings with the federal government are still ongoing.

Typically records that are over one hundred years old are made public, unless there are exceptions, such as for national security purposes or military operations. However, due to the lack of internal capacity, Library and Archives Canada has not reclassified the records that CSAA has requested to make them publicly accessible. Records in other federal departments may not have been reclassified for the same reason.

Participant at the National Gathering

Barrier 9: Failure to Disclose Records

Many participants raised concerns about the lack of disclosure of records that could help them in the search for missing loved ones. Raymond Frogner, Head of Archives at the **National Centre for Truth and Reconciliation** (NCTR), told participants that many might reasonably assume that the NCTR already has all the records from different religious orders in light of the terms of the Indian Residential School Settlement Agreement (IRSSA) that was finalized in 2006; however, this is not the case. Under the IRSSA, the federal government and the churches who administered Indian Residential Schools, were required to produce all of these documents. Despite this legal requirement, the TRC faced various challenges from both the federal government and many of the church entities.

Raymond noted that as a consequence, the NCTR has significant gaps in church records, in particular, Catholic church records. While the TRC and the NCTR were able to obtain most records from the Protestant [and Anglican] churches, Catholic entities, who ran 60% of the Indian Residential Schools did not produce all of their records to the TRC. He stated that "it is those [Catholic] orders that I think we need to have agreements in place to legally enshrine the fact that they need to make their records available to us."

He explained that with a spotlight being cast on the NCTR by recent announcements relating to the missing children and unmarked burials, some Catholic orders have reconsidered making previously withheld documents accessible to communities and researchers. For example, the NCTR's recent Memorandum of Agreement with the Missionary Oblates of Mary Immaculate (OMI Lacombe Canada), which was signed in December 2021, makes the NCTR the principal repository for OMI Lacombe Canada records on the history of the administration and operations of Indian Residential Schools. However, as of January 2023, the NCTR was still waiting to gain full access to more records from OMI Lacombe Canada, including personnel files. Raymond pointed out that unfortunately, the NCTR will never know if they have all the records because no official register of the documents exists.

Emerging Practice: How the United Church of Canada is Proactively Addressing Colonial Barriers to Accessing Records

Nicole Vonk told participants at the Gathering that she has been an archivist with the United Church of Canada since 2008. She dealt with the TRC's request for records over the course of its mandate. During the TRC records production process, Nicole witnessed first-hand how the barriers to accessing records were a source of pain for Survivors and Indigenous communities.

She emphasized that all archival organizations and structures, including church archives, are colonial in nature. Many archival policies replicate and reinforce unequal colonial power dynamics and privilege.

The United Church Archives has identified archival policies that need revision, and new policies and practices that must be created to prioritize Survivor and Indigenous community access. Nicole identified four key areas of focus for the United Church Archives:

1. Reviewing and revising acquisition policies;

2. Reviewing and revising privacy policies;

3. Establishing anti-oppressive description policies; and

4. Formalizing ethical research policy.

This work involves implementing the principles of the *UN Declaration on the Rights of Indigenous Peoples*, and the recommendations of:

- The Steering Committee on Canada's Archives in Response to the Truth and Reconciliation Taskforce;

- The work done by the First Nations Information Governance Centre relating to OCAP; and

- The Inuit Tapiriit Kanatami National Inuit Strategy on Research.

As someone who is working for the archives of a religious organization, I have never been asked to withhold records. It has been very good to have an organization from the beginning that has said: "Do whatever work you can to provide the records."

Nicole Vonk, Archives Manager, The United Church of Canada

Nicole told participants that the United Church knows that the work of addressing the many colonial biases and assumptions in archival policy and practice is long-term. The United Church Archives is committed to hearing from Survivors, communities and other groups about how they can continue this work to break down archival barriers.

The majority of materials held in the United Church Archives relating to Indian Residential Schools are administrative records – daily operations, and requests for information from the federal government about bank accounts, staffing, and maintenance. However, many of the records held by the United Church are also helpful for finding names of children. The United Church is describing all records in as much detail as possible, including noting children's names if they were recorded.

Nicole explained that the description and digitization of records that the United Church Archives is doing expands beyond records covered by the TRC mandate that only applied to Indian Residential Schools. The United Church Archives project is now extending to Indian Day School records, and records for Indian Hospitals. As a proactive approach to transparency, the United Church has created a document list, with descriptions, of records it holds and whether or not the United Church provided the document to the TRC or the NCTR.

The United Church Archives has also created spaces in the digital realm for researchers, Survivors, families, and communities to access digitized records from Indian Residential Schools and missions run by the United Church:

- The Children Remembered hosts photos and historical summaries on United Church-run Indian Residential Schools.

- Up and Down the Coast is a digital archive that specifically focuses on missions in British Columbia run by the United Church. Searches can be narrowed down to First Nations, marine missions, hospital missions, general mission work, or Indian Residential or Indian Day Schools. In addition to photographs and videos, Up and Down the Coast features documents such as correspondence, pamphlets, published materials, and historical mission newsletters.

In 2021 the United Church Archives, through its Bringing the Children Home initiative, created comprehensive packages of records for Indigenous communities with documents from each Indian Residential School that children were taken to. These packages include a hard drive with document inventories that list every record related to the identified institution, names of children taken there, and a written description about how the research presented was conducted.

Nicole concluded by acknowledging that the United Church of Canada Archives still has a lot of work to do. They hope to encourage other church archives and institutions to engage in similar work to open up their archives.
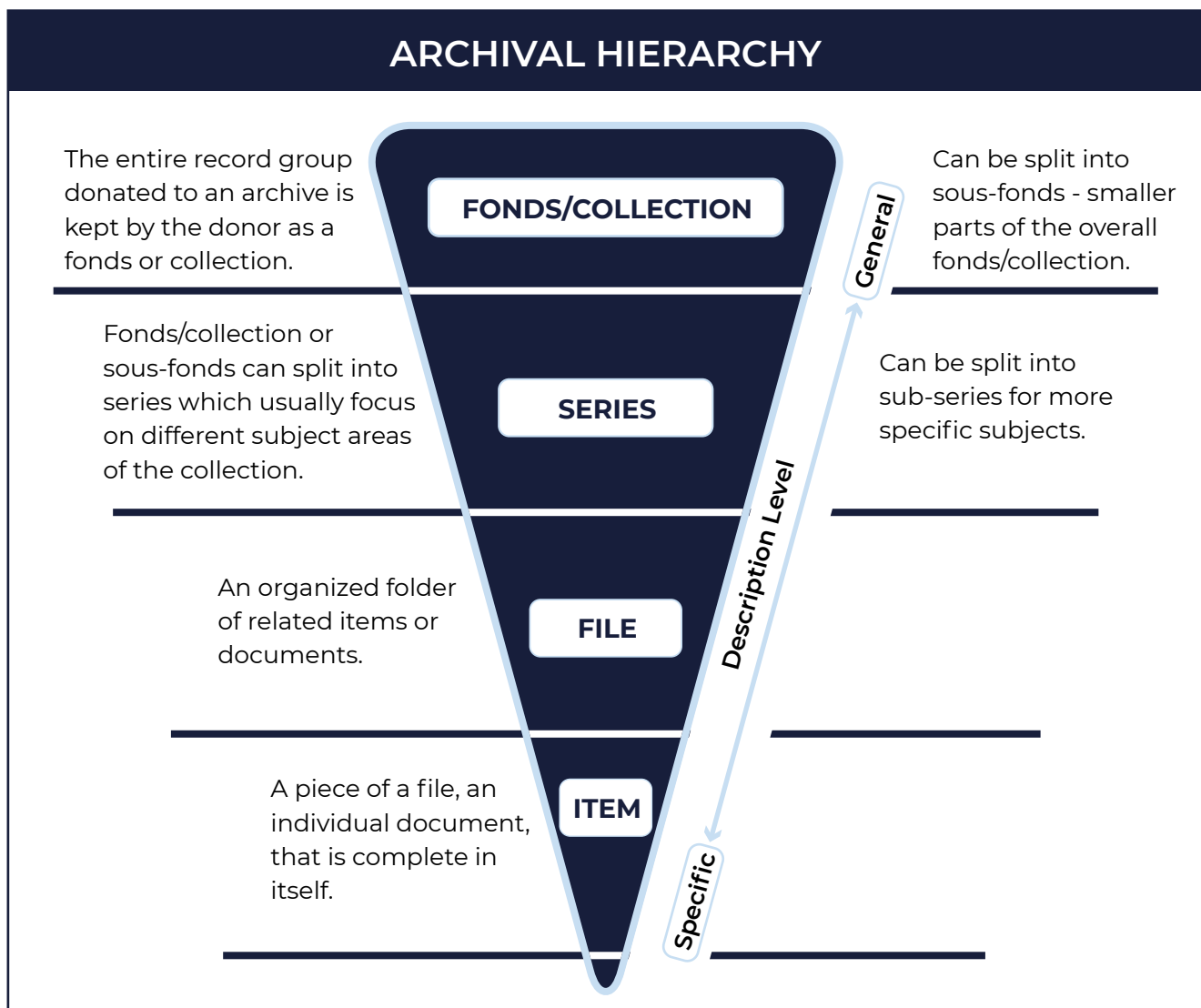

Slide from Nicole Vonk's presentation
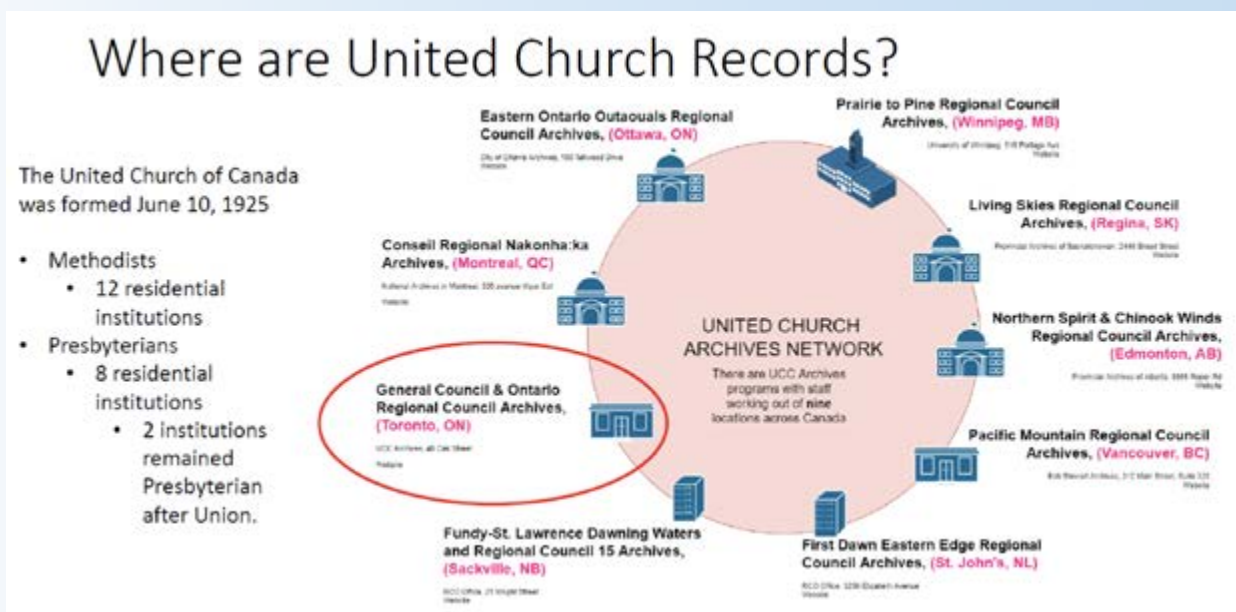
Barrier 10: Record Descriptions Lack Sufficient Detail

Most archives only describe records on a "fonds" (i.e. a collection of records) level. This requires researchers to look through every file to determine if something may contain information about the identity of a missing child or the possible location of their burial. As Kristin Kozar emphasized:

> *Sometimes records can be public, but very hard to locate and search through. There are large dumps of records that have not been catalogued at the individual level, and/or are not easily located and searchable.*

In addition, digitized documents may be in a form that is not searchable, which also requires researchers to look manually through each record. Many record collections contain several thousands of pages per file. As a result, this research is very time-consuming and requires significant funding for researchers.

ARCHIVAL HIERARCHY

FONDS/COLLECTION

The entire record group donated to an archive is kept by the donor as a fonds or collection.

Can be split into sous-fonds - smaller parts of the overall fonds/collection.

SERIES

Fonds/collection or sous-fonds can split into series which usually focus on different subject areas of the collection.

Can be split into sub-series for more specific subjects.

FILE

An organized folder of related items or documents.

ITEM

A piece of a file, an individual document, that is complete in itself.

General

Description Level

Specific

Beyond record descriptions, digital databases need to adequately describe records using "metadata," which helps researchers quickly determine what the record contains and its relationship to other records. Amber Kostuchenko, Stó:lō Nation researcher, said that Indigenous communities should also have access to "value-added" information from the metadata for the records provided to the TRC, now housed in the NCTR's database. This metadata would be extremely beneficial to Indigenous communities doing their own research. Work must be done to make this information and the records themselves directly available to communities. She noted that access to records alone is not sufficient to achieve Indigenous data sovereignty; it also requires the repatriation of these records so that originals or copies of documents can be housed within communities.

While archives are chronically underfunded, and many cannot afford large-scale digitization projects or to describe all of their materials at the file-level, there is a need for funding and governments to prioritize this work for Indigenous collections. Indigenous community input is also required in completing this work. This is particularly urgent given the on-going work relating to the search and recovery of the missing children and unmarked burials.

Barrier 11: Records May Require Language Translation

Barbara Lavallee, of Cowessess First Nation, is a part of the team investigating unmarked burials at the former Marieval Indian Residential School. During that investigation, Barbara found that a large number of the records being collected were in French, which had to be translated. However, more than translating each document word for word is required. Context and understanding of the historical use of language is needed. The community required translators who could do this specialized work.

Emerging Practice: Cowessess First Nation and University of Regina Collaborative Project to Translate French Records

Dr. Jérôme Melançon, from the University of Regina's French and Francophone Intercultural Studies Program, is leading a French document translation project to support the Cowessess First Nation's efforts to recover the missing children and unmarked burials at the former Marieval Indian Resdiential School. This Program is providing translation services to the community free of charge.

At the Gathering, Véronique Mireault, a graduate student in the Program, explained that over 60%

First Nations should not have to pay to access their own history.

Véronique Mireault, Translator

of Indian Residential Schools were administered by the Catholic Church. The Oblates of Mary Immaculate, a French-speaking order based in France and Québec, were the primary order in charge of these institutions, including the former Marieval Indian Residential School. Most of their records were written in French, including in "Old" or "Historical" French which requires translators who are knowledgeable about the context and nuances of the French language used at the time these documents were written. These records include:

- Official administration documents, including the Codex Historicus (a notebook detailing who visited the institution and the events held there) and staff lists;
- Formal letters that often document requests for additional funding for specific institutional needs; and
- Journals, which are not private journals but logbooks of daily and weekly activities.

While many of these documents contain very little information about the children's experiences in Indian Residential Schools, they may provide context and details that can be cross-referenced with Survivors' oral testimonies and documents from other archival sources to help in the search for the missing children. Details on institutional policies, medical visits, runaways, transfers, specific incidences at the institution (such as flooding or fires) and even some cases of abuse are included.

Véronique cautioned participants against using translation services that do not have expertise with historic French translation. She noted that the translation industry is unregulated, that there are no standards for translation services, and many charge between fifteen and nineteen cents per word. Given the cost and the large number of records that need translation to support search and recovery work across Canada, a significant amount of a community's funding could be spent on translation alone.

Véronique also highlighted the importance of ensuring that translators working with Indian Residential School records understand and respect the concepts, principles, and ethics of Indigenous data sovereignty, including the following:

i. The records and translated data belong to the First Nations and should be treated with respect, and that:

  a. The work plan should include a confidentiality agreement that includes data management and storage;

  b. The relationship between the archival or religious institutions that provide documents should be carefully articulated;

  c. Original copies of documents received should be kept; and

  d. The community retains authority to determine whether any information is published or released.

ii. Translators, especially non-Indigenous people, must respect the community-determined project goals by:

  a. Ensuring the community's goals have been clearly explained to the translation team;

  b. Clearly outlining the roles and responsibilities of the translators; and

  c. Engaging directly with the community's research team to identify and prioritize what to translate first.

Dr. Melançon and his team are planning to create training sessions and resources that can be shared with Indigenous communities, researchers, and translators to support this work in other communities. Translators must be prepared to work with documents that can be emotionally difficult to read and appropriate health supports should therefore be put in place.

They stressed the need for all translators supporting communities with this work to read the TRC Final Report to understand the history of Indian Residential Schools and the role of the Catholic church in that history. Dr. Melançon is also working to educate Francophone communities about the history of Francophone religious orders and Indian Residential Schools. He aims to counter "historical amnesia" and emphasize the responsibilities Francophone communities have to support Indigenous communities working to find the missing children.

Barrier 12: Public Announcements of Findings: Challenges in Managing Media and Addressing Denialism

An important focus at the Gathering was how to respect Indigenous data sovereignty in relation to public announcements of search findings and working with the media. Many participants expressed their concerns about the way media sensationalizes and takes out of context news about Indigenous communities. Several participants shared their experiences of taking back control of the public narrative by starting with local media outlets to ensure that information is presented in a manner respectful of Indigenous communities.

Angela Sterritt is a journalist and writer from the Gitanmaax community of the Gitxsan Nation on her father's side and from Bell Island Newfoundland on her mother's side. Angela stated that the media is one of the most powerful institutions in Canada with the ability to disseminate facts, provide the 'truth,' and influence opinions. In her view, the "media failed" in its reporting on the missing children and unmarked burials, and perpetuated stereotypes and misled the public about Canada's genocide, framing colonial violence as either a myth or an unfortunate but necessary aspect of nation-building.

The media inappropriately focused on the science of ground penetrating radar (GPR) rather than the truths shared by thousands of Indigenous community members and Survivors who have been speaking about the missing children and unmarked burials for decades. She emphasized that the language used did not respect the truths of Survivors. She said language matters and that media should use terms that are respectful to Survivors and Indigenous communities. For example, Angela said that media should report that community announcements are a *confirmation* of those experiences, and not a *discovery*.

Angela was the first reporter contacted to cover the 215 possible burials confirmed at the Kamloops Indian Residential School site. She said she was terrified, and felt the "massive responsibility to get it right." Angela was hesitant and worried about how her colleagues would treat a story like this, because during the time of the TRC, the media did not report extensively on the deaths, the run-aways, and the children who froze to death.

Dr. Marie Wilson, former TRC Commissioner, shared the lessons learned with media during the TRC. Media boundaries should include the time of day for contact and the places they could and could not go – both in location and content. Dr. Wilson said, "Media is a competitive industry, and boundaries leveled that competition." Communications strategies are important parts of Indigenous data sovereignty, and Dr. Wilson encouraged participants to make sure those strategies are in place before media frenzies happen to keep their communities equipped and well supported.

> *As storytellers, it is critical to break the rules and get it [the story] right. Breaking stereotypes, breaking lies, and making that history come to life.*

Angela Sterritt, Journalist

She stressed that "media should not be telling this story, it should be [told by] Survivors." Angela told participants that Indigenous communities have powerful voices, and encouraged them to use their voices to tell their stories in the ways they want to. She also encouraged participants to push back when the media pressures Indigenous communities to share information that they do not want to share.

Tk'emlúps te Secwépemc

This is more than a media story whose time is coming and going, we have to ensure justice and accountability keeps going in the long-term. Pressure the government and the churches to do the right thing so our Survivors can find peace.

- Kúkpi7 Rosanne Casimir,
Elected Chief of the Tk'emlúps te Secwépemc

In her presentation about Tk'emlúps te Secwépemc's experiences with media, Kúkpi7 Rosanne Casimir reflected on the challenges and lessons learned in navigating the public announcement of recovering 215 potential unmarked burials at the former site of the Kamloops Indian Residential School. Once the news was public, the Tk'emlúps te Secwépemc were overwhelmed with media requests. Kúkpi7 Casimir told participants that some media outlets were ethical; their reporting was fact-based, honoured Survivors' truths, was respectful of cultural protocols, and journalists tried to use a trauma-informed approach when interviewing Survivors and community members. However, the community also received predatory and exploitive media requests that they had to filter.

The public confirmation of potential unmarked burials also brought many unwanted visitors to the investigation site. Denialists entered the site without permission. Some came in the middle of the night, carrying shovels; they said they wanted to "see for themselves" if children are buried there. Denialists also attacked the community on social media. As a result of this experience, Kúkpi7 Casimir explained that the hate and racism was so intense that she no longer uses social media without heavy filters. She said that the toxicity of denialism on social media needs more attention.

Kúkpi7 Rosanne Casimir, Tk'emlúps te Secwépemc

Based on these experiences, she provided some advice to those leading similar work:

- Create a communications strategy
- Ensure resources and staff are in place to implement the communications strategy
- Make mental health supports available to leaders, staff, Survivors, and community members affected by media intrusions and coverage

- Set boundaries and protocols with media
- Have dialogues that respect Survivor's truths
- Know the media's agenda
- Support, protect, and honour those that this information will impact

Kúkpi7 Casimir noted that the experiences of the Tk'emlúps te Secwépemc with media and denialism demonstrate the need for strict control of investigation sites and how and what information is provided to the media.

Cowessess First Nation

Barbara Lavallee is a Survivor and Lead Researcher in recovering the missing children and unmarked burials associated with the former Marieval Indian Residential School. She said that when Cowessess First Nation publicly confirmed that ground penetrating radar had found 751 anomalies on the site, the community was bombarded with media requests. The first contact with media was very difficult. Unfortunately, the number was leaked to the media without the necessary context explaining that the anomalies were in a community cemetery, where most of the graves were unmarked.

Although some members of the media came to the site with good intentions, according to Barbara, "freelance journalists crossed the line so many times." Reporters were hiding in the tall grass, sneaking into the site, and flying helicopters or drones over the site for footage. The community put up a media embargo to stop all journalists from publishing information about the Cowessess investigation and from gaining access to the investigation site. They also implemented site access restrictions. However, these measures did not stop some media from attempting to gain access, which interfered with the team's ability to continue the GPR work.

Barbara said that Cowessess First Nation now has a policy preventing media from reporting on new developments at their site until the work is completed. Since the initial number of targets found by GPR was taken out of context by media and sensationalized, no more information will be shared with media until the community can identify each burial and each missing child.

She also said that whenever news about unmarked burials at Indian Residential School sites appears in the media, including relating to Cowessess, communities have been targeted by denialists. She said that her community has learned that the best response to denialism is no response at all.

National Centre for Truth and Reconciliation: The TRC's Vision for Creating Indigenous Archives

Former TRC Commissioner Dr. Marie Wilson told participants that part of the TRC's Mandate was to establish a National Research Centre (NCR) – now the National Centre for Truth and Reconciliation (NCTR) – to house the Commission's records, Survivors' statements and the government and church records. She explained that the TRC's vision of the NRC was based on what Commissioners heard from Survivors, Elders, Indigenous leaders, and archival and museum experts at an international conference the TRC held in 2011, where over 40 speakers from 16 different countries shared lessons learned. The TRC identified the following recurring themes:

- Right to the truth

- Duty to remember

- The importance of national memory

- Having a trustworthy custodian or host

- Security and capacity to afford and protect and manage archives

- Clear access rules for the holdings and fairly applied

- Dealing with the public and managing access

- Independence from government and invasive legislation

Dr. Wilson explained that the TRC issued a Call for Proposals to institutions to establish the NRC, and that the University of Manitoba was eventually chosen from several proposals received. She described the Commission's vision for a National Research Centre as a Sacred trust – a promise made to Survivors that the Centre would be:

- **Independent:** records were never again to be hidden, denied, destroyed, or withheld;

- **National:** with affiliated partner institutions throughout the country; and

- **Accessible:** to Survivors, their families, and communities, researchers, educators, and the general public.

Dr. Marie Wilson, Former TRC Commissioner and Participant

The TRC Survivors' Committee wanted the National Research Centre to continue the TRC's vision based on principles of reconciliation, the *UN Declaration on the Rights of Indigenous Peoples*, and the right to know. They wanted the TRC Commissioners, affiliated partner institutions, and the Parties to the Indian Residential Schools Settlement Agreement to have an ongoing role in the NRC. The Survivors' Committee also wanted to ensure that the NRC would continue gathering Survivors' statements and acquiring records.

Dr. Wilson said that it is important to assess what progress the NCTR has made on fulfilling this promise. She emphasized that the NCTR must be seen to be doing more than what the government and some churches did in providing records. She also stressed that there is urgency to this work: Survivors are aging, and their truths are part of family and community histories and the national narrative. She identified some key indicators that should be evaluated and asked the following questions:

- Are the affiliated institutional partners still involved? Is the circle of partnerships expanding? Is there public awareness of these partnerships?

- Does the NCTR governance model in relation to the University of Manitoba effectively support independence, accountability, transparency, and inclusivity?

- Is there timely access to records to build and ensure trust?

- Who decides on relevance? Are communities and families determining relevance?

- Do we know more about the names, genders, and numbers of children in Indian Residential Schools?

- Has community information been analyzed and incorporated into the National Death Registry for up-to-date accurate totals?

- Has a National Register of all Indian Residential School Survivors been established? Is it being monitored?

Dr. Wilson's presentation raised important questions about the challenges and possibilities of university-based Indigenous archives that have a direct impact on the search and recovery work.

After Dr. Wilson's presentation, Eugene Arcand, member of the NCTR Survivors' Circle, reminded participants at the Gathering of the work that the NCTR is doing to uphold the TRC's vision. He said:

> *The National Centre is the only living legacy… [of] Residential School Survivors… This is our baby, this is ours…[and] it's up to us to take care of it… There are only a few of us left. This Centre is Sacred to us… The staff are doing their best. I've seen them cry. I've cried with them. Keep in mind…this is our baby.*
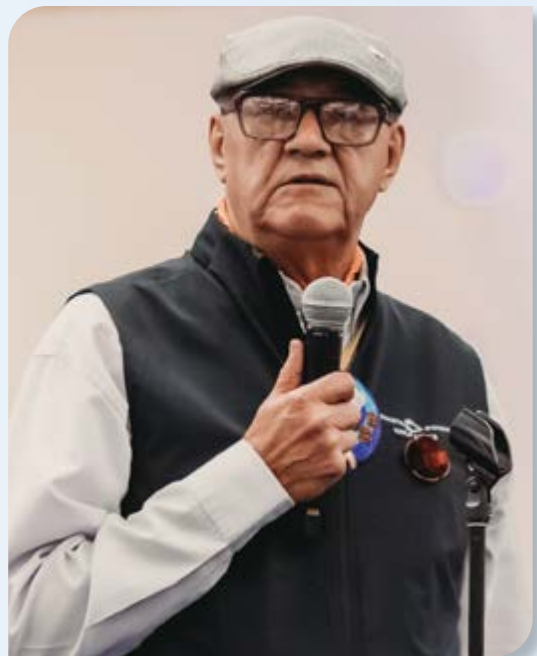
Eugene Arcand, member of the NCTR Survivors' Circle

Barrier 13: Indigenous Data Sovereignty and Colonial Legal Constraints to Accessing NCTR Records

Under the Indian Act, the federal government has maintained such a high level of control and surveillance of Indigenous communities, that it produces data on every component of a community's life. To understand how Indigenous communities can effectively assert their sovereignty over records of their own concern, we must consider the context of the records – how they were created, valued, stored, accessed and used.

Raymond Frogner, Head of Archives, NCTR

Raymond Frogner told participants that asserting Indigenous data sovereignty over Indian Residential School records begins with understanding how colonial archives were created "in the first place, because this is where we are getting our records from." Transferring control over data to Indigenous communities creates overlapping and often conflicting spheres of jurisdiction. In his view, the nature of this jurisdiction and the co-existence of rival authorities is one of the most pressing issues in implementing Indigenous data sovereignty for Indian Residential School records.

There are no laws or legislation, provincial or federal, concerning the jurisdiction over unmarked burial sites related to Indian Residential Schools. He said that part of the challenge to implement Indigenous data sovereignty is finding a way to respectfully recognize the co-existence of Canadian law and Indigenous laws:

> *We need to find a way to bring legal weight to non-western values of family, homeland, and belonging – express [Indigenous] community laws and practices concerning marriage, death, naming, sexuality, kinship ties, spiritual practices and domestic relations. Because these are the topics that are covered in residential school records. The religious journals, the teachers' reports, and the hospital records. We need to understand and recognize how to share with respect these documents that document very intimate, personal, and very human and often hurtful experiences of school experiences.*

Raymond also noted that the responsibility for and stewardship of Indigenous research data on burial sites is held by many different people, organizations or institutions, including Band Councils, Elders, Knowledge Holders, designated researchers, non-governmental organizations, research institutions, and commercial entities. He asked who should hold responsibility to assert the long-term control over this information and safeguard sensitive information.

He then explained how existing colonial law limits how the NCTR is able to respond to Survivors' inquiries for all their Indian Residential School records. These dossiers are collected from operational and administrative records of a particular institution (or multiple institutions) that come from various sources, including religious orders, provincial government offices, federal government bureaus, hospitals and police administrations. Before they can be sent to Survivors or their families, the records have to be vetted through Manitoba's *Freedom of Information* and *Protection of Privacy Act* (FIPPA) and the *Personal Health Information Act* (PHIA) to comply with sections 2, 3, 4, and 7 of *The National Research Centre for Truth and Reconciliation Act* (NCTR Act).

Raymond emphasized that the NCTR Act does not consider Indigenous laws or Indigenous perspectives on access. While removing access restrictions is critical, at the same time, he emphasized that care must be taken to protect the privacy of other children from different communities named in records requested by Indigenous communities, Survivors, their families, or investigation teams.

The NCTR is currently negotiating Memorandums of Understanding (MOUs), for example, with the Missionary Oblates of Mary Immaculate OMI Lacombe Canada for their records. Raymond said:

> *[this process is] onerous, it's difficult, it's time consuming and it's extremely colonial. But this is the corner we've been painted into by the NCTR Act and, until it's redrafted, I don't see any other way that we can possibly make these records fully available for communities to use in their research.*

Raymond concluded with five recommendations:

1 INDIGENOUS RESEARCH COUNCIL OR CULTURAL COMMONS: With regional councils that can coordinate the distribution of these sensitive records, to avoid duplication, and ensure that families are not seeing their records publicly released into the community without any control.

2 RESEARCH REPOSITORIES: The NCTR is creating research repositories with high-volume storage capacity for digital records that communities are creating as they are doing their research. This is free of charge so communities can avoid the costs of setting up, administering, and upgrading servers.

3 INDIGENOUS COMMUNITY COLLEGES: Build on examples of successful Indigenous Community Colleges, for example, Blue Quills, Maskwacis, Old Sun, as "bricks and mortar sites of historical consciousness" that house cultural centres and archives for the records.

4 DATA MANAGEMENT WORKSHOPS: NCTR is developing free workshops on best practices for communities working with digital records.

5 REDRAFT THE NCTR ACT: The Act should be amended to incorporate Indigenous law, and the UN Declaration on the Rights of Indigenous Peoples, the UN Joinet-Orentlicher principles, and the Organization of American States (OAS) Declaration on the Rights of Indigenous Peoples.

Emerging Practice: Centering Survivors and Indigenous Community Protocols through Collaboration and Reciprocal Dialogue

When thinking of concepts of access, there is a strong power dynamic involved: the power to control historical and contemporary narrative by controlling who has access, when and where they have access, and what they have access to.

- Kristin Kozar, Interim Executive Director, IRSHDC

Kristin Kozar described how the Indian Residential School History and Dialogue Centre (IRSHDC) is reframing privacy legislation and copyright laws in a way that facilitates access to Indian Residential School records through systems like OCAP to center Survivors' priorities and needs. As an expert in Indigenous data sovereignty, she suggested that inherent rights and Treaty rights must be upheld in new legislation. She said that legislation pertaining to Indigenous records and data needs to be deconstructed and rebuilt rather than using a band aid approach that does not fully address the barriers caused by current legislation.

Kristin highlighted the work the IRSHDC is doing to enhance access. The specific mandate at the IRSHDC is to address the colonial histories and ongoing impacts of Indian Residential Schools, and other colonial policies imposed by the Canadian government on Indigenous Peoples.

Kristin is co-leading the Oral Testimony program at the IRSHDC. The Oral Testimony program ensures that the experiences of those directly affected by Indian Residential Schools, other institutions, and systems of colonialism are recorded. The program will make oral testimonies accessible for future use in accordance with community protocols. She clarified that the IRSHDC does not impose its protocols on the communities but rather incorporates community protocols within its work. Kristin emphasized that "oral history and written records often exist in a complimentary relationship. Without access to both...a community is left with only partial versions of its own history and identity."

In addition to Oral Testimonies, the IRSHDC has textual and photographic records in their collections that relate to Indian Residential School sites across the country. The IRSHDC is more than a repository for records – their work includes:

Facilitating dialogues

Enhancing access to records and information

Supporting Indigenous communities through health and proper cultural supports

Staff at the IRSHDC have a close partnership with the Indian Residential School Survivors' Society, and are working to ensure that they are Survivor-centered, trauma-informed, and culturally-relevant.

The IRSHDC is working with the BC Ministry of Indigenous Relations and Reconciliation and with the Royal BC Museum on a number of projects, which include:

- Developing thorough research guides for Indigenous communities to better access their records;
- Hosting webinars to walk through the components necessary for reporting oral truths; and
- Developing information sessions on the relationship between Indian Residential Schools and Indian hospitals.

In addition to these projects, the IRSDHC is working on a Digital Museums Canada exhibition regarding Indian hospitals in BC that is being co-developed with communities to share the history of these institutions from Indigenous community perspectives.

Participants at the National Gathering

Designing a Research Plan to Find the Missing Children

Asserting Indigenous data sovereignty involves all aspects of the research process, from developing a research plan to determining how to hold, protect and share data, knowledge and information in relation to search and recovery work. During the Know History interactive workshop, participants discussed the process of designing preliminary research plans. Ryan Shackleton, CEO of Know History, encouraged participants to develop project plans to keep things organized, and to keep the goals of the project at the center of the research. Ryan invited participants to begin designing their research plans during the workshop as the first steps to support their search and recovery efforts.

Step 1: Determine your goals (i.e. What does your project need to do?)

The first step is to determine your goals. Is the goal to:

- Collect the names of the children?
- Support ground penetrating radar work?
- Collect perpetrators' names?

These targeted questions are important in developing a project statement. The project statement clearly articulates the focus of the research.

After a project statement is determined, participants were asked to think of the ongoing and completed work that has happened in their communities. Oral histories from Elders and testimonies from Survivors are important accounts that help guide research. Ryan stressed, "Your communities will have information that doesn't exist anywhere else."

Step 2: Determine where to look

Participants throughout the Gathering said that looking for the records was the hardest part of research and truth-finding. Ryan acknowledged that there will be barriers to access, but that there were many places to look for information. Know History has assisted with Indigenous research projects of varying types, including searching for records of missing children at Indian Residential Schools.

Participants were pointed in the direction of the National Centre for Truth and Reconciliation as their first step in research. After finding out what the NCTR can offer, Ryan suggested some other archives that participants might want to search:

- **Library and Archives Canada** – LAC has a legal mandate to keep records, including: financial transactions which may shed some light on associated burial costs of children, per capita grants (amounts government paid based on each child in attendance), and how health or food dollars were spent. Some of these records may already be digitized.

- **Provincial and Territorial Archives** – Provincial and Territorial governments may have more records than they realize, especially as they became more involved in Indigenous education. Provincial and Territorial governments provided health inspections, curriculum input, and were involved in children's aid cases; all these records may help with locating the missing children. Provincial police files can also provide additional information.

- **Municipal Archives** – Municipal Archives have land files, land surveys, land transfer documents, and other information. These records can help with understanding how land ownership and use has changed since the closure of an Indian Residential School, and may assist those leading ground searches.

- **Academic Community Histories** – Anthropologists have collected oral histories and other important data. Academic institutions were also involved in conducting experiments on children. Academics have stored this data in places outside Indigenous communities for at least 150 years. Some may be available in Canadian universities, the United States, and Europe.

- **Individual or Private Collections** – Anthropologists, ethnographers, doctors' offices, researchers at universities may hold records that contain information that may help with finding missing children and unmarked burials.

- **Museums** – Museum collections often contain a multitude of items, such as artifacts, maps, and photographs. Some museums also have an archive, which might hold relevant administrative or correspondence records. Both can be accessed and may be of assistance.

- **Historical Societies** –Indigenous historical societies can hold important community-based oral histories. Old settler historical societies may have early maps, church correspondence, or copies of historical local newspapers.

- **Police Files** – Police files are complicated to access, but can provide vital information about crimes against children, transfers of children (i.e. from Indian Residential School to reformatories), and police involvement in returning children who ran away from Indian Residential Schools back to the institutions. If accessing police files is part of the research plan, communities should budget for legal advice and possible court orders. Communities might also consider having lawyers review research agreements to protect and enforce their rights and ensure respect for Indigenous data sovereignty.

- **Military Records** – The military was involved in Indigenous communities through recruitment, often including children at Indian Residential Schools. First and Second World War records can help track this recruitment. The military was also involved in cadets programming at Indian Residential Schools. There are examples of the military utilizing Indian Residential School properties for military exercises and training, including creating rifle shooting ranges.

- **National Air Photo Library** – The National Air Photo Library contains aerial photos taken by the government since 1920. These photos can show how the land changed overtime. Aerial photos can help map areas to determine which remote sensing techniques can be used to locate possible unmarked burials, including ground penetrating radar.

Ryan noted that copyright over the information often remains with the archives or the donor of the records. As such, agreements may need to be negotiated to specify the usage of information depending on the final goals of a community's research project.

Step 3: Organizing collected research data

The next focus was on how best to organize data that is collected. Creating a system to organize data is essential so that information can be accessible and usable. Communities and research teams will need to evaluate what protocols and access points need to be created.

One major step is **choosing a database** to organize the collected research. Various database tools exist ranging from free Excel and Google sheets to various paid services.

Free Options
- works well for smaller projects
- offers limited functionality and storage

Low Cost Databases
- a step above the free option
- can integrate with cloud-based storage solutions
- requires some database knowledge to use effectively

Customized Database
- requires more funding
- offers long-term sustainability
- can ensure that access and storage of data aligns with Indigenous community protocols

Once researchers have a database, Ryan suggested that participants **develop a keyword list to tag records** in line with different research priorities. Keywords are important to the research and collection phase, and help organize documents into topics for analysis.

E. Indigenous Data Sovereignty in Action

Throughout the Gathering, Indigenous communities shared their successes in asserting their data sovereignty through databases, research centres, archives, and partnerships. Many of these research centres and initiatives have been working towards implementing Indigenous data sovereignty for decades.

Emerging Practice: Stó:lō Nation Xyólhmet Ye Syéwiqwélh (Taking Care of Our Children) Residential Schools Project and the Importance of Reciprocity

Amber D. Kostuchenko is a Project Manager with the Stó:lō Service Agency. She described the work that is taking place through the **Xyólhmet Ye Syéwiqwélh (Taking Care of Our Children) Residential Schools Project**. The Xyólhmet Ye Syéwiqwélh Residential Schools Project focuses on archival and community research to identify children who died at or attended an Indian Residential School. This work will contribute to the Lost Stó:lō Children Registry. To ensure that this research is being done respectfully, Survivors, Elders, and Knowledge Keepers help oversee it. The information for the Registry is being gathered through interviews with Stó:lō families and communities.

Amber's presentation also focused on the **Stó:lō Nation Research and Resource Management Centre** (SRRMC). The SRRMC administers its own heritage policy and issues archeological permits. They have also established a Stó:lō Nation Research Registry to assert Stó:lō control over who is doing research about communities in the Stó:lō Nation and for what purpose. The SRRMC ensures that researchers complete an application process that requires them to submit a research project plan, and provide a copy of their final document to the community. This process is aimed at ensuring that communities in the Stó:lō Nation benefit from any research conducted in their territory. This both asserts the Stó:lō Nation's data sovereignty and encourages reciprocity.

Reciprocity is an important principle in the context of research involving Indigenous communities. It ensures that Indigenous communities and people who are the focus of the research benefit from the knowledge and information generated. It also applies when communities from several Indigenous Nations engaged in search and recovery work want to share their research methods and

Archival work can be daunting. Research is iterative. New research questions will emerge and you will need to be flexible. The number of copies has complicated this work; [there is a need to determine] where the original record is and where the copy is? We need long term stable funding to train people to take care of these records.

Amber D. Kostuchenko, Project Manager with the Stó:lō Service Agency

findings. Amber emphasized that the Stó:lō Nation, as well as other Indigenous Nations, are working to develop protocols for sharing information between Nations and implementing community-sensitive approaches to sharing information with families.

With respect to research relating to the missing children and unmarked burials, Amber highlighted the thought and care that has gone into creating a research plan. The plan included the following considerations:

- Prioritizing working with families and communities;

- Connecting with other communities to share information about the lost Stó:lō children;

- Outlining a protocol for how to share information;

- Identifying where the records are and how to get them, with a view to reducing duplication of efforts across communities and organizations;

- Creating a strategic archival research plan with a dedicated researcher who can:

  - Identify research questions;

  - Document methodology;

  - Develop research templates to record research findings;

  - Create a schedule and tracking mechanism; and

  - Develop a custom built web portal.

Amber concluded with sharing her recommendations relating to Indigenous data sovereignty. First, all records relating to Indigenous Nations and people should be repatriated. And second, stable long-term funding for First Nations is necessary to house records in a manner than ensures preservation and access to records and data, including to support:

- Education and training for community members;

- Spatial and database infrastructure; and

- Development of cultural-specific and sensitive archival policies and practices.

Amber indicated that data can be stored in a way that affirms Indigenous data sovereignty. She said there are cloud services available that ensure data is kept within Canada.
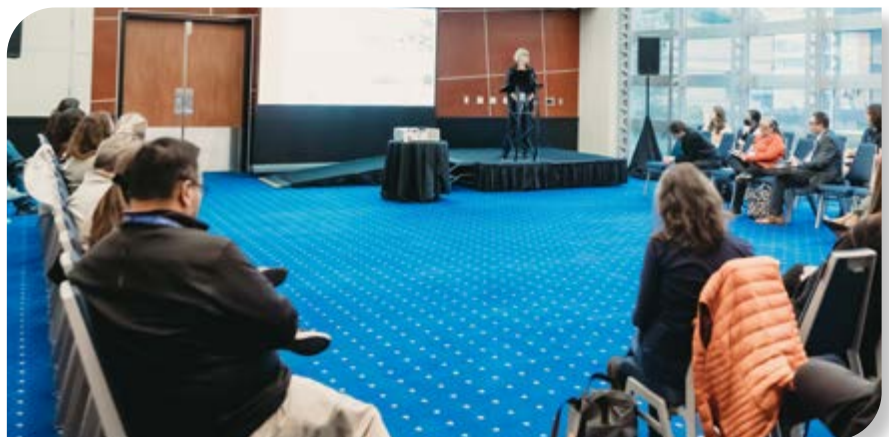
Amber Kustochenko presenting to participants at the National Gathering

The Sḵwx̱wú7mesh Úxwumixw (Squamish Nation) Yúusneẁas Project

Yúusneẁas means "taking care of each other," which describes the Sḵwx̱wú7mesh Úxwumixw approach to researching and documenting the experiences of stélmexw (people) who attended St. Paul's Indian Residential School in North Vancouver, British Columbia. **The Yúusneẁas Project** focuses on searching for the missing children and unmarked burials and "to lift the incredibly heavy burden of truth from those that are holding it."

Ashley Whitworth described the unique, care-driven, approaches to research, data collection, and analysis that guides the project based on Sḵwx̱wú7mesh Úxwumixw cultural protocols. The Yúusneẁas project provides space to listen to truth-tellers and to take care of each other with cultural, emotional, and spiritual wellness supports. This research starts with yúusneẁas or taking care, and yúusneẁas applies to how research is done and how the researchers understand and present data.

The Yúusneẁas Project team includes archeologists, archivists, and researchers. They are tracking and analyzing massive amounts of data from different sources, including oral histories, health and financial data, and other records. The researchers are documenting all the open access information available before focusing on records that have access restrictions.

The Yúusneẁas Project aims to build "an easy, accessible, friendly, collaborative, and cooperative platform" —a National Indigenous Archive—that would enable Indigenous communities to share information as they search for the missing children and unmarked burials. Those leading search and recovery efforts will be able to add and link information inside the platform that will connect different pieces of data together, including oral histories. Simply entering a search for a child's name will result in a visual on-screen display of all records related to that child from all institutions.


Something that was said to us by an Elder is: "This is the right time for this work. It's the right time because the ancestors are ready. It's the right time because the Survivors are strong. It's the right time because the community wants to know." And I think it's the right time because technology is actually here to help us now. It's accessible, and it can help us answer the questions we all have.

Ashley Whitworth, Yúusneẁas Project Director

Once built, the Project envisions creating data sharing agreements among Indigenous communities searching for the missing children and unmarked burials. These agreements would enable the sharing of records, provide a way around the barriers created by privacy legislation and stop the duplication of work.

Built by Indigenous people, for Indigenous people, this archival model will affirm Indigenous data sovereignty while dismantling barriers to accessing information. It would bring communities together to lift the burden of truth from the Survivors and their families, and create a greater understanding of what happened in Indian Residential Schools – and by extension – what happened to the missing children.
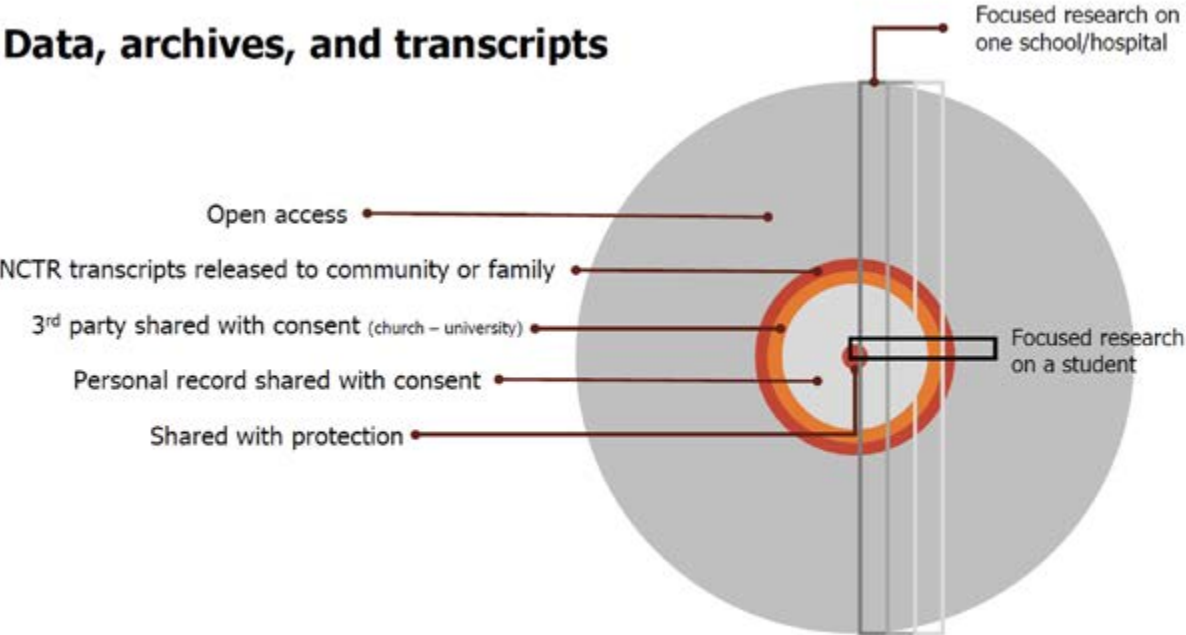
Slide from Ashley Whitworth's Presentation

The Need for Indigenous People to "Occupy the Field"

We need to occupy the field. [We need to] develop our own laws, standards, with our own customs, beliefs, traditions – that is what we need to do. Never mind about what the government of Canada, the government of British Columbia, or anybody else is stating when it comes to intellectual proprietary and copyright.

- Participant

Throughout the Gathering, participants emphasized that search and recovery work must be done for Indigenous communities by Indigenous communities. Participants made clear that no one else can replicate Indigenous Peoples' expertise about their own experiences and communities. Koren Lightning-Earle emphasized that Indigenous community members, unlike outside researchers, "know and love their communities." Participants at the Gathering made repeated calls for Indigenous people to receive education and training in research, archives, and records management. One participant said that Indigenous youth should receive this education to "occupy the field."

Participant at the National Gathering

Participants emphasized that training Indigenous researchers would reduce or eliminate the need for Indigenous communities to rely on outside consultants or government researchers. A crucial step for Indigenous people and communities in affirming Indigenous data sovereignty is having control over how their records are managed. As Charlene Belleau in an interview at the Vancouver National Gathering said:

I am not one to wait for the government or churches to come clean with all the information. For the last 35 years, as a Survivor and as an Advocate, [I have learned] that we have to fight for every little bit of information and truth that we can have and need in order for these families and communities to have closure.

This includes having Indigenous people in positions of authority at archival institutions and having that knowledge disseminated at the community level. There must be long-term, sustainable funding to Indigenous communities establishing and running their own research centres and barriers to own, control, access and possess data must be reduced or eliminated.

F. Conclusion

At the Gathering, Survivors, Elders, Indigenous families, leadership, and community members engaged in dialogue and shared knowledge about the importance of affirming, exercising and protecting Indigenous data sovereignty to support the searches for the missing children and unmarked burials. Participants left inspired and energized after hearing about the many creative ways that Indigenous communities and organizations are applying the concepts and practices of Indigenous data sovereignty to the work they are doing.

The Independent Special Interlocutor will continue to emphasize the importance of Indigenous data sovereignty, which includes the necessary funding and resources for Indigenous communities leading search and recovery work to:

- train Indigenous community researchers;
- establish community databases or contract with Indigenous-led data organizations;
- establish information-sharing protocols; and
- develop communications plans for public disclosures of findings.

Indigenous communities must have access to and control of their data. Colonial gatekeepers must break the pattern of creating unnecessary barriers for Indigenous communities and provide them with unfettered access to records relating to the missing children and unmarked burials.

Building on the important discussions that took place at this Gathering, further opportunities for knowledge sharing between Survivors, Indigenous families, and communities will occur at future National Gatherings. For more information on upcoming Gatherings, visit **www.osi-bis.ca**.

Acknowledgements

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Thank you to Gathering Co-Chairs Dr. Gwendolyn Point and Tribal Chief Tyrone McNeil.

Thank you to the Elders, Survivors, Fire Keepers, and community members who generously shared their knowledge and experiences, and provided guidance to ensure Indigenous protocols were followed throughout the Gathering.

Thank you to all the participants, speakers, facilitators, and volunteers who made this Gathering a success.

Thank you to all those leading searches for the missing children to bring them home.

Resources

Animikii

https://animikii.com/

Animikii is an Indigenous-owned technology company that develops tools to bring technology to communities in a culturally-informed way. This includes designing websites and custom software for Indigenous communities and organizations.

Children of Shingwauk Alumni Association

https://childrenofshingwauk.ca/

The Children of Shingwauk Alumni Association (CSAA) provides resources for Survivors of the Shingwauk and Wawanosh Indian Residential Schools, their families and their communities. CSAA is partnering with the Shingwauk Education Trust and Garden River First Nation in the search and recovery of unmarked burials and missing children in relation to the former Shingwauk Indian Residential School site.

First Nations Health Authority

https://www.fnha.ca/

The First Nations Health Authority funds, designs, and oversees health initiatives for First Nations people across British Columbia. Their services include, but are not limited to, dental care, the delivery of medical supplies, medical transportation, mental health services, pharmacy, and vision care.

First Nations Information and Governance Centre

https://fnigc.ca/

The First Nations Information Governance Centre is an organization that promotes and protects Indigenous Peoples' data rights. They focus on ensuring that Indigenous communities have access to accurate and culturally appropriate information while respecting their right to privacy and information sovereignty. The FNIGC provides resources and support to First Nations communities and organizations working with First Nations, including training on the OCAP principles and advising on developing information governance policies and protocols.

Indian Residential School History and Dialogue Centre, UBC

https://irshdc.ubc.ca/

The Indian Residential School History and Dialogue Centre at UBC opened in 2018 with the purpose of addressing the colonial history and ongoing legacies of Indian Residential Schools and other related colonial systems imposed by the Canadian government on Indigenous Peoples within Canada, and ensuring that this history is acknowledged, examined, and understood. With an approach that is Survivor-centred and trauma-informed, the Centre provides a safe, respectful, and culturally grounded space for Survivors, intergenerational Survivors and communities to gather, access records, and research histories related to the Indian Residential Schools and Indian Day Schools and related resources.

Know History

https://www.knowhistory.ca/

Know History researches, documents, and shares stories that need to be told. They are experts at locating and accessing historical records in archives and institutions across the country, and work closely with Survivors and their communities to gather evidence that help identify missing children and shed light on the Indian Residential School experience. In addition to naming students, archival research can support communities' efforts to set the historical record straight.

Library and Archives Canada – Indigenous History Portal

https://library-archives.canada.ca/eng/collection/research-help/indigenous-heritage/pages/indigenous-heritage.aspx

Library and Archives Canada's Indigenous History portal contains material representing Indigenous people throughout Canada's documented history. There is some information about Indian Residential Schools contained within this resource.

Library and Archives Canada – Indian Residential School Records Portal

https://library-archives.canada.ca/eng/collection/research-help/indigenous-heritage/Pages/residential-schools.aspx

Library and Archives Canada's Indian Residential School records portal contains recommendations for how to conduct searches on Indian Residential Schools and missing children within LAC's archives. It recommends various sources where searches might be conducted and includes tips on how to navigate the archive and interact with records.

Nanilavut Initiative

https://www.irc.inuvialuit.com/service/nanilavut-initiative

Tuberculosis reached epidemic proportions in Canada in the early twentieth century and peaked among Inuit communities during the 1940s to the 1960s. Thousands of Inuit were sent south for treatment under the management of the Government of Canada. Many people were not returned home and some families still do not know what became of loved ones who were sent south. Nanilavut, Inuktitut for "Let's find them", is an initiative dedicated to helping Inuit families find information on loved ones sent away during the tuberculosis epidemic of the 1940s to the 1960s who were never returned home.

National Centre for Truth and Reconciliation

https://nctr.ca/

The National Centre for Truth and Reconciliation (NCTR) is a place of learning and dialogue where the truths of the Indian Residential School experience are honoured and safeguarded for future generations. The Centre provides Survivors, their families, educators, researchers, and the public the ability to access Indian Residential School history, experiences, and impacts, share it with others, dive deeper into the mysteries that still exist, and help foster healing and reconciliation to ensure this history is never forgotten or repeated.

Québec's Bill 79 and Direction de soutien aux familles ("Family Support Team")
Enfants autochtones disparus ou décédés : soutien aux familles | Gouvernement du Québec (quebec.ca)

Québec's Bill 79: The Act to Authorize the Communication of Personal Information to the Families of Indigenous Children Who Went Missing or Died After Being Admitted to an Institution requires certain health and caregiving institutions to provide records to Indigenous families who are searching for information about their missing or deceased children. The Direction de soutien aux familles of the Secrétariat aux Affaires Autochtones was established to support families with these searches and ensure that record-keeping institutions comply with the request. Requests for support in accessing records may be made to the Direction de soutien aux familles.

A link to their Annual Reports is available on the First Nations of Quebec and Labrador Health and Social Services Commission website.

Sḵwx̱wú7mesh Úxwumixw Yúusneẁas Project
https://www.squamish.net/yuusnewas/

The Yúusneẁas Project, led by the Sḵwx̱wú7mesh Úxwumixw (Squamish Nation), is an archival and land-based research initiative focused on the St. Paul's Indian Residential School site in North Vancouver. In addition to the research portions of this project, there is a special focus on the well-being of the communities and Survivors. Contact information for wellness and healing supports and in-depth descriptions of the Yúusneẁas Project governance and protocols are available on their website.

Stó:lō Research and Resource Management Centre Library and Archives
http://stolonation.pastperfectonline.com/

The Stó:lō Research and Resource Management Centre's online library and archives provides search tips for their pass perfect database. Researchers can search this database by keyword or advanced search. In addition to archival and library resources that include photographs, the Stó:lō Research and Resource Management Centre provides a range of services that include research, educational tours, genealogy, and referrals for other professional services.

The Shingwauk Residential Schools Centre
http://archives.algomau.ca/main/node/28470

The Shingwauk Residential Schools Centre (SRSC) is a cross-cultural research and educational project of Algoma University in partnership with the Children of Shingwauk Alumni Association. While their collections focus on the Shingwauk Indian Residential School, Wawanosh, and the Spanish Indian Residential School, the SRSC has archival holdings and photos collected from different Indian Residential Schools across Canada.

United Church of Canada

The United Church of Canada has several websites that may support Survivors, Indigenous families and communities who are leading the search and recovery of missing children and unmarked burials relating to former Methodist or United Church-run institutions.

United Church Archives

https://www.unitedchurcharchives.ca/

The United Church Archives collects the records from their churches, church leaders, offices, denominations, Regional Councils, Communities of Faith, and other sources from across Canada. These records include those that detail the colonizing and genocidal practices carries out by the church, including information about the operation of United Church-run Indian Residential Schools and Day Schools.

Bringing the Children Home Initiative

https://united-church.ca/social-action/justice-initiatives/reconciliation-and-indigenous-justice/bringing-children-home

The Bringing the Children Home Initiative is an initiative by the United Church to make funding available to communities who are working to search for, identify, and commemorate the missing children, make records accessible, and create an index of all information known by the church about deaths that occurred at Indian Residential School and associated burial sites.

The Children Remembered

https://www.thechildrenremembered.ca/

The Children Remembered is an online resource aimed at making photos of United Church-run Indian Residential Schools more accessible. It was developed collaboratively by Survivors and United Church leaders. It contains photos and information from the United Church Archives and the Pacific Mountain Regional Council Archives in British Columbia.

Up and Down the Coast

https://www.upanddownthecoast.ca/

Up and Down the Coast documents the history of the United Church's colonizing efforts toward Indigenous communities in British Columbia. It contains an organized set of photos and records from the United Church's general archives. It aims to "make the larger collections in Toronto about Indigenous history more accessible to First Nations communities and researchers in B.C."

Wahkohtowin Law and Governance Lodge
https://www.ualberta.ca/wahkohtowin/index.html

wâhkôhtowin wiyasiwêwin êkwa paminisowin okihcitâwikamik anima ohci kapimâcihohk, mâmawinitowinihk, êkwa ita kawicêhsihcikêmitohk, kawîtatoskêmitocik University of Alberta, omisisi:

- kasihtoskahkik iyiniw mâmawinitowina kâwîhisihcikêyit kakiskêyihtahkik, kâhisinitawêyihtahkik, êkwa kahapacihtâcik owiyasiwêwiniwâwa êkwaopaminisowin.

- kâwiyastâcik, kamâmawastâcik, kasôhkastâcik, êkwa kahâsônamâkehkisihtwâwina, kêsimiyopayik, êkwa nanâtohk nitwâcihcikêwin âpacihcikana.

- kahosihtâcik kêsimiyopayik êkwa takî-âpatahki paminisowin masinahikanaêkwa kahkiyaw awiyak ohci wiyasiwêwin kiskinohamâkosiwin.

The Wahkohtowin Law and Governance Lodge is a dedicated research unit based out of the University of Alberta. The Wahkohtowin Lodge's objectives are to uphold Indigenous laws and governance by:

- Supporting Indigenous communities' goals to identify, articulate, and implement their own laws,

- Developing, gathering, amplifying, and transferring wise practices, promising methods and research tools,

- Producing useful and accessible public legal education resources.

The Wahkohtowin Lodge responds to the expressed needs of Indigenous communities and organizations and specifically answers the TRC Call to Action #50, which calls for the creation of Indigenous Law Institutes for the "development, use and understanding of Indigenous laws."

The Sasquatch Dancers Group

Office of the Independent
Special Interlocutor

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