

*Premier*

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**Truth and Reconciliation Commission of Canada:  
Calls to Action**

**Government of Prince Edward Island  
Status Update  
June 27, 2019**

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## INTRODUCTION

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### THE TRUTH AND RECONCILIATION COMMISSION

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After hearing statements from over 6750 survivors and family members the Truth and Reconciliation Commission (TRC) released its final report in December 2015. The report included 94 calls to action in which all levels of government were encouraged to work collaboratively to reform policies and programs in an effort to repair the harm caused by residential schools and move forward with the process of reconciliation. The calls to action are divided into two parts which call upon us all to work together to make a tangible difference in the lives of Canada's Indigenous peoples.

### THE MI'KMAQ AND INDIGENOUS COMMUNITY OF PRINCE EDWARD ISLAND

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The Province of Prince Edward Island has built a strong relationship with the PEI Mi'kmaq First Nations and the Indigenous community. It is founded on mutual respect and the shared vision of healthy, safe and flourishing communities for all our residents.

To realize this vision, the Government of PEI has taken actions across departments, divisions and agencies in the delivery of programs and services and in policy development. As we move forward together, while recognizing the importance of the TRC calls to action and in our continual efforts to make the lives of all Islanders the best it can possibly be, the Province will continue to offer programs, services and to pursue opportunities of collaboration with the PEI Mi'kmaq and the broader Indigenous community.

Government believes when the First Nations and Indigenous community succeed, so do we all.

## LEGACY

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### CHILD WELFARE

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#### **Calls to Action Summary:**

The Calls to Action within the TRC status report for this section focus on the following main topic(s) related to child welfare, as related to the Province of PEI:

1. Commitment to reducing the number of Indigenous Children in care including monitoring and assessment, adequate resources for Indigenous communities, training and education on residential schools, and consideration for the impacts of residential schools;
2. Reporting on the number of Indigenous children in care;
3. Fully implementing Jordan's Principle;
4. Federal enactment of Indigenous child-welfare legislation; and
5. Develop culturally appropriate parenting programs for Indigenous families.

### Status on PEI:

The Government of PEI, including its respective departments, divisions, and agencies, has undertaken the following to address the above noted Calls to Action:

1. PEI is solely responsible for the delivery of all Child Protection Services pursuant to the *Child Protection Act*, which includes all Indigenous children and families living on-reserve and off-reserve. The Province has worked in partnership with the Mi'kmaq confederacy of PEI (MCPEI), representing the two bands in PEI, and the Designated Representative of the Band;
  - a. In 2013, a protocol entitled "*Mi'kmaq Confederacy of PEI Child & Family Services and Department of Community Services & Seniors (changed to Family & Human Service May 2015) Child Protection Services Protocol: A Collaborative Approach for Child Protection Services to PEI First Nations Children and Families*", was developed to ensure;
    - i. That Child Protection Services provided to PEI's First Nation children and families are delivered in a manner that preserves and promotes the Indigenous cultural identity of children and families;
    - ii. That Child Protection Services of PEI consult and collaborate with the First Nations on decisions regarding PEI's First Nations children involved with Child Protection Services;
    - iii. That the Department of Social Development and Housing continues efforts to actively recruit and retain Indigenous Foster Parents;
  - b. PEI's Child & Family Services continues to collaborate with MCPEI to develop and provide training for employees of Child & Family Services;
    - i. This training includes continued education and engagement specific to the history and impacts of residential schools;
  - c. A resource entitled "*Indigenous Cultural Connections: A Child Protection Resource Guide*" was developed in partnership with PEI's First Nation leaders, Elders, and community representatives;
    - i. This guide serves as an opportunity to promote understanding and knowledge of the rich Indigenous culture on PEI when providing Child Protection Services, either in home or out of home, to Indigenous children and their parents;
    - ii. The impact of the residential school experience on Indigenous children and their caregivers is an ongoing consideration in the delivery of Child Protection Services on PEI including ongoing, regular meetings between the Province and PEI Mi'kmaq to discuss and review service delivery impacts in a timely manner;
2. The Government of PEI does not track nor report on ethnic origin of children in care. The provincial population is small, and the population of Indigenous persons is low. Reporting on Indigenous children in care could compromise confidentiality;
3. The Government of PEI is the first contact to pay for services for all children in care. As such, compliance and implementation of Jordan's Principle is a non-issue for Child Protection Services in PEI;

4. With the passing of Bill C-92, the federal government will give control of child welfare to First Nations communities. The Government of PEI has made legislative changes of its own to enhance the delivery of protection services to Indigenous children and families;
  - a. PEI is currently collaborating with the MCPEI and Canada on elements related to federal legislation in Bill C-92, passed by Senate on June 20, 2019, which creates opportunity for the creation of Indigenous legislation and law in the area of child welfare; and
5. Culturally appropriate parenting programs for PEI's First Nation children and families are provided by the MCPEI, Child & Family Services, through the Mi'kmaq Family PRIDE program.

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## EDUCATION

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### **Calls to Action Summary:**

The Calls to Action within the TRC status report for this section focus on the following main topic(s) related to education, as related to the Province of PEI:

1. Commitment to develop culturally appropriate early childhood education programs for Indigenous families.

### **Status on PEI:**

The Government of PEI, including its respective departments, divisions, and agencies, has undertaken the following to address the above noted Calls to Action:

1. The Early Childhood Education curriculum document allows for cultural relevancy and the center on Reserve utilizes this within the context of their culture and teachings.

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## LANGUAGE AND CULTURE

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### **Calls to Action Summary:**

The Calls to Action within the TRC status report for this section focus on the following main topic(s) related to language and culture, as related to the Province of PEI:

1. To enable residential school Survivors and their families to reclaim names changed by the residential school system.

### **Status on PEI:**

The Government of PEI, including its respective departments, divisions, and agencies, has undertaken the following to address the above noted Calls to Action:

1. There is no known instance of a former resident of the Indian Residential Schools requesting a change of name in PEI. There is a provision under the *Change of Name Act* that allows for fees to be waived under certain circumstances. Also, under the Act there are restrictions on what names would be allowed as a name, i.e., no symbols, surname and given name are required.

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## HEALTH

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### **Calls to Action Summary:**

The Calls to Action within the TRC status report for this section focus on the following main topic(s) related to health, as related to the Province of PEI:

1. To acknowledge Indigenous health in Canada is a direct result of previous Canadian government policies and to recognize, and implement the health-care rights of Indigenous people as identified in international law, constitutional law, and under the Treaties;
2. To recognize the value of Indigenous healing practices and use them in the treatment of Indigenous patients in collaboration with Indigenous healers and Elders where requested by Indigenous patients; and
3. To increase recruitment and retention of Indigenous healthcare providers and to provide cultural competency training for all healthcare professionals.

### **Status on PEI:**

The Government of PEI, including its respective departments, divisions, and agencies, has undertaken the following to address the above noted Calls to Action:

1. Health PEI delivers health care services to all Islanders regardless of race or ethnicity;
2. Cultural healing practices are considered at sites on a case-by-case basis, depending on the request of families (considering potential harm to patients, others, etc.);
3. Through the Public Service Commission, encouragement to identify potential employment opportunities for qualified candidates is offered through the Diversity Employment Program, which is inclusive of Indigenous people as well as those of other diverse groups;
  - a. Chief Nursing Office has a Cultural Awareness Module as part of the Nursing Mentorship Program;
  - b. The Community Health Division continues to provide Indigenous cultural training sessions, both awareness and sensitivity, for health care professionals through a program developed in partnership with five Indigenous organizations;
  - c. Community Health also supports Indigenous health care providers in training opportunities; and
  - d. These trainings and/or courses are supplementary to cultural competence training offered to all public servants in PEI.

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## JUSTICE

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### **Calls to Action Summary:**

The Calls to Action within the TRC status report for this section focus on the following main topic(s) related to justice, as related to the Province of PEI:

1. For the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training including the history and legacy of residential schools, UNDRIP, treaties and Indigenous rights, and Indigenous-Crown relations;

2. To eliminate the overrepresentation of Indigenous people, including youth, in custody while monitoring and evaluating progress;
3. To provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Indigenous offenders and respond to the underlying causes of offending;
4. To address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Indigenous people, FASD preventive programs that can be delivered in a culturally appropriate manner;
5. To work with Indigenous communities to provide culturally relevant services to inmates;
6. To create adequately funded and accessible Indigenous-specific victim programs and services with appropriate evaluation mechanisms;
7. To appoint a federal public inquiry into the causes of, and remedies for, the disproportionate victimization of Indigenous women and girls; and
8. To commit to the recognition and implementation of Indigenous justice systems.

**Status on PEI:**

The Government of PEI, including its respective departments, divisions, and agencies, has undertaken the following to address the above noted Calls to Action:

1. The issue of overrepresentation of Indigenous people is an issue that the Government of PEI continues to monitor and ensure culturally-responsive programming/initiatives are in place, such as;
  - a. Engagement with Police - Ongoing training is in place with the Atlantic Police Academy that provides workshops regarding Mi'kmaq history and current Indigenous-specific information.
  - b. Indigenous Justice Program - PEI, Justice Canada and the Mi'kmaq Confederacy of PEI are a part of a tripartite agreement to fund the Indigenous Justice Program (IJP) and has an ongoing mandate. The Province continues to support the IJP and the important work it does in providing culturally specific, holistic programming to Indigenous people (and their communities) that are in conflict with the law. Primary among the services offered by the MCPEI Indigenous Justice Program are the Indigenous Justice Circles led by trained Circle Keepers. Circle Keepers are trained to facilitate Conflict-Resolution Circles, Early Intervention Circles, Sentencing Circles, and Healing Circles;
  - c. Community and Correctional Services, in partnership with Information Technology Service Systems, are building an automated offender management information system which will allow the division to track and analyze offender data in a manner that simply hasn't been possible to date;
  - d. Community and Correctional Services staff, in concert with the Indigenous Case Worker and MCPEI's Indigenous Justice Program, offer effective community based alternatives including an Alternative Measures Program and working in collaboration with the Indigenous Justice Program to ensure individuals have access to/awareness of Sentencing and Healing Circles, and restorative justice fora;

- e. PEI and the Mi'kmaq Confederacy of PEI (MCPEI) have entered into a MOU for the provision of Gladue Reports to the Courts, which outlines background/history, and any contributing factors that resulted in an offender engaging in unlawful activity. Gladue Reports are submitted to the Judge who is required to consider the Gladue factors prior to sentencing an Indigenous person. The MOU confirms this relationship, which has been in effect since 2015;
  - f. The Province is currently looking at the provincial *Evidence Act* and making necessary amendments to this legislation to ensure that the use of an eagle feather can be used when an Indigenous person is making an oath or affirmation. The intention is that an eagle feather will be provided in every court house and police detachment across the province and available for both accused, victims, witnesses and their families;
2. Community and Correctional Services currently has a range of community-based sanctions available. The Community and Correctional services staff, in concert with the Indigenous Case Worker, endeavors to offer effective community based alternatives including an Alternative Measures Program and restorative justice forums, and:
    - a. Youth Justice Services regularly offer support and programming to youth in the Island's Indigenous communities, such as Girl's Group Grandmothers/Mothers/Daughters Circle, Circles of Hope, Silent Witness, Roots of Empathy, and Lennox Island Health Camp Sessions. These programs, among others, are intended to prevent or intervene early by exploring the underlying causes of offending;
  3. Community and Correctional Services provides support to clients with FASD through the Division's Indigenous Case Worker who has received training on FASD interventions and worked with the PEI Indigenous Women's Association to adapt programming;
  4. In collaboration with the PEI Indigenous Women's Association, Native Council of PEI and MCPEI, the Province is engaged in research to define and examine the root causes and experiences of violence against Indigenous women and girls in the Province;
    - a. This includes the recently introduced the Integrated Correctional Program Model (ICPM), based on Correctional Service Canada's (CSC) most effective offender programs, which target the multiple risk factors that most offenders have in an efficient, comprehensive way. Staff training has also been completed on a culturally relevant version of ICPM, which is available for Indigenous Offenders;
  5. Through the provincial Victim Services Program, Indigenous victims of crime in PEI have access to all the same services as other victims of crime as well as the following:
    - a. Victim Services employs an Indigenous Victim Assistant who works closely with Victim Services to intended to help provide culturally specific programs, and assist in removing any cultural barriers to accessing services Indigenous specific print materials have been created to outreach to Indigenous victims;
    - b. Victim Services participated in research on "Mapping the Needs and Assets of Indigenous People in the Justice System in PEI" published in 2012;
    - c. The Indigenous Justice Program is represented on the Victim Services Advisory Committee. There is also an Indigenous representative on the Premier's Action Committee on Family Violence Prevention;



- d. Victim Services and Native Council staff have been involved in a series of cross training meetings to build partnerships and increase awareness of each other's programs and services;
  - e. Victim Services participates in training for Circle Keepers and other victim awareness initiatives;
  - f. Research Project re. Violence Against Women and Girls in PEI: In 2017, in collaboration with the PEI Indigenous Women's Association, Native Council of PEI, and MCPEI, the Province engaged in research to define and examine the root causes and experiences of violence against Indigenous women and girls in the Province;
  - g. With the launch of the National Inquiry, funding was announced for Provincial and Territorial Victim Services to establish Family Information Liaison Units (FILUs) within their Victim Services Divisions for the duration of the Inquiry (up to March 31, 2019, and a further extension to March 31, 2020);
  - h. The FILU unit also compliments and works collaboratively with other existing mechanisms that assist families and victims. Funding has been provided by the PEI FILU to a number of Indigenous organizations (AWA, Native Council of PEI, and MCPEI) for projects that have come forward;
6. Missing and Murdered Indigenous Women and Girls (MMIWG) - The Premier of PEI along with Premiers from all provinces and territories supported launch of the National Inquiry on Missing and Murdered Indigenous Women and Girls (MMIWG) and its processes. With the final report released, there will be work with families to process the findings and recommendations and plan for any gatherings, commemorations or memorials that might be requested by families. This work is supported by an extension of the funding for the PEI FILU to March 31, 2021. The PEI Department of Justice and Public Safety accessed this federal funding to establish the FILU within Victims Services to provide a centralized, coordinated mechanism for family members of missing and murdered Indigenous women and girls to access requested information related to the loss of their loved one. The work included five key components:
- a. The Provincial Manager, Victim Services was designated as the central contact to establish the Unit;
  - b. A FILU Advisory Council comprised of representation from Indigenous organizations, family, community and health supports was established;
  - c. A research, planning and development phase engaged members of the Indigenous community to help define the needs and guide the provision of culturally responsive services;
  - d. Funding was received for an Indigenous Support Coordinator position within Victim Services to assist in providing outreach, direct services and aftercare for families;
  - e. The work is also supported by a Cultural Support Fund to assist with costs such as counselling or therapeutic activities; and
7. Federal bill C-262 did not pass its Third Reading with the Senate prior to the house rising on June 21, 2019. PEI will continue to consider how the *United Nations Declaration on the Rights of Indigenous Peoples* could be implemented per the direction of Canada.

## RECONCILIATION

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### Calls to Action Summary:

The Calls to Action within the TRC status report for this section focus on the following main topic(s) related to the areas of reconciliation, as related to the Province of PEI:

1. For all levels of government to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation;
2. For governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands;
3. To provide annual reports or any current data requested by the National Council for Reconciliation;
4. To provide education to public servants on the history of Indigenous peoples;
5. For all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Indigenous children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation; and
6. To collaborate with Indigenous peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Indigenous athletes in history.

### Status on PEI:

The Government of PEI, including its respective departments, divisions, and agencies, has undertaken the following to address the above noted Calls to Action:

1. On September 13, 2007 the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by 144 countries, with 11 abstentions and four countries voting against it. These four countries were Canada, the USA, New Zealand, and Australia. By the close of 2010, all four dissenting countries reversed their positions and endorsed the Declaration. In June of 2019, the proposed Bill C-262, harmonizing laws of Canada with UNDRIP, did not pass through the Senate. PEI will monitor future progress on this item
2. The Government of PEI has a standing provincial policy on consultation with the Mi'kmaq of PEI since 2009 and has a signed consultation agreement with the Government of Canada and the Mi'kmaq of PEI since 2012. Most recently, a tripartite Framework Agreement with the Mi'kmaq of PEI and Canada in January of 2019;
3. The Government of PEI can provide annual reports upon request by the National Council for Reconciliation, however the province does not report on the number of Indigenous children in care due to concerns of confidentiality;
4. The province's Indigenous Relations Secretariat in partnership with the Mi'kmaq Confederacy of PEI presents a three unit certificate program for public servants on the Mi'kmaq of PEI twice a year. Unit 1 is on Mi'kmaq history, Unit 2 is on contemporary Mi'kmaq society and Unit 3 is on the legal duty to consult Indigenous people; Missing Children and Burial Information;
5. There were no residential schools located on PEI, therefore, no burial missing children or burial information exists; and

6. There are three Indigenous PEI Sports Hall of Fame members (John Paul, Barney Francis and Michael Thomas). All distance runners, and three of our most heralded athletes. The province assisted the Mi'kmaq Confederacy of PEI documentary on Island Indigenous athletes about four years ago, and have been advising on the Michael Thomas run that is taking place later this summer in Stratford.