



TRUTH AND RECONCILIATION
COMMISSION OF CANADA:

94 Calls to Action

A Status Report for the Government of
Prince Edward Island
May 2021



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Introduction

The Truth and Reconciliation Commission (TRC) released its final report on December 15, 2015 after hearing statements from survivors and family members of residential schools across Canada. There are 94 Calls to Action calling on all levels of government to work collaboratively to make a tangible difference in the lives of Indigenous peoples. This report, which brings together the collective and collaborative work undertaken across the Government of Prince Edward Island, affirms that everyone has a role to play and that the Calls to Action are rooted in historical and complex issues that require immediate attention and a long-term vision.

Since the release of the Calls to Action in 2015, the Indigenous Relations Secretariat has kept an evergreen status report on the status of the implementation of the Calls to Action that are jurisdictionally relevant to the province. Provincial status reports have been tabled each year since 2019. This report includes both work that has been completed and work that is ongoing related to the Calls to Action.

Although the final report includes 94 Calls to Action, a portion of these recommendations are not within the jurisdiction of the Province of PEI to address. This year's report is structured to include the Calls to Action that are within the Province of PEI's scope to respond to and, as such, does not include all 94 Calls.

The Government of PEI is proud of the progress it continues to make towards reconciliation with Indigenous people. Through the hard work of an Interdepartmental Working Group and an Indigenous Working Group, initiatives are being pursued that meet recommendations under both the Calls to Action and the MMIWG Calls for Justice. We recognize that these initiatives are a step forward in the journey to reconciliation and lasting change. We are committed and look forward to advancing this important work.

Legacy

Child Welfare

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:

i. Monitoring and assessing neglect investigations.

The Government of Prince Edward Island 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 Director of Child Protection is required to provide all notifications involving the delivery of Child Protection Services for Indigenous children to the Designated Representative of the Band as defined in the *Child Protection Act* or as defined in *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*.

The Director of Child Protection is required to notify and collaborate with the Designated Representative of the Band as defined in the *Child Protection Act* or as defined in *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*. Future considerations would include reporting to the PEI Indigenous communities on their reports of neglect which would assist with monitoring and assessments.

ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.

The Department of Social Development and Housing, Child Protection Services program, works directly with Lennox Island First Nation and Abegweit First Nation communities. As well, in partnership with MCPEI, and NCPEI at the request of the family. We have an Indigenous Services Team for on-reserve Indigenous children and youth. This team is comprised of two social workers and two case aides plus one supervisor.

We are in the process of reviewing a culturally sensitive home study and education tool for foster parents.

The Department of Social Development and Housing continues efforts to actively recruit and retain Indigenous Foster Parents. Representation from Lennox Island First Nation and Abegweit First Nation are also included on the Foster Parent Recruitment and Retention Committee for Child and Family Services. In addition to these First Nations representatives, the Native Council of PEI is represented on the Structured Decision Making Steering Committee. The SDM Subcommittee, Indigenous Working Group, is applying a cultural lens to guide working

with Indigenous families and communities while ensuring consistency in decision making and service delivery.

iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.

The Department of Social Development and Housing, Child & Family Services, continues to collaborate with both Lennox Island First Nation and Abegweit First Nation to develop and provide training for employees of Child & Family Services to include family service workers, child protection youth workers, child protection social workers, child protection supervisors, residential services (group home) youth workers and supervisors, and senior management of Child & Family Services. This training includes continued education and engagement specific to the history and impacts of residential schools.

This core training is integrated through every section of the *Act*. On-boarding training for new workers, overview of all sections of CFS for all staff, Indigenous-related concepts and service delivery is just one section of this core training.

iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.

The development of future training will be done in partnership with the Director of Child & Family Services and Lennox Island First Nation and Abegweit First Nation and to include Elders. Future considerations are to include a variety of education provided to staff around providing joint training. As well, with core training that an acknowledgement be offered by Lennox Island First Nation and Abegweit First Nation in the beginning. Some ongoing collaboration between the Indigenous communities and workers to include cultural teachings with Elders.

In addition to the response as noted above in 1.iii, a resource entitled “*Aboriginal Cultural Connections: A Child Protection Resource Guide*” was developed in partnership with Prince Edward Island’s First Nation leaders, Elders and community representatives. This guide serves as an opportunity to promote understanding and knowledge of the rich Indigenous culture on Prince Edward Island when providing Child Protection Services, either in home or out of home, to Indigenous children and their parents. This guide was developed in 2014, and the Department of Social Development and Housing, Child and Family Services has committed revising this guide by January 2022 in partnership with Lennox Island First Nation and Abegweit First Nation.

v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.

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 Prince Edward Island. There is some training provided within core training as well as some additional external training through MCPEI. Some staff have also participated in other training through Touchstones of Hope and a blanket exercise offered to them. As some social work programs do not require child welfare and/or Indigenous history training/education, it is important to provide this when they enter the workforce.

Future considerations are to include offering question and answer periods with staff and band representative(s) from both Lennox Island First Nation and Abegweit First Nation.

Additional examples of the ongoing collaboration between Child Protection Services and the communities of Abegweit First Nation and Lennox Island First Nation include, but are not limited to:

- The Director of Child Protection, Director of Child & Family Services, Provincial Manager of Child Protection or Provincial Manager of Children's Services and Indigenous service delivery teams will collaborate with Abegweit First Nation and Lennox Island First Nation to discuss and review service delivery impacts in a timely manner. This is a truly collaborative relationship that strengthens the delivery of Child Protection Services from the senior management level to all levels of service delivery within the division of Child & Family Services, Department of Social Development and Housing.
- During a relocation of three group homes for children in the legal custody and guardianship of the Director of Child Protection, consultation was held with Prince Edward Island's First Nation leaders in recognition that the properties have historical association to the Catholic Church and educational system. In the best interest of the child in regards to placement, the child may only be placed in one of these three group homes if there is communication, collaboration and support of this placement between Child and Family Services and Indigenous leadership.

2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

The Government of Prince Edward Island does not 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. Future consideration is to track and report on prevention dollars spent.

3. We call upon all levels of government to fully implement Jordan's Principle.

The Government of Prince Edward Island is the first contact to pay for services for all children in the legal custody and guardianship of the Director of Child Protection. As such, compliance and implementation of Jordan's Principle is a non-issue for Child Protection Services in Prince Edward Island.

If in alternative care placements, not in care of the Director, they may make a request to Jordan's Principle. If it was denied then Child and Family Services would make a case for it.

Within the Health Policy and Planning Forum, there are efforts to integrate Jordan's Principle, where possible, to ensure that all First Nations children in Canada can access products, services, and supports that they need without delay. Activities for applying Jordan's Principle are updated regularly.

4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:

i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.

ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.

iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.

In January 2020, An Act Respecting First Nations, Inuit and Métis Children, Youth and Families became law.

The Government of Prince Edward Island is working towards making legislative changes of its own in the current legislation to enhance the delivery of protection services to Indigenous

children and families. The Government of Prince Edward Island is currently reviewing the Child Protection Act and will review where changes may be required to strengthen the delivery of protection services and enhance preventative services to Indigenous children and families.

The Government of Prince Edward Island 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 Director of Child Protection is required to provide all notifications involving the delivery of Child Protection Services for Indigenous children to the designated representative of the client's band, or the Indigenous governing body, as defined in the Child Protection Act or as defined in An Act Respecting First Nations, Inuit and Métis Children, Youth and Families.

The Director of Child Protection is required to consult and collaborate with the Designated Representative of the Band, or Indigenous governing body, as defined in the Child Protection Act in developing a plan of care for the child or as defined in An Act Respecting First Nations, Inuit and Métis Children, Youth and Families.

The Government of PEI has hired an Indigenous Program Analyst who will work collaboratively with Lennox Island First Nation, Abegweit First Nation and the Native Council of PEI to assist in developing culturally sensitive programs for Indigenous families and children living on and off reserve. This position will assist Child Protection in developing culturally sensitive training for all staff. Indigenous Services Team has developed CORE training in this area.

The Government of PEI has worked with Abegweit First Nation and Lennox First Nation to develop a Child Protection service delivery model that has designated social workers and support staff assigned to each community and is designed to enhance the relationship between the communities and Child Protection workers.

It is recommended that we review the cultural plan of care for Indigenous children and youth. The designated representatives with Lennox First Nation and Abegweit First Nation can assist with the cultural plan of care as needed. The Cultural Plan of Care is a work in progress to reduce redundancy and shorten it to create a fluid document that identifies the cultural needs of the child or youth.

5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

Culturally appropriate parenting programs for Prince Edward Island's First Nation children and families are provided by the Mi'kmaq Confederacy of PEI (MCPEI) Child & Family Services, through the Mi'kmaq Family PRIDE program.

Child and Family Services works with the federally funded Lennox Island First Nation and Abegweit First Nation Family PRIDE program which provides prevention and support services to children and families living on reserve in Prince Edward Island. Through their family programming to both community and external service provider referrals, PRIDE aids in addressing concerns and assists with developing a plan with the family. Through the *Mi'kmaq Confederacy of PEI Child & Family Services and Department of Community Services & Seniors, Child Protection Services Protocol: A Collaborative Approach for Child Protection Services to PEI First Nations Children and Families*, Child Protection Services works collaboratively with the Mi'kmaq Family PRIDE program on behalf of children and families of Prince Edward Island First Nations.

Education

11. We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.

While this Call to Action is not directed at the Government of PEI, it should be noted that the Province does provide three \$1,000 John J. Sark Memorial scholarships annually to Indigenous students at the University of Prince Edward Island.

12. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.

The PEI Early Learning Framework provides direction for directors and educators in Early Years Centres. It includes a component of culture and heritage as a learning goal. The Early Years Centres on reserve utilize the Indigenous Early Learning and Child Care Framework, which is a federal framework.

The Department of Education and Lifelong Learning is also striving to include mandatory Indigenous content in all new curriculum and adding new resources to existing courses to better represent Indigenous content and voices.

The Public Library Service in Prince Edward Island provides a number of collections that are written, produced, and focused on Indigenous people in a wide variety of areas and formats. These collections are accessible to anyone with a library card, including young Islanders.

Language and Culture

17. We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

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 fees to be waived under certain circumstances. In addition, 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.

Health

18. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.

The Government of PEI recognizes that legacy of colonial violence in Canada has resulted in discriminatory policies and practices that have negatively impacted Indigenous people and communities. We are committed to continuously working toward the betterment of Indigenous health care services. Indigenous community members are uniquely at risk, experience different health outcomes and are disproportionately impacted by chronic conditions.

Under the Mi'kmaq-PEI-Canada Partnership Agreement, Health PEI co-chairs the Health Policy and Planning Forum (HPPF), a tripartite body of Federal, Provincial, and First Nation leaders with a shared vision to improve health services for the PEI Mi'kmaq. Current priority areas of the policy and planning forum include mental health and addictions, home care, primary care, and e-health. The policy and planning forum has a work plan that is updated and reported on annually and is guided by the TRC's report. One activity of the e-health Working Group of HPPF places focus on health and equity issues for Indigenous populations through a collaborative initiative between Lennox Island, Abegweit, MCPEI, Chief Public Health Office, Health PEI, Indigenous Services Canada, and UPEI. The goal of this work is to calculate the rates of diabetes, cancer, heart disease, and chronic respiratory diseases among First Nations people in PEI. This also includes the exploration of community data systems.

COVID-19 has challenged every level of government, every community, and every individual in Prince Edward Island. The global pandemic has especially impacted Indigenous communities across the country and highlighted the disparities in access to services for Indigenous people. The Government of PEI has worked to try and eliminate barriers to service during these trying

times including the implementation of virtual and e-health solutions to benefit Islanders living in rural communities, including Abegweit and Lennox Island First Nations. This included a Child and Youth Urgent Mental Health Clinic offered virtually and a mental health and addictions information line.

Our response to COVID-19 has specifically considered the vulnerability of the Indigenous population in PEI. In addition to the numerous supports that the Government of PEI has rolled out that apply to all Islanders, the Province has committed to providing \$100,000 to both Abegweit and Lennox Island First Nations to assist in pandemic response. The vulnerability of the Indigenous population has also been considered in the implementation of PEI's Immunization Plan. Indigenous people 18 years and older living on reserve were eligible for vaccines in Phase 1. Any Indigenous adults who were not included in Phase 1 were eligible in Phase 2. As this report is tabled, all Indigenous people in PEI will have been eligible to receive a vaccine.

The Department of Health and Wellness works closely with Accreditation Canada so that clients are assured that health care facilities and staff meet quality health care standards. Accreditation Canada recently added a new standard, Aboriginal Community Health and Wellness. This requires organizations to be culturally competent with respect to the population that they serve. Health PEI will ensure safe, non-judgmental spaces are available for clients to discuss traditional, complementary or alternative medicine. Health care practitioners are expected to consider alternative methods of care, including cultural healing practices of Indigenous peoples, on a case-by-case basis, when appropriate and requested by individuals and families. Accreditation Canada has developed a new toolkit outlining COVID-19 standards which has been one source of guidance for PEI Indigenous health care standards during COVID-19.

With respect to mental health and addictions, a new mobile mental health service is being established for all Islanders, including Indigenous Islanders.

In 2019-2020, the Province conducted a province-wide series of Gambling Focus Groups to better understand gambling in PEI. Two of the six sessions were devoted to Indigenous representatives (Abegweit First Nation and Native Council of PEI), and through collaboration were held in Indigenous facilities. The resulting report was vetted with participant groups to ensure accuracy and interpretation so that the findings can be used in an upcoming three-year strategic plan.

22. We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.

With respect to cultural healing practices of Indigenous peoples, direction has been provided to sites to consider alternative methods and other elements on a case-by-case basis, depending on the request of individuals and families while factoring risks.

In the area of Mental Health and Addictions, staff going to both reserves have been involved directly in some healing practices. These have included assisting with a photo project and with a First Nations critical incident stress debriefing model, called Wampum CISM. Both of these are considered to be culturally grounded practices.

23. We call upon all levels of government to:

i. Increase the number of Aboriginal professionals working in the health-care field.

ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.

iii. Provide cultural competency training for all healthcare professionals.

Designed in partnership with several Indigenous groups, an Indigenous Cultural Awareness, Sensitivity, and Competency training program was developed and piloted from 2014 – 2017 and became a regular offering from 2017 onward. The training is targeted to health professionals in community-based services through Health PEI's Integrated Chronic Disease Prevention and Management's project, "Working Together for Aboriginal People's Health". Three modules of training are delivered to health care professionals by a facilitator and Indigenous leader. The modules focus on historical, political and cultural issues that impact the health of Indigenous people, as well as Indigenous concepts of healing and health. While COVID-19 has impacted this training, to date, over 200 health care professionals have participated in the modules.

Prior to entering the work force, many of the Island's nurses who complete their training at the University of Prince Edward Island are able to take a third year course on culture in nursing. This course focuses on multi-cultural awareness and allows students to achieve a better understanding of cultural similarities and differences in a health care context.

Health PEI extends training opportunities that are offered to primary care clinicians to First Nation health centre staff.

Justice

26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.

The Government of PEI is currently reviewing this issue at this time.

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

The Law Society of PEI has established a Call to Action committee and has partnered with a branch of the Canadian Bar Association to begin the process of building cultural awareness in the Island legal community. To date, sessions have been developed with the help of the Mi'kmaq Confederacy of PEI and there is an Indigenous representative on the committee. The mandate of the committee is to provide education and other specific ideas identified in the TRC report to ensure members of the Law Society are receiving up to date information and education.

30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.

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.

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. This training is led by the Mi'kmaq Confederacy of PEI. This training ensures that new police officers understand the impacts of residential schooling and other experiences of our Indigenous communities to better inform their work.

The partnership between police and Indigenous community is important. Police representatives (municipal and RCMP) sit on the Indigenous Justice Advisory Committee and attend annual workshops/forums i.e. Indigenous Justice Forum.

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).

The Province supports the IJP and the important work it does in providing culturally specific, holistic programming to Indigenous people, including those living on and off reserve on a status blind basis, that are in conflict with the law.

In 2019, the Province increased its funding to MCPEI's IJP to better support the important, culturally relevant justice services MCPEI provides, in particular upstream, crime prevention activities.

Among the services offered by the MCPEI IJP, the Indigenous Justice Circles led by trained Circle Keepers are of note.

Circle Keepers are trained to facilitate the following processes:

- Conflict-Resolution Circles
- Early Intervention Circles
- Sentencing Circles
- Healing Circles

The IJP is administered by MCPEI and advised by an Indigenous Advisory Committee made up of representatives appointed from three Indigenous organizations and bands: the Lennox Island First Nation, the Abegweit First Nation, and the Aboriginal Women's Association. Representatives from the RCMP, Charlottetown Police, Federal and Provincial Governments also sit on the Advisory Council.

The IJP has improved and strengthened mutual understanding of Indigenous people and the justice system through both training and cross-cultural sharing and continues to work to address the overrepresentation of Indigenous people in contact with the justice system.

Indigenous Courtwork Program

In addition to the IJP, the Province is working with MCPEI to develop and deliver an Indigenous Courtwork service. This service would provide support and navigation to Indigenous people who are involved in the criminal justice court system.

In 2020 and 2021, an external evaluator was hired by MCPEI to lead an engagement session with the Indigenous community to solicit feedback on the needs and challenges regarding interaction with the court system. This report was finalized in early 2021 and will guide the development of the Indigenous Courtwork service.

Community and Correctional Services Division

Community and Correctional Services is developing training for employees that will be offered as eLearning called, "History of Trauma in Indigenous Communities". The division is working with

the Indigenous case worker and members of the Indigenous community to develop educational materials related to the impact of residential schools, the sixties scoop, and other traumatic events that may contribute to the overrepresentation of Indigenous people in the justice system. The training is intended to provide employees with a deeper understanding of these impacts, including reactions and behavior.

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 was not tracked to date. This will assist the Department of Justice and Public Safety to understand client admissions related to Indigenous offenders, to monitor trends and evaluate progress in reducing the overrepresentation of Indigenous offenders in custody. A challenge remains in understanding the complete number of Indigenous offenders in the justice system as data collection relies on self-reporting.

Indigenous Caseworker

The Community and Correctional Services staff, in concert with the Division's 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 forums.

The Indigenous case worker facilitates access to Elders in the community with Indigenous offenders who request this support. This includes arranging visits to the provincial correctional centre and ensuring that Elders are available.

Gladue Reports

In 2018, JPS and the Mi'kmaq Confederacy of PEI (MCPEI) entered into a MOU to confirm the submission of Gladue Reports to the Courts. Gladue Reports are outlined in s. 217 in the Criminal Code and grant Indigenous people in conflict with the law the right to request a Gladue Report, which outlines their background/history, and any contributing factors that resulted in them 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 Province currently contracts MCPEI for a fee for service to draft Gladue Reports.

Eagle Feather Initiative

In Fall 2019, the Province amended the *Evidence Act* and made 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 courthouse and police detachment across the province and available for accused, victims, witnesses and their families.

In the fall of 2020, the RCMP held a ceremony to launch the use of the eagle feather in every police detachment in the province. Due to COVID – 19 restrictions, the Court was not able to launch their own ceremony to mark the use of the eagle feather in every courthouse in the province.

31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.

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.

In 2020 and 2021, JPS led a series of Restorative Justice training sessions where a number of Community and Correctional services staff attended/were trained.

Programs and services within the Community and Correctional Services division are monitored and evaluated regularly.

Sentencing Circles through the Indigenous Justice Program

Through the tripartite agreement between the Mi'kmaq Confederacy of PEI, the Province and Justice Canada, the Indigenous Justice Program's Circle Keepers are trained to facilitate Sentencing Circles which aim to take into consideration the needs and circumstances of the offender, the victims and community when determining sentencing options.

The IJP submits data to Justice Canada through the Final Annual Report. Justice Canada's Research and Evaluation team monitors and evaluates findings at a national level on an ongoing basis.

Gladue Reports

As mentioned above, the Province contracts the Mi'kmaq Confederacy of PEI to draft and submit Gladue Reports to the Court. In August 2018, a Memorandum of Understanding was signed which confirmed this partnership.

33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.

Community and Correctional Services provides support to clients with FASD through the Division's Indigenous Case Worker who has received Divisional training on FASD interventions and worked with the PEI Aboriginal Women's Association to adapt programming.

34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:

i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.

ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.

iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.

iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.

The Criminal Code of Canada governs sentencing provisions and can only be amended through federal legislative reform. The Province is responsible for the delivery of community and correctional services to offenders. Parole supervision is a Correctional Service Canada responsibility.

Community and Correctional Services is committed to evaluation of programs and services to ensure effectiveness.

36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.

In 2018, MCPEI started a Reintegration Program to support federally sentenced Indigenous offenders reintegrate back into their community using a restorative justice approach. This includes ensuring culturally relevant support/healing is available to individuals to ensure successful return to community, to identify services/resources needed to support individual (i.e. housing, mental health, employment etc.) The Province provides in kind support to this program and sits on the program Steering Committee.

The Province is in the initial stages of exploring options for an Indigenous Court Work Program. This program is cost shared with Justice Canada and is focused on providing support and navigation to Indigenous people in the formal justice court process.

In collaboration with the PEI Aboriginal Women's Association, Native Council of PEI and the Mi'kmaq Confederacy of PEI, 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. The April 2018 report "*Understanding Violence Against indigenous Women in PEI and the Supports They Need in Prince Edward Island*" included recommendations which have been reviewed and considered by the committee, and have formed the basis for a number of project initiatives.

Community and Correctional Services has 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.

38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.

Indigenous Justice Program (for Youth)

The tripartite agreement to support the Indigenous Justice Program is available to youth, living on and off reserve and is offered on a status blind basis.

Gladue Reports

Gladue Reports are outlined in s. 217 in the Criminal Code and grant Indigenous people in conflict with the law the right to request a Gladue Report, which outlines their background/history, and any contributing factors that resulted in them 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, including a youth.

As mentioned, the Province currently contracts MCPEI for a fee for service to draft Gladue Reports.

Provincial Child Sexual Abuse Protocol

Acknowledging that children in care are often more vulnerable to be involved in the criminal justice system, there are efforts to address the role of Child Protection and support coordination and communication with the Indigenous community on matters regarding the safety and wellbeing of Indigenous children. .

The Provincial Child Sexual Abuse Protocol, which was originally implemented in 2013, involves six government departments, all Island police services and both First Nations. All partners signed on to the protocol to support an integrated, collaborative response to child sexual abuse. The provisions related to Indigenous communities were designed to ensure that services are delivered in a manner that preserves and promotes the Indigenous cultural identity of children

and families. It also recognizes that Child Protection Services of PEI consult and collaborate with the Indigenous community on decisions regarding PEI's Indigenous children involved with Child Protection Services.

40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.

Through the provincial Victim Services program, Indigenous victims of crime in PEI have access to all the same services as other victims of crime, such as but not limited to information about the justice system, court preparation, emotional support and short term counseling, help to prepare a victim impact statement, criminal injuries compensation, and help for victims of family violence.

Victim Services participated in research on "Mapping the Needs and Assets of Aboriginal People in the Justice System in PEI" published in 2012.

Victim Services is actively involved in various government initiatives with the goal of supporting Indigenous people in Prince Edward Island.

In 2017, in collaboration with the PEI Aboriginal Women's Association, Native Council of PEI and MCPEI, the Province, led by the Indigenous Relations Secretariat, engaged in research to define and examine the root causes and experiences of violence against Indigenous women and girls in the Province.

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, 2023). The FILU unit has supported family members in obtaining information about their loved ones and has helped assist with costs associated with counselling or therapeutic activities.

The FILU unit also complements and works collaboratively with other existing mechanisms that assist families and victims. Follow up on the research report will continue in partnership with government and indigenous organizations. 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 through follow up from the recommendations of the April 2018 Conference Board of Canada report, "Understanding Violence Against Indigenous Women and the Supports they need in Prince Edward Island".

Project funding has been provided to Indigenous organizations specifically to address violence against Indigenous women and girls and to support cultural healing:

- Abegweit Mi'kmaq Nation Wellness Centre received funding for a project "Reclaiming cultural connection and healing through traditional dance". This was a 10 week program

(January to March, 2019) with weekly dance sessions targeting children and youth up to age 30, but open to all community members.

- The FILU partnered with the Interministerial Women’s Secretariat to fund a project of the PEI Aboriginal Women’s Association “Finding Our Way Through Prevention and Knowledge”. The project is designed to raise awareness about violence against women while providing a safe environment to receive information about available programs, services and cultural knowledge sessions.
- MCPEI received funding to develop a “PEI Missing Indigenous Persons Tool Kit – A Guide for Families and Communities”. This will assist in responding in a case of a missing or murdered Indigenous person.
- Aboriginal Women's Association received funding through the Interministerial Women’s Secretariat and FILU to supportively engage the Indigenous women's community in PEI to enhance awareness and social action on the Missing and Murdered Indigenous Women and Girls (MMIWG) Final Report's Calls for Justice. The project intends to positively impact and benefit the equality of all Indigenous women in PEI, while providing a supported approach to engagement that holistically reduces barriers, is culturally appropriate, increases awareness, constructively educates, enhances capacity, and promotes positive social action that affects women's health, legal, economic, and social equality in the province.
- In January, 2021, PEI FILU provided cultural support funding to support Indigenous-led healing activities for MMIWG families. Activities included sharing stories and experiences, art, exercise, and cooking. Various teachings, led primarily by Elders in the community, were incorporated into the activity.

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

The Province of PEI proudly supports reconciliation in the justice area, involving culturally relevant, holistic approaches to justice and community healing. The Province works together with the PEI Mi’kmaq in supporting initiatives like the MCPEI’s Indigenous Justice Program to ensure that flexible and responsive justice related services are in place that promote favourable, long-term change for Indigenous and non-Indigenous Islanders alike. The Indigenous Justice Program is administered by MCPEI and advised by an Indigenous Advisory Committee, which is comprised

Reconciliation

Canadian Governments and the *United Nations Declaration on the Rights of Indigenous People*

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

In December 2020, the Government of Canada introduced Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* for first reading.

The Government of PEI continues to review and analyze the implications of the UNDRIP legislation tabled by the federal government. We will continue to monitor federal developments and remain responsive to any information exchange opportunities.

Royal Proclamation and Covenant of Reconciliation

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

The Government of Prince Edward Island has aligned its processes to be consistent with the Supreme Court of Canada's guidance on the honour of the Crown and the Crown's duty to consult.

The Province endorses the objective of "reconciliation", as articulated by the Supreme Court of Canada. The Province does not rely on the doctrines of discovery or *terra nullius*, and recognized that prior to the arrival of Europeans in North America, the land was already occupied by distinctive aboriginal societies. The Province is actively working to advance reconciliation with Indigenous peoples, including through the signing of a Framework Agreement with Canada and the Mi'kmaq of PEI.

Equity for Aboriginal People in the Legal System

52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:

i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.

ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.

In the Framework Agreement signed between the Province, Canada and the Mi'kmaq of Prince Edward Island, the parties agreed to discuss various rights-based matters. The Province believes that discussion and negotiation is the preferred means of addressing legal uncertainty and promoting reconciliation.

National Council for Reconciliation

55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:

- i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non- Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.***
- ii. Comparative funding for the education of First Nations children on and off reserves.***
- iii. The educational and income attainments of Aboriginal peoples in Canada compared with non- Aboriginal people.***
- iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.***
- v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.***

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.

Professional Development and Training for Public Servants

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

Each year, the Indigenous Relations Secretariat offers training for the public services in partnership with MCPEI and/or L'nuey. This year, the Indigenous Relations Secretariat partnered with L'nuey to organize a series of learning sessions on a variety of topics including the impact of residential schools, First Nations governance, duty to consult, Mi'kmaq culture and tradition, and

Mi'kmaq history in PEI. The sessions took place over five weeks in March and often had upwards of 80 participants from the public service in each session. After a strong indication of interest in these sessions, the Secretariat will likely organize another series in Fall 2021.

Education for Reconciliation

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:

i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.

ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.

iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.

iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.

The Department of Education and Lifelong Learning has a number of education initiatives underway. This includes the “4 Seasons of Reconciliation” training that is provided to all educators. The online learning module provides diversity and inclusion awareness training and a historical perspective for teaching Indigenous ways of being. Any educator that completes the training receives a certificate from the First Nations University of Canada.

Updates to curriculum to include Indigenous history and perspectives are underway. The Language Arts Curriculum committee prioritized the inclusion of diverse perspectives in literature and worked with outside agencies such as the Mi'kmaq Confederacy of PEI to evaluate and select titles to be included in classroom libraries for students in grades 7-9. Social studies curriculum for grades K-12 is being developed to include Indigenous history, including residential schools, culture and tradition. This development includes sharing information and best practices on teaching this content and identifying the training needs educators may have to deliver content. The integrated curriculum for grades K-6 includes Indigenous culture and a focus on identity and self-awareness.

The Student Wellbeing Teams (SWT) work diligently to specifically address the needs of on and off reserve Indigenous students. A representative from MCPEI sits on the Student Wellbeing Teams Steering Committee, ensuring that the needs of Indigenous students are considered in the delivery of these services. The Student Wellbeing Teams also work with a Transition Coordinator at MCPEI to assist and ensure smooth transition for Indigenous students leaving

school on the reserve to attend intermediate school beginning in grade 7. There are three Student Wellbeing Team Leads working with Abegweit, Scotchfort and Lennox Island to provide support for Indigenous students and their families. SWT members have taken cultural sensitivity training and professional development that includes Indigenous concepts such as Healing Circles and Restorative Justice.

The Department is creating a committee with Indigenous representatives, teachers, and government officials to develop additional content for curriculum. Including Indigenous perspectives in this process will ensure that we honour the importance of education in the reconciliation process.

In further promoting reconciliation efforts, a pilot project saw 65 students gather with their peers at Abegweit First Nation to gain perspective and knowledge. A collaborative project between Senator Brian Francis and members of the local performing community promoted the singing of the national anthem in Mi'kmaq in Island schools. Schools province-wide also observe Orange Shirt Day each year.

Recently, a blanket exercise was held with grade seven students at Summerside Intermediate School, providing a moving experience for students as they participated in a historical timeline of Indigenous people in Canada.

64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

The Department of Education and Lifelong Learning provides access to teaching resources and professional development for the teachers at the two private (faith based) schools on PEI but does not provide funding.

Missing Children and Burial Information

71. We call upon 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 Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.

There were no residential schools located on PEI, therefore, no missing children or burial information exists.

75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and

protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of appropriate memorial ceremonies and commemorative markers to honour the deceased children.

There were no residential schools located on PEI, therefore, no missing children or burial information exists.

National Centre for Truth and Reconciliation

76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:

- i. The Aboriginal community most affected shall lead the development of such strategies.***
- ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.***
- iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.***

There are no residential school cemeteries on PEI. PEI will monitor progress on this call to action.

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.

There are no known documents within the PEI Public Archives related to the Indian Residential Schools.

Commemoration

82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.

The Government of PEI is exploring opportunities to implement this Call to Action.

Sports and Reconciliation

87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.

There are three Indigenous 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 MCPEI documentary on Island Indigenous athletes about four years ago, and have been advising on the Michael Thomas run that takes place in Stratford each year.

88. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.

The Province has provided \$153,140 in 2020-21 as part of the Sport Bilateral to the Mi'kmaq Confederacy of PEI for the PEI Aboriginal Sport Circle. This includes:

- The Mi'kmaq Confederacy received \$50,000 to support Indigenous communities and individuals for sport opportunities that will have a direct impact on enhancing athlete, coaching, officiating, and or volunteer development. The funding supports partnerships and engagement that will enhance activities in each stage of long-term athlete development for Indigenous sport.
- The Confederacy has an Aboriginal Sport Circle Advisory Committee that works closely with the Lennox Island and Abegweit Band Councils as well as off reserve. The Mi'kmaq Confederacy hires a coordinator to assist with moving Indigenous sport development forward within the Province.
- Funding of \$103,140 was also distributed to strengthen Indigenous leadership and capacity within the PEI Aboriginal Sport Circle, and to increase culturally relevant sport programming for Indigenous, including preparation and training for the North American Indigenous Games.

90. We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:

i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse cultures and traditional sporting activities of Aboriginal peoples.

ii. An elite athlete development program for Aboriginal athletes.

iii. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.

iv. Anti-racism awareness and training programs.

As stated above, the Province has provided \$153,140 in 2020-21 as part of the Sport Bilateral to the Mi'kmaq Confederacy of PEI for the PEI Aboriginal Sport Circle. This includes:

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Additionally, through the federally funded COVID 19 Emergency Sport Funding, MCPEI received \$55,000 in 2020-21 to support continuity of operations, maintain jobs, enable organizations to continue contributing to the sport sector and generally stabilize the sector.



TRUTH AND RECONCILIATION
COMMISSION OF CANADA:

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