



## Canada's TRC: Special Challenges

Indigenous populations throughout the world are widely recognized as groups affected by political and economic marginalization. Countries that have used truth commissions to examine patterns of exclusion—including Chile, Guatemala and Peru—have found clear links between racism, political marginalization, economic exclusion and violence. The Canadian TRC might benefit from exploring these lessons as it carries its work forward.

### BACKGROUND

Canada's Truth and Reconciliation Commission is the first to be established as part of a judicially mediated agreement instead of through legislation or decree. It is also the first that focuses exclusively on crimes committed against children and indigenous groups. As such, the commission faces a number of challenges and opportunities.

Armed conflicts have disproportionately affected indigenous groups, as seen in Guatemala and Peru. But indigenous groups have also suffered in peaceful societies. Market economies have limited indigenous peoples' access to the land and resources that are the cornerstones of their identity and livelihood. Promoting a cohesive national identity, as occurred in Australia, the United States and Canada, forced indigenous peoples to assimilate—and this too damaged their cultures.

Many nations in the Americas are committed to building a more effective legal framework that promotes the rights of indigenous peoples within the framework of the Organization of American States (OAS). The Inter-American Court of Human Rights has developed progressive jurisprudence on cultural rights, land issues and culturally sensitive justice practices in the Americas. Most countries, with the notable exception of Canada, have supported the United Nations Declaration on the Rights of Indigenous Peoples.

### THE SPECIFIC EXPERIENCE OF WOMEN AND GIRLS

Truth commissions around the world have become aware of the need to focus research on crimes that affect women disproportionately, such as sexual violence. To do so, TRCs have developed strategies to reach women and girls, earn their trust and encourage them to testify about their experiences. Commissions established after conflicts in Sierra Leone, Liberia and Timor-Leste

included gender perspectives in their mandates. Members of the commissions traveled around those countries with women's groups to solicit women's views on the TRCs. The commissions held national thematic hearings on women and provided optional in camera hearings for sexual violence survivors. This is especially important for Canada's TRC since extensive sexual abuse of both boys and girls in the Indian Residential School system is well documented.

The long-term impacts of gendered human rights violations on indigenous communities include high levels of domestic violence, alcoholism and suicide.

### CHILDREN'S EXPERIENCES AND MEMORIES

Whether or not children are directly targeted, they are among those most affected by the social, economic, political and psychological dislocation of conflict and legacies of abuse. In recent years, TRCs have reached out to children's groups, child parliaments and youth-run networks. At the operational level, the adoption of a child rights-based approach has important implications for staffing, research and investigations, resource allocation and recommendations for reform.

To encourage the participation of children affected by inter-generational damage, a TRC should develop clear messages explaining its objectives and limitations. Child protection organizations can guide efforts to assess potential risks, devise protective policies and promote meaningful participation. Truth commissions are also instrumental in enriching a nation's educational system by supporting the incorporation of human rights and peace education into the curriculum.

### NATIONAL RECONCILIATION

Reconciliation is the process of overcoming past enmity and division. Nations undergo this to break a cycle of resentment, promote civic trust and shore up the legitimacy of state institutions. A successful reconciliation often hinges on taking certain steps to confront past wrongdoing. They are listed below:

- acknowledgment that certain treatment was wrong, through truth-telling, public apologies and reparations;
- sanctioning individuals most responsible for the wrongs;
- reforming systems that made the wrongs possible in order to prevent their recurrence; and
- consulting with those who were wronged in developing these steps.

Since the South African TRC convened in the 1990s, reconciliation has become an important feature of societies trying to come to terms with a history of systematic exclusion. Some experts have noted the potential for false reconciliation, in which the ruling powers or dominant groups manipulate the process in order to maintain their own privileges. Others noted the potential for premature reconciliation, when the people of a nation were not ready to truly acknowledge the wrongs of the past. And some experts point to situations in which what is called reconciliation means impunity and amnesia.

There is no template for achieving reconciliation. Any fundamental shift in power relations between groups is likely to take place only over the long-term and through the actions of many people and institutions. Reconciliation may be an ideal that is never fully achieved, but should remain a goal.

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