

corroboration in the form of physical evidence.¹²¹ This approach was based on an unwillingness to take the complainant's own evidence as sufficient to justify a prosecution. It betrays an unwillingness to take the evidence of Aboriginal people as being worthy of belief. At best, the refusal to prosecute without corroboration was based on a belief that the denial of any accused person who occupied a position of authority at the schools would be sufficient to create a reasonable doubt about guilt.

Since 1982, the requirement for corroboration was specifically dropped for sexual offences, and it was never required for non-sexual offences.¹²² The Commission is concerned that a continued insistence on corroboration has resulted in discriminatory treatment of Aboriginal victims.

Few criminal prosecutions

The Commission has been able to identify fewer than fifty convictions stemming from allegations of abuse at residential schools. This figure is insignificant compared with the nearly 38,000 claims of sexual and serious physical abuse that were submitted as part of the Independent Assessment Process (IAP), set up under the Settlement Agreement.¹²³

Although there were not many prosecutions for sexual abuse, there were even fewer charges of physical abuse brought against former school staff. The RCMP's own report suggests that the E Division Task Force viewed physical assaults against Aboriginal children as being less serious than sexual abuse. The RCMP attributed complaints by former students about assaults as evidence of a "culture clash between the rigid, 'spare the rod, spoil the child' Christian attitude, and the more permissive Native tradition of child-rearing."¹²⁴ This preconception undoubtedly affected the number of prosecutions that occurred for physical abuse at the schools.

Civil litigation

Having generally failed to find justice through police investigations and criminal prosecutions, residential school Survivors increasingly turned to the civil justice system in the 1990s, bringing lawsuits against abusers as well as the federal government and the churches that operated the schools. The Canadian legal system, however, was prepared to consider only some of the harms that the Survivors suffered—generally, those harms caused by sexual and sometimes physical abuse. It refused to consider on the merits the Survivors' claims relating to loss of language, culture, family attachment, and violation of Treaty rights to education. The Canadian legal system refused to consider the claims that Survivors brought on behalf of their parents and their children. It also refused to provide