

Canada's apology in 2008. In fact, some of the damages done by residential schools to Aboriginal families, languages, education, and health may be perpetuated and even worsened as a result of current governmental policies. New policies can easily be based on a lack of understanding of Aboriginal people, similar to that which motivated the schools. For example, current child-welfare and health policies that fail to take into account the importance of community in raising children can result in inappropriate decision making. We must learn from the failure of the schools in order to ensure that the mistakes of the past are not repeated in the future.

Despite the challenges and failings in responding to the legacy of residential schools, and a concern that the federal government may have lost a sense of urgency on these issues since the 2006 Indian Residential Schools Settlement Agreement and Canada's apology in 2008, the Commission is nonetheless cautiously optimistic that promising pathways to constructive reforms do exist. These could include new strategies based on respect for Aboriginal self-determination and for Canada's obligations under Treaties, and Canada's endorsement of the new *United Nations Declaration on the Rights of Indigenous Peoples*.

In its February 2012 *Interim Report*, the Commission observed that the *United Nations Declaration* provides a valuable framework for working towards ongoing reconciliation between Aboriginal and non-Aboriginal Canadians. We continue to encourage all governments, and all the legal parties to the Settlement Agreement, to use it as such a framework.⁶

The Government of Canada initially refused to adopt the *Declaration*. When it finally did endorse the *Declaration*, it did not fully embrace its principles, saying that "it is a non-legally binding document that does not reflect customary international law nor change Canadian laws."⁷ The Commission is convinced that a refusal to respect the rights and remedies in the *Declaration* will serve to further aggravate the legacy of residential schools, and will constitute a barrier to progress towards reconciliation.

Child welfare

Residential schools, as acknowledged by the prime minister's own admission in his 2008 official apology from Canada, were an attack on Aboriginal children and families. They were based on racist attitudes that considered Aboriginal families as being frequently unfit to care for their children. By removing children from their communities and by subjecting them to strict discipline, religious indoctrination, and a regimented life more akin to life in a prison than a family, residential schools often harmed the subsequent ability of the students to be caring parents. In many ways, the schools were more a child-welfare system than an educational one. A survey in 1953 suggested that of 10,112 students then in residential schools, 4,313 were either orphans or from what were described as "broken homes."⁸ From the 1940s onwards, residential schools increasingly served as orphanages