

Speaking at the British Columbia National Event, Honorary Witness and former lieutenant governor of British Columbia, the Honourable Steven Point, said:

We got here to this place, to this time, because Aboriginal Survivors brought this [residential schools] to the Supreme Court of Canada. The churches and the governments didn't come one day and say, "Hey, you know, we did something wrong and we're sorry. Can you forgive us?" Elders had to bring this matter to the Supreme Court of Canada. It's very like the situation we have with Aboriginal rights, where nation after nation continues to seek the recognition of their Aboriginal title to their own homelands.⁵⁴

The Commission believes that Survivors, who took action to bring the history and legacy of the residential schools to light, who went to court to confront their abusers, and who ratified the Settlement Agreement, have made a significant contribution to reconciliation. The Truth and Reconciliation Commission of Canada was not established because of any widespread public outcry, demanding justice for residential school Survivors.⁵⁵ Neither did the Settlement Agreement, including the TRC, come about only because government and church defendants, faced with huge class-action lawsuits, decided it was preferable to litigation. Focusing only on the motivations of the defendants does not tell the whole story. It is important not to lose sight of the many ways in which Aboriginal peoples have succeeded in pushing the boundaries of reconciliation in Canada.

From the early 1990s onward, Aboriginal people and their supporters had been calling for a public inquiry into the residential school system. The Royal Commission on Aboriginal Peoples made this same recommendation in 1996. A majority of Survivors ratified the Settlement Agreement, in part because they were dissatisfied with the litigation process. Survivors wanted a public forum such as a truth and reconciliation commission so that Canada could hear their unvarnished truths about the residential schools. Survivors also wanted a formal apology from Canada that acknowledged the country's wrongdoing.⁵⁶ Due in large part to their efforts, the prime minister delivered a national apology to Survivors on behalf of the government and non-Aboriginal Canadians.

Although societal empathy for Aboriginal victims of abuse in residential schools is important, this alone will not prevent similar acts of violence from recurring in new institutional forms. There is a need for a clear and public recognition that Aboriginal peoples must be seen and treated as much more than just the beneficiaries of public good will. As holders of Treaty, constitutional, and human rights, they are entitled to justice and accountability from Canada to ensure that their rights are not violated.

In his initial report, tabled in August of 2012, Pablo de Greiff, the first UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, pointed out that in countries where prosecuting individual perpetrators of criminal acts involving human rights violations has been difficult, other measures such as truth-seeking forums, reparations, and institutional reforms are especially critical. Such measures enable victims of state violence to develop some confidence in the legitimacy