

## **RESIDENTIAL SCHOOL SURVIVORS CAN HAVE THEIR SAY**

Indian Residential School Survivors finally have an opportunity to voice their opinion about the Residential School Settlement Agreement.

The Residential School Settlement Agreement received final Cabinet approval on May 10, 2006. The deal was the result of negotiations between Canada, the Assembly of First Nations, the Churches and some of the lawyers representing Survivors. Survivors did not provide any direct input in the formation of this Agreement. Now, Survivors finally have a chance to voice their opinions.

Before it is final, the Agreement requires Court approval in at least nine of the provinces and territories. The Courts in ten provinces and territories have scheduled dates for a hearing. At these hearings, judges will consider the terms of the Agreement and whether the Agreement is fair, just and reasonable. Survivors and their family members can attend these court hearings to voice their opinions about the settlement. **In British Columbia the hearing date is scheduled for October 10-12, 2006.**

While Survivors will have an opportunity to speak at the hearing, the hearing is for only three days. **It is not guaranteed that everyone will get an opportunity to speak.**

Thus, it is recommended that Survivors who wish to object to any part of the Agreement, do so by one of the following three methods:

1) Write to:

Residential Schools Settlement  
Suite 3-505, 133 Weber St. North,  
Waterloo, Ontario N2J 3G9,

2) Send an email to: ([objections@residentialschoolsettlement.ca](mailto:objections@residentialschoolsettlement.ca)), or

3) Call toll free 1-866-879-4913.

Objections submitted through one of the above three methods are guaranteed to be taken into account when the Court makes its decision whether to approve the Agreement, and **must be submitted by August 25, 2006**.

If Courts in nine of the provinces and territories approve the Agreement, it will become final. If the Agreement is approved in its current state, there will be a five

month opt-out period before it is implemented. In this period, survivors who choose not to participate in the settlement can opt-out. After the opt-out period, the government will begin to distribute the Common Experience Payment ["CEP"] and implement the Independent Assessment Process ["IAP"] for Survivors who suffered physical, sexual and other serious abuse while at residential school.

Canada is making certain advance payments to elders prior to the approval of the Settlement Agreement.

Survivors must be aware of how the Agreement as it stands will affect their rights. If they accept the CEP, they will no longer have the right to sue Canada or the Churches in court for the sexual abuse they may have suffered at residential school. Under the Agreement, survivors who accept the CEP could only be compensated for proven sexual and physical abuse claims in the IAP. Under the IAP compensation for sexual and physical abuse is calculated by way of a "points" system—rather than in accordance with legal principles.

On the other hand, if a Survivor opts out of the settlement, he or she will not be eligible for the CEP but will maintain the right to sue in court. It is important that Survivors talk to a lawyer to seek advice about the impacts of the Agreement.

#### RESOURCES:

[http://www.residentialschoolsettlement.ca/english\\_index.html](http://www.residentialschoolsettlement.ca/english_index.html)

OR

Call Karim Ramji or Niki Sharma

Toll free 1-866-688-4272