

Indigenous Youth and Experiences with Transitional Justice in Canada

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Introduction

In the wake of human rights violations, international bodies have encouraged the use of trans-itional justice models to provide redress for assimilatory and genocidal policies enacted upon Indigenous peoples. Transitional justice tools have included the use of investigative truth commissions or tribunals, monetary compensation, memorialization projects, national apologies, and amnesty for perpetrators (Hinton 2010). Created in the aftermath of World War II, transitional justice was not intended to address colonial violence, yet it has been adopted with varying degrees of formality to do exactly that in countries such as Australia, Canada, and the United States (Keynes 2019; Kim 2018; Nagy 2013).

The government of Canada (GOC) implemented a transitional justice program as part of the 2006 Indian Residential School Settlement Agreement which sought to provide justice, accountability, and reconciliation for over 86,000 survivors of the government-funded and church-administered Indian Residential Schools. The schools operated from the 1800s until 1996 as part of a system of forced assimilation fraught with sexual abuse, physical abuse, and medical experimentation (Mosby and Galloway 2017). These institutions were similar to the U.S. Indian Boarding Schools which operated until the mid 1970s (Kim 2014; Mosby and Galloway 2017). The settlement agreement aimed to engage the now-adult survivors of the Indian Residential School System and to identify the whereabouts of the 6,000 children who “disappeared” from residential school custody.

While vast literature has critiqued the implementation and efficacy of transitional justice, less attention has been paid to Indigenous children’s experiences with transitional justice redress, and even less so the experiences of children not directly targeted by the narrowly-defined anti-Indigenous policies in question. *What of those who did not experience the human rights violation firsthand, but experienced the lasting impacts? Where was justice for Indigenous youth? How did they seek justice and reconciliation?* This piece draws on 13 months of ethnographic fieldwork spread over four years to identify the on-the-ground Indigenous perceptions of Canada’s transitional justice response to the Indian Residential Schools. Participant observation of state-sponsored, grassroots, Indigenous, and non-Indigenous transitional justice events occurred primarily in British Columbia, Canada. Informal and semi-structured interviews included but were not limited to, those affiliated with Indigenous non-profit organizations, the legal sector, involved churches, and the media. No single Indigenous ethnic group was selected, since all were impacted by the residential schools and the subsequent transitional justice investigations, compensation, commemoration events, and apologies.

Youth Engaging in Transitional Justice

Canada's national transitional justice implementation had spotty awareness among settlers. However, notions of justice permeated Indigenous communities and urban Indigenous youth sought the opportunity to create and participate in justice and reconciliation-related events. Repeatedly, over and over, youth vocalized that they "did not know" about the existence of residential schools (which had been masked through historical revisionism), about the abuses their families endured, or about how residential schools played a hand in their own family dynamics. For many, familial experiences of acculturation through forbidden use of language, rites, rituals, and cosmological beliefs existed as a painful memory not to be discussed, leaving youth without explanation for intergenerational trauma that impacted many in the Indigenous communities. A Voices Youth Conference, organized by youth to engage with community elders and family members aimed to break this silence. Indigenous music artists performed, and youth presented what they learned about the residential schools. Open mic sessions allowed youth to share how the residential schools continued to impact them and their families and ask the elders in attendance questions about their experiences with residential schools and the after-effects.

There were strong parallels between the transitional justice-inspired youth conference and an addiction recovery graduation ceremony. The group home specifically served Indigenous youth overcoming substance abuse problems. Programming drew on traditional skills and practices from local Indigenous ethnic groups. Case managers used diverse traditional and tribal-specific music, dance, art and skill-building to facilitate the recovery process while attempting to undo colonial assimilatory policies. The teenagers participating in the graduation were overwhelmed with emotion and showed pride in their creative and traditional achievements while singing songs and drumming. Facilitators confided that they feared relapse as the young men and women graduated out of the program and returned to the greater settler-dominant urban community that did not support Indigenous identities.

With these events happening during times of transitional justice, an underlying thread became clear: identity could be conceptualized as a resource that youth ardently sought. The residential school system, like many colonial policies—both past and current—strived to erase, stigmatize, and racialize Indigenous ethnic groups. As one young man explained during a reconciliation event hosted by a local church, many Indigenous adults and youth experienced pressure to commit to "walking either the red road or the white road". Some settlers in the pews surrounding the young man met this statement with confusion, but the sentiment is common as Indigenous youth continue to have their identities challenged by colonial policies and settler refusal to accept the idea of Indigenous modernity.

Understanding the experiences, trauma, traditions, and beliefs of their families and communities allowed youth to better understand their own positionality and identity. For some, cyclical familial violence began to make sense; for others, relationships between past and current colonial violence were clarified. While they did not attend residential schools themselves, they experienced the widespread impacts of the schools' and government's assimilation policies.

Conclusion

When considering justice for Indigenous youth, practitioners should recognize that youth can be impacted by the silences and voids created by historical violence just as potently as the current physical and structural violence. Erasure of critical pieces of settler-Indigenous histories obfuscate formative experiences not just as part of settler youth indoctrination, but as part of the obliteration of youths' Indigenous identity as well. Symbolic gestures and failure to recognize the relationship between past and current forms of violence experienced by Indigenous youth allow the attack on Indigenous identity to continue. Rather, tangible and substantive support for Indigenous identity that challenges structural and colonial violence, such as that seen in the youth conference dialogue or the recovery program cultural skills-building, can be used to center justice processes.

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