

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

APPLICANT

-and-

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA,
ASSEMBLY OF FIRST NATIONS, CANADIAN HUMAN RIGHTS COMMISSION,
CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL and NISHNAWBE ASKI
NATION**

RESPONDENTS

AFFIDAVIT OF DOREEN NAVARRO

I, Doreen Navarro, of the City of Ottawa, in the Province of Ontario, SOLEMNLY AFFIRM THAT:

1. I am employed as a legal assistant at Conway Baxter Wilson LLP/s.r.l., counsel for the respondent First Nations Child and Family Caring Society of Canada ("**Caring Society**") in this matter. Part of my responsibilities involve assisting David Taylor with the Caring Society file, with respect to proceedings before the Federal Court of Canada with respect to court file T-1621-19. I have knowledge of the facts hereinafter deposed to except for those matters which are stated to be based upon information provided by others, all of which information I believe to be true.
2. On October 25, 2019, Anne Levesque, who is also counsel to the Caring Society, received a letter from Ry Moran, Director of the National Centre for Truth and Reconciliation, regarding the themes in that Centre's forthcoming report titled *Lessons Learned* regarding what worked well and what created challenges for Residential School Survivors, their families and

communities within the Indian Residential Schools Settlement Agreement. A true copy of this correspondence is attached to my affidavit as **Exhibit "A"**.

AFFIRMED BEFORE ME this)
7th day of November, 2019 in the)
City of Ottawa, in the Province)
of Ontario.)
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Commissioner for taking affidavits

LSO# 74272A



DOREEN NAVARRO

THIS IS EXHIBIT " A " TO THE AFFIDAVIT
OF Doreen Navarro SWORN
BEFORE ME, THIS 7th DAY OF
November 2019
ACEJ
Commissioner, etc.

From: Joanna Birenbaum <joanna@birenbaumlaw.ca>
Date: Friday, October 25, 2019 at 8:48 AM
To: "anne@equalitylaw.com" <anne@equalitylaw.com>
Subject: Letter from Ry Moran

Dear Ms. Levesque,

Attached please find a letter from Mr. Moran.

Joanna Birenbaum
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**National Centre for
Truth and Reconciliation**
UNIVERSITY OF MANITOBA

**Centre national pour la
vérité et la réconciliation**
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10/24/2019

Dear Ms. Levesque,

For approximately the past 2 years, the National Centre for Truth and Reconciliation (NCTR) has been collecting the reflections of Residential School Survivors on their experiences within the Indian Residential Schools Settlement Agreement (IRSSA). Included have been discussions on the Independent Assessment Process (IAP) and Common Experience Payments for compensation claims. The NCTR's work in this regard has included a number of community engagement sessions across the country with Residential School Survivors.

The Centre's *Lessons Learned* report arising from this process is forthcoming but not presently available for public release.

The report discusses the Centre's engagement and conversations with IRS Survivors and others and canvasses what worked well and what elements created challenges for Survivors, their families and communities within the Indian Residential Schools Settlement Agreement.

Pending the release of the full report, I can share that the following general themes (among others) emerged from the Centre's engagements with Survivors on their experiences in the Independent Assessment Process ("IAP") under the IRSSA:

1. Speediness of the Process: Delays in compensation processes to former students caused harm to survivors. The Alternative Dispute Resolution Process (ADR) which preceded the IRSSA was generally deemed to be too slow to meet the needs of Survivors – former students were dying before they received compensation while others lost the benefit of treatment and access to services as a result of delayed compensation. The IAP and CEP processes were specifically developed under the IRSSA in an effort to expedite the process of compensation to Survivors.

2. Transparency of the Process and Avoiding Mixed Messages: An important lesson of the IRSSA compensation process relates to the importance of transparency and consistency of messaging around the compensation and eligibility criteria and process. Mixed messages about eligibility for compensation can be harmful.

For example, the Centre heard from former students who were excluded from compensation due to technical legal arguments such as the "administrative split." This caused harm to Survivors.

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We also heard from Survivors that were denied compensation under the Common Experience Payment as a result of being able to have all years of attendance verified by church or government documents. This often resulted in a sense of injustice or lack of recognition.

The exclusion of the Isle-à-la-Crosse School from the IRSSA resulted in a significant feeling of collective harm and betrayal by Métis Survivors. The mechanism by which schools were reviewed and added to the IRSSA caused confusion, and the final list of schools included, did not always align with the early expectations of former students at the outset of the process.

In general, in developing the Lessons Learned report, a theme emerging from consultations was the importance of ensuring that in any compensation process, public messaging and positions taken in court must be consistent, accurate and transparent.

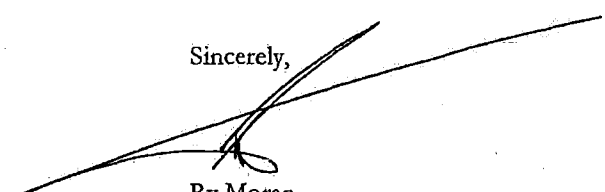
Where there are inconsistencies or perceived inconsistencies in public and litigation positions, trust is eroded. Building trust is at the very heart of our reconciliation efforts as a nation.

I have spoken publicly about the above themes on panels and in other fora.

The information supplied above is also generally well documented in public statements provided by Survivors during the Truth and Reconciliation Commission's statement gathering events.

I would be pleased to send you a copy of Lessons Learned immediately upon its release.

Sincerely,



Ry Moran
Director
National Centre for Truth and Reconciliation