

Protecting the Rights of Indigenous Peoples in Modern Society: The Goals and Challenges of the Canadian Policy of Reconciliation

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Abstract

This paper presents the historical development and context of the status and treatment of indigenous peoples in Canada from the colonial period to the present and examines the official Canadian government policy of reconciliation which is designed to compensate indigenous peoples for past injustices and to assist them in securing a prosperous and successful future in modern society. The Canadian policy of reconciliation is compared and contrasted with similar official government policies and approaches in other countries. In Canada, the First Nations, Inuit, and Métis represent the three main groups of indigenous peoples which can be further subdivided into dozens of major tribes, cultures, and language groups. Indigenous peoples have been subjected to widespread discrimination and racism in Canadian society since the colonial period and continue to face many significant barriers and challenges in modern society as a result of generations of overt and covert discrimination. Due to centuries of discrimination, indigenous peoples in Canada are more likely to live in poverty, to suffer from substance abuse, to be homeless, and to have low levels of education in comparison with other Canadians. Indigenous children are over-represented in the foster care system, and indigenous adults are over-represented in the prison system. Many indigenous communities continue to suffer from a generational trauma resulting from general forms of discrimination and systematic, institutionalized forms of discrimination in the past. Predictions are made regarding the future of official reconciliation with indigenous peoples in Canada based on historical and current data and emerging trends.

Keywords: indigenous peoples, rights, reconciliation, government policy, Canada

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Introduction

The history of indigenous peoples in Canada has been marked by injustices and discrimination in a wide range of forms since the French and British colonial periods. Indigenous peoples in Canada lost control of vast tracts of land and of many aspects of their unique culture and identity under colonialism (Palmer, 2024). The current national government policy of reconciliation offers financial compensation and a multifaceted approach to improving the lives of Canadian indigenous peoples in modern society. The history of the treatment of Canadian indigenous peoples is similar in many other countries which were formerly European colonies. Centuries of unfair treatment and institutionalized, systematic forms of discrimination have created many challenging social problems for Canadian indigenous peoples which may require generations to solve. The official Canadian policy of reconciliation is an important, major first step in a complex, ongoing process of positive societal transformation for indigenous peoples across Canada.

The Historical Status and Treatment of Indigenous Peoples in Canada

The French were the first to colonize Canada in the sixteenth century and often maintained mutually beneficial relations with indigenous peoples in the early stages of colonization. The First Nations, Inuit, and Métis are the three major groups of indigenous peoples which can be further grouped into dozens of main tribes, unique cultures, and native languages across Canada. Although France claimed ownership of Canada, the number of permanent French settlers was small initially. Indigenous peoples maintained their traditional ways of life, were free to move across a large territory, and assisted the French in the fur trade. Both the French and the British used indigenous tribes in North America as allies in military campaigns and worked closely with indigenous peoples to develop and expand the vitally important fur trade (Comack, 2018). Eventually, the French and then the British began to expand tight control of the land as more towns and farms were established. Colonialism deprived native peoples of freedom of movement over vast areas of traditional territory, and this had a negative impact on traditional cultures and identities closely associated with the land (Palmer, 2024). The concept of private land ownership was alien to Canadian Indians who shared the land and moved freely.

Large scale European settlement of Canada began near the middle of the nineteenth century as priority was given to exploiting more natural resources, and increasingly large tracts of land were taken from indigenous peoples who were required to live on relatively small Indian reserves (Comack, 2018). The loss of most of their traditional land had a devastating impact on the traditional way of life and cultures of indigenous peoples. The steadily increasing number of towns and farms displaced many tribes from their traditional lands, and the growing needs of mining companies for larger tracts of land in the nineteenth century greatly increased the trend of displacement.

The traditional laws, customs, practices, and territories of indigenous peoples were often ignored by colonial authorities who wished to increase control of land for economic development. Colonial rulers and Canadian politicians devised successive legal strategies and policies such as the Indian Act to displace and to control the lives of indigenous peoples (Norman et al., 2023). Property laws and European legal codes were sometimes imposed on indigenous peoples with little or no meaningful consultation. The Indian Act, passed in 1876, combined and organized in a systematic fashion previous colonial laws regarding indigenous peoples in Canada, and this historic act was revised and updated on a regular basis for half a

century (Collis, 2022). Laws were used to control land use and the lives of indigenous peoples who had little power in the colonial system and who often struggled to defend their interests and rights. In exchange for giving up the rights to land in government treaties that were sometimes misleading and poorly understood by indigenous leaders, indigenous peoples received the official promise of financial, agricultural, and educational aid (Comack, 2018). However, official treaties signed with indigenous leaders were often unequal and misleading, and sometimes land was taken without any permission or meaningful compensation. In addition to the negative effects of colonialism, capitalism challenged traditional indigenous beliefs, practices, and social norms by emphasizing private ownership of land and resources, and the rights of individuals and private companies (Palmer, 2024). Many tribes that had been completely self-sufficient before colonialism struggled to find their place in a money-based economy with taxes, private land ownership, and the sale of goods and services which required specific skills, formal education, and special knowledge.

A national system of residential schools run by religious organizations was established near the end of the nineteenth century in Canada, and indigenous children were forced to attend these schools. High rates of poverty, substance abuse, and family breakdowns in Canadian Indian reserve communities may be attributed to the trauma caused by the abusive treatment suffered by generations of indigenous children in the residential school system (Baskatawang, 2023). The residential schools were intended to provide indigenous children with a modern education, but indigenous cultures, traditions, and languages were often suppressed. The long separation from their families and communities was a traumatic experience for many indigenous children. Mental and physical abuse of indigenous children in the system of residential schools in Canada, which separated the children from their families and communities, was widespread (Betke, 2023). The level of abuse of indigenous children in residential schools was sometimes extremely high. Indigenous children placed in the system of religious schools across Canada were often subjected to mental and physical abuse for generations (Comack, 2018). The abuse took many forms. There was often little to no oversight or external review of the actions of white residential school teachers, some children were malnourished, and many children died of contagious diseases (Betke, 2023). The management of residential schools lacked transparency and accountability. Abusive treatment of indigenous children in residential schools was sometimes concealed by some members of the Department of Indian Affairs, church groups, the courts, and members of the media (Betke, 2023). Rather than helping indigenous children smoothly enter the workforce and modern society, the poorly managed residential school system often caused lasting psychological damage to indigenous children who were separated from their own native culture without being able to fully enter modern, mainstream society on an equal footing.

As a result of the negative effects of the residential school system and other forms of overt and covert discrimination in modern society, indigenous peoples often suffer from many social disadvantages. Discrimination and racism rooted in the colonial past continue to adversely affect the lives of many Canadian Indians, placing them at a high risk of homelessness and other social problems (Bingham et al., 2019). The long history of land displacement and of unequal and unfair treaties and agreements continues into the present day in the form of legal disputes with energy and mining companies and corporations over land rights and use. The needs of large corporations for mineral rights and other natural resources has often led to the controversial use or moving of reserves given to indigenous peoples according to various government treaties, and this unfair, unequal treatment may have further impoverished many indigenous communities (Comack, 2018). However, indigenous peoples and their legal representatives have become more skillful and successful

at defending their rights and interests in modern society. Since 2005, different Canadian governments have passed new laws regarding indigenous peoples that affect land rights, the use of natural resources, and taxes (Collis, 2022). Indigenous groups have become more organized and united to gain political support, to obtain compensation for past injustices, and to win major legal cases.

The Challenges Faced by Indigenous Peoples in Modern Canadian Society

Centuries of discrimination and racism have had a negative psychological and economic impact on the lives of indigenous peoples in Canada. A high proportion of indigenous Canadians live in poverty caused by a wide range of social factors and trauma from the colonial past (Comack, 2018). Many indigenous people have become trapped in a cycle of poverty. A lack of employment opportunities, low levels of education, and a cycle of poverty affect many Indian reserves in Canada which also suffer from high rates of suicide and other serious social problems (Grover, 2005). Higher levels of education, social stability, and job skills are needed to break the cycle of poverty.

Indigenous Canadians face many challenges and biases in the justice system. Indigenous peoples are over-represented in Canadian prisons as a result of unfair, unequal treatment, and discrimination in addition to social problems resulting from colonization (Norman et al., 2023). Poverty, homelessness, and family breakdowns may lead to crime, and indigenous Canadians are not always treated fairly in the justice system. The indigenous adult population is over-represented in the Canadian prison system, and the children of indigenous parents are over-represented in the foster care system (Comack, 2018). More social support programs are needed, and the treatment of indigenous Canadians in the foster care system and in the prison system needs to be improved. Indigenous youth are over-represented in the foster care system as a result of family breakdowns and social problems which originate to some extent in unfair treatment since the colonial period and the oppressive system of residential schools (Kakewash, 2024). The legacy of the colonial past continues to negatively affect the lives of indigenous Canadians.

The psychological stress of racism and poverty often leads to substance abuse which causes more social problems. There is an over-representation of Indigenous peoples in the number of homeless in Canada, and many homeless indigenous people suffer from high rates of substance abuse (Bingham et al., 2019). Low levels of education may lead to increased levels of homelessness. Indian and Northern Affairs Canada, a government organization, published a study which concluded that indigenous youth were more likely to drop out of school than other Canadians and noted the over-representation of indigenous youth in the homeless population (Grover, 2005). Education tailored to meet the needs of indigenous Canadians is essential.

Hunger and poverty are significant problems in some Inuit communities. Poverty, lack of access to traditional foods, and climate change have contributed to a growing problem with food security for indigenous communities in the north of Canada (Trott & Mulrennan, 2024). Some members of Inuit groups, who were expert hunters for generations and self-sufficient in food, are now experiencing poverty and malnourishment in modern settlements and in a modern economy. Canadian Indians who do not live on Indian reserves are at a high risk of obesity and other health problems due to high rates of smoking, lack of exercise, and poor diets associated with low incomes (Keshavarz et al., 2023). Indigenous Canadians are sometimes at a high risk of serious health problems due in part to poverty and a lack of

education. Canadian and American Indians may often be victims of racism and discrimination and may suffer from high levels of stress, anxiety, and alcohol abuse as a result (de la Salle et al., 2022). Poverty and discrimination can also lead to negative physical effects and serious health problems. The Truth and Reconciliation Commission (TRC) of Canada concluded in 2015 that the colonial period and residential schools have had a negative impact on the health of indigenous peoples and that Canadian nurses need to be aware of this impact (Bolly et al., 2024). Health care for indigenous peoples needs to be improved.

The Official Canadian Government Policy of Truth and Reconciliation

Significant financial compensation is a key component of reconciliation. In 2006, after a class action lawsuit, the Canadian government paid over five billion dollars to the indigenous victims of the residential school system in accordance with the historic Indian Residential Schools Settlement Agreement (Baskatawang, 2023). This settlement was a major step in the process of reconciliation. The Prime Minister of Canada, Stephen Harper, issued an official apology in an official session of parliament to all the victims of the residential school system in 2008 (Gettler, 2017). The historic, official apology by a Canadian Prime Minister for past injustices and the infamous residential school system was another major event in the ongoing process of reconciliation. Also in 2008, The Canadian government created the Truth and Reconciliation Commission (TRC) to investigate thoroughly the lasting damage caused by the residential school system, which ended completely in 1996 after more than a century of operation, to the culture, collective identity, and unique linguistic heritage of Canadian Indians (Chan et al., 2019). The Truth and Reconciliation Commission was a major, national undertaking by the government. The government demonstrated that it was serious about meaningful and lasting reconciliation. The Truth and Reconciliation Commission of Canada (TRC), which started its work in 2008 and published its findings in six volumes in 2015, used a wide range of research methods and public sources including the testimony of survivors of the residential school system (Gettler, 2017). The TRC focused on the damage caused by the residential school system. The Truth and Reconciliation Commission (TRC), in 2015, made 94 concrete recommendations for change related to government, legal institutions, religious organizations, schools, and other sectors of society to improve the lives of indigenous peoples and to redress past injustices (Chan et al., 2019). Many of the TRC recommendations for change have been implemented.

The findings of the TRC have had a direct influence on the content of history classes in Canadian schools. The colonial period of Canada is being viewed in a more critical fashion, and sensitive issues of racism and cultural destruction are being discussed and examined carefully in schools to create a more informed and tolerant society (Wallace-Casey, 2022). The viewpoints of indigenous peoples were often absent from formal education in the past. The culture of indigenous peoples in Canada has been suppressed in or absent from public education for generations and needs to be included in the curriculum of schools to improve cross-cultural understanding (Chan et al., 2019). Educational institutions help to shape the values of a society. The teaching of history in Canadian school systems has been directly influenced by the findings and specific recommendations of the 2015 Truth and Reconciliation Commission of Canada (Wallace-Casey, 2022). Education can help to end discrimination and racism.

The TRC findings also directly affected Canadian laws. After the publishing of the findings and recommendations of the Truth and Reconciliation Commission in 2015, the Canadian government passed Bill C-15, which requires Canadian laws to be consistent with the United

Nations Declaration on the Rights of Indigenous Peoples (Baskatawang, 2023). Bill C-15 demonstrates the commitment of the Canadian government to human rights. The respect for and promotion of traditional indigenous legal practices may play an important role in lasting reconciliation in Canada (Bell & Friedland, 2019). Laws have become useful tools for protecting the rights of indigenous peoples.

The process of reconciliation and compensation for past injustices is an ongoing process involving many different organizations. The Canadian Human Rights Tribunal ruled in 2016 that major reforms of and investments in the First Nations Child and Family Services Program were necessary (Indigenous Services Canada, 2024). Compensation is sometimes linked to the comprehensive reform and improvement of government institutions and systems, but compensation packages are not always accepted automatically. For example, the Assembly of First Nations, a national organization which represents many indigenous tribes and groups in Canada, rejected a multi-billion dollar agreement that would have significantly reformed the First Nations Child and Family Services Program in October, 2024 (Indigenous Services Canada, 2024). The indigenous groups involved wanted more improvements to be made to the proposed reforms. The First Nations want to significantly reduce the number of indigenous children currently in the foster care system and to explore ways to keep children in their indigenous communities close to their families and native heritage (Indigenous Services Canada, 2024). Indigenous children need to be supported and protected by their own communities and should not be separated from their native culture by force.

National Reconciliation and Indigenous Peoples in Other Countries

Many former British colonies share a similar history. The colonial history of Canada, Australia, and the United States of America is similar and involved the forced removal of indigenous peoples from traditional lands and a systematic policy designed to suppress indigenous cultures, languages, and values in residential schools (Tsosie, 2023). The mistreatment suffered by generations of indigenous peoples in residential school systems in Canada and in other countries has led to a desire for more independence. Indigenous peoples in Canada want more autonomy and self-governance which incorporates, promotes, and respects indigenous culture and traditions (Baskatawang, 2023). Modern borders create additional challenges for forms of self-governance. The modern border between Canada and the United States of America separated and divided many indigenous tribes and groups (Tsosie, 2023). The legacy of the past continues to cause problems for the increased autonomy of indigenous groups in physical, geographical forms.

2008 was a landmark year for official state apologies to indigenous peoples. In 2008, both the Australian Prime Minister and the Canadian Prime Minister issued official government apologies in their respective parliaments to their respective indigenous peoples for residential school systems which tried to forcibly assimilate indigenous children, leading to many cases of abuse (Lightfoot, 2015). The high level, public apologies focused attention on reconciliation in Canada and Australia. Highly publicized, official government apologies do not necessarily translate into more concrete actions and effective efforts to achieve deep and lasting reconciliation with indigenous groups (Tager, 2014). However, the long process of reconciliation in Canada has produced a steady stream of tangible results. In 2009, the American Senate approved the passing of a bill which contained an official apology to American Indians for past injustices, and numerous apologies have been made by the government of New Zealand to Maori groups (Lightfoot, 2015). The official apologies in Canada and Australia influenced domestic politics in other countries with indigenous peoples.

The strength of the apologies in Canada and Australia to indigenous peoples seems greater than that of the apology issued in the United States of America, and this may be explained by years of more active and coordinated actions by indigenous peoples in Canada and Australia to obtain an official apology and more autonomy (Tager, 2014). Indigenous groups in Canada and Australia may be more united and effective in obtaining political support and in using the legal system to protect their rights. Since 2010, official government apologies have also been made to indigenous groups for past injustices in many Latin American countries (Lightfoot, 2015). Gaining political support and influence is a challenge for indigenous peoples. The percentage of the respective populations of Canada, Australia and the United States of America composed of indigenous peoples is small, and the small number of indigenous peoples reduces their political influence (Tager, 2014). Despite the lack of political influence of indigenous peoples, official government policies of reconciliation have become common in many countries.

Implications and Conclusion

Indigenous peoples in Canada and in many other countries with a similar colonial history continue to face a wide range of significant social barriers and challenges. Discrimination and racism still have a major, negative impact on the lives of indigenous peoples in modern society. Indigenous peoples have a desire for more autonomy in decision-making processes that affect their communities and a need to protect and promote their unique traditions and cultural identity (Baskatawang, 2023). Indigenous peoples are proud of their unique, ancient cultures and traditions, and their culture can be a source of great strength. Past government policies, unequal treaties, private ownership of land, laws, corporate needs and priorities, and deeply flawed and poorly managed residential school systems significantly damaged the culture of indigenous peoples. Many of the social problems experienced by indigenous peoples today are rooted in the colonial past and generations of institutional and general discrimination and racism. The official, multifaceted Canadian government policy of reconciliation with indigenous peoples has made significant progress in recent years, but it may take several generations to repair the cumulative damage done by centuries of unfair treatment. Reformed social programs, financial compensation, and education will continue to be essential in transforming the lives of some indigenous Canadians who may be trapped in a complex cycle of intergenerational poverty. Reconciliation with indigenous peoples, involving major compensation packages and institutional reforms, has become a growing trend in countries around the world.

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