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57° SESSION ON MISSING AND DISAPPEARED INDIGENOUS CHILDREN AND UNMARKED GRAVES IN CANADA

Montreal, daphne Art Centre, 25-29 May 2026

PRELIMINARY STATEMENT

“Footsteps in the Sand”

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O'nehsaronhkwà:ke Tekaianón:ni

Ne kí:ken ne Tehotia'toréhtha nikentiohkó:ten, ne ne Permanent People's Tribunal. Teionkwatonhontsó:ni taiethinonhwerá:ton ne akwé:kon ne Haudenosaunee, né: 'e tsi ronónha raononhóntsa kén: 'en, tsi nón:we ionkwatia'taró:ron ón:wa wenhniserá:te.

Ionkwatrahswi:io tsi kén: tho, Haudenonhsionní:ke, ionkwatia'teró:ron ón:wa wenhniserá:te. Tánon iotshennónnia't tsi shé:kon ratíhsere ne Kaianerahserahkó:wa, ne: ne Kaianerehkó:wa. Teiethinonhweratónhseke tsi wahsonkwana'tón:hahse ne konnoronhkhwá:tshera, karihwakwenniéhsta, skén:nen, tánon kahsatsténhsera.

Kanihsténhsera kontinónnhha ne ionkhi'nihténha ohóntsa, thó niionkwarihò:ten ne Haudenonhsión:ni.

Tánon kanihsténhsera tionkhiá:wis tsi niionkwen'tarò:tens, iorihowá:nen thí:ken, né: 'e tsi né: wáthró:ris tsi ní:tsi aionkwatsénhaien. Shé:kon tho ní:ioht ón:wa wenhniseraténion.

Ón:wa wenhniserá:te, entewehiá:rake tsi naiá:wen'ne, tsi nón:we ne Indian Residential school, Koráhne nonkwá:ti. Tsi nahotia'tawèn: 'en ne é:so rá:ti Ratiksa'okòn: 'a, ísi' nón:we tsi iorihwákste tsi niiá:wen'ne.

Tiótkon eniethiianonhtónnionhwe ne á:se tenhatikonhsontón:tie rotirihwá:ke, aiá:wens tsi skenen'kó:wa akénhake ne ronónha raotirihwá:ke, tánon konnoronhkhwá:tshera enhatihá:wike. Thó nitewaia'tò:ten ne Haudenosaunee, tho ní:tsi tewanonhtón:nion, tánon akwé:kon né: ionkwatirihwaién:ni.

Ionkwatirihwaién:ni ne aké:kon aionkwaió'ten ne á:se tenhatikonhsontóntie raotirihwá:ke, ne skén:nen akénha tsi ionhontsá:te. Tho ká:ti naióhtónhake ne onkwa'nikòn:ra.

Written be Katsi'tsá:kwas Gabriel
Translated by Kahtehrón:ni

(English Translation)

The panel of judges would like to acknowledge with respect, the Haudenosaunee on whose lands this tribunal is taking place.

These are the homelands of the Haudenosaunee Peoples whose constitution Kaianera'kó:wa – the Great Law of Peace – grants us guidance on the peace which consists of love, respect, strength and courage.

Under our constitution, Kaianera'kó:wa, it is the women who hold title to the lands. Our clans are inherited from our mothers, and our clan system is the foundation of our governance.

Today, we honour and remember the children who never came home, who were forcibly disappeared into the Indian Residential Schools.

And those who have survived.

In Haudenosaunee ways, we believe that the faces yet to come are looking up at us to see if we are clearing the path for them to ensure that they will arrive in a place of love, compassion, understanding and safety, to be loved and nurtured for who they are as Onkwehonwe Peoples.

It is our role to protect their arrival from the spirit plane and ensure that the work we do supports their survival; that the decisions we make today will benefit the faces not yet born.

The Permanent Peoples' Tribunal

The [Permanent Peoples' Tribunal](#) (PPT) is an international opinion tribunal founded in 1979 on the basis of the Universal Declaration of the Rights of Peoples (Algiers, 1976). Since its establishment, the PPT has served as an independent forum for visibility, testimony, and justice for peoples subjected to severe forms of repression and denial of their fundamental rights to self-determination, dignity, and collective existence, particularly in situations where no competent, accessible, or impartial institutional mechanisms were available.

The diversity and frequency of the 56 cases examined by the PPT to date highlight the persistent gap between the demands for justice expressed by affected peoples and the inability of the existing juridical and political order to provide adequate responses.

While operating in close accordance with the principles of international law, the PPT places victims and Survivors of human rights violations at the centre of its proceedings, recognizing them not merely as witnesses but as the primary subjects and protagonists of the process. For each session, the PPT appoints an international panel of judges based on recognized competence, experience, and independence.

This 57th session on Missing and Disappeared Indigenous Children and Unmarked Graves in Canada was convened at the request of the [Native Women's Shelter of Montreal](#), with the support of several organisations and individuals driven by the urgent need for truth, visibility, and accountability regarding the abuses committed against Indigenous children, their families and communities, and by the determination to ensure that Survivors and affected peoples are finally heard and recognized.

[The panel of judges](#) is composed of Frances Webber (United Kingdom) and Valmaine Toki (New Zealand), who served as co-chairs, together with Carlos Beristain (Spain), Carlos Castresana (Spain), Katsi'tsakwas Ellen Gabriel (Canada), Seánna Howard (Canada-United States), and Andrew Woolford (Canada).

The prosecution team was led by Christa Big Canoe, Sarah Glickman, Brianna Rowe ([Aboriginal Legal Services](#)) and Alisa Lombard (Lombard Law) who were in charge of presenting the [indictment](#) and the evidence.

The [programme](#) included four days of public hearings held at the daphne Art Centre in Montreal. Canada was invited to attend and present its defence to the charges but failed to directly respond or appear. Information regarding the session was also transmitted to the relevant international institutions, some of which have expressed interest in following the proceedings and in receiving this preliminary declaration.

Judges' Statement

We, the members of the Permanent Peoples' Tribunal (Tribunal), are not here to produce another report. There have been many reports. We have been asked to respond to the indictment and judge Canada's responsibility in international law for the crimes of genocide and crimes against humanity.

During this past week, we have been privileged to witness and enjoy the living culture of some of Canada's Indigenous communities. The beauty and wisdom expressed through the opening ceremony of the sacred fire and the daily opening and closing ceremonies, the warmth, support, hospitality and friendship we have been offered, the courage and dignity of the Survivors giving testimony, the strength and tenacity of those who have for decades fought for recognition, accountability, and reparation. And for this, we express our appreciation and gratitude.

Our mandate was to look at missing and disappeared Indigenous children and unmarked graves, and the forced and coerced sterilisation of Indigenous women, through the lens of international law.

Witnesses spoke of the state-sanctioned forced removal of Indigenous children from their communities and families, to state and church-run Indian Residential Schools, and from there, sometimes without their parents' knowledge or consent, to other institutions including reformatories, "Indian" hospitals and sanatoria.

Between 4,000 and 6,000 children are known to have died in these institutions, or shortly after leaving them (sometimes running away) in the century and a half up until 1997, when the last institution, Kivalliq Hall in Rankin Inlet, Nunavut, closed. The fate or whereabouts of many children who were taken to these institutions and schools remains unknown, although some were known to have been adopted.

Many witnesses, including Dr. Scott Hamilton, said that these numbers are likely to be a gross underestimate, which, without further investigation, remain provisional and incomplete. 'We don't know what we don't know'.

Of the deaths in the institutions that were recorded, available death certificates indicate that almost half were caused by tuberculosis. We heard that children were underfed and malnourished, subjected to nutritional and medical experiments and forced labour, and lived in cold, insanitary, and overcrowded conditions, rendering them vulnerable to infection.

As one Survivor said, "They didn't care, that was the thing" (Survivor Audrey Hill).

One particularly harrowing account was of a 4-year-old girl with tuberculosis isolated in a freezing tent on school grounds to die alone, because 'she's going to die anyway'. Parents were notified of their child's death late or sometimes not at all. A state that paid for the transfer to the institutions of an estimated 150,000 children by train, boat and plane across hundreds of kilometres would not pay for dead children to be sent home for burial, or for parents to come to call the children's spirits home.

Survivors told us of being subjected to harsh discipline, including strappings, solitary confinement for speaking their language or helping other children. One witness, Audrey Hill, described being locked in a dark closet for days with no food or water.

As one witness explained, “it was authoritarian rule over children” (Survivor Robbie Hill).

And as we know, many thousands of children were subjected to sexual assaults by clergy and staff. We heard first-hand testimony from Survivor Leo Nicholas, who said, “They called me Leo the Liar” after disclosing the sexual abuse committed against him to a police officer.

We heard about the State-sanctioned forced sterilisation of Indigenous women, including the testimony of a woman who at 17 years old, was sterilised during childbirth while restrained and in medical distress. Witnesses shared experiences of racism at the hands of medical providers who were told they were unfit to be mothers and should not have any more children. These women were pressured and lied to about the irreversible nature of the procedure. As witness Kahsenniyo Kick stressed, “Motherhood is a sacred responsibility.”

The Tribunal has no difficulty in accepting that this pattern of composite acts constitutes genocide. In international law, genocide need not involve mass killings – it can be a slow and continual process, taking place over centuries.

In Canada, the genocidal acts include the forcible transfer of children from one group to another group; the imposition of measures intended to prevent births in the group; and the infliction of serious bodily and mental harm to members of the group, with the intention to destroy the group as such.

The genocidal intent behind the forced removal of children was explicit: institutions such as Indian Residential Schools were a concrete manifestation of Canada’s colonial policies, expressed in the Indian Act, of elimination of indigeneity, which included denial of Indigenous sovereignty and nationhood; occupation of Indigenous lands; and erasure of Indigenous legal orders, languages and cultures.

The atrocities visited on the bodies and spirits of children in the schools, on young women in the hospitals; the thousands of known deaths of children in segregated hospitals, in the schools, the unmarked graves and the ashes of babies in furnaces – are the physical manifestation of a genocidal colonialism which, above all, valued, coveted and seized Indigenous lands, territories and resources.

The evidence revealed the attempt at systematic destruction of the ties that braid together Indigenous land, governance and family as *genocide* - as recognized by the Truth and Reconciliation Commission of Canada (TRC), the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), the Office of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites Associated with Indian Residential Schools (OSI) and the Canadian Parliament itself.

There is no difficulty either, in accepting that the crimes towards Indigenous Peoples revealed by the evidence – enforced disappearances, torture, sexual violence, enslavement, persecution and other inhumane acts and omissions such as failure to provide safe and healthy living conditions, systematically applied to Indigenous children, women and families – constitute crimes against humanity, according to customary international law.

“It broke the family so suddenly,” explained Survivor George Diamond.

Continuing violations

All of this is known. It has been heard before.

The findings of the TRC, the MMIWG, the OSI, and the Vatican, and the unanimous resolution of Parliament have acknowledged the residential school system as a genocide. Canada bears legal, moral, and political responsibility for its acts and omissions that form part of a systemic policy of assimilation, dispossession, and destruction directed against Indigenous Peoples.

But Canada's responsibility towards its Indigenous Peoples for genocide and crimes against humanity is not only historic but also contemporary and continuing. The colonial praxis remains the foundation of Canada's relationship with Indigenous Peoples. This trauma and psychological harm has a collective dimension affecting successive generations of children, families and communities. The stigma, cultural shaming and guilt of Survivors has silenced them.

The panel heard from several witnesses about the profound harms caused to children, parents and communities by forced separation and the denigration and destruction of their language and culture; how the brutality and sexual abuse by clergy and school staff taught children to dissociate; how children punished for helping other children learned to become unkind; how abused children became abusive parents; how victims of sexual abuse were fearful as parents of showing affection to their children; how disruption of identity, and unmooring from culture and family have led to an epidemic of suicide and other mental health issues.

These are the continuing impacts of genocide and crimes against humanity. In international law, state responsibility for violations continues until they stop and are remedied. Remediation does not just mean ending the genocidal acts and the crimes against humanity; cessation is just the first step.

Restitution means putting the victim back to their position before the violation occurred – which in the case of a stolen childhood is impossible. Reparations mean repairing the damage and ensuring it doesn't happen again. Reparation obligations include conducting investigations to identify and locate the remains of every dead child, protection of burial sites; identifying and locating 'missing' children clandestinely adopted; locating and punishing perpetrators of cruelty and sexual abuse and medical staff forcing, coercing or deceiving Indigenous women into being sterilised; providing full information, access to archives and records to families and communities; and the return of stolen lands.

As shocking as the evidence of past violations is, equally shocking is Canada's indifference to the exposure of its crimes. Despite establishing bodies like the TRC and the Office of the Special Interlocutor, Canada denied them powers to compel witnesses' attendance or the production of documents and restricted funding, preventing full investigation. These bodies' findings of genocide have led to little beyond a shrug of the shoulders. Canada has ignored most calls to action, or has done just enough to be able to say 'we are working with the Indigenous communities in progressing the actions.' All the Survivors, witnesses and experts stressed Canada's lack of genuine engagement, sense of urgency or even interest in remedying the violations.

Canada is failing to comply with its international legal obligations to investigate and punish the crimes revealed by Survivors and by families who have lost children. As Survivor groups

try to name victims and locate burial sites, the government sits on 27 million records containing that necessary information. It makes no move to prevent the imminent destruction, on grounds of ‘confidentiality,’ of Survivors’ Independent Assessment Process testimonies, or even warn them of the impending destruction so they can have their documents preserved at the National Centre for Truth and Reconciliation.

The victims – Survivors of abuse and families of disappeared children – having borne the insufferable weight of the attempted destruction of their identity, their family, their culture, their traditions, their governance structures, their dignity and their existence, have been forced to bear the weight of investigating the crimes visited on them. The lack of information and investigation causes serious harm to psychological and collective well-being, hinders grieving and healing processes, and prevents the rebuilding of a relationship with the Canadian State, where the Tribunal notes a profound mistrust.

The government has been an unwilling partner in the reconciliation process, providing little help beyond sporadic and capricious funding, which is wielded as a weapon of control. Investigative journalist Tanya Talaga demonstrated the massive commitment of time and expense needed to determine what happened to one victim and their burial place. Scott Hamilton and Laura Arndt described the sheer volume of work and resources required to identify and document burial sites, made more arduous without full access to government- and church-held records. It is vital for families and communities to be able to call home the spirits of their dead. But both the records and the long-term, sustainable funding needed for this work are withheld. Canada has done little to protect known burial sites and them to be developed for private use.

Meanwhile, Canada continues to destroy Indigenous lives, community and family structures, culture and identity through the ongoing forced removal of children from their parents, in many cases without attempting culturally appropriate placement, and continues to condone the sterilisation of women without consent through failure to enforce criminal laws of assault. Colonial attitudes persist in the continuing encroachment on Indigenous lands for extractive activities that pollute lands, render lands uninhabitable and cause illness; and in the failure to provide adequate health care and clean water to Indigenous communities. Adding insult to injury, Indigenous land defenders are surveilled and prosecuted.

Impunity, denialism and racism

Survivors of sexual abuse spoke of vicious punishments for revealing their abuse, which Kimberly Murray saw as an aspect of ‘settler amnesty’ in the failure to prosecute individuals. Canada’s self-amnesty in negotiating to exclude ‘cultural genocide’ from the 1948 Genocide Convention; omissions from the Convention when incorporating it into domestic law; failure to ratify the International Convention for the Protection of all Persons from Enforced Disappearance; and exclusion of apartheid and forced disappearance, forcible removal of children, and forced sterilisation from domestic legislation perpetuates and encourages denialism and racism against Indigenous Peoples.

We heard from witnesses that Canada’s withholding of resources necessary to fully investigate unmarked graves has fuelled denialism and public skepticism around the deaths of children if no bodies are exhumed. Witnesses explained that many families do not want to exhume the children but instead follow their cultural protocols and hold ceremonies.

Conclusion

In the pattern of state actions and omissions, we see continuing disdain for Indigenous lives, denial of Indigenous sovereignty, over their data, their land and their bodies, and other violations of Indigenous Peoples' rights. ***This pattern reveals clear indications of a continuing genocide.***

This consistent pattern of conduct implies that Canadian authorities have sustained a strategy to evade accountability under international law, putting Canada in a deliberate state of contempt before the international community by failing to comply with its international obligations, and leaving Indigenous Peoples dispossessed of the protection they are entitled to under the UN Declaration on the Rights of Indigenous Peoples and other relevant international human rights law.

We make the following preliminary requests to Canada:

1. Implement the recommendations and calls to action of successive commissions and inquiries from the 1996 Royal Commission on Aboriginal Peoples onwards;
2. Respect the self-determination of Indigenous nations and their legal orders, consistent with the UNDRIP and engage with them on a nation-to-nation basis.
3. Comply with its international obligations to fully investigate the disappeared children and determine their whereabouts;
4. Provide full, good faith, and sustained support to Indigenous Peoples, families, communities and nations in their efforts to address the identification and location of missing and disappeared children and unmarked graves;
5. Recognise and address the specific impacts on women of colonial practices and legislation such as the Indian Act, the Indian Residential School system and the ongoing forced and coerced sterilisation of Indigenous women;
6. Ensure that the ongoing and future support for this work is informed by the UN mandates on Indigenous human rights and enforced disappearances;
7. Provide long-term, sustainable funding for Indigenous-led investigations and commemorations;
8. Amend domestic legislation regarding genocide and crimes against humanity to be consistent with the Rome Statute;
9. Condemn and combat residential school denialism and hate speech;
10. Fully implement the Canadian United Nations Declaration on the Rights of Indigenous Peoples Act (2021); and
11. Develop Indigenous-led public education on Indigenous law and culture, Canadian colonial history and genocide.