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

Montréal, daphne Art Centre, 25-29 May 2026

SUMMARY OF THE JUDGEMENT

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Over five days, a panel of seven judges¹ from the UK, New Zealand, Spain and Canada met to consider a claim of genocide and crimes against humanity against Canada, for its treatment of First Nations, Inuit and Métis Indigenous Peoples. We heard evidence of the forced removal, physical abuse and rape of young children; of confinement, forced labour, deaths from disease aggravated by neglect, ill-treatment, malnutrition and exhaustion; of disappearances; of burials in unmarked graves; and of forced and coerced sterilization of women. We heard and read evidence about the theft of land, water and other resources; of the dispossession and displacement of Indigenous Peoples from their ancestral lands; of the separation of children from parents; and of the attempted destruction of entire cultures, ways of life, languages, and laws.

These events took place, and in some cases continue to occur, in Canada, a country which holds itself out as a model human rights defender.

We heard about the impacts on Indigenous individuals, families, and communities, including intergenerational trauma, which brings its own pathologies – addiction, abuse, violence, suicide, the vicious cycle of child welfare interventions, over-policing, over-incarceration, and social and cultural alienation – that will continue unless root causes are addressed.

The hearings were conducted by the Permanent Peoples’ Tribunal (PPT), a court of public opinion that investigates and publicizes serious human rights violations, war crimes, and crimes against humanity. Founded in Bologna, Italy, in 1979, the PPT has held over 50 sessions. Guided by the Declaration of the Rights of Peoples (the Algiers Declaration) of 1976, the PPT acts on requests from representative organisations that have not obtained justice in a domestic court. The Native Women’s Shelter of Montreal requested the session.

The PPT is not the first to examine the legacy of the Indian Residential School System in Canada. The Truth and Reconciliation Commission of Canada (TRC) concluded in 2015 that the Indian Residential School System amounted to ‘cultural genocide’. Indigenous Peoples celebrated this finding as an important step toward Canada confronting its legacy of colonial genocide and racism, and toward measures to achieve real reparations. The National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG) similarly concluded in its 2019 final report that violence against Indigenous women and girls amounts to genocide, a finding Prime Minister Trudeau later acknowledged. Nineteen years before the TRC, in 1996, the landmark Royal Commission on Aboriginal Peoples (RCAP) acknowledged Indigenous sovereignty and colonial land theft and called for a radical reset in Canada’s relationship with Indigenous Peoples.

Although Canada has welcomed all these reports, we conclude that little of substance has changed in that relationship. Still, the number, names, and whereabouts of dead or disappeared children remain unknown, with many lying under farmers’ fields, beneath golf courses or in fields along the roadside. Millions of records that could help families locate their loved ones remain in the hands of the Canadian government and churches, and the planned destruction of records will deny access to the bereaved and their descendants. Government support for Indigenous initiatives – whether in locating bodies or in providing child welfare services– is on Canada’s terms, with funding inadequate, capricious, late and

¹ The PPT Panel of Judges: Valmaine Toki (New Zealand) and Frances Webber (United Kingdom), who served as co-chairs, Carlos Beristain (Spain), Carlos Castresana (Spain), Katsi’tsakwas Ellen Gabriel (Canada), Seánna Howard (Canada-United States), and Andrew Woolford (Canada).

unreliable. Today, dispossession of Indigenous ancestral lands and resources continues, while children growing up on reserves become sick from lack of clean water and sanitation. Without meaningful support from the government, many Indigenous communities are unable to provide decent housing, health care or other basic services, let alone employment. There cannot be healing, truth or reconciliation, in such circumstances. More children (roughly 165,000) have been removed from Indigenous parents since the IRSS ended in 1996/7 than during the 130-year history of residential schools (roughly 150,000),

Today, on the National Day for Truth and Reconciliation, the Tribunal concludes that Canada committed the international crimes of genocide (the wilful destruction of a group as such), and crimes against humanity, in particular apartheid and enforced disappearance. These crimes continue, as long as they remain unaddressed by real, rather than symbolic, change. We also identify breaches of other international human rights treaties such as the Children's Convention and the Conventions against race and gender discrimination. We describe ways in which Canada has avoided accountability for its international crimes – by voting against the inclusion of 'cultural genocide' in the 1948 Genocide Convention; by failing to ratify important treaties against apartheid and enforced disappearances; and by failing to include these crimes, or forms of genocide such as the forcible transfer of children, in its domestic legislation.

The Canadian government – federal, provincial and territorial – must revisit the calls for action from the RCAP, the TRC and the NIMMIWG and commit to a new relationship which satisfies Indigenous demands for sovereign equality.

Our recommendations call on Canada to fully investigate, assist in and support the recovery and protection of Indigenous children's bodies and burial sites, including sufficient and sustained financing, technical and logistical support, and the release of and full access to all relevant documentary records while respecting Indigenous data sovereignty. We make recommendations concerning forced and coerced sterilizations, including training of medical personnel, enforcement of sanctions against perpetrators and redress for victims. We call for action on murdered and missing Indigenous women and girls, land defenders and Indigenous governance. The child welfare system must be funded to prevent rather than incentivize the removal of children. We urge Canada to provide reparations for land rights violations and intergenerational trauma, to revitalise Indigenous languages, to respect and recognize Indigenous resources, legal orders, medicines and sacred sites, and to fund and provide equitable access to housing, health care, education and other social services on reserve. Canada must address the need for public education on its colonial history and Indigenous perspectives, and for combatting denialism. We call on Canada to amend its domestic legislation to fully comply with its international human rights obligations and to incorporate Indigenous perspectives. Finally, we make recommendations to the churches, regarding access to IRSS records, reparations for stolen lands and support for healing, language revitalization and countering denialism.