



When Unmarked Burials are Found: Possible Options for Next Steps

CONTENT WARNING: This document refers to Indian Residential Schools and their investigation. If you need support, the Indian Residential Schools Crisis Line provides help for survivors and their families 24/7 1-866-925-4419, and the Hope for Wellness chatline (1-800-721-0066) and chat box (<https://www.hopeforwellness.ca/>) also provide support for Indigenous Peoples. The Indian Residential Schools Survivors Society lists other supports that are available at <https://www.irsss.ca>

Key Considerations

This resource is produced and maintained by the [CAPA/ACAP](#) (the Canadian Association for Physical Anthropology / Association canadienne d'anthropologie physique) ad hoc committee on unmarked burials at Indian Residential Schools (IRS) and was developed in consultation with the Canadian Archaeology Association's Working Group on Unmarked Graves. It is a living document that is intended for the use of Indigenous communities and will be updated as needed. The information is not a comprehensive list and will be expanded upon through other more detailed documents. We welcome feedback, queries, and corrections about the quality and content of the information that we have provided here. Feedback can be submitted to irs-unmarkedgraves@capa-acap.net.

The starting point for any IRS investigation must be community-led. The type of work that is covered in this document would normally occur **after** community knowledge gathering, archival research, consultation of reports collected and published by bodies such as the [Truth and Reconciliation Commission](#) and [National Centre for Truth and Reconciliation](#), and remote sensing surveys have been done. Archival research and interviews with Survivors, Knowledge Keepers, and families can contribute vital information, such as records, photos, or witness accounts of which children were at a given school at a given time, where burials occurred, or descriptions that may help with [identification](#) of ancestral remains. As such, this document does not cover that very important work: we refer readers to the document [Recommended Pathway for Locating Unmarked Graves Around Residential Schools](#), published by the Canadian Archaeology Association's working group on unmarked graves.

We strongly suggest that communities who wish to pursue any of the work indicated in this document establish a clear 'Scope of Work' with whomever (individual or agency) will do the analyses to ensure that their needs are met but also that their interests and information are protected following OCAP™ protocols, that addresses how to ensure data and information are under the Ownership, Control, Access and Possession of the relevant Nations: <https://fnigc.ca/ocap-training/>. We hope that this document, and forthcoming more specific documents, can assist in establishing a Scope of Work that meets community needs.

Canadian Law

Under the laws of Canada and its provinces/territories, medicolegal authorities must be consulted before any activities take place that physically alter a burial place or body, regardless of whether they are recent or ancient. Investigating Residential School burials may be jurisdictionally complex, involving the traditional laws of Indigenous Nations, as well as federal and provincial/territorial laws and regulations. The Government of Canada, and its provinces and territories, have laws that give jurisdiction over ancient and historic burials to heritage agencies, while recent deaths are assigned to police and medicolegal entities such as the provincial Offices of the Chief Coroner or Chief Medical Examiner. CAPA/ACAP is preparing a companion resource that includes information on the medicolegal and heritage agencies in each province and territory.

Limitations of Anthropological Methods

While there are many anthropological methods available to positively identify skeletal remains of deceased children and adults, these methods vary widely in terms of their efficacy, invasiveness, and cost. Some are not reliable enough to use in the formal identification process and there are even limitations to using DNA (discussed further below). In general, the more information that is known about both the unidentified person and the people who are missing, the greater the likelihood that they can be positively matched.

Before conducting any analysis, it is key that communities discuss the likely impact of all identification methods to be used and ensure that these and any associated risks (for example, potential damage to bone) are acceptable to them. Recommended methods for identification in forensic anthropology can be found at: <https://www.nist.gov/osac/forensic-anthropology-subcommittee>.

Attempts to identify an unknown person are not always successful and there are risks of misidentifying them as the wrong person. It may be that in some cases, despite best efforts, ancestral remains will not be positively identified. There should be a plan for how and where individual remains that have not been positively identified will be kept, and how those that have been positively identified should be treated.

Culturally Sensitive Protocols

Incorporating ceremonies and cultural protocols is possible throughout an investigation into unmarked graves in consultation with affected communities. Most aspects of the investigative process outlined below can be respectful, and the unidentified individuals, the missing, Survivors, and their families honoured and supported. Most aspects of the investigative process outlined below can be done in a way that includes ceremonies from affected Nations and can be adjusted to reduce disturbance to, and interactions with, the deceased. Not all investigations will include all stages of work discussed below, communities may decide to leave burials undisturbed, and ancestors can be memorialized at any stage.

Survivors, intergenerational Survivors, and communities could face distress and could suffer re-traumatization through this work, particularly if asked to recall experiences such as the deaths of relatives and peers in Residential Schools. Steps should be taken to ensure that they are supported throughout the process of dealing with exhumation and identification.

Stages of Work

Finding Burials

If suspected unmarked burials are identified, direct inspection may be needed to confirm that they are burials. This process of “ground-truthing” may involve some physical disturbance to the suspected burial and the area around it, for example removing vegetation and topsoil to expose the grave outline. Identification of a grave outline is not always confirmation that the grave contains remains, as it could simply be that at one point a hole or trench was dug and filled back in and it was never used as a grave. The location and context of the potential grave are important to consider, but the only way to confirm whether a grave contains the remains of an individual is to expose those remains enough to make that determination.

Commemoration and/or Protection

After graves have been identified, whether they be close to the known cemetery, or separate from it, commemoration and protection of the area(s) is an option to consider. Using the information available it is possible to:

- Commemorate individuals in place and protect the area.
- Determine a new boundary for the original cemetery that includes the ‘additional graves’ identified through GPR, etc. and the installation of a fence and/or plaque as decided by the community.
- Determine/designate a new ‘burial area’ that encompasses newly discovered potential graves and the installation of a fence and/or plaque as decided by the community.
- It would be necessary and important to work with different jurisdictions in the province/territory to formally protect the cemetery or burial ground ex. Heritage branch, cemeteries branch, etc.

If further work is desired by the community, excavation and identification options are explained below.

Exhuming and Moving Buried Individuals

Exhumation is required to move or to attempt to identify individuals. Laws will vary by province and exhumation can only occur with permission of the appropriate authorities. Exhumation involves carefully excavating the burial and exposing and documenting remains as well as any items buried with the person. This is followed by the orderly removal of the remains so that further analysis can take place in a secure, controlled space.

Identification of remains can take a long time. If communities want to try to individually identify ancestral remains that are exhumed, there will need to be a plan for where and how the ancestral remains will be stored in a secure and culturally acceptable manner in accordance with legal guidelines and/or requirements by province and/or territory.

Analysis for Identification

Identification is a matching process that involves comparing information from a deceased person to information from a known missing person to assess whether they could be the same person. A formal identification is an official process that normally involves analysis by one or more qualified forensic experts, such as forensic anthropologists, geneticists, or forensic dentists, while the final identification is typically made by a medicolegal official such as a Coroner or Medical Examiner. The process of identification can be complex and time-intensive, and in the end, it may not be possible to identify the person.

There are many methods that can be used to try to identify an individual based on their remains, depending on their state of preservation. Some, such as DNA analysis and isotopic analysis, involve destroying small samples of bone or teeth. Non-invasive anthropological methods of **skeletal analysis** consider shape and size of various bones and teeth to estimate sex, age-at-death, and stature (height) which can narrow down potential matches. Some of these methods are more reliable in adults than in children, though estimating the age of children is usually more precise than for adults. It is best for communities to discuss the methods available with any experts who are to be involved in the identification process, to assess the possible impacts and likelihood of success. Using several methods, rather than one, will increase the possibility of successful identification.

Identification can only be successful if there is sufficient information from both the deceased person and about the known missing person who is thought to be the match. If they exist, medical or dental records, including x-rays, can be crucial sources of information. Descriptions of recognizable physical characteristics, such as a chipped or crooked tooth, are also helpful, as are photographs.

Individuals can sometimes be identified through **DNA analysis** of tissue such as bone or teeth. If this destructive method is to be used, DNA must also be collected from the relatives of missing children and then compared to see if they are genetically related. DNA from close relatives, such as parents or siblings, gives more confident results than DNA from more distant relatives such as cousins. DNA sampling and analysis can take a long time and be very expensive and potentially intrusive to those who submit their samples for comparison.

Isotopes can be helpful in determining an individual's geographic origin because chemicals from the food we eat and water we drink are incorporated into our skeleton. This destructive chemical analysis of bone and tooth samples may show unique oxygen and strontium isotope signatures that are characteristic of a geographic location. Measuring the ratios of different isotopes in bones or teeth and comparing them to isotopes in the land and water of affected communities could be useful to identify the community an individual may be from. This is particularly important as a single school had children that were taken from various communities. Isotopes cannot be used to identify an individual, just possible geographical area where they were born and/or grew up.