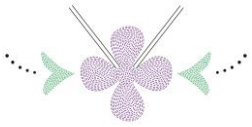
National Inquiry into
Missing and Murdered
Indigenous Women and Girls

Enquête nationale
sur les femmes et les filles
autochtones disparues et assassinées

National Inquiry into Missing and Murdered Indigenous Women and Girls
Truth-Gathering Process Part III
Expert & Knowledge-Keeper Panel
"Human Rights Framework"
Hôtel Pur, Central Ballroom
Ville de Québec / Quebec City



Part III Volume IV

Monday May 14, 2018

Panel I: Recognizing & Fulfilling National & Domestic Human Rights

Timothy Argetsinger &Tracy Denniston

Fay Blaney

Naiomi Metallic

Heard by Chief Commissioner Marion Buller & Commissioners Michéle Audette, Brian Eyolfson & Qajaq Robinson

INTERNATIONAL REPORTING INC.
41-5450 Canotek Road, Ottawa, Ontario, K1J 9G2
E-mail: info@irri.net – Phone: 613-748-6043 – Fax: 613-748-8246

II - APPEARANCES

Assembly of First Nations(all)	Julie McGregor(Legal Counsel) Stuart Wuttke(Legal Counsel)
Aboriginal Women's Action Network (BC)	MiKenze Jordan(Representative)
Assembly of First Nations Quebec-Labrador(QC)	Wina Sioui(Legal Counsel)
Assembly of Manitoba Chiefs	Joëlle Pastora Sala (Legal Counsel)
Awo Taan Healing Lodge Society	Darrin Blain (Legal Counsel)
Battered Women's Support Services (BC)	Angela Marie McDougall (Representative) Anemki Wedom(Representative)
Canadian Association of Chiefs of Police(National)	Ashley Smith(Legal Counsel)
Concertation des Luttes contre l'Exploitation Sexuelle(QC)	Diane Matte(Représentative)
Directeur des poursuites criminelles et pénales(QC)	Anny Bernier(Legal Counsel)
Easter Door Indigenous Association (NL, PEI, NB & NS)	Natalie Clifford (Legal Counsel)
Government of Alberta (AB)	Doreen Mueller (Legal Counsel)
Government of British Columbia (BC)	Emily Arthur(Representative)
Government of Canada(All)	Marie-Ève Robillard & Sarah Churchill-Joly (Legal Counsel)
Government of Ontario (ON, National)	Julian Roy(Legal Counsel) Emma Haydon(Legal Counsel)
Government of Manitoba(MB, National)	Kendra Jarvinen(Legal Counsel)
Government of Newfoundland and Labrador (NL, National)	Denise Spencer(Legal Counsel)
Government of Nova Scotia (NS, National)	Sean Foreman(Legal Counsel)

APPEARANCES

Government of Québec (QC, National)	Pascale Labbé(Representative) Andréanne Lesperance (Representative) Mathieu Lainé(Representative) Laurence Bergeron (Legal Counsel) Marie-Hélène Tremblay (Representative)
Government of Saskatchewan (SK, National)	Barbara Mysko(Legal Counsel)
Government of Yukon	Chantal Genier (Representative)
Inuit Tapiriit Kanatami (National)	Elizabeth Zarpa(Legal Counsel)
Iskwewuk Wichiwitochik / Women Walking Together (SK)	Darlene R. Okemaysim-Sicotte (Representative) Myrna Laplante(Representative)
Justice for Families (BC, AB, SK, MB, ON, QC, PEI, National)	Suzan Fraser(Legal Counsel)
Native Women's Association of Canada (All)	Virginia Lomax(Legal Counsel)
Ontario Native Women's Association (ON)	Christina Comacchio (Legal Counsel) Cora-Lee McGuire-Cyrette, Courtney Skye & Cheryl Bagnall (Representatives)
Pauktuutit Inuit Women of Canada, Saturviit Inuit Women's Association, AnanauKatiget Tumingit Regional Inuit Women's Association, Manitoba Inuit Association and Ottawa Inuit Children's Centre, as a collective single party (All)	Beth Symes(Legal Counsel)

APPEARANCES

Saskatchewan Advocate for Children and Youth	Lisa Broda, Marci Macomber & Connie Braun (Representatives) Gregory Walen, Q.C. (Legal Counsel)
Treaty Alliance Northern Ontario – Nishnawbe Aski Nation/Grand Council Treaty 3 (ON)	Krystyn Ordyniec (Legal Counsel) Amanda Byrd (Representative) Deputy Grand Chief Anna Betty Achneepineskum (Representative)
Vancouver Rape Relief and Women's Shelter (BC)	Hilla Kerner(Representative) Laurel McBride (Representative)
West Coast LEAF (BC)	Raji Mangat(Legal Counsel)
Winnipeg Police Service (MB)	Kimberly Carswell(Legal Counsel) Shari Bell(Representative)

TABLE OF CONTENTS

	PAGE
Welcome & Opening Prayers	1
Pipe Ceremony	11
Lighting of the Qulliq	14
Opening Comments	17
TRACY DENNISTON, Sworn	35
Examination in-Chief by Ms. Ford	35
TIMOTHY ARGETSINGER	66
Examination in-Chief by Ms. Ford	66
Questions by the Commissioners	77
FAY BLANEY, Sworn	89
Examination in-Chief by Ms. Big Canoe	89
Questions by the Commissioners	142
NAIOMI METALLIC, Affirmed	159
Examination in-Chief by Ms. Big Canoe	159
Cross-Examination by Ms. Zarpa	239

LIST OF EXHIBITS

NO.	DESCRIPTION	PAGE
	Panel 1A: Recognizing and Fulfilling National & Domestic Human Rights Witnesses: Tracey Denniston & Timothy Argetsinger Exhibits (code: P03P02P0101)	
A1	Résumé of Tracy Denniston (four pages) Submitted by Violet Ford, Commission Counsel	64
A2	"Labrador Inuit Women's Realities: Voices of Women in Nain and Hopedale," AnânauKatiget Tumingit Regional Inuit Women's Association paper, September 17, 2013 (14 pages) Submitted by Violet Ford, Commission Counsel	64
A3	AnânauKatiget Tumingit Regional Inuit Women's Association yearly report "Nain and Hopedale Needs Assessment: Increasing Women's Economic Security" (project number: NL 11084, 23 pages) Submitted by Violet Ford, Commission Counsel	64
A4	Curriculum vitae of Timothy Aqukkasuk Argetsinger (one page)	68
A5	Inuit Tapiriit Kanatami revised discussion paper "Social Determinants of Inuit Health in Canada" (September 2014, 44 pages) Submitted by Violet Ford, Commission Counsel	68
A6	CBC article "Why does the Canadian justice system treat aboriginal people as if they're all the same" by Kris Statnyk, posted January 1, 2019 08:00 AM CT, last updated January 5, 2015 (three pages) Submitted by Elizabeth Zarpa, Counsel for Inuit Tapiriit Kanatami	258

LIST OF EXHIBITS

NO.	DESCRIPTION	PAGE
	Panel 1B: Recognizing and Fulfilling National & Domestic Human Rights Witnesses: Fay Blaney Exhibits	
A7	"Backing out of Hell" by Fay Blaney, published in *Bringing it Home: Women Talk about Feminism in Their Lives,* Brenda Lea Brown, ed. (Vancouver, Arsenal Pulp Press, 1996, pp. 19-33)	93
A8	Curriculum vitae of Fay Blaney (five pages)	95
A9	"The Implications of Restorative Justice For Aboriginal Women and Children Survivors of Violence: A Comparative Overview of Five Communities in British Columbia," by Wendy Stewart, Audrey Huntley and Fay Blaney (July 2001, 68 pages)	113
A10	Aboriginal Women's Action Network (AWAN) Restorative Justice policy (three pages)	128
A11	AWAN statement (one page)	133
A12	AWAN declaration on Prostitution (two pages)	133
A13	Powerpoint presentation displayed during the testimony of Fay Blaney	122
All exhibits submitted by Christa Big Canoe, Commission Counsel		

LIST OF EXHIBITS

NO.	DESCRIPTION	PAGE
	Panel 1C: Recognizing and Fulfilling National & Domestic Human Rights : Essential Services on Reserves as Human Rights Witnesses: Naiomi Metallic Exhibits	
A14	Curriculum vitae of Naiomi Metallic (March 14, 2018, 12 pages)	161
A15	"The Broad Implications of the First Nation Caring Society Decision: Dealing a Death-Blow to the Current System of Program Delivery (CSPD) On-Reserve & Clearing the Path to Self-Government," unpublished work by Naiomi Metallic written as a major paper for her Master of Laws (100 pages)	166
A16	Slideshow presented during Prof. Metallic's testimony comprising 28 slides (hardcopy, 14 pages)	168
A17	New Brunswick Aboriginal Peoples Council report (April 2016)"Nidap Wiquag: Engaging Aboriginal Youth in Addressing Homelessness" (39 pages)	211
A18	Spirit Bear Plan (one page)	236
All exhibits submitted by Christa Big Canoe, Commission Counsel		

Quebec City, Quebec

--- The hearing starts on Monday, May 14th, 2018 at 8:19 a.m.

MS. TERRELYNN FEARN: My name is Terrelynn Fearn, and I am the Director of Outreach and Support Services with the National Inquiry, and I want to welcome you all here today.

I'm just going to take a couple of minutes to review the opening ceremony. We are going to get started. We have one of our Elders, Marcel Godbout from Wendat is going to be providing us with an official welcome and an opening prayer.

And I said, "Marcel, is it okay to introduce you as our Elder?" He said, "young Elder." So our wonderful young Elder, Marcel, and merci, thank you for coming and welcoming us to this beautiful traditional territory.

Then we will proceed with a pipe ceremony with Grandmother Laureen Waters and Grandmother Pénélope Guay, and then we will have Elder Rebecca Vevee with the lighting of the Qulliq, and then we'll proceed at the end with some opening remarks from the commissioners. All four commissioners will do some short and brief opening remarks. Then we will take a short break and then we will proceed with the hearing.

So without further ado, I'd like to ask Marcel to come up and provide the opening.

MR. MARCEL GODBOUT: Alors, la prière que je vais vous faire, pour l'ouverture, chez nous, c'est une prière traditionnelle. C'est la façon de faire chez nous lorsqu'on se rencontre ; on brûle le tabac et on énonce aussi des éléments de la Création, on remercie ce qui est important pour nous. Tous les éléments de la création sont vraiment nécessaires pour nous, pour notre survie et on prend le temps d'énoncer tous ces éléments-là.

Et à l'intérieur de ces éléments-là, on remercie tout ce qui est féminin parce que pour nous, évidemment, ça joue un rôle majeur et très important. Après, je vous dirai ce que j'ai dit dans ma langue.

Dans notre tradition à nous, évidemment, on n'utilise pas la sauge ou le foin d'odeur ; traditionnellement, c'est le tabac qui sert de fumigation pour nous, dans (problème technique : 9 :07 à 9 :21) on vit dans la maison de la femme, hein, traditionnellement. Et c'est la femme qui nous donne le temps.

Donc, je suis content, vraiment, de pouvoir vous présenter ça, de voir l'importance de la femme pour nous, parce que durant ces audiences, c'est un peu ça aussi qu'on fait : c'est de mettre de l'avant l'importance des femmes, de nos femmes et toute l'égalité qui doit être, le

respect qui doit être accordé aussi aux femmes.

(LANGUE AUTOCHTONE PARLÉE – NATIVE LANGUAGE)

MARCEL GODBOUT: Pensez à remercier à, dans notre pensée à nous, chez les Wendats, c'est que ce n'est pas juste pour honorer les éléments de la Création, mais c'est aussi pour les encourager à continuer le rôle qu'ils jouent. Donc pour nous, par exemple, l'érable a un rôle très important. Donc, lorsqu'on fait ces énoncés-là, c'est une façon pour nous aussi d'encourager l'esprit de l'arbre à poursuivre sa responsabilité, à jouer son rôle en tant qu'érable.

Donc, on a commencé par remercier les hommes et les femmes, les êtres humains ; ensuite, nos aînés, tous ceux qui ont passé avant nous, qui ont ouvert le chemin et nous, on poursuit ce chemin-là aujourd'hui. On a une pensée aussi pour notre Terre mère et tout ce qui s'y retrouve, tout le monde végétal : les plantes qui nous apportent la médecine. Pour nous, les petits fruits vont sortir bientôt, en juin, donc pour nous, c'est important de célébrer aussi l'arrivée des petits fruits. Il faut dire qu'à l'époque, le goût sucré qu'on avait nous provenait de ces petits fruits-là, donc ils étaient très appréciés. Et c'est aussi une médecine. Donc, pour nous, c'est très important, on célèbre ; il y a des cérémonies qui sont liées à la médecine, justement, aux petits fruits.

Par la suite, on remercie aussi les trois sœurs : maïs, courge, haricot, qui sont la base de notre culture, de notre société. Ensuite, évidemment, on remercie les arbres, dont l'érable, justement et le représentant des arbres pour nous et lorsqu'on fait la cérémonie de l'érable, c'est qu'on procède aussi à la célébration de l'arrivée du printemps, parce que la sève commence à couler dans les arbres.

Par la suite, évidemment, on remercie tout le monde animal ; les différents animaux, dont plusieurs nous apportent le clan, comme celui dont je me suis nommé tout à l'heure, provenant du Clan de la Tortue. Alors, tous ces animaux-là et ceux qui nous donnent la vie, entre autres l'orignal, où les membres de ma communauté vont à la chasse et ont de la nourriture pour nos aînés et autres. Donc, on a une pensée aussi pour ces animaux-là.

Par la suite, évidemment, on remercie tous les animaux, tous les animaux ailés, donc les oiseaux, en passant des plus petits aux plus gros, les oiseaux de proie, dont entre autres l'aigle, qui est très important pour nous, mais aussi le petit oiseau qu'on appelle la tourte qui a malheureusement disparu aujourd'hui, qui amenait les semences un peu partout.

Ensuite, évidemment, on a une pensée pour les différents éléments, entre autres les éléments qui nous

viennent du vent, des quatre vents. Aussi, Grand-Père Tonnerre, pour nous, qui est très important et tout son monde, mais aussi tous les éléments de la Création, dont l'astre du jour, de la nuit, les étoiles.

Finalement, on a une pensée pour le Créateur.

Juste avant de faire la cérémonie de la pipe, avec Blue, je vais vous faire un chant et ce chant-là, c'est un champ des femmes. C'est un chant qu'on ne fait pas habituellement, c'est juste lors des cérémonies, mais je pense que ça s'impose, pour toutes les femmes qui étaient là avant, qu'on ait une pensée pour elles, parce qu'on est ici avant tout pour elles, mais aussi pour celles qui vont venir parce que oui, c'est important de ne pas oublier ce qui est avant, mais il faut penser aussi à aller de l'avant.

Ce chant-là, c'est aussi pour les gens, les femmes du passé, celles d'aujourd'hui, mais celles à venir également, parce que nos femmes doivent avoir un bel avenir dans lequel elles se sentent bien, sécures et peuvent aussi veiller sur nos petits, sur notre communauté, sur notre nation, parce qu'elles ont un rôle très important à jouer et on leur doit respect.

Ce chant-là, c'est un chant de la nation que je vais vous partager.

(CHANT EN LANGUE AUTOCHTONE/SONG IN NATIVE LANGUAGE)

MARCEL GODBOUT : Alors, maintenant, je vais inviter Blue pour la Cérémonie du calumet. Alors, si Blue, tu veux venir à l'avant pour… Les seuls mots que je voulais vous mentionner pendant que Blue va préparer la cérémonie pour la pipe, c'est que ce qui est important pour nous aussi, durant les audiences… évidemment, ce que je propose humblement, c'est que vous savez que nous, dans la nation huronne-wendat, souvent, quand on avait de grands rassemblements où on devait créer des ententes avec les gens ou autres, on arrivait souvent avec ce qu'on appelle des Wampum.

Et pour nous, les perles de Wampum étaient importantes puis il y avait toujours une préparation avant qui se faisait. Et lorsqu'on les offrait, avant même de remettre ce qu'on appelle un collier de Wampum, ce qui signifiait une entente entre nations ou entre gens pour différentes choses, il y avait toujours une préouverture à tout ça et on offrait ce qu'on appelle des cordons de Wampum. Et ces cordons-là disaient, entre autres, ces paroles-là… chaque cordon était… arrivait de cette façon-ci. Le premier cordon, souvent, on le présentait à la personne et aux gens en face et lorsqu'on arrivait avec le premier cordon de Wampum, on disait : « Maintenant, que ta gorge soit dénouée pour que maintenant, tout ce que tu

auras, tout ce que nous aurons à dire soit les bons et les vrais mots que nous aurons énoncés entre nous. Par ce deuxième cordon de Wampum que je vous offre, c'est que pour être sûrs que tous les deux, que ce cordon de Wampum là fasse en sorte d'ouvrir nos oreilles pour justement pouvoir recevoir ce que l'un et l'autre aura à dire. Un troisième cordon de Wampum pourrait dire aussi : je vous offre ce cordon, mais en offrant ce cordon, c'est que nos cœurs s'ouvrent pour que nous soyons, les deux, que nous puissions partager avec cœur la prochaine entente qui sera avec nous, et ainsi de suite.

Il y avait une grande préparation, et je pense qu'aujourd'hui, c'est ça; ce qui est important aujourd'hui, je crois, comme dans tout le reste des journées, je vous souhaite que la parole soit une partie de la guérison de ce qui va suivre aussi comme long cheminement et processus de guérison.

Justement, c'est par la parole, par nos gestes un vers les autres pour honorer ces femmes-là, mais aussi celles qui sont ici et celles à suivre. Donc, ce qui va dire, va se dire avec le cœur; oui, avec la tête, mais ne pas oublier de parler aussi avec notre cœur, parce que c'est lui aussi qui agit.

Et c'est important, je pense, c'est ce que je vous offre, que les créateurs guident vos paroles, votre

cœur, qu'ils ouvrent vos oreilles, aussi, et aussi vos yeux, et que tous vos sens soient éveillés pour faire en sorte que tout ce qui se fera aujourd'hui se fasse dans l'harmonie, la paix, le respect, et pour le bien de tous ceux qui sont à venir, aussi. En n'oubliant pas, toutes celles qui ont passées avant, aussi.

Donc, on va être prêt pour la cérémonie de la pipe.

MS. LAUREEN WATERS: Good morning. Thank you for having us, here, this morning, Pénélope and I, for your pipe ceremony for those that are here and those that are watching. I thought I'd talked loud enough, but I guess not.

(INDIGENOUS LANGUAGE)

This morning, Pénélope and I will do a pipe ceremony for you, and with you. This ceremony is usually done early in the morning at sunrise and at other times when we're coming in agreement, as our elders said. So today, we want to bring it to you, while you're here, cause sometimes early in the morning our witnesses or people who are testifying and the community is not here, yet. So we thought it was more appropriate that we bring the ceremony to you and with you, so that you see that.

Those of you may have never seen a pipe ceremony; our pipe ceremonies are prayers ceremonies, it's

meant to come to you in prayer and to take your prayers and to light that tobacco that we put in this. We don't swallow it, it's strictly for prayer. And then, once we breathe out that smoke, we're offering your prayers to the Creator and all those Ancestors.

We will invite you to come if you so choose to partake in the pipe. These are both community pipes that both Pénélope and I carry, so they are available to the community. They are protected, so there are certain protocols that people follow, such as if you have your moon time, you cannot touch sacred items. These pipes, here, are available any time. They are sacred helpers, so regardless if you have your moon time or if you don't, these are protected for that. Because we want the people to come to get healed, we want the people to partake to find those forgivenesses, that balance in life from the tragedies that have happened.

We will light the pipe and explain as we're doing it, and then when it comes time to light the pipes, all audio and video will be stopped because that is the actual ceremony itself, when we light that tobacco.

But prior to that, we want people to be able to partake in this and to see, so that they feel honoured and that we honour our Ancestors and those that have been murdered and gone missing. Which is why we have our chair,

here; that is for all those spirits of those people that have been murdered and gone missing. We invite them to come and sit and be with us, to partake in this because we are translating their stories, we are saying what happened to them. We are having them help us with this work in honouring them in that way.

This is not usually done over audio, but we are in a different stage of our lives now, and we are in a different way of being. We don't do things solely on the land anymore, we've now moved into buildings. And we can't stop our traditional ways just because we live in different spaces and different times, so we have to incorporate them into that. And I mean no offence to anyone who doesn't follow this way. I come to you humbly just to teach what little I know and to share with you, to provide this space for our Ancestors, to honour our murdered and missing Indigenous women and girls, trans, to spirit, little boy, little girls whose lives have been stolen from us. Mothers, grandmothers, grandfathers, to honour them.

So, again, I want to apologise ahead of time, this is not meant to offend anybody. If it's not within your normal protocol, please open your minds and your hearts to experience something new in a different way. And should you want to carry it, by all means you can carry; and should you want to put it down, there will be no

offence taken. So thank you very much, we're going to start because we have a big day in front of us, so thank you.

(PIPE CEREMONY STARTS)

For the first round, we're offering this tobacco for everyone's emotions, to help us with what we're going to hear today, to help us as we expose ourselves once again and we speak our truth. So this first loading of the pipe is offered for anyone's emotions.

The second offering of tobacco is for physical being, for all those that are suffering physically, for all those that have been left scarred and hurt and injured. We offer this tobacco for their well being, to heal our nations, to heal our people, to restore us to our rightful places on this land in which we walk our Mother. This tobacco is offered for that intention.

For this third round, we offer this tobacco for our intellect, our minds. We ask that those Ancestors help us with our minds to open our being to help us with what we think, what our eyes translate to our minds and then what our minds translate to our voices so that we can speak to each other in a good way, so that we can explain our situations and share our stories and know that none are greater than the other.

We have all lost someone and that their

lives are valued so our stories can be shared in that way, in a good way, that the work that we're doing can be honored, that we're doing to the best of our availabilities. We can only do what we know and we can pick up what we need to learn and then incorporate it into it.

No journey is perfect. The journey of the inquiry has not been perfect but together, when we come together and we offer this for our minds to think in a good way so that we can all act in a good way and we can do the work in a good way.

And the last loading of the pipe, the fourth round that we are going to do is for the spirituality that we carry. We know that we have to have a complete balance in life, including all those four parts of us, the emotion, the physical, the intellectual and the spiritual. And we ask today that these ancestors whom we have lost and those yet to come will come and sit and be with us and that they will help us on our walk.

And when we load this last round into the pipe, that tells the ancestors this is the help we need today. This is the work that we're doing. This is the way that we're coming to you in a good way. As I say, none of us is greater or less than the other. We are all valuable spiritual beings walking in our human bodies and we will

make mistakes and we will say things and we will do things and we ask the ancestors to be kind for us. Look upon us and help us because we are all children. We have all come from a mother and our women need to be honoured. Our two-spirit, our trans, they all need to be honoured. So today we ask those ancestors be with us.

This is the first time our pipes are going to be left out here on the altar for the day and that may be different than someone's protocol as well but we're doing this so that your thoughts and prayers can come to these pipes and when they're lit, we will travel with each and everyone of you so you will become part of our pipe system.

Much like a spider web, we spread out right across the whole world and when one person lights their pipe, the other person feels that and then in turn we light our pipe, so it's a continuation of prayers that will happen for you. So your prayers will not only be taken here but they'll be transferred like a spider web to all those pipe carriers that are out there and those pipe carriers will be lighting their pipes for your intentions as well. That's one of our promises we make when we receive these sacred gits, when they're gifted to us, that we will carry that responsibility and that we will honour that way. So we offer this last round for that.

I'm going to ask Pénélope if she wants to say anything because she's really quiet.

(LAUGHTER/RIRES)

Mme PÉNÉLOPE GUAY: Non, je vais être correcte. Je suis correcte.

MS. LAUREEN WATERS: She doesn't know. See, she's quiet.

(LAUGHTER/RIRES)

MS. LAUREEN WATERS: Okay. So at this time, we're going to ask that all audio and video be shut off as we light these pipes and should you want to partake, please come up and we will offer you the pipe.

(SHORT PAUSE/COURTE PAUSE)

MS. TERRELLYN FEARN: Many thanks for that beautiful ceremony and the opening.

We would now like to call upon Rebecca to light he Qulliq and there is Inuktitut translation. Is it number 3? Sean, is number 3 Inuktitut translation?

Numéro 1 anglais, numéro 2 français, numéro 3 inuktitut. Merci.

(LIGHTING OF THE QULLIQ)

MS. REBECCA VEVEE: (Speaking in Inuktitut). Thank you for inviting me to light the Qulliq. In 1964, that is when we left behind the practice of lighting the Qulliq. It was our source of life, light. Everyone of us

who lived in the north relied on the Qulliq for warmth. We would awaken with my grandma having lit it. Us children were not permitted to touch the Qulliq but now I have lit the Qulliq at a public function for the first time. Thank you.

I know our ancestors are amongst us. They are not visible but they are with us. I've awaited to hear from my illuk (phon.), my cousin who has been missing for years. We were not instructed how to use the Qulliq as we'd lose our only dwelling if we played around with the Qulliq.

These wicks we gather them in the Arctic and this I got from Iqaluit which is -- yeah, trying to -- I selected it because it looks like the tinder that my grandma used. We have to use the wick very properly in order for the Qulliq to be lit well.

This is Arctic cotton added with sand used for cooking over the Qulliq and this is how it remains lit for long. They look like teeth a little bit when they're lit. I don’t have too much else to share.

When I saw the Qulliq for the first time, it reminds me of many things. When we were experiencing hunger and we'd gather together and dine when there was food available, if there was no source of light, we wouldn't be here today. But the fact that our ancestors

knew how to make the Qulliq has brought us to where we are today.

And now I can light it here in Quebec City. Thank you for inviting me once again and may God bless you all. Those who are unable to be here, whom are not here, I express my thanks to our relations. Thank you.

My grandmother, whenever she was lighting the Qulliq, she would indicate don't ensure the light is too high. The best source of oil utilized was the whale oil, and the seal oil was the one that emitted smoke.

Yes, the seal oil, if it's lit too high, can leave remains of soot in the tent or within our nostrils. So the whale oil was the best to use to make a bannock and other sources of food. Please be aware of which oil is best to utilize.

I feel like I'm lighting a Qulliq like my grandmother. Thank you. Yeah, this prompts me to think of my relations. This can be lit over the night but dimmed very low, as that small -- just that one section of the light lit, and by the daytime it was spread over the oil lamp for more heat and lighting.

We had to tend to the wick very well to ensure we'd have lighting and source of heat within our dwelling. Thank you. Sorry, I'm saying too much now. Merci. Qujannamiik (phon).

(LAUGHTER/RIRES)

MS. REBECCA VEVEE: Qujannamiik (phon). Thank you.

We're here to be happy. We're here to be sad. It's okay. I am also a comedienne.

(LAUGHTER/RIRES)

MS. REBECCA VEVEE: I've been a humorous person all my life amongst my fellow Inuit. Rebecca, do you ever see -- sleep, because you talk so much?

(LAUGHTER/RIRES)

MS. REBECCA VEVEE: (Speaking native language). Maybe that's it. Qujannamiik (phon). Thank you.

MS. TERRELYNN FEARN: Qujannamiik (phon), Rebecca. Many thanks.

At this time, I'd like to call upon the commissioners to provide some brief opening remarks. We'll begin with Chief Commissioner Buller, Commissioner Robinson, Commissioner Audette, and Commissioner Eyolfson. En français.

MS. MARYSE PICARD: Alors, nous allons demander au commissaire de faire un petit mot d’ouverture.

(OPENING COMMENTS)

COMMISSIONER BULLER:

Bon matin, mes chers amis.

Elders, grandmothers, thank you this morning for beautiful ceremonies to bring us all together, not only in person, but in minds and spirits.

I want to start by acknowledging the spirits of our lost women and girls, and also to acknowledge the courage and resilience of the survivors of violence and members of the 2SLBGT communities.

Thank you to the Wendat and Inuit people for welcoming us into their beautiful territory. Neowant -- Neo -- I've been practising this -- neowantil (phon).

(LAUGHTER/RIRES)

COMMISSIONER BULLER: As always, the land grounds us and guides us in our work that we are going to be doing this week. And the land nurtures truth that's spoken every day.

Speaking of truths, we've heard powerful testimony from over 1,200 people who have lived through tragedy, loss, but have found great courage and resilience to share with us. We have heard 1,200 truths so far from family members and survivors in 15 community hearings held from coast to coast to coast. I once again thank all of those family members and survivors for their courage, their resilience and their truth.

We also have to be mindful that there are about 500 more people who want to share their truths with

us. Please know that your story, your truth is also important to us and we'll be reaching out to you.

The tidal wade -- wave of truth that started almost a year ago in Whitehorse continues to wash over this country from coast to coast to coast. As we move forward into these new parts of our hearings, the truths that family members and survivors have shared and will share with us provide the foundation, a good foundation for us to move forward.

This is our second, what we call expert hearing. The first one was in August of last year in Winnipeg. That focus was on Indigenous law and decolonizing perspectives, and it provided us with a good foundation for listening to stories and truths. While the primary focus was on Indigenous law then, the critical issue of human rights was also woven through the testimony that we did hear.

This week, our focus is on human rights. A human rights framework will form the basis for analysis, our consideration of the evidence that we have heard already. Let us all listen to understand, rather than listen to respond.

This is another step on our healing journey that we are all walking together across Canada. There is much work to do now, as we know, and we continue that work

in a good way.

Canada, let's learn together this week about human rights and the importance of all rights for all Indigenous women and girls. This will form another framework for us as we move forward.

I call on my dear colleague, Commissioner Robinson.

COMMISSIONER ROBINSON: They always do this to me. I think it's because I'm the youngest. I always am not too sure when I get to go. I find out in the moment. So here I am.

Good morning, bonjour, kué, ullaasakkut (phon). I'd like to start by thanking Elders Blu, Pénélope, (speaking Inuktitut).

I have just -- I'll translate quickly for myself. I just wanted to express my gratitude to Rebecca for lighting the Qulliq. It's been a symbol of light and illumination and learning since we have started our hearings in Whitehorse last year, and I thank her very much for bringing that light into this space here.

I'd like to acknowledge that we are on Wendat territory, territory that's also shared by the Inuit and Wendake (phon) people. I also want to acknowledge the families and survivors, those in the room, the members of the national Family Advisory Circle, those here with

parties withstanding and those here to bear witness.

I also want to acknowledge and send my thoughts to families and survivors across the country, those that we've heard from and those who have chosen not to be part of this. I respect and understand that this is not everybody's medicine.

This week's very important. We have heard from, as Marion has indicated, over 1,200 families and survivors.

We've had some criticism about, you know, how many families and survivors do you need to hear from. I believe all of them. There is some criticism that this is just a sharing circle, you're just letting people vent. And I want to reject that completely. We have heard powerful, powerful truths. We have heard from women and men who have lost loved ones, children who've lost their mothers, who've lost their siblings, who continue to have questions that are unanswered, tell us about the reality that they live in, the Canada that they live in.

And this is the reality that we have to address in the course of this Inquiry, and the realities that they experience require fundamental change at all levels.

The objective of the Inquiry -- and this is throughout our interim report -- it's not merely to end

violence, but it's to build a foundation but it's to build a foundation for Indigenous women and girls 2SLGBTQ individuals to reclaim their power and their place.

So that brings us to this hearing. Why this? Why look at human rights in the course of this Inquiry?

One, a lot of you standing here in front of me have called for this to be the framework through which we do this analysis. So what does that mean? The government called upon us to do this as well, to use a human right lens in our work. This is what we're seeking to fully understand and build on this week.

The tragedy of Murdered and Missing Indigenous Women and Girls and the violence experience has to be contextualized through this framework. It's a question of understanding the root causes, understanding patterns of discrimination, but also identifying the roles and obligations of institutions and systems, and finally, it's about finding solutions.

In order to address the issue of violence and in order for Indigenous women to reclaim their power and place in this country, human rights, Indigenous rights must be fully respected, protected and fulfilled, and that's what we will hear more about this week. We'll hear about it from knowledge keepers, academics, those with

frontline experience, and it all frames this understanding.

And our hope is that it will help us all structure recommendations that are going to be actionable, that are going to create real change so that the stories and the truths that the children and the grandchildren and the great grandchildren tell will be a better one. Nagoine (phon).

COMMISSIONER EYOLFSON: Bonjour, baneen (phon), good morning. My name is Brian Eyolfson. I'm one of the commissioners as well.

I'd like to start by thanking the Wendat and Innu and Abenaki people for welcoming the National Inquiry to this beautiful territory, inuwansal (phon).

I'd also like to thank the Elders, Marcel, for the wonderful opening and song, and Rebecca, for lighting the Qulliq for us this morning. I'd like to thank our grandmothers for their support and guidance and for getting us started in a good way this morning with ceremony, Blu and Pénélope; and Bernie, who is also here for support.

Also, I want to give a thank you to Melanie Morrison and Barbara Manitowabi, two of our Family Advisory Circle members who are here with us today, for their support, for their dedication and for their very valuable advice.

I'd also like to acknowledge all the parties withstanding who are here with us this morning for their continued engagement.

Part 1 of the truth gathering process was powerful. We heard many, many very difficult truths that were important to hear, but we also saw and heard that many Indigenous women and girls are courageous, resilient, and their strength is undeniable.

While Part 1 of the truth gathering process shows us what violence looks like for Indigenous Women and Girls in Canada, many family members and survivors also provided a lot of very valuable recommendations towards eradicating the systemic violence.

Part 2 and Part 3 of the truth gathering process, the knowledge keeper and expert hearings and the institutional hearings will help us further understand the systemic causes and possible solutions for ending violence. And parties withstanding will also contribute their expertise by asking questions of the witnesses in Part 2 and 3, and I look forward to that.

I really look forward as well to hearing from this week's knowledge keepers and experts. As a lawyer who focused on Indigenous rights and human rights more generally for over 20 years, I understand and appreciate the importance and value of approaching this

work with a human rights framework, a framework that is gender relevant, rights based and intersectional, as well as culturally specific and decolonizing.

To the families and survivors who have entrusted us with this sacred responsibility, we will work hard to prove worthy of your trust. I just want to thank all of you here, and those who are watching online, for participating in this important work, work that will make a difference in the lives of Indigenous Women and Girls and two spirit LGBTQ people as we strive to create a better and safer place for everyone. I look forward to working with you all this week. Merci. Thank you. Qujannamiik (phon).

COMMISSAIRE AUDETTE: Merci beaucoup mes chers collègues, les commissaires, je vous aime tellement, mais vous ne m'entendez pas encore dans vos oreilles, alors, je peux dire plein de choses sur vous avant que la traduction arrive! [Rires]

I was saying I love you so much, I could say anything, but ---

(LAUGHTER/RIRES)

COMMISSAIRE AUDETTE: --- now we're in public.

(Langue autochtone parlée) Les hommes, les femmes, jeunes et moins jeunes, merci d'être ici. Je veux dire un gros merci à Marcel ; Marcel a déjà pris soin de

mon fils, Wapen Gawi, et quand il a su que tu étais notre aîné, il a dit : « Lui? Il est jeune! » [Rires] J'ai dit : « Peut-être jeune, mais rempli de sagesse. »

Merci de nous accueillir sur ton territoire, sur votre territoire, chère nation huronne-wendat, mais aussi un beau territoire qui a été partagé pendant des millénaires avec plusieurs nations, dont la mienne, la nation Innue. Alors, je vous dis : bienvenue chez nous! D'ailleurs, vous êtes dans ma cour, je n'habite pas loin d'ici.

Un gros merci à Mélanie Morrison : elle fait partie de nos idoles, nos guerrières, les femmes qui nous assurent de faire en sorte que cette enquête historique se fasse de la bonne manière, de la bonne façon et de faire en sorte aussi qu'on pose les bonnes questions aux experts.

Merci à Barbara, qui a conduit de l'Ontario jusqu'ici pour venir voir Québec et venir voir cet important travail que sont les audiences institutionnelles avec nos experts et gardiens et gardiennes du savoir.

Un gros merci à Terrelynn Fearn pour son animation *in English* et à Me Picard, Maryse Picard, qui fait la partie en français – un gros merci.

Je demanderais à notre directrice générale, Jennifer Ratery(phon.), alors une femme de la nation Crie et Ojibwe du Manitoba, alors, if you can stand up so they

see who is our new and powerful ED. Bonjour!

(APPLAUSE/APPLAUDISSEMENTS)

COMMISSIONER AUDETTE: Merci beaucoup! Merci d'être ici et son *French* est *very good*, [Rires] *just to you know*!

Alors, cette enquête, comme vous le savez, beaucoup de familles ont travaillé pendant des décennies pour faire ne sorte qu'on mette la lumière sur les disparitions, sur les assassinats, mais aussi sur les injustices. On nous a donné comme mandat d'étudier et d'examiner les causes systémiques et toutes les formes de violence auxquelles font face les femmes et les filles autochtones ici, au Canada, toutes les formes de violence.

On ne nous a pas donné 15 ans de travail ou d'études ou d'analyses ou 20 ans, on nous a demandé 500 ans d'oppression, de regarder ce qui se passe depuis 500 ans, et ce, en deux ans. On nous a demandé aussi de questionner et de regarder ce qui se passe dans chaque province et territoire, et ce, seulement en deux ans.

Alors, c'est un travail colossal, un travail immense. Et je vous dirais, fière de m'associer avec mes collègues ici les commissaires, de faire partie de l'Histoire. Cette enquête est historique, elle a une portée large; qu'elle soit d'une communauté en milieu inuit ou urbaine au Manitoba ou sur l'Île du Prince Édouard ou à

Vancouver ou tout simplement ici, à Québec, nous avons une portée régionale, provinciale et territoriale, comme je l'ai dit plus tôt et aussi nationale, mais je dirais internationale.

La communauté internationale nous observe, observe aussi le Canada. Et dans quelques semaines, ici, dans la région de Québec, il y aura un G7. Moi, je dis : merci, c'est important, mais notre enquête aussi, votre enquête est importante autant que ce qui se passe sur la communauté internationale et le G7.

L'enquête nationale a écouté près de 1 200 personnes, hommes et femmes. Des gens courageux, des gens qui ont osé dire la vérité pour la première fois ou pour avoir répété maintes fois ce qui s'est passé dans leurs vies. Alors, je leur dis merci.

Et grâce à leurs témoignages, à leurs récits, que ce soit sous œuvres artistiques, ou d'un chant, d'un poème, ou d'un témoignage verbal, publique ou en huit clos, ou d'une déclaration, les témoignages nous permettent aujourd'hui de poser les bonnes questions, aux experts et aux gardiens du savoir. Et évidemment, au gouvernement, éventuellement.

Vous savez que nous l'avons demandé cette extension. Nous l'avons demandé à maintes reprises, nous sommes toujours en attente d'une réponse à savoir si

l'enquête aura un 24 mois additionnel pour pouvoir faire les travaux qu'on nous a demandé de faire.

Treize provinces et territoires, et je vais terminer avec ça, méritent de venir s'assoir ici, méritent de nous expliquer, de nous répondre et de nous proposer des solutions. Pendant plusieurs mois, les familles ont questionné, ont ciblé ou nommé des problèmes qui se passent à travers le Canada.

Alors, je crois que c'est important que les provinces et territoires aient l'espace, comme les familles ont eu, pour venir répondre à ces questions et venir nous proposer des pistes de solution, aussi, au même titre que les familles l'ont fait.

Vous être en territoire, au Québec, on appelle Québec, province du Québec, et l'Assemblée des Premières Nations du Québec et du Labrador a adopté une déclaration en 2015 sur les droits fondamentaux des enfants.

Alors, merci à nos leaders, et encore plus à nos femmes élues. Chères dames, à travers le Québec, beaucoup de femmes sont en politique et elles ont adopté en 2017, donc très, très, très récent, et adopté à l'unanimité : Tolérance Zéro, une déclaration contre la violence faites aux femmes et aux jeunes filles autochtones ici, au Québec.

Alors, je vous dis merci, et faisons en sorte que cette enquête soit un succès, et non pour les commissaires, mais pour les femmes, les filles et les familles autochtones. Elles méritent que leurs histoires entendues, mais elles méritent aussi justice. Nous avons deux membres, ici, de famille, et je suis contente de vous voir, et je vous dis un gros, gros merci, and I'll speak French all week. Wow, thank you so much.

Mme TERRELLYN FEARN: Merci Commissioners. Thank you very much. At this time, I'd like to call upon one of our grandmothers, Bernie Williams, and the Commissioners to come up, and we'd like to honour and acknowledge those that opened us doing a ceremony in a good way.

Mme MARYSE PICARD: Alors, on va demander à une de nos grand-mères, Bernie, de s'approcher, ainsi que les commissaires.

COMMISSIONER MICHÈLE AUDETTE: She's the boss.

MS. BERNIE WILLIAMS POITRAS: I just want to say my name is (Indigenous language), also known as Golden Spruce Woman. My name's Bernie Williams, I am one of the grandmothers to Michèle Audette. I just want to say to, and please forgive me if I don't say properly, (Indigenous language) the territory, here. I come from (Indigenous

name) and I am also a hereditary chef-in-waiting, I get to potlatch in August this year for my hereditary chef's name.

But along in my territory is the gift of copper. And I'm sure many of you heard, you know, in the last year that we've given the gift of copper, which is the highest gift that any hereditary chef or families (Indigenous name) give, it's the highest honour. And also, the copper is used as protection, too, so we'd like to ask Marcel to please come up to receive the gift of copper.

And I would also like to call up our other grandmother. Pénélope, please.

And to our Elder, Rebecca VeVee.

I would also like to also ask Laureen Blu to come up here to receive.

I just also want to acknowledge our family members from NFAC. One of the hardest things, I think, is as family members— I am a family member but also a survivor in that end, too— to know that our friend NFAC is here to advise and to support us. But I would also like to acknowledge the knowledge keepers that are here, and most of all the family members and the survivors across this great land, and that this has been a very long journey for many of us.

I see many family members that are also sitting in here today, and survivors, our hat to you for

coming here and it has been a long journey. There's many family members that have been fighting for over 30, 40, some 50 years, and that at the end of my day, this is what it looks like: it's still crimes against humanity.

And I hope that through this week, that through the process, that Canada and that the three levels of government can really take a look that this is not acceptable, and really honour the families and survivors, and again, lesbians.

I am (Indigenous language) spirit woman too, and I just hope that this week… is that this work will get done and that there will be some closure. I know that it's gonna be a long, a long journey and that, and to other four commissioners, I just, I don't know… I have nothing but respect and love for these four that have been working so hard and who have also been leaving their families behind, too.

And I also want to recognize all the men and women that are here working behind the scenes, that many of them are also family members, too, and many of you don't know. So I really want to all acknowledge them.

And the last… the last pendant, I'd like to, is give as a gift of respect to, is our new executive director. This has been a, she's just thrown in it, it's just like… and we want to honour you to give you this gift

as a gift of respect and also for your protection.

MS. TERRELYNN FEARN: Thank you.

So that concludes the opening ceremony. I want to extend my heart and great thanks for everyone to -- who participated, for you, as well, to be part of this opening ceremony, and to the grandmothers to the Elders, traditional keepers, to opening us up in a good way, opening this ceremony in a good way over the next four days.

So we're going to take a 10-minutes break, and we'll get setup and get started. When you come back, may I ask that we ensure that our phones are on vibrate and that we have everything we need. So we'll reconvene and see you in 10 minutes.

--- Upon recessing at 9:43 a.m.

--- Upon resuming at 10:03 a.m.

MS. CHRISTA BIG CANOE: ...we had 38 -- 5 parties withstanding providing notice of providing notice of appearance, and for this morning, we have 28 parties registered in attendance.

What will happen, and just sort of as a matter of housekeeping, is we were presenting with a panel this morning. We will be presenting four witnesses, and this afternoon, parties withstanding will have an opportunity to do cross-examination.

Essentially, we just wanted to acknowledge and thank the witnesses for attending and we will be qualifying witnesses with the consent of the 28 parties and we'll indicate that again. So we do recognize there's a little more formality on the record for these particular hearings, and it's just so that we can capture the expertise and the knowledge that they're sharing with us in a good way.

So on -- with that, I would like to ask Violet Ford to call the first two panel members of the first panel, which is exploring and looking at domestic and national issues in human rights, with a focus on the social determinants of health and essential services as human rights.

MS. VIOLET FORD: Thank you.

Yeah, I'd just like to point out again that the parties in attendance have consented to the manner in which we are seeking to qualify the witnesses.

Good morning, Commissioners, Chief Commissioners. I will start my questions with Tracy Denniston, who is sitting on my right, by asking the first question.

MS. VIOLET FORD: What is your full name?

MS. TRACY DENNISTON: Tracy Jean Robena Denniston; surname, Winters.

MS. VIOLET FORD: My apologies. Before I start asking her questions, I would request to have her sworn in.

MR. BRYAN ZANDBERG: Good morning -- morning, Tracy.

MS. TRACY DENNISTON: Morning.

MR. BRYAN ZANDBERG: I understand you wanted to swear on the Bible?

MS. TRACY DENNISTON: Yes.

MR. BRYAN ZANDBERG: Okay. I'll just pass you that.

Tracy, do you swear that the evidence you will give will be the truth, the whole truth and nothing but the truth, so help you God?

MS. TRACY DENNISTON: Yes.

MR. BRYAN ZANDBERG: Thank you.

MS. TRACY DENNISTON: Thank you.

TRACY DENNISTON, SWORN:

EXAMINATION IN-CHIEF/INTERROGATOIRE EN CHEF PAR MS. FORD:

MS. VIOLET FORD: Let's start again. What is your full name?

MS. TRACY DENNISTON: Tracy Jean Robena Denniston. My surname is Winters.

MS. VIOLET FORD: What is your cultural background?

MS. TRACY DENNISTON: I am an Inuk woman from -- originally from Hopedale, Labrador. Raised in Hopedale all my life and then moved to Nain in the last 18 years to live with my husband there with my family. I've lived a Inuk all my life.

MS. VIOLET FORD: You say that you were raised by your grandparents?

MS. TRACY DENNISTON: Yes. I was culturally adopted to my grandparents.

MS. VIOLET FORD: How old were you?

MS. TRACY DENNISTON: Born -- like 3 weeks old. I was premature and sent out to St. Anthony when I was born, and they came and got me when I was 3 weeks old. With them ever since.

MS. VIOLET FORD: Okay. From your grandparents, what were your teachings from your grandparents, your traditional Inuit teachings that you received?

MS. TRACY DENNISTON: The biggest one for me was the respect, respecting our Elders, respecting our family and making sure we always took care of our family. And our family included not only our direct family but also our extended family, and also our community at large, Hopedale. So we always had to make sure we were taking care of everybody.

Importance of sharing. We always had to make sure if we had food -- wild food in the house -- if we had more than enough then we'd share it with other families who needed some.

Duties to family is we all -- had a -- our family was huge, so we always made sure that we all were taking care of each other growing up. Because there was a lot of times our family would go off hunting, so we would take care of the kids while the other ones went hunting.

Spirituality was a big piece. My parents were church elders. Giguks (phon.) what they called them back then. They were church elders. So when things were hard, we always had spirituality on our side and made sure if we were going through hard times that we were -- we always knew we had a higher power to pray to. And that was something I -- I always take with me now.

As well as the laughter. Like there were times -- there were really hard times growing up, so we always made sure there was laughter in our life. And that was a means of coping and getting through tough times. There was always laughter in our family.

And as well as just looking at Inuit people. In our communities, values is something it's hard not to -- like when you have to think about values, it's something you have to kind of look deeply in to because that's

something you already know, it's already in you, it's just something you've got to bring out. So for me, resilience is something that I feel our Inuit people have very strongly, because in order to go through very harsh times they had to be very resilient to get through.

MS. VIOLET FORD: Thank you for that. A question related to that last remark. Do you think that those values, beliefs, obligations to family, for examples, are still within the people in Nain?

MS. TRACY DENNISTON: Yes. The majority, yes.

MS. VIOLET FORD: Now, another question around the -- things that have impacted on the community of Nain, in Hopedale, for example.

Many of the people in those areas, would you say are residential school survivors?

MS. TRACY DENNISTON: Yes. My family was very impacted by residential schools. I come from a different generation where even though I was culturally adopted, all who I call my brothers and sisters all had attended residential schools. And -- and I just use an example of my mother.

My mom -- I remember when I was 13, I tried to be hard one time, and she just started crying because she didn't know how to deal with a child at age 13 because

she -- all of her children were gone to residential school so she didn't have to deal with children. And it's still very much a part of our lives. Even today, even though I didn't attend, I still feel the impacts myself.

MS. VIOLET FORD: Growing up with these factors that you have just listed has created for you your -- some of your life experiences; correct?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: What have you learned from these experiences?

MS. TRACY DENNISTON: There is a difference. Like I got to say, in my generation, there is a difference. Even just speaking out is something very new for Inuit from what I grew up in. And -- because when I was young in the seventies and eighties, when I was growing up, a lot of people didn't speak out on issues and violence was one of the biggest topics that I remember growing up seeing in our communities.

It wasn't -- it was normal to see women walking around with black eyes. It was normal for that, and it was never talked about. But now, in my generation, even though we grew up seeing it, a lot of community members still feel that it’s pretty normal when really our generation know as you become educated you start to see that no, this is not right. Like, violence is something

that have always been a part of in my life without going through it in my personal life. You kind of make the connection just to things and how— this is why I ended up in my roles in the helping field, all my education, I've always been doing that part in my life.

MS. VIOLET FORD: Your community of Nain. Can you tell the commissioners what are the economic situations and realities of that community?

MS. TRACY DENNISTON: As a community member, I've lived in Nain for the last 18 years and Hopedale is very similar to Nain in our ways of, like, Nain and Hopedale are closely connected, so.

There's nothing I can separate from knowing as a community member what I've seen and as my work as a frontline worker… we are going through a change. It's very slow, but we are going through a change.

And this is something I think where women's coming to place but also women who become stronger, more educated, are able to speak about uncertain topics, which is part of what I'm doing with my life.

MS. VIOLET FORD: Now, going to your CV, this is your most recent, CV.

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: Can you share this experiences that you've laid out in your CV as it relates

to your qualifications to speak on this matter? Can you go through some of that CV for the commissioners?

MS. TRACY DENNISTON: Okay. I just wanna say between going to university back and forth, I raised a family as well.

Going back and forth to university, I have about 20 years, 15-20 years frontline experience working, cause all of my work I've ever done was in frontline, dealing with women's issues, violence prevention, suicide prevention. Like, everything that I've ever worked in has always been in the human resource field, social work field.

MS. VIOLET FORD: Just before I go on to the next question, I just want to bring it to the attention of the Commissioners to help guide them. This is found in your binders in Tab 1 and under Tab B; Tab 1B.

You say what your current employment is. What is the title of your current…?

MS. TRACY DENNISTON: I'm currently executive director for the Nain Transition House.

MS. VIOLET FORD: But you've been in the position just for a few months?

MS. TRACY DENNISTON: Yes, just for a few months. I'm doing a maternity replacement.

MS. VIOLET FORD: And before then, you were in the role of a frontline's worker, correct?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: For many years?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: How many years?

MS. TRACY DENNISTON: Well, I graduated from Memorial University in 2013 with Social Work, in Inuit Social Work. So I've been a frontline worker since then, but also previous to my Social Work degree, I've done a lot of frontline work as a support worker frontline, doing with my social work diploma.

So I have… since 2013, I've had more involved work as a frontline worker and more into therapy and also dealing with victims.

MS. VIOLET FORD: In your CV, it says some of the other skills that you have related to your work. Would you mind bringing those out a little bit more?

MS. TRACY DENNISTON: Some of my other skills, can you explain?

MS. VIOLET FORD: For example, some of the skill you have listed here is in terms of sense of experience in-group facilitation?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: And you have community outreach?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: Okay.

MS. TRACY DENNISTON: The majority of my work as always been with community, working in community-based programming. I've been a lot of work as a support worker with department of Health and Social development, in doing different programs, like developing probation programs from anywhere mandated by the courts to do dealing with violence against women. That was one of the things.

Also, as doing a lot of healing, like, I've done some healing work with community Elders, who have traditional knowledge in healing. So I've been a support to them as they were dealing with a lot of work, and this is where I feel our communities could benefit from the traditional healers.

MS. VIOLET FORD: In terms of your employment, just to be clear, especially for the parties here, you are not an employee of the department of Victim services at the moment?

MS. TRACY DENNISTON: I'm currently on a leave of absence.

MS. VIOLET FORD: From the government of Newfoundland and Labrador?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: In that area?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: Now, I know when we start getting into the questions of the areas that you want to talk about here, today. You will be relaying on your life experience?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: And work experiences?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: But just so that we are clear, is it correct that any knowledge or opinions you share will be yours?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: And not those of the government of Newfoundland and Labrador?

MS. TRACY DENNISTON: No.

MS. VIOLET FORD: Thank you. What you refer to the academic degrees?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: That you have, and that's a degree in Social Work?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: And that is a four-year degree?

MS. TRACY DENNISTON: 5-year.

MS. VIOLET FORD: 5 years. 5 years degree?

MS. TRACY DENNISTON: Hum, mmm.

MS. VIOLET FORD: Where did you receive that training?

MS. TRACY DENNISTON: I've done my training in Goose Bay with Memorial University coming in, with professors coming into Goose Bay, who have had Inuit, we had Inuit information brought in a specific social circle.

MS VIOLET FORD: Okay. So you were trained in the area of, for example, counselling in Inuit?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: Okay. On that, then, Chief Commissioner and Commissioners, based on the knowledge, skills, practical experience, training and education, as described by Tracy, I am tendering Tracy Denniston as a Knowledge Keeper, as well as an expert, in the area of Inuit women and violence, and with life experience in violence against women.

CHIEF COMMISSIONNER MARION BULLER: Yes, thank you. Based on the consent of the parties and on the knowledge, skills and experience as described by Ms. Denniston, and as evidence in her CV, we are satisfied that she's qualified as a Knowledge Keeper and expert with life experience in Inuit culture and in the area of Inuit women's experiences, thank you.

MS. VIOLET FORD: Thank you. Now, getting into the main areas of what you're testifying in today, the

three areas that you were confortable focusing on related to violence against women are poverty, housing and residential school, intergenerational trauma.

MS. TRACY DENNISTON: Yes. Yes.

MS VIOLET FORD: Okay. We will start the questions, I'm the first one. Beginning with you just came from there a few days ago.

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: In your role, as directive director, and dealing with victims.

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: Can you give us, give the Commissioners an example of the last time, the most recent time that you have had to either in your role as a frontline's worker or executive director, dealing with Inuit women and violence?

MS. TRACY DENNISTON: A couple of days ago.

MS. VIOLET FORD: And what happened then?

MS. TRACY DENNISTON: Women come to the shelter who are experiencing violence, and we have to, based on the assessment, we either admit them or not. And we deal with that all the time at the shelter.

MS. VIOLET FORD: What is the criteria for admitting them, or not admitting them?

MS. TRACY DENNISTON: They have to -- for

the assessment piece, the crisis intervention workers do the assessment, they come to check with me for approval, and their criteria is based on they have to be -- experience some sort of violence, either physical, mental, or emotional.

MS. VIOLET FORD: How long did they stay in that transition house before they have to return?

MS. TRACY DENNISTON: We have a policy up to six weeks but if they leave on the sixth -- like, if they went home on the sixth week, the same day that they returned and they were -- experienced violence again, they could return again the same day if they need to.

MS. VIOLET FORD: So is it normal that they go back to their home, like, their household?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: Their family household?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: Where they were abused.

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: Do you see a number of repeat victims in this type of process?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: And how do you know that they are repeat victims?

MS. TRACY DENNISTON: Because we keep

statistics.

MS. VIOLET FORD: Now, just paint a picture of the other side of the coin. You are the front-line worker. The victim is coming into the transition house. Have you observed how they are feeling at that point?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: How are they feeling?

MS. TRACY DENNISTON: Afraid. They're afraid, but they're also relieved that they have somewhere to go. But in saying that, we try to refer them -- to set them up with different resources in the community to make sure that they get the help that they need.

But it's still scary. Like, I see the fear on their faces sometimes because we live in small communities where everybody knows everybody. And even to just go to the store to get your basic stuff that you need, your toiletries and stuff, you may encounter bumping into your abuser, which is very common in our communities, which I think is a barrier that causes tension for our woman victims.

MS. VIOLET FORD: When you see them in that position, would you say that -- and this is in relation to Inuit culture itself so I'm trying to get to the question of how they're feeling in relation to Inuit cultural values around respect and dignity, some of the fundamental areas.

How do you think this type of trauma, or have you spoken to them about how this type of trauma impacts on their sense of self, their dignity?

MS. TRACY DENNISTON: The way I'm going to answer that question is it's different for different generations. I can't separate -- I can't help but say that there's a difference between generations.

Older women who experience violence tend to go home because they really don't have no other place to go to because a lot of times their house that they own is in both names and they really don't -- because of overcrowded and lack of housing, they have nowhere else to go; I find that with older ones.

But with younger people who experience violence, they speak out a bit more and they say, "No, I don't want to put up with this." And you see women coming into the shelter who say they charge people -- they're charging them because they know it's wrong. But the older ones sometimes don't want to acknowledge that it's wrong because it's been so normalized in our communities, even from the eighties when I was a child.

I'm 43 years old and as a young child growing up seeing it normal, nobody ever talked about it. We just knew that that was what it was like growing up. But as I got educated and left our communities to see

violence is something that is wrong, until then, many people are not going to be able to get out of that kind of cycle.

MS. VIOLET FORD: Your point on it becoming normalized; can you describe other ways that you've observed that it's becoming normalized in the community?

MS. TRACY DENNISTON: The biggest thing I see is women struggling with knowing that their safety is at risk. Their safety is not important. That becomes a very -- I don't know how to explain it but for me safety would be number one because I know it's not right. But for the women who is experiencing violence, safety is put on the backside, so to her the most important thing would be to make sure she had a home to go to because she has children, she has to take care of her children and the family, even though there is violence going on.

MS. VIOLET FORD: And do you see that sense of obligation ---

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: --- part of the ongoing cultural values?

MS. TRACY DENNISTON: Yes. Family values, making sure you're taking care of your family, like it gets interconnected with their cultural piece of knowing what their role is in the family. But it also is a barrier

because it causes them to be in situations where they're stuck.

MS. VIOLET FORD: Thank you.

You mentioned a minute ago about poverty.

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: The Inuit Realities Report; you've seen that report?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: You're familiar with that report?

MS. TRACY DENNISTON: M'hm.

MS. VIOLET FORD: You've read it?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: That is -- now, moving into the specifics of the root problems related to poverty, and growing up in an Inuit community where the -- where poverty is always there, ---

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: --- can you expand on how poverty plays into the -- and contributes to the potential violence and creating the vulnerabilities of Inuit women?

MS. TRACY DENNISTON: One of the big things I noticed as a community member is if you don't have much education, then you're limited to getting certain jobs or you're not qualified to do certain jobs, and this plays

into being in -- in Nain and Hopedale there's social housing. I have to explain that part. There's social housing where if you don't make a certain amount of money per year, you're eligible to receive -- you're eligible to apply for a house which you pay $100 a month for which comes from -- I don't know where the money comes from. But if you were under a certain cap, I think it's $36,000, I think if you make less than that $36,000 a year you're eligible to apply for a house. And usually when you have no education and -- you qualify for these houses. And because of the lack of housing, many of our communities have social housing, like, live in social housing.

And this is part of the problem because -- and our social housing is called Torngat Housing. And the problem with Torngat Housing is something that if you apply as a family, a man, woman, and children involved, they have both the man and the woman's name, or the partners, are listed on the housing agreement.

MS. VIOLET FORD: Okay. So how do you think in more general terms, and if you could give some examples, how the poverty issue affects Inuit women and their choices in life?

MS. TRACY DENNISTON: The housing issue -- I've seen as a front-line worker, in my experience as a community member, women who experience violence living in

the social housing end up going back to live in the house because they have nowhere else to go. This is one of the key reasons I think the women go back because they really don't have nowhere else to go, other than the shelter, and for their children they want to try to do what's best for them and their children, so they go back, even though the risk is very high for being re -- for violence again, which I've seen many times.

MS. VIOLET FORD: Even though there may be women in that community who've, you know, like made a choice some evening to say okay, I'm getting out of this, right. I want to leave. I want to get out of this and they want to get out of the community itself. Where did they go?

MS. TRACY DENNISTON: There's a program where they can apply for a transfer but most of the people -- well the majority of the people who are coming to the shelters are below the poverty line, so a lot of them are under income support.

So income support is a system that -- where they get their money from and they are allowed to transfer to one place and either they have to go to the closest shelter which is either in Hopedale, which is a newly opened shelter there, or in Goose Bay. And a lot of times the women who want to flee don't want to go into somewhere

close like Hopedale or Goose Bay because there's always other family relations connected to it. There's a lot of things that cause them to just say. The system doesn't allow them to move forward.

MS. VIOLET FORD: Okay. So they, for example, cannot afford to be put on a plane, to go on a plane, to buy a ticket?

MS. TRACY DENNISTON: Not, they can't afford to pay for a ticket. Cost of tickets in our communities is high.

MS. VIOLET FORD: Okay. And now moving on to the second area you are speaking about and that is housing, and you hinted to it a few minutes ago that it's linked to poverty as well.

MS. TRACY DENNISTON: Yes. Inuit families in our communities, there's a lot of overcrowded families living together because there is very few housing available to people to apply to due to either lack of land or no money for houses to be built. Like there's always these issues that cause housing to be a delay after delay. And a lot of times, many people who are in poverty can't really -- you can't apply for a mortgage because you don't have credit or your income is too low. So they can't really get houses themselves without having to have support from an agency like Target Housing to apply for.

MS. VIOLET FORD: Who normally applies for this house?

MS. TRACY DENNISTON: The family do, the family.

MS. VIOLET FORD: Family?

MS. TRACY DENNISTON: Yeah.

MS. VIOLET FORD: And whose name does it usually go into?

MS. TRACY DENNISTON: It goes under both. From the information that I was given, it's -- the names are both in the -- both the mother and the father or the partners, both names.

MS. VIOLET FORD: So why is it then that when there is abuse by a man towards a woman who is the victim and their names are both on the house that it's the woman who has to normally move out?

MS. TRACY DENNISTON: One of the biggest reasons I have seen is the woman is usually not the person who is making the money in the house. It's the man and the man feels because he's the one that's making the money and paying the bill that needs to be paid for the house that he has more ownership than the woman does. Or also there's no supports in our communities for men to go to, so they know that there's a shelter there that women can go to.

MS. VIOLET FORD: Okay. In terms of

housing, there are single parents ---

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: --- who also need housing.

MS. TRACY DENNISTON: M'hm.

MS. VIOLET FORD: And there's usually a shortage of housing for single parents?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: And that's been indicated in the reports you've read?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: Do you think that's another reason there is continued abuse because single mothers are forced to go back?

MS. TRACY DENNISTON: Yeah. I think it's because of overcrowded. So if you're a single mother and the father is not involved in your life and they have nowhere to go because there's no housing to apply to, they end up going to stay with other families who have their own family which causes more stress in the house because there's so many people and very limited numbers of rooms, that causes stress. So like I think that would be a stressor which could cause potential violence.

MS. VIOLET FORD: Okay. Now one part of this housing issue you wanted to talk about after talking to you over the last few days in preparing for this

testimony, you highlighted the focus on emergency protection orders.

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: In your work as a social worker and I'm sure you were trained in that area as well, you are familiar with those?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: You're familiar with the purpose?

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: Can you explain what the purpose is?

MS. TRACY DENNISTON: Emergency protection orders is an order that a judge grants to a woman who feels like she may be at risk of being abused. Like if there's a long history of abuse, then it's usually granted, or sometimes it's not depending on the reason the woman explains in her application I guess to the judge.

MS. VIOLET FORD: And there has been discussion around the effectiveness of this?

MS. TRACY DENNISTON: Yes. As a community frontline worker and this has come up in the past in regards to being a support to families of the murdered or missing that a lot of women don't want to use emergency protection orders even though they know it's an option,

because we live in such small communities that they don't work for our communities the way it would if they were in a big city or somewhere else and so many times they could go to the store.

If they did apply for emergency protection order and it was granted, it still doesn't stop the offender from going to the store and bumping into the victim in the store. So really it kind of -- so they know that it doesn't really work for them. They don't feel safe with that because even though it's granted, women don't feel safe. I've had experiences with that as an outline worker and as a worker in the shelter.

MS. VIOLET FORD: Can you expand a little bit more for the purposes of the commissioners on the specific connection between the emergency protection orders and the shortage of housing? Can you bring that out a little bit more?

MS. TRACY DENNISTON: The emergency protection order is a barrier even for the women who are trying to flee violence.

(SHORT PAUSE/COURTE PAUSE)

MS. TRACY DENNISTON: Even though they know it's wrong and they don't want to put up with the violence anymore, they go back because this is the realities in our community. It's easier for them to go back than it is for

them to leave.

MS. VIOLET FORD: Is there more?

MS. TRACY DENNISTON: I've had many discussions of women who talk about violence, experiencing violence that have said the same thing. I know -- I know I shouldn't get beaten up, I know what he is doing is wrong, but where else am I going to go? I have nowhere else to go.

MS. VIOLET FORD: Okay. Thank you.

Now we have just one more point to cover and I think we're running short on time. And so if you could just spend maybe a few minutes on the residential school issue and the intergenerational trauma and how that's linked to the violence and the contributions of violence towards Inuit women? If you could just spend a couple of minutes. And because time is short, I would need to narrow down that question to, first of all, how many -- you mentioned that your grandparents were residential school survivors, right?

MS. TRACY DENNISTON: My parents went to -- my Dad wasn't educated. He didn't go to school. He had to leave when he was nine. But my Mum, I think, attended boarding school, but all of her children that she borne attended residential school.

MS. VIOLET FORD: In terms of repeat

offenders -- and we all know, I mean, it's recognized in many, many reports, public reports that are available, including the Truth and Reconciliation Commission Report that's publically available and that many people have read, and it's on the news, that residential school is related also to violence.

And I'm wondering in terms of the type of offenders that carry out this violence against Inuit women, and a lot of those times it's the men who are doing the offending.

MS. TRACY DENNISTON: M'hm.

MS. VIOLET FORD: And we all know that residential schools break a lot of people; a culture is broken because of the residential school. And that includes men and women.

MS. TRACY DENNISTON: Yeah.

MS. VIOLET FORD: Would you like to say something about how the trauma is linked -- the intergenerational trauma is linked to the repeat offenders?

MS. TRACY DENNISTON: I am speaking from my work as a frontline worker and as a community member when I discuss this issue. Because with regard to the residential school, there are many hurts that a lot of families are still struggling with today from the impacts of attending residential school; physical, mental, emotional, sexual

violence that they've encountered, that they've heard people talk about stories that they've encountered during -- - while attending residential school.

And some people are talking about it but there are still some people who are -- like, our communities are at different levels. We cannot -- we have to meet to see where the communities are at different levels in their healing. Some choose not to heal, some choose to use substance abuse to cope, and that's their no fault of theirs because the hurt was just so strong. That part, I feel, is linked to residential schools and the increased risk in violence that happens.

But, also, intergenerational trauma, many of the repeat offenders come from families who have been relocated from either Hebron (inaudible) I think you can't help but link those to some of the hurts that they're still encountering, the systemic problems that's been -- the emotions that's been carried on from generation to generation without ever talking about it, sometimes.

The repeat offenders are still people. Like, we cannot separate people. Like, even though we know in our communities, repeat offenders are like, sometimes it's scary what they do, but we also have to still remember that they are still people that have a lot of hurts and I think a big part of the issue here is that the repeat

offenders don't have the support that they need to get the healing that they need to deal with those issues. As well as the women who are experiencing violence.

MS. VIOLET FORD: And that is -- what you have just said, that's based on your experience as ---

MS. TRACY DENNISTON: Yes.

MS. VIOLET FORD: --- a front-line worker.

MS. TRACY DENNISTON: Yes, a front-line worker and a community member.

MS. VIOLET FORD: Okay. Well, I think that wraps up, unless you have another point.

MS. TRACY DENNISTON: M'hm.

MS. VIOLET FORD: Thank you.

MS. TRACY DENNISTON: Thank you.

Now, we are moving on now to qualifying Mr. Timothy Argetsinger. I'm sorry; my apologies. I cannot pronounce that word very well.

Timothy, what is your full name?

MR. TIMOTHY ARGETSINGER: Timothy Hadley Argetsinger.

MS. VIOLET FORD: Can you repeat that?

MS. CHRISTA BIG CANOE: Chief Commissioner, I note that we have what appears to be an objection from one of the parties with standing. This is Sue Fraser in front of the Commissioners.

MS. SUE FRASER: Good Morning, Commissioners. I'm here for Families for Justice. My name is Fraser, initial S. And I'm not rising on objection but simply there was material that was referred to in the witness's testimony, both her curriculum vitae and the Inuit Realities Report, and I'm wondering if those are going to be made exhibits before we move forward.

MS. CHRISTA BIG CANOE: Yes, thank you, Ms. Fraser.

On that note, I would ask that Ms. Ford make a motion to request that they be exhibited and that the Commissioners make a ruling on that.

MS. VIOLET FORD: Yes, can I make a motion to have those exhibits entered?

CHIEF COMMISSIONER BULLER: Certainly.

MS. VIOLET FORD: Hang on. The title of the exhibits is the Inuit Realities -- can I see these? Yeah, these two. The first one is the Labrador Inuit Women's Realities Report. It's the Voices of Women and Men -- Women in Nain and Hopedale. The second exhibit is the Nain and Hopedale Needs Assessment Increasing Women's Economic Security. And the CVs, the CV of Timothy Argetsinger, as well as the Social Determinants of Health Report, which is an ITK report.

MS. CHRISTA BIG CANOE: Chief Commissioner,

if I might? May I suggest an order in which we mark those exhibits?

CHIEF COMMISSIONER BULLER: We're just going to back up for a moment. We got ahead of ourselves.

For the record, we will have the CV marked as Exhibit 1, and that is the CV of Ms. Denniston. So Exhibit 1.

--- EXHIBIT NO./PIÈCE NO. /PIÈCE NO. A1:

Résumé of Tracy Denniston(four pages)
Submitted by Violet Ford, Commission Counsel

CHIEF COMMISSIONER BULLER: And then following that we have the -- I just want to make sure I get the titles correctly, the Labrador Inuit Woman's Realities Report will be Exhibit 2.

--- EXHIBIT NO./PIÈCE NO. A2:

"Labrador Inuit Women's Realities: Voices of Women in Nain and Hopedale," AnânauKatiget Tumingit Regional Inuit Women's Association paper, September 17, 2013 (14 pages)
Submitted by Violet Ford, Commission Counsel

CHIEF COMMISSIONER BULLER: And the Nain and Hopedale Assessment will be Exhibit 3.

--- EXHIBIT NO./PIÈCE NO. A3:

AnânauKatiget Tumingit Regional Inuit Women's Association yearly report "Nain and Hopedale Needs Assessment: Increasing Women's Economic Security" (project number: NL 11084, 23 pages) Submitted by Violet Ford, Commission Counsel

MS. VIOLET FORD: Thank you. Now, to continue with qualifying Tim as an expert.

Tim, can you describe the work you do or what is your occupation at the moment?

MR. TIMOTHY ARGETSINGER: I am Executive Political Advisor with Inuit Tapiriit Kanatami. ITK is the national representational organization for Inuit in Canada so the nature of my role is to act as lead drafter on many of the high level reports and documents and products that ITK produces, as well as to advise the organization and its directors on the political direction nationally we take.

MS. VIOLET FORD: Okay.

MS. CHRISTA BIG CANOE: As Ms. Ford -- before she fully qualifies Mr. Argetsinger, Commission counsel kindly requests that he be promised in, or sworn in.

MS. VIOLET FORD: Sorry? Oh yeah.

MS. CHRISTA BIG CANOE: So if you could

affirm Mr. Argetsinger in, I would appreciate that.

MR. BRYAN ZANDBERG: Good morning, Timothy.

Timothy, do you solemnly affirm that the evidence you give will be the truth, the whole truth, and nothing but the truth?

MR. TIMOTHY ARGETSINGER: I do.

TIMOTHY ARGETSINGER, Affirmed

MR. BRYAN ZANDBERG: Thank you.

EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS. FORD :

MS. VIOLET FORD: What academic degrees do you have?

MR. TIMOTHY ARGETSINGER: I earned an Education Master's degree in 2012 and a Bachelor's degree in 2009.

MS. VIOLET FORD: Can you -- I know you just mentioned your area of work, but can you narrow that down a little in terms of the policy areas?

MR. TIMOTHY ARGETSINGER: Sure. I can give a -- the work that I do tends to be fairly broad, in the sense that it addresses the priorities that ITK's Board has identified on behalf of Inuit and Canada. But the work that I've -- I do there and have been involved with over the last decade or so has tended to focus on -- as a policy analyst, working on issues related to health and wellness,

justice, language, policy.

MS. VIOLET FORD: Have you authored any reports or any other documents? Can you tell us about those?

MR. TIMOTHY ARGETSINGER: Sure. So I was the -- I was the lead drafter on a -- on for example, the National Inuit strategy and research, which ITK published this past month, as well as the National Inuit Suicide Prevention Strategy, which ITK released in July of 2016. In addition to that, my work for Nunavut Tunngavik Incorporated, I was the lead researcher and drafter on a number of that organization's annual reports on the status of Inuit culture in society which -- whose topics ranged from language policy, to justice, to research within Nunavut.

MS. VIOLET FORD: At this point I would ask the Chief Commissioners and the Commissioner, based on Mr. Argetsinger's knowledge, skills, particular expertise, training and education as described by him, and as evidenced in his curriculum vitae, that I Violet Ford, am tendering him as a qualified expert witness in the area of health policy.

CHIEF COMMISSIONER MARION BULLER: Based on the consent of the parties and on the knowledge, and skills, and experiences described by Mr. Argetsinger, both

in his testimony this morning and in his C.V., he is qualified as a knowledge keeper and expert and with life experience, of course. And he's qualified as a health policy analyst and expert. We will mark his C.V. as the next exhibit, thank you.

--- EXHIBIT NO./PIÈCE NO. A4:

Curriculum vitae of Timothy Aqukkasuk Argetsinger (one page)

MS. VIOLET FORD: Because he's going to be referring the social determinants report of health, I would also like to enter the ITK social determinants report as an exhibit, as well as his C.V.

CHIEF COMMISSIONER MARION BULLER: That will be marked as the following exhibit, thank you.

--- EXHIBIT NO./PIÈCE NO. A5:

Inuit Tapiriit Kanatami revised discussion paper (September 2014) "Social Determinants of Inuit Health in Canada" (44 pages)
Submitted by Violet Ford, Commission Counsel

MS. VIOLET FORD: Okay. Beginning with the first part of the questions, around the report itself, what was the purpose of this report? Can you give us background?

MR. TIMOTHY ARGETSINGER: The report, it's called, The Social Determinant's of Inuit Health in Canada. It was released by ITK in September 2014. It's really an evolution of what began as a position paper that was shared with the World Health Organization about 10 years -- seven years prior to that. It's intent really, is to build upon the idea of social determinants as public health concept and to put that concept into an Inuit community context.

The practical purpose of the report in the day to day work of advocates and governments is to inform the development of policy, of legislation, that pertains to the social determinants.

MS. VIOLET FORD: Okay.

MR. TIMOTHY ARGETSINGER: I think there's the visual on the screens here.

MS. VIOLET FORD: Can you just take a couple of minutes to go through those social determinants. There are 11 of them.

MR. TIMOTHY ARGETSINGER: Absolutely. So the nature of social determinants of health can actually just provide the World Health Organization definition. So what social determinants of health are, are the conditions in which people are born, grow, live, worked, and include the health system. Now, those conditions are impacted by a range of factors including political factors.

So what you're looking at is the Inuit representation of social determinants of health. As you can see they are represented in a circle. That is because social determinants like human rights as interrelated. And they are indivisible in the sense that you can't look at one in isolation without considering the whole. So as you can see, there's Inuit health at the centre, surrounded by food security, housing, mental wellness, availability of heath services, safety and security, income distribution, education, livelihoods, culture and language, quality of early child development, and then surrounding that is the environment.

So there are a couple -- a few aspects of this visual that make it different from other representations of social determinants as a public health concept, or as it's commonly represented. So the main one being the environment and the role that that plays within our Inuit culture and society, and every aspect of our lives. So that's why it is surrounding the other determinants.

Other's include culture and language and the role that culture and language play in health and wellness, including spiritual wellness, livelihoods -- so that's different from employment since the livelihood might be hunters in communities who have an important role to play

or people who are involved in production of, whether it be art or other goods within Inuit society that also play an important role. The -- another aspect of this that makes it different from other representations of social determinants of health include, quality of early child development and the role that that -- the importance of access to and the quality of preschool and daycare, access to care for Inuit families.

MS. VIOLET FORD: Thank you.

Just going to one of those determinants, I just want to bring your attention to this one, it says in the report on page 14 that, "Inuit culture and language are seen as a crucial and interconnected determinant of health." Have you found that? Okay. And that "one of the challenges for this determinant is colonization", right? And -- further down the page there. And regarding that, how has colonization impacted or contributed to the safety of Inuit women and girls?

MR. TIMOTHY ARGETSINGER: Within the context of social determinants, it's a challenging question in the sense that there's so many different variables. The way that I would answer that is that colonization wasn't just something that happened and then ended, but it was a series of decisions that one society imposed on another, which created this social and economic, a certain set of social

and economic conditions. And those conditions have impacted the social determinants of health that we see today, and those social determinants then are drivers of social and economic equity within a society. So you can think of the social determinants as drivers of social and economic equity not just within Inuit society but within society at large.

So the conditions that were created or that have been impacted by policies, like the imposition of residential schooling on Inuit, relocations of some Inuit families, in some cases forcibly and in other cases through coercion into settled communities, the decisions that governments made about the provision of housing within those communities, the materials that those houses would be made out of.

All those factors are interrelated and they're interlinked, and they have an impact on the society as a whole. And that impact, those impacts, in many cases, contribute to the vulnerabilities that the most vulnerable in society, including women and children, too often experienced today.

MS. VIOLET FORD: So your statement about that last point as contributing to violence, you're reinforcing what has been said at the frontlines level?

But moving it into now into a policy area,

around the federal funds, federal funding, that flow to Inuit communities, for example, around housing. Can you tell the commissioners about some of the particular challenges that housing funding is a consideration in Inuit communities?

M. TIMOTHY ARGETSINGER: Sure. Tracy has done a really great job in illustrating many of the challenges related to housing. With respect to policy, there isn't right now an Inuit, a federal Inuit housing policy per say, although one is being developed.

The fact of the matter is that the majority of Inuit, unfortunately, live in crowded households. A large proportion of the families who live in crowded household are living in social housing. So social housing has been continuous to be in this country the stopgap measure that governments fund in order to attempt to address the housing crisis within Inuit communities.

Now, when it comes to the resources made available for housing, the method of delivery of those resources is equal, as equal important as the sums or the amounts of resources that are allocated.

And until quite recently, in fact until federal budget 2016, the manner in which federal housing dollars were allocated to before Inuit regions that make up Inuit Nunangat, is that funds were flowed through

provincial and territorial governments, which would then make decisions about often how much of those resources were used for the building of housing within Inuit communities.

Now, a positive measure that the current government has taken is to change the way that that happens, so we've seen now in the budget 2016 as well as in the last budget, a move to allocate federal housing dollars to, directly to Inuit representational organisations.

And that has a number of impacts, for example, on the speed with which regions are able to access the funds and begin to use them to build houses within what are short building seasons.

Whereas before, often the bureaucratic barriers that regions faced, Nordic access, federal housing dollars from provincial and territorial governments meant that some regions were missing building seasons and as a result building fewer houses for the families that needed them.

MS. VIOLET FORD: Thank you. Regarding the change over to a more direct involvement, can that be explained by what factors? For example, a self-government. Is that one of the ways that that transfer is happening? Or at what policy level is this change happening?

M. TIMOTHY ARGETSINGER: I think the change is a result of the vigorous lobbying efforts of the four

Inuit representational organisations, as well as ITK and uprising federal officials that this policy has many ramifications, pass policy in a way that federal housing dollars were allocated impacts on a number of issues, including family violence.

So it's the result in part of those efforts as well as a change and openness and understanding on the part of the current government on that particular issue.

MS. VIOLET FORD: Great. The next point I'd like to move onto, now, Tim, is the determinant around personal safety and security. It's on page 23 of the report, I think.

Can you get into the area to be talked about is how the determinant of this particular area of safety and security is linked to the inequities for Inuit women? And how it's linked to the increased risk of violence towards Inuit women and girls?

M. TIMOTHY ARGETSINGER: Again, it's a challenge to describe, I suppose, the link between any of these determinants and isolation and violence against women and girls.

However, since we've been talking about housing, safety and security, as Tracy mentioned, is linked to things like… the stress that is often more prevalent in household that are crowded, in the ability of people who

are experiencing violence to leave and to seek alternative housing, whether that's in their community or elsewhere.

It's in part what anecdotally we know is safety and security is a pressure that people talk about when they talk about the reasons why they may have relocated to an urban centre, to seek safety and security elsewhere, which in some cases may… contribute them to becoming more vulnerable or facing other challenges.

Safety and security is housing… you know, employment, education, all of these things are interrelated, so if you are living in a crowded household, for example, you may be -- sorry. It shouldn't impact the way in which human rights standards are interpreted. So whether it's the convention on the elimination of racial discrimination, or it's, you know, the universal declaration on human rights, whether it's the international covenant on economic, social, and cultural rights as it deals with things like the right to adequate standard of living, including, food, clothing, and housing. Those don't get to be reinterpreted and applied differently to different populations.

So when it comes to Inuit, there shouldn't -- the reality is that Canada has ratified many of these international human rights instruments. But unfortunately, too many people are not experiencing the benefits of living

in a country where the federal government, or in some cases where provincial governments have taken it upon themselves to ratify these human rights standards.

So that's in my mind, what the linkage is, is really to put it bluntly, a failure in many areas, including on things like housing, and access to medical care, to having the right to access food to feed your family. That there is a shortcoming there.

MS. CHRISTA BIG CANOE: Chief Commissioner and Commissioners, we wanted to afford you an opportunity to ask questions prior to taking a break. And please feel free to ask either of the two witnesses who have just had their examination in chief, questions.

CHIEF COMMISSIONER MARION BULLER: I'm going to wait until after we've had cross-examination, thank you. Other Commissioners?

COMMISSAIRE AUDETTE: Oui, oui, je vais poser ma question en français.

Tracy, I became and expert with those things. Doesn't exist in the north, even in my north.

Alors, tout d'abord, Nacomic (phon.) merci beaucoup pour… Il n'y a pas de traduction? Numéro un.

So I'll try in English while they're… it's good, maintenant? Fren-glish. Alors, bon. Merci beaucoup.

Alors, Tracy et Timothy, un gros merci pour

votre présentation, et je tiens à vous dire comment je suis impressionnée par votre bagage, vos expériences, qu'elles soient académiques ou sur le terrain. Et je suis fière de dire que même chez nos amis, nos frères et sœurs du peuple Inuit, des gens se sont rendus dans le sud pour apprendre dans un système qui est pas le vôtre, mais aussi de garder votre richesse et votre culture. Alors, ça, un gros, gros merci.

Et ma première question serait pour Tracy. Notre exercice est important, tant pour le peuple Inuit, els femmes autochtones, Métis et Premières Nations, et pour les femmes chez vous dans le nord, les femmes Inuits, même celles qui habitent dans le sud pour des raisons de protection. Pouvez-vous me dire comment, me donner des exemples pour me dire que les droits des femmes Inuits n'ont pas été ou ne sont pas encore aujourd'hui protégés ?

On parle des droits humains, des droits de la personne. Comment ça se fait qu'en vous écoutant on voit que les droits des femmes Inuits ne sont pas protégés?

MS. TRACY DENNISTON: That is a very hard question because I think this stems from years and years of colonization and many women have not been able to speak up and they are silenced. And because of that it is hard to speak out, and women don't realize they do have rights, and are afraid to speak out to authority figures and to even

the men that abuse them.

And I don't know if I'm answering the question correctly, but this is what I see from my view as an Inuit woman and how rights is something that is very minimal to many women still. Was there more I needed to elaborate on? I don't know if you can ask me in a different way, but it's how I see it.

COMMISSIONER MICHELE AUDETTE: Well, I have to say that I'm not here to judge. I think you do answer the right way because you have that eye, heart, and spirit that I don't, and that expertise and passion. So I believe, I believe you. So thank you ---

MS. TRACY DENNISTION: Thank you.

COMMISSIONER MICHELE AUDETTE: --- for your answer.

Maintenant, monsieur Timothy. Il y a quelque chose qui m'a fait réagir. Aujourd'hui, en 2018, ici, au Canada, vous avez fait mention de plusieurs conventions et de pactes auxquels le Canada est signataire sur la communauté internationale. Et votre rapport que vous nous avez remis sur les déterminants de la santé, on estime qu'il y a 53% de familles qui vivent plus de sept personnes par unité.

Donc, c'est plus de la moitié du peuple Inuit qui a une surpopulation dans les maisons, et vous

avez bien expliqué les effets auxquels les familles et les individus et les femmes et les enfants peuvent se retrouver, les effets négatifs.

Ce qui me, ce que j'aimerais comprendre, comment ça se fait, encore une fois, ici, au Canada, et évidemment avec le Québec et les provinces et territoires dans lesquels vos gouvernements Inuits se retrouvent, qui n'est pas de politique à matière d'habitation, de politique fédérale en matière d'habitation.

On voit que dans les années 2000-2006, il y a eu des initiatives, mais très ponctuelles, très courtes, toujours dans votre rapport, évidemment, mais qu'en 2018, il y ait toujours pas de politique. Pouvez-vous m'expliquer ça?

MR. TIMOTHY ARGETSINGER: Are you asking with respect to housing in particular, or ---

COMMISSIONER MICHELE AUDETTE: Yes, housing.

MR. TIMOTHY ARGETSINGER: The federal government is -- so it's -- we're in the process of developing a national Inuit housing strategy in partnership with officials within agencies within this government. So it's something that's happening. We know that the solutions aren't necessarily just an enormous sum of money to fill the backlog of housing units that need to be built. There's a range of factors, some of which I've talked a

little bit about, but there is a need to explore how, for example, you create a private housing market within Inuit communities or within Inuit Nunangat, what supports need to be in place in order to -- for families to be able to own their own homes.

So it's something that I can say it's happening, but you know, why it hasn't happened, I mean, I think Tracy spoke to that pretty well.

COMMISSIONER AUDETTE: Merci. Pouvez-vous dire aux gens qui nous écoutent, et à moi en particulier, nous dire dans les territoires Inuits, il y a combien de village de communautés? Et combien de maisons d'hébergement vous avez?

MS. TRACY DENNISTON: Me?

In our Nunatsiavut Region, there were are Inuit communities. Nain is the biggest populated community, there's about 2,000 people there, and Hopedale is the next biggest, there's about 750 people who live there. And Makkovik, Postville and Rigolet are the next ones in the -- in our communities.

In all of those five communities there are three shelters. And one -- Nain is one who had the longest shelter running, and Hopedale has just newly opened their doors, probably within the last year, and in Rigolet is also one of the new opening shelter there -- for their

community.

Was there another question or ---

COMMISSIONER AUDETTE: Mr. Argetsinger, what about the other regions? How many communities and how many shelters do you have for women and families?

MR. TIMOTHY ARGETSINGER: I actually don't know the number. So I don't know the number.

COMMISSIONER ROBINSON: Okay. Hi. Nakurmiik. I just wanted to -- I have a -- a couple of questions. I'm going to start with you, Tracy, talking about housing in Nunatsiavut and access to housing. And Tim, you talked about social housing being generally a stopgap.

But in the Inuvialuit, from what we have heard from many families, social housing isn't exactly a stopgap, it's what -- it's the only option. Is that correct?

MR. TIMOTHY ARGETSINGER: Yes.

MS. TRACY DENNISTON: Yes.

COMMISSIONER ROBINSON: So in a community like Nain or Hopedale, if a woman wishes to flee a violent situation, is she able to -- say she's employed, she's making a good annual income, could she rent an apartment? Are there apartments for her to rent?

MS. TRACY DENNISTON: No, there are no

apartments to rent.

COMMISSIONER ROBINSON: Could she get a house built?

MS. TRACY DENNISTON: She probably could. If she had a good income, she -- if -- it's a hard -- that's a hard one, because sometimes they do make good money, but there's a big line between people below the poverty line. And there are some in Nain, in particular, because we do have more access to job opportunities, which are in the higher end.

So it -- poverty is not so much a big issue in Nain compared to Hopedale because of a lack of jobs. But she probably could, but in fleeing -- if you're wanting to flee a violent -- and live on your own, I don't know if the -- she would be able to stay there knowing that the abuser is there.

COMMISSIONER ROBINSON: And if she were -- for example, if you wanted to build a house in Nain or another community, say in Northern Baffin Island, what is the timeline for that happening? It's not like there is -- -

MS. TRACY DENNISTON: No.

COMMISSIONER ROBINSON: --- subdivisions being built off of Nain every year, or every five years, is there?

MS. TRACY DENNISTON: No. It's every -- lately -- I know I've been waiting for the last three years just for land to be developed for new lots to go up in Nain, which has been a long time waiting. And last year, they've -- and two years ago, they developed lots for housing, but it was only for Torngat housing that they had lots for -- and very minimal -- like there's not many people who can actually have land to be able to build their own house.

Like it's -- they have to get a mortgage from the bank, and sometimes the bank even has stipulations around even having insurance because we're so remote that they don't like to insure houses that far north. So it becomes an issue for the banks even to say yes sometimes.

COMMISSIONER ROBINSON: And where is the closest bank to Nain? Is there a bank in Nain?

MS. TRACY DENNISTON: No. In Goose Bay.

COMMISSIONER ROBINSON: And that's -- what -- like an hour's flight away? You can't drive there.

MS. TRACY DENNISTON: An hour and twenty minutes.

COMMISSIONER ROBINSON: Yeah. I just wanted to -- because I think that has to be appreciated that Inuit are in Inuvialuit Region all the way down to Nunatsiavut and that's four, five, six provinces ---

MS. TRACY DENNISTON: M'hm.

COMMISSIONER ROBINSON: --- in terms of geography, and all the communities are fly in or ship in; correct?

MS. TRACY DENNISTON: Yes.

COMMISSIONER ROBINSON: Thank you.

I want to talk -- ask a little bit about -- you spoke about emergency protection orders and how those are not generally seen as an option for women in your community. The legislation around EPOs, emergency protection orders, that's provincial legislation; is that correct?

MS. TRACY DENNISTON: Provincial.

COMMISSIONER ROBINSON: And in the development of the legislation and the policies and the implementation, are Inuit laws or societal values incorporated at all?

MS. TRACY DENNISTON: None.

COMMISSIONER ROBINSON: So the solution that is offered is not one that's Indigenous to Inuit?

MS. TRACY DENNISTON: No.

COMMISSIONER ROBINSON: Okay. Thank you. I just wanted to clarify that.

I have -- I will probably have more questions, but I want to give time. So I'm going to stop

for now. Nakurmiik.

COMMISSIONER EYOLFSON: I may have some questions at a later point. Thank you very much.

MS. CHRISTA BIG CANOE: Thank you.

I would like to thank the witnesses, but I also -- just for clarity purposes to the Chief Commissioner and Commissioner. Because we are calling these witnesses as a panel, I am just asking for a brief ruling.

And the ruling I'm asking for ties to the legal past rules of respectful practise, specifically Rule 48, that advises no counsel, other Commission counsel, may speak to a witness about the evidence that he or she has given until the evidence of such a witness is complete.

Given that we are having other panel members on this that may be touching on some of the issues that these two witnessed asked, I ask that we have a ruling that Rule 48 is in place until the chief examination of all four witnesses is complete.

COMMISSIONER BULLER: Certainly. We make that ruling.

COMMISSIONER AUDETTE: C'est peut-être la traduction, mais nous devons, nous… We have to ask the question and then the party -- we cannot come back after them?

MS. CHRISTA BIG CANOE: No, you can come

back after them.

COMMISSIONER AUDETTE: Okay.

MS. CHRISTA BIG CANOE: I'm just asking for a ruling in relation to Rule 48 that just -- it puts the counsel, the parties withstanding or their representatives, on notice that until all four witnesses are done in examination in-chief that they are not able to have conversations about the evidence they have heard.

If we could please have that as a ruling.

COMMISSIONER BULLER: Certainly. We make that ruling that our legal path Rule No. 48 remains in effect until all four witnesses have completed their examinations in-chief.

MS. CHRISTA BIG CANOE: Thank you. And just to be clear, there is another part of that rule that we'll touch base on once we are done examination in-chief. Commission counsel will not be allowed to speak about the evidence with witnesses until the parties are done theirs. And we'll approach that at that time.

Just one housekeeping issue before we take our morning break, is I kindly request parties withstanding to ensure that they touch-base with Commission Counsel Shelby Thomas or Marie-Audrée. If they have not done so yet to provide them your draw number. And with that, I also ask that we please take a 15 minute break, so that,

and we'll try to keep it tight to 15 minutes, so that we can set-up for the next witness and allow everyone a health break and chance to stretch.

CHIEF COMMISSIONER MARION BULLER: 15 minutes.

MS. CHRISTA BIG CANOE: Thank you.

(SHORT PAUSE/COURTE PAUSE)

MS. CHRISTA BIG CANOE: Chief Commissioner and Commissioners, we would like to call the next witness, I'm cognoscente, however, though, we're a little behind schedule. We're starting when we're anticipating a lunch break, so I would like to suggest that when the next witness, FAY, if we could go for one hour and then have a half-hour break, we could maybe catch up the schedule, a little. And so, I just wanted to, before we start, ask if that's all right?

CHIEF COMMISSIONER MARION BULLER: Yes, certainly.

MS. CHRISTA BIG CANOE: Thank you.

Chief Commissioner and Commissioners, I'd like to introduce you to the next witness: Fay Blaney. Before FAY actually provides any testimony, she would like to promise on eagle feathers.

M. BRYAN ZANDBERG: Good afternoon, FAY.

MS. FAY BLANEY: Good afternoon.

M. BRYAN ZANDBERG: FAY, do you promise to tell your truth in a good way, today?

MS. FAY BLANEY: I will.

FAY BLANEY, Sworn

M. BRYAN ZANDBERG: Thank you.

MS. FAY BLANEY: Thank you.

EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS. CHRISTA BIG CANOE :

MS. CHRISTA BIG CANOE: So as noted earlier by other Commission Counsel, I will be qualifying or making a motion to qualify Fay as both a Knowledge Keeper and an expert, and this is with the consent of the parties in attendance the process I'm undertaking to qualify Fay.

So I'm just gonna start with some questions and I'll be using leading questions that we can spend a bunch of our time, sort of more on the substance. But I would like to start Fay, by asking you: I understand that— please help me to try to pronounce this, if I get it wrong, I apologize. I understand that you're a Homalco, a member of Homalco, First Nation community, it's a co-Salish nation?

MS. FAY BLANEY: Yes.

MS. CHRISTA BIG CANOE: Yes. Do you speak your Indigenous language?

MS. FAY BLANEY: I do.

MS. CHRISTA BIG CANOE: And how, has that been your whole life?

MS. FAY BLANEY: I spoke it when I was born and I learned English at about 7 years old when I went to residential school.

MS. CHRISTA BIG CANOE: And after residential school, you've continued…

MS. FAY BLANEY: Yes.

MS. CHRISTA BIG CANOE: To learn and speak more of your own language? Is that true?

MS. FAY BLANEY: It is, yes.

MS. CHRISTA BIG CANOE: It's a very big question, so share with what you're confortable sharing. Can you share with the Commissioners some of the culture practices such as the puberty rights that you went through with the Commissioners so they can understand a little bit about your cultural knowledge?

MS. FAY BLANEY: Yes, I'm happy to do that. When I reached puberty— I think I'm going to take this out of my ear, it's very loud.

When I reached puberty, I started to do spiritual bathing in the river and I did that for a full year and it taught me so much and it very much shaped who I am today. Each morning, I was up before everyone else and I bathed and did my spiritual ceremony in the river. And

after I came out, all of my activities revolved around my roles and responsibilities and relationships in the community.

And so, the first thing I did was to light a fire, and this is like out in the bushes (laughs). So I lit a fire and I was not to stand near the fire, and that was for the Elders. And I made food and the food was distributed according to our own Indigenous laws, so the Elders and the children were treated with the outmost of respect so they got the choice foods.

And I remember very well being a child and being able to eat bone marrow; that's one of the things I often bring up, I just loved bone marrow. And I was speaking with this Elder earlier, too, and telling her that I used to eat seal meat and seal fat (laughs). I loved seal fat in cubes when it was rendered and it was crunchy. But when I reached puberty, I was not able to have that anymore, and now I'm an Elder and I can have it, but I've been a vegetarian for 22 years, so I can't have it anymore.

So it did teach responsibility and it taught me a really solid sense of community and the importance of community, and I have practiced that in my feminism all of my life.

MS. CHRISTA BIG CANOE: On that last point, is it fair to say that not just that particular set of

rights that you said was a whole year, but your experience in culture and tradition actually helps form the way you do things, your knowledge and any of your professional experience? Does that cultural knowledge help shape that?

MS. FAY BLANEY: Well, in one of the articles that I wrote, I talked about the cultural clash of the amount of talking that we do in western society, and there's a real discomfort of quiet. And that really clashes. I mean, we were quiet a lot and speaking too much was frivolous and silly, it was children that did that.

So that sometimes is a challenge when I'm out in the world and trying to practice what I learned in the academy rather than… and then going back, when I go home, going back to the other way. I'm not sure if you're gonna ask me about popular education? Okay, so that stuff feeds into my culture, I believe.

MS. CHRISTA BIG CANOE: So, I also… before we get into some of your more professional experiences, I understand that you have experienced a great deal of violence in your life. Specifically, I know that one of the papers you wrote about sharing your life story, "Backing out of hell," and it was provided in the materials as Schedule C, under Tab C. And that this, in this you actually share your life story and the generational trauma and harm you've experienced.

I'm gonna actually ask that Commissioners accept this as an exhibit, the "Backing out of Hell" story.

--- EXHIBIT NO./PIÈCE NO. A7:

"Backing out of Hell" by Fay Blaney, published in *Bringing it Home: Women Talk about Feminism in Their Lives,* Brenda Lea Brown, ed. (Vancouver, Arsenal Pulp Press, 1996, pp. 19-33)

CHIEF COMMISIONNER MARION BULLER: Okay. Certainly, that will be the next exhibit.

MS. CHRISTA BIG CANOE: Thank you. Fay, is there anything you would like to say about your experience or the "Backing out of Hell" article?

MS. FAY BLANEY: I think one significant parallel, there, is the experience of my mother and my experience and it just seems to carry on through the generations; the ways that women are treated in our communities.

I lost my father when I was four, he drowned from a boating accident and he was intoxicated. And my mother was 23 years old, and she had four children, and I was the oldest and there was a newborn, I think she was, like, about 5 months old.

And my mom was constantly being raped by the men in the community with impunity. And she had the wives

wanting to kill her, because they thought she was trying to steal their husbands so they never held him accountable. And I think that's a prevailing issue in our communities is that men are not held accountable for what they do.

And so she fled, she fled from the violence in our community; and at the age of 13, I fled from the violence in my community, from the sexual violence.

And some of that story you can find in the film Finding Dawn, about me fleeing violence in my community. I'm not sure if I wrote it in there, but four generations of my family attended residential school, so my great grandfather went first, and he remained in St. Mary's for 10 full years, non-stop. Like, for me at least, I got to go home sometimes in the summer or during the Easter or Christmas holiday. But he remained there for 10 full years and got to grade three and was a good farmer and a good musician, but never got any schooling, or you know, being an illiterate society didn't attain those achievements.

What he did come home with was a whole lot of violence and sexual violence. He sexually abused every generation in our family, and the men following him did the same. And so, there's a great deal of sexual violence in my life, and what I would note is that in the years of working in this area, that I'm not alone in that and I think we're very hard pressed to find an indigenous woman

that doesn't share my story. So my story is not unique.

MS. CHRISTA BIG CANOE: Thank you. Thank you for sharing that. One of the things I'd like to do is draw you to your own curriculum vitae. It was included in the materials as Schedule A. At this point I would ask that the Commissioners allow this to be an Exhibit as well, so I can ask Fay a couple questions in relation to it.

CHIEF COMMISSIONER MARION BULLER: Yes, that will be the next exhibit, the C.V. please.

--- EXHIBIT NO./PIÈCE NO. A8:

Curriculum vitae of Fay Blaney (five pages)

MS. CHRISTA BIG CANOE: Thank you. So earlier you were talking about that -- like, the difference between the academy, or like the type of academic education you had, versus the cultural. Can you tell us a little bit about your education?

MS. FAY BLANEY: Well, I attended Langara College and then I went to Simon Fraser University and it was like, extremely challenging because there wasn't a space for Indigenous students in those places. There were no programs in place at all. When I got to Langara College my high school years were so broken up -- I went to a different high school every year and there was no continuity. And so by the time I got to college and

university, there were so many prerequisites to be completed and so it took me three years in college rather than the normal two years.

The other thing that I note is that in residential school they imposed on all 350 of us in St. Mary's, they forced us into special needs programs without any kind of assessment. And so I think the issues around the Master Tuition agreement are still at play, because I know that my children were being forced into those special needs classrooms as well, and there's no accountability from the provincial school system to give us an education.

So university was quite hard for me, but I didn't settle for what they were offering and I became a student activist, along with some other women. There were a few indigenous women, we found each other at Simon Fraser and we advocated for a native student centre. Well, first we advocated for Native Awareness Day, and we encountered a whole lot of racism. The professors were complaining that we were making too much noise at the native awareness day, and the students were saying that we were in the way because we took up the whole academic quadrangle. And the student society wasn't too friendly with us having this -- what they -- they called us a club. We didn't qualify to be a member of the student society, so we were called a club.

And eventually we met with the President and we met with a bunch of the professors. We lobbied for a native student centre, a native student coordinator, and a First Nations studies program. And we were there for two years, myself and the other students, and they did eventually offer those things, but they did them when we left. So those wonderful programs are in place there at SFU.

My degree was in history and I did a minor in education and in women's studies. And my experience in the history department is that they had one history course on the books, it was the Maritime fur trade, which is like 1700s when the fur traders were coming on-boat to the coast of B.C. And there was no contemporary history courses, and there was nothing around like, the history of indigenous children, or the history of education, or anything like that. And so what I ended up doing was being pretty proactive.

I don't know where I get the courage to do these sometimes, but I fought for myself and I designed my own courses. So I took directed readings and I got various professors to supervise my research and in that time I learned so much of my own self teaching. Like, I learned about the significance of the 1951 amendment to the *Indian Act*, and I find that very few people know what the impact

of that is and how it still shaping what we're experiencing today. So that's what I did in university.

MS. CHRISTA BIG CANOE: Well, I noticed too Fay, when you're talking and telling these stories you might think, well, how long ago was that? I noticed that you actually graduated that degree in 1993, so we're not talking about that long ago.

If I could just get you -- I'm just going to ask us to highlight a couple of points in your C.V., particularly I noticed in all of page 2 you've had a number of teaching. So you've also not only been a student, you've also done some instructing and teaching. What are the areas that you've instructed and taught in?

MS. FAY BLANEY: Well, I developed the roles of aboriginal women in Canada and brought that to the University of British Columbia, and I taught that course for five years. It was a -- I was a sessional instructor. I also taught at Langara College. I started teaching in the Canadian Studies department. I taught First Nations' Concerns, which is just a snapshot of all different issues.

And I taught racism and ethnic relations in Canada, and again, it was the same dynamic of what I saw at SFU, another absence of space for Indigenous students. And so, in one of those summers I took -- got a grant from the college and did a feasibility study and managed to get them

thinking about establishing an aboriginal studies program, and so that's running up at Langara now.

And in my time, there I was -- was or am, very passionate about community engagement for the students, and so I always had my students, A; going to the annual memorial march. I swear that the Feb 14 march, about half of that crowd were my students. Some from my various classes at Langara and some from UBC and in one semester, I don't know what insanity overtook me, but I was teaching seven courses and all of those students were at the memorial march.

In the final semester for those students, I had them go into the community to do primary research and I had a second course that I taught around literature search. And so there were students -- I remember one particular student who of course, grew up in the foster care system and had been quite alienated from her -- not only her own homelands, but from all of us Indigenous Peoples. And going back into the community was a doorway for her and she remained involved with that organization that she did her research in.

And honestly, I can say that when I look around in the lower mainland, I see so many of my students in those places. Some of the women that are involved in the memorial march and working in the community are

students that I've had that remain involved in the community. So I saw the program as an opportunity, as George Manual (phon.) taught me to be nation building.

MS. CHRISTA BIG CANOE: And so, I know we're going to get into more detail once we're talking about some of the substantive issues.

But if you could just confirm for me, I know that you were -- and we'll talk more about, I promise -- I know that you're one of the founding members of the Aboriginal Women's Action Network. I noticed that page 3, basically half the page talks about your roles and obligations, and on page 4, I note that you had a number of board appointments.

MS. FAY BLANEY: M'hm.

MS. CHRISTA BIG CANOE: And so, in terms of both of those experiences, a number of years as first a founding member with AWAN as well as the work you've been doing there, you noted that you personally have had over 20 years' experience with the march committee, and all of these board appointments.

I just want to ask you: on those professional experiences, particularly as it relates to mobilizing community and raising awareness, how important have, you know, the ability -- how has that formed your knowledge, having just that extensive experience in those

professional areas?

MS. FAY BLANEY: That's a big question. In the Aboriginal Women's Action Network, I'm very much like my two friends here in the front. We sometimes are not funded at all, and often we don't have an office, and -- but that doesn't slow us down. We're always out there, and we're doing consciousness raising. That's a really important part of the work that we do in AWAN is -- that's how we started, actually, was a group of us coming into a drop-in, and we're just picking that up again.

There were moments when we were funded. We did a Bill C-31 research project. It was at a time when the non-native allies were saying, "But why would you be doing that research? Isn't that fixed already?" And meanwhile, the Indigenous women were saying, "It's not fixed. There's huge problems associated with that."

MS. CHRISTA BIG CANOE: M'hm.

MS. FAY BLANEY: And so, it required a lot of proposal writing, time management, report writing for the proposals and juggling the different funding sources that we had. A lot of juggling of the research aspects of the work.

For the Bill C-31 research, we brought, I think, like 27 Indigenous women from around the province to the Lower Mainland. We invited some professors to come and

talk to us about participatory action research and what that meant and methodology. We had another professor talking to us about the ethical aspects of doing research in our community. And -- so we had three full days, and it was so amazing the experience with those women.

And then they went home and conducted -- we asked for five interviews. We were happy when they sent back two, some of them. And -- so we had tons of data, and that was quite the minefield trying to juggle all of that data.

And -- so we then ended up having to juggle volunteers because there were volunteers that were transcribing the interviews so that we could to the research. We also had to manage ourselves in terms of coming together and doing the literature review.

We designated certain women in our group to do various aspects of identity issues around Bill C-31, and then we came together and talked about that and wrote the chapter on the literature review. We had a student lawyer who did research on all the cases that were happening currently across the country on Bill C-31.

So there is quite a bit of management involved in that. And we also did the Journey for Justice research.

And with the board appointments, it was

always important to represent Indigenous Women's issues and concerns, and it still is today. So I still sit on boards that -- with women's organizations, mainly, just to represent us.

MS. CHRISTA BIG CANOE: Thank you, Fay. You've covered a lot and I know we're going to cover more when we get into the hardest stuff, including a conversation on different ways and processes to engage community and community mobilization. But -- and I understand you've devoted your -- not just your heart and knowledge but the education to working with Indigenous community to increase this, and I think your CV actually acknowledges that well.

On that basis, Chief Commissioner and Commissioners, I would request and put to you that Ms. Fay Blaney, as evidenced in her resume and as she has just talked to us and described, that I would tender her as both a knowledge-keeper and an expert.

Specifically, as a knowledge-keeper, her traditional teachings, ceremonial practises and rights, including Indigenous language speaker, assists in her understanding and guidance of such traditional knowledge and how it connects to even her expert knowledge. And as an expert in Indigenous Woman studies, as an Indigenous feminist, and in the areas of Indigenous and allied

community mobilization and use of popular education processes with a focus on feminist approach of consciousness-raising and use of Indigenous law and knowledge for engaging with communities.

COMMISSIONER BULLER: Thank you. Based on consent of the parties, and also the evidence tendered, we certainly qualify Ms. Blaney as a knowledge-keeper in the areas described by Commission counsel and also as an expert in the areas described by Commission counsel. Thank you.

MS. CHRISTA BIG CANOE: Thank you.

So I know, Fay, that we do want to cover a lot of information and get to that popular education process, but because -- that because there are not just the Commissioners or the parties withstanding, but public also watching, I think it's important to maybe take a step back and contextualize some of what you're actually going to be speaking to today.

On that note, I did previously forget to say, for the purpose of the record, that on our webpage you can actually go -- so anyone who is watching this live, you can actually click on the "watch the hearing live", and then there's a link to all of the documents we're speaking about, so that anyone watching from the public if you hear us talking about the documents, you can actually go see them. And I -- thank you for letting me explain that.

One of the things is to take that step back, the question -- the first question I have for you is in order to look at issues of violence why is it important to look at gendered violence and why in the context of colonialization or colonialism?

MS. FAY BLANEY: Well, big question. I think it is important to look at gender-based violence. I know that there was a big push coming from some Indigenous men that this Inquiry include men and boys. And when you look at the murders and disappearances of Indigenous men, it's very different, the dynamic is very different. They are not being murdered because they're men.

And for Indigenous women, we are very much targeted. We're targeted because of all of the things that the law has done to us through the *Indian Act* and all of the things that the church has done to us to position us in the places that we're at now with such marginalized status. And -- so I think that history is ever so important.

In our societies, women held power, we held positions of respect and prestige, and I think all of that has evaporated with the patriarchal *Indian Act* that's in place, with the churches coming in and accusing our women elders, of being witches. They did that with my great grandmother. They said that she was a witch because she had knowledge of healing, of childbirth, of the medicines,

and various techniques for healing people with various ailments.

And so, the church then appointed watchmen in our community and put men in power. And the *Indian Act* did the very same thing. They denied us the right to vote, to run in Band elections, to participate in any way, shape or form, and -- so we have that dynamic.

The other dynamic that we have going on is the incredible amounts of racism that we experience that is very much accepted in Canadian society.

I think that we're finally reaching a point with the Truth and Reconciliation Commission to examine ourselves. I think there's still a great deal of resistance coming from Canadian society to look at the Truth and Reconciliation Commission.

But because of the racism, we've been quite insular in our communities, in our societies. I have a grand-aunt that was -- she was raped when she was about 12 in the early fifties. And she reported, and somehow the guy got incarcerated. And she was forced out of the community because she was deemed to be a traitor; she betrayed our community by going to the police. And I think that pressure is very much at play now in our societies, in our communities.

And I can go down the list and give you more

examples of how I've seen that play out right within our communities where women have been driven out. And the violence goes into other areas of power and control in our communities as well.

And so that's the reality that we live with, and so we're in a really bad place. I think that we have a great deal of internalized sexism and internalized misogyny as well. Whenever I'm out there in the world, speaking on these issues, I have people like Myrna Laplante here saying, "Good job. Good job. I really like what you said." And then I have other women speaking out from the crowd and saying things like, "What about the men?" Or, you know, "Aren't men violent, too?" And these kinds of questions that in my opinion really demonstrate the degree of internalization that has happened where we expect Indigenous women to accept the violence and to normalize the violence, and I would even argue that that permeates right up the ladder to Indigenous folks that are in the helping profession; you know, the alcohol and drug counsellors on our reserves or the social workers on our reserve, there's just very little advocacy for the underdog on our reserves.

MS. CHRISTA BIG CANOE: Fay, one of the papers that you're a co-author of, the Implications of Restorative Justice for Aboriginal and Children Survivors

of Violence: A Comparative Overview of Five Communities in British Columbia, was provided to parties with standing and the Commissioners as Schedule B. What you're talking about right now you seem to be also talking a lot about in this report. And can you just tell us a little bit about what the study was and sort of more broadly or generally what you heard?

MS. FAY BLANEY: Okay, absolutely. I guess I would preface it by saying that we came apart ourselves in A-1 because it was so, so difficult, and I can really appreciate what the Commissioners are -- the work that you're doing and how difficult it is to hear that testimony.

We were opposed to the use of restorative justice, and it was being piloted all over the province. Sharon McIvor was one of the main voices to oppose it before we did in B.C. In her situation she had Indigenous men with power being in charge of those programs and putting their young male relatives through the program. And in one instance a man -- a young man was put through the program three times, supposedly spiritual programs, and I say three times because he sexually assaulted again. And then the third time it was so brazen; he sexually assaulted a woman in public on the -- on a bright, sunny day on the hood of a car.

And so it -- what that indicates to me is that people in the community have allowed that to happen. They haven't stepped in before then, and the women in that community contacted Sharon McIvor and she came and she intervened.

But for us on the Journey for Justice, we encountered similar things. We heard stories about tribal police being the uncle of an offender and therefore refusing to go to the scene where the violence was happening.

One of the success stories that we heard was a young -- she's very young, this woman that came from much further north than where we were starting. We started in Prince George on the rafting journey down the Fraser River. And she had been sexually assaulted about a week before and they were treating her in very much the same fashion as what I described with my grand-aunt that came out of a window in the downtown eastside in 1954. She was thrown out of the window and it was deemed to be a suicide.

But this young woman was being ostracized in her community in the year 2000, and she came on the journey. Her aunt convinced her and she thought she'd stay on till Quesnel, and there is so much power in women coming together. And we held a focus group in Prince George and they felt their power. And then we went to Quesnel and we

held a rally there and the talking circle. And they were supposed to get off the raft at that point but she decided that she was going to stay on for the whole journey, and she did. And when we arrived in Vancouver and were getting interviews, we put her to the front and she did an interview on the various radio stations, TV stations.

So I just -- I fully believe in the power of Indigenous women working together and being able to come up with solutions.

So the power dynamic in the community and the other conditions within -- and you'll see it on my recommendation about restorative justice, there's a lot of things that indicate that we're just not ready. We are not in a position to address those cases and we just saw them as the state actors wanting to download at minimal expense and not really have to deal with us.

And so in cases of male violence against women, we're just very opposed to the use of restorative justice or alternative justice, and I can cite a whole bunch of other cases similar to this.

What I would say is that restorative justice is excellent for youth, though, because youth are -- because of neocolonialism the youth really don't have access to our culture, often don't have access to our communities and for the community to embrace that youth and

teach culture and tradition is -- can be a lifesaver.

MS. CHRISTA BIG CANOE: So, Fay, I just want to go back and touch on a couple of things because you've raised a couple of concepts. One of them was the neocolonialism and the other was you were talking about the Journey for Justice. But maybe we can contextualize what was the Journey for Justice and maybe you can talk a little bit more about the context.

MS. FAY BLANEY: Okay. Well, we did the Journey for Justice as part of the World Women's March 2000, and we're in Quebec. The very first march happened here in Quebec in 1995 and it was a march against poverty and violence.

And then in the second one, the National Women's March Against Poverty and Violence was organized by NAC, the National Action Committee on the Status of Woman, which I was on the executive. And so the third one was the World Women's March, and we in A-1 wanted to take an action related to restorative justice because they were not listening to us, which is very common.

They were consulting with everyone that was in favour of restorative justice, a lot of the Indigenous communities were in favour of it because it meant that they would get more funding in the community where there's no funding for much of anything, restorative justice dollars

looked quite enticing, and I was confronted by many of those players saying that I was -- you know, that I was denying those Bands access to the funding. And we were really -- well, I've always been -- like my whole life I've been concerned about male violence against women and that was the angle that I was coming out with.

And what we did at the very beginning was to educate ourselves. We didn't want to go in blindly, so we set up a series of, I thought, 12 workshops. My memory is not as good as it used to be but I think in the report it says more than 12 but we did set up workshops with various experts coming in and we worked with the antiviolence agencies in the Lower Mainland.

So we had a workshop on children who witnessed violence for example and someone who works in that and then we had the VAWIR Policy, the Violence Against Women in Relationships, and the requirement of the police to charge offenders rather than expecting the victim to do that.

We had some folks coming in from elder abuse programs and what is maybe not so ironic is that right in the middle of our workshop series, this incident happened at the Native Education College.

There was this young woman trying to flee violence. The man was very brutal towards her and she

escaped him and she had all the legal procedures, like, you know, the restraining order and what have you, and he came with a gun and he wanted to shoot her and we were in the building at the time that that happened. And I'm pretty sure the folks in the room that work in the area of antiviolence can tell you that much of these deaths of women happen after they've tried to flee those violent relationships. And so that happened while we were organizing and educating ourselves.

I'm not sure what your -- is there more I need to ---

MS. CHRISTA BIG CANOE: No, that's fine. No, no, you've answered well the clarifications and talking a little bit more about the study.

I would just ask that we enter the Implications of Restorative Justice for Aboriginal Women and Child Survivors of Violence as an exhibit on the record, please.

CHIEF COMMISSIONER BULLER: Yes. The Implications document will be the next exhibit. Thank you.

--- EXHIBIT NO./PIÈCE NO. A9:

"The Implications of Restorative Justice For Aboriginal Women and Children Survivors of Violence: A Comparative Overview of Five

Communities In British Columbia," by Wendy Stewart, Audrey Huntley and Fay Blaney (July 2001, 68 pages)

MS. CHRISTA BIG CANOE: Thank you.

So one of the things you've been talking about and it's a language you use because in your area of activism, it's a popular term; it's consciousness raising.

MS. FAY BLANEY: M'hm.

MS. CHRISTA BIG CANOE: So can we -- there's two concepts I'm hoping that you can help explain a little bit and I know they're both broad but if you could talk about Indigenous feminism and what is consciousness raising.

MS. FAY BLANEY: Okay. Before I do that, can I ask that our policy paper be included as well, the restorative justice policy paper maybe in the recommendations or something?

MS. CHRISTA BIG CANOE: Yes.

MS. FAY BLANEY: After our report was concluded, we brought all the women back together at a conference and out of that came a policy position paper. So just wanted to make sure you know about that.

Indigenous feminism still means we're tied to the land and to our territory and our spirituality that goes without saying I think. For myself, I just -- I feel

so invigorated and energized when I go home.

CHIEF COMMISSIONER BULLER: I'm sorry to interrupt. Just for our record, the restorative justice policy paper will be the next exhibit. And maybe Commission counsel can put us to the tab for that.

MS. CHRISTA BIG CANOE: This was actually a link, wasn't it?

(SHORT PAUSE/COURTE PAUSE)

CHIEF COMMISSIONER BULLER: We have the Implications document marked as an exhibit.

MS. CHRISTA BIG CANOE: Yes, and I believe that we're referring to another document but it's not actually called "Policy". It's not the same title.

MS. FAY BLANEY: It's a five-page document and it's our condensed version of the final report. It's our position paper on it.

MS. CHRISTA BIG CANOE: It's not this?

MS. FAY BLANEY: No, not that one. No, not that one either.

CHIEF COMMISSIONER BULLER: Actually, why don't we at one o'clock sort out the paperwork?

MS. CHRISTA BIG CANOE: We can come back to that point actually when we're discussing it.

MS. FAY BLANEY: Okay. So I have it as well but I just don't have it right here. So I can bring it.

Okay? All right.

So I was talking about Indigenous feminism. It's gotten me into a lot of trouble I'll say in the Indigenous community by uttering the "F" word and I uttered the "F" word very often because I am an Indigenous feminist.

My belief is very much -- and I was saying earlier that it seems to coincide with my Indigenous beliefs as well that we place women at the centre of the conversation and that did happen in our communities until the colonization process stole that from us. And so feminism means putting women at the centre of the conversation, at the centre of inquiry.

In consciousness raising, when I used to teach women studies, one of the tools that I used early on was this triangle and it relates to the consciousness raising concept.

In the triangle, we have the personal experiences that we have at one point and the other two points Indigenous women often miss, we think that our personal experiences of the violence we experienced, the poverty we experienced, the theft of our children, the condemnations and putdowns that we have coming at us, and the fact that many of us end up in prostitution or we end up in prison, we blame ourselves for all of that and we

think we're such a dismal failure in this Canadian society.

But the fact is there are two other parts of that triangle. There are the ideology and the systems at play, the belief systems at play. And so in Canadian society, Canadians justify in their own mind. They put us down as justification for stealing our land and our resources. So they have to put us down. They have to make us feel lesser than in order to feel okay about the egregious crimes that they've perpetrated against us in stealing everything from underneath us.

So those belief systems really shape how we live our lives and how we are viewed, the perception of Canadian society. So ideologies and beliefs are very critical.

And then third part of the triangle are the systems, the laws, the institutions, the bureaucracies and, in our case, you know, Indigenous women are not represented in the political sphere and we often think it's -- you know, we blame ourselves for that and we don’t often look at the fact that the *Indian Act* denied us that right. We were not allowed to vote. We were not allowed to run in band elections and the men did that.

And so when our land was being stolen and the men had to vote to ratify that theft, women weren't included.

And so those three parts are so critical to our understanding of who we are and what has happened to us and I learned that myself. I learned about my internalized racism. I had a horrendous childhood and I blamed my own family and my own community and a lot of people did that early on when we first started talking about residential school. Folks were saying, "Well, I was better off in residential school compared to what I went through at home". And I did go through some sexual violence and physical violence and abuse in residential school but I too maintained that I was treated better in residential school than I was at home.

And it took me a long time to realize that the systems that shaped my grandparents and even my mother, you know, what -- why would she leave us? Why would my mother leave me when I was only 4 years old, knowing what she was leaving me to? And so, it took me doing a research project in one of my women's studies courses to examine those other parts of the triangle to understand what had happened to her.

So in our consciousness-raising groups, what we do is we talk, we talk about the things that are going on right now. In our AWAN group, what women were talking about was child welfare issues, for example, child theft issues, I should say, and they were talking about racism

with regard to trying to find housing, and people openly saying we don't rent to Indians. And those sorts of things that they were experiencing, they bring that into our talking circle.

And like the Inquiry, you know, we did the hearing the stories first, we heard the stories. The next part is examining, you know, you have institutional and expert, we did a scan of the institutions and what systems were impacting us and what could we do about our lived reality.

And so, the next part of consciousness-raising, or in education, we call it praxis, in popular education we talk about praxis where you take action. So you don't just sit in a circle and cry on each other's shoulders and complain about what's happening in your life, the next part is the responsibility lies with me and with this group. So with this group, we organize together, and we take action.

And that's what we did in AWAN. We took action on a whole number of things, and we always shared experiences, growth, success stories in what we were doing.

And so, consciousness-raising, in a feminist context, was effective back in 1995 when we started AWAN and it's very effective today in the work that we still do in the Aboriginal Women's Action Network.

MS. CHRISTA BIG CANOE: I understand that you have actually prepared a slide presentation. I'm going to ask if we can call that up now.

MS. FAY BLANEY: While we're waiting for that, I want to speak to some of my earlier works before the pictures even.

In 1980, I was pretty green and young, and I got hired by the Union of B.C. Indian Chiefs to coordinate a child welfare study. And in that time, one of the young chiefs in B.C., he -- his younger brother suicided when he came back to the community and their whole family were put into child welfare systems. And he wanted us to organize on child welfare.

So being the coordinator of child welfare, I did a lot of organizing around the province in different communities, and I'm really proud to say that by the end of that effort, we mobilized a thousand Indigenous peoples from all around B.C. And they caravanned into the city in their vehicles from all different parts. And we marched from Nat Bailey Stadium and we marched into the Shaughnessy area.

And we went to Grace McCarthy's house, she's just passed away now, but back then she was the Minister for Children and Families. There was a different title to that ministry. But there were a thousand of us that

mobilized to address child welfare.

And I guess the other point I would make about that action is that, similar to what you've been saying, there is a whole lot that the state can do right now with regard to male violence against Indigenous women. They know what the issues are, they know what the problems are, and they know what the solution is, but we need political will for them to do something about it, something about what's been happening to the women's movement across this country.

And with the issue of child welfare, they've known all along that they're stealing our kids, they know the level of devastation in our communities, and we've been telling them. And -- yeah.

But I guess I'm -- what I'm getting at there is just the state laws, like the human rights law that we're talking about and the levels that they reach. But what's not being spoken about are the natural inalienable rights that we have as human beings to keep our own children, to be supported to keep our own children.

MS. CHRISTA BIG CANOE: I think your presentation is up, so if you want to start.

MS. FAY BLANEY: Is it going to start?

MS. CHRISTA BIG CANOE: Can we get the next slide?

(SLIDE PRESENTATION/PRÉSENTATION DE DIAPOSITIVES)

MS. FAY BLANEY: Okay. I'm going to keep talking. I have a lot to talk about.

MS. CHRISTA BIG CANOE: Or we can -- you can just pull up the next slide, please.

MS. FAY BLANEY: So in 1982, I was one of those women that was known as the Concerned Aboriginal Women. Not too many people remember that. There's too many young people these days.

But the Concerned Aboriginal Women occupied the regional headquarters of the Department of Indian Affairs. Back then, they didn't have the level of security that they have now. You need those fobs to gain entrance from one level to the next level, you need a whole bunch of fobs, so they don't give us free access anymore. But we were in there for eight days.

And one of my supporters that was helping me to prepare for today, she was asking me to remember the women that have impacted me when I'm getting -- oh, my god, I see myself over there -- the women that impacted me when I'm getting scared, when I'm sitting up here and getting scared.

And so, when I think of that occupation, I think of Dorothy Jeff (phon.). She was bristly, prickly, tough, but she really woke something up in me when she was

talking about the babies in those walls. That's one phrase of hers that I'll never forget.

In residential school, she was talking about the forbidden. We were not allowed to talk about what happened to us in residential school, but she was talking abut the babies in the walls.

Are they going to show the pictures?

MS. CHRISTA BIG CANOE: Next slide. To the next slide. There we go. Thank you.

MS. FAY BLANEY: Oh, nice. When we heard that the Inquiry was going to proceed, I worked in partnership with Vancouver Rape Relief and women's shelters. I really raise my hands to them for helping with that effort. And we brought together Indigenous women, mainly from the Lower Mainland but also from other parts of the province and other parts of the country, and I think that's what this picture is about.

So we held two meetings. We held one at the Friendship Centre on International Women's Day. It was a three-day, so we met on Friday night.

The women -- we were in a talking circle for the very first night, and it went quite long. And they proved me right. I think that we would be hard-pressed to find Indigenous women that don't share the story that I just shared about the levels of male violence that I

experienced in my life. It's like every single one of those Native women were talking about the male violence that they experienced in their lives.

This is our Journey for Justice. That's our raft. And lucky for us, we have young Indigenous feminists in our midst, and they're always -- they got these ideas about rafting. And the -- and the older women in the group were terrified at the thought of being on that raft.

And the two elders that were landlubbers, one was a Cree, never been on the water, and she was just traumatized at the thought of water. The other one is from B.C., but she also is really afraid of the water.

And after the strength of the women that we had heard on the journey, in the focus groups, in the rallies, they just were so inspired, and would you believe -- I hope Donna Dickason is watching today as we're talking about this. I think she might be watching online. She was one of them, when they were coming through hell's gate, she was at the front of that raft taking in all the wind and the beauty of that. So she really -- oh, are we on this?

MS. CHRISTA BIG CANOE: Just go back one, please.

MS. FAY BLANEY: There are other pictures of action in that -- I don't know what happened to them. One of them, I worked with Angela McDougall here. We worked

together to organize the protest for the Cindy Gladue decision. I don't know where that picture is, but there's a photo ---

MS. CHRISTA BIG CANOE: A few moved here. There we go. Oh, back. There you go. Thanks.

MS. FAY BLANEY: Oh, this is the women's memorial march. I chaired that committee for two years after Marlene George left and AWAN has been involved in the -- one of us or several of us have been involved in the years since these marches have been happening, and they've been going for I think 26 years now. And we organized around the Cindy Gladue decision and brought out a lot of people. We also organized on the Pamela George case, when that happened, and it was with another group in Vancouver, the WAVAW women helped us to organize that event.

MS. CHRISTA BIG CANOE: Would you like us to go through the pictures, to go through other pictures? Can you move to the next slide, please? There's this one.

MS. FAY BLANEY: I don't have my -- oh, there's my glasses. Oh, that one is -- that's my favourite pastime, I think, is trying to teach indigenous feminism 101. So we set up a talk at Native Education College, and I just went through the history of the *Indian Act* and the impact that it's had on Indigenous women and why it is that we have marginal status today in our communities. So

that's what that was and we had a really good turnout.

We had some budding activists that were making their views known about how angry they were about the ways that indigenous women are being treated. So I did that. I also did a series of six workshops on a variety of aspects of the experiences of Indigenous women, I guess that's the beauty of being retired, or being this old. I get to go and do some of those kinds of things.

MS. CHRISTA BIG CANOE: I'll put the next pictures up. Can we get the next slide, please?

MS. FAY BLANEY: Oh, that's the ---

MS. CHRISTA BIG CANOE: Cindy Gladue.

MS. FAY BLANEY: That's the Cindy Gladue protest that we had. And the ones at the front, the ones in the image, are the Indigenous women. And who it doesn't include are all the allies and supporters that are on this side of the camera. It was a really good turnout. There were a lot of people that came out, and I know that this happened across the country as well, so that's a really good thing.

MS. CHRISTA BIG CANOE: And can we get the last slide up, please?

MS. FAY BLANEY: This one is an action by -- oh, I can't remember her name. She's talking about food sovereignty. Yeah, Dawn Morrison, that's who it is. And

she did a talk on CBC, I just love her politics around food sovereignty and the issues that we face in our Indigenous communities and in the last presentation there was talk about health, and health is really bad in our communities. And she was talking about salmon, which is a topic that's very near and dear to my heart. I love salmon.

And so, we did this march with a whole bunch of women, and I really like the picture because the cedar cape is made from my reserve, which is the Homalco First Nation, and my relative Glyda Hanson is the one that brought that into another Indigenous women's group in Vancouver, the Pacific Association of First Nations Women. They have -- they use those cedar robes for the various actions that they undertake. There it is.

MS. CHRISTA BIG CANOE: Yes, we found it in the interim.

MS. FAY BLANEY: Oh, okay.

MS. CHRISTA BIG CANOE: So just as a matter of housekeeping, we have located the AWAN five-page policy that Fay was talking about. We can undertake over the lunch to get copies to provide to parties with standing in the room. I have provided you each one, if we could have it marked as an exhibit. It's titled, "Aboriginal Women's Action Network Restorative Justice Policy".

CHIEF COMMISSIONER MARION BULLER: Yes,

that's the next exhibit. Thanks.

--- EXHIBIT NO./PIÈCE NO. A10:

Aboriginal Women's Action Network (AWAN) Restorative Justice policy (three pages)

MS. CHRISTA BIG CANOE: Just cognisant of time, I've got only one more question and then I'm going to track us to recommendations, yeah?

MS. FAY BLANEY: M'hm.

MS. CHRISTA BIG CANOE: Thank you.

So obviously, I think we could probably talk all day, you're a wealth of experience, particularly on things like Indigenous feminism, or how you mobilize community to conscious -- to consciousness awareness, is really important. So one of the things though, it's -- I know it sounds like a basic question, but I want to tie it back again to this concept of, like, human rights.

When we're talking about -- and you had mentioned earlier, you know, racism, and sexism, and all these intersections of what Indigenous women experience, what is part of the purpose of conscious raising in the first place? Is it so that you can share with the rest of society the rights that aren't being met, or the things that should be done? What is the biggest purpose of mobilizing community, besides -- and I'm sure there's more

than one reason?

So can you discuss what -- why, why do we come together as community, do mobilization as Indigenous women? Is it for us, is it for other? Is there more to it?

MS. FAY BLANEY: Well, it's for policy change or institutional change, it's for the consciousness raising of the larger society. Yeah, the broader society really need a lot of education about Indigenous issues, and so sometimes we do anti-racism work when it's called for. When we're participating in various organizing groups, we sometimes have to do work on anti-racism. We've done quite a bit around trying to lobby for change in the -- the journey for justice, for example, we did meet with various government people to talk about them bringing restorative justice and other forms of alternative justice into our communities.

Today the big issue that we have on our plate is the issue of prostitution. And again, we're in this position where the state have made their decision. It seems like the want to relegate Indigenous women to be prostitutes and they're not listening to us. They consult with the groups that believe in sex work, and I'm sure you know the difference between prostituted women and sex work, and it's the two different positions.

And it’s been probably one of the worst experience that I’ve had in working in the feminist movement, because of the violence that we’re subjected to, the ways that we’re being confronted for the views that we hold. It’s like middle class Canada can choose prostitution or not choose it, and some of them have gone and gotten their post-secondary education. But the women that have zero choice in the matter are the Indigenous women.

You know, the Canadian society give us no options. We’re forced into the poverty that we live in. We’re forced into the sexual violence that we experience right throughout our childhoods and into our adulthoods. Indigenous women experience a lot of sexual violence and I am just so frustrated with the large numbers of organizations and other women’s groups that are promoting this model of glamourizing this as a profession, and I think that the Indigenous women that are forced into that are -- they're not getting university degrees with the money that they gain. They're not supporting their kids with the money that they're getting out of it. It's something completely different.

And I have a whole bunch of family in it. You know, I don't often speak about that, but I have three first cousins that are in it in the downtown east side

right now, and I love them dearly, and I visit them quite often.

And I have two other cousins that have suicided, and they were both in -- being prostituted as young ones. One of them was being prostituted for alcohol when she was a little girl, and then she did that when she got quite heavily into her addiction, and she struggled with her addiction all her life.

And so, it's -- that's what we do with our consciousness-raising groups, is we take action on the issues that are impacting us.

I have a whole lot to say about the absence of work around exiting. I have a lot to say about the fact that the law is in place, but the Vancouver City Police refuse to enforce it. They continue to protect the perpetrators of the sexual violence, they protect the men that prey on our young girls, you know.

And -- yeah. Yeah, I can say like 10 hours more on that topic. I just -- it hurts a lot. I have to say it really hurts a lot, because, you know, I love my family and I love the women in it, and I want more out of their lives.

The three cousins I have there, they've been there since they were little girls, and they're not that much younger than me. And -- like I'm 61, and the level of

desperation shows when they're at the age that they're at and they're still doing it. And what have they done with their lives? What memories do they have to share? Yeah.

MS. CHRISTA BIG CANOE: Yeah. Thank you, Fay.

On that basis too, though, I would like to introduce Schedule E and Schedule F. So one is AWAN's statement issued at a press conference. And the other is the Aboriginal Women Action Network's statement on prostitution.

I have hard copies if the link wasn't printed off for you and ask that they be added to the record.

COMMISSIONER BULLER: We don't have copies of those.

MS. CHRISTA BIG CANOE: I have one I can bring you. It was in the schedule.

MS. FAY BLANEY: May I add while she's giving you that? I just -- I'm really concerned about the women -- you know, you're talking about wanting to reach all of the women for this Inquiry. I think those are the women that you're not reaching, are the women that are being prostituted.

The women from the Pickton Farm, one-third of those women that were murdered there were Indigenous

women that were in prostitution. And I knew some of those women.

And one of them -- my mentor asked me to do a list of the women that hold me up. I mentioned Dorothy Jeff. There are two other women I have on my list, and one of them was one of the women found, her human remains were found on the Pickton Farm.

And she was in the Learning Centre where I was working, and she came in and she said, "Oh, I know I'm Indian. I know I'm Cree, but I just don't know which province I'm from." She was from the child welfare system. And her head was found on the Pickton Farm in the freezer.

COMMISSIONER BULLER: Just for our recordkeeping, the AWAN statement issued at press conference will be an exhibit, as well as the Aboriginal Women's Action Network paper on prostitution. Thank you.

--- EXHIBIT NO./PIÈCE NO. A11:

AWAN statement (one page)

--- EXHIBIT NO./PIÈCE NO. 12:

AWAN declaration on prostitution (two pages)

MS. CHRISTA BIG CANOE: Thank you.

I'm going to get you to do the recommendations now.

MS. FAY BLANEY: Okay.

MS. CHRISTA BIG CANOE: Commissioners, there was recommendations left on your table, like a two-page document.

Fay, I understand that you have more than six recommendations, but these are the ones that you want to focus on providing to the National Inquiry today. So I was wondering if you could actually walk us through your recommendations, and then I'll seek to exhibit the document.

MS. FAY BLANEY: All right. So I was -- the first one is to encourage the Inquiry to approach this from a gendered lens. When the pre-Inquiry was happening, they were constantly talking about colonization, and I don't think there's enough recognition of the fact that colonization impacts us very differently, men and women.

Men have been bestowed a whole lot of patriarchal privilege from the *Indian Act* and are -- they've been taught very well how to be patriarchal in our communities. And I fear that men may not be willing to give up the patriarchal power that they have, and in fact, some of them have claimed patriarchy to be a tradition, even though we know that that culture comes from a matriarchal tradition. So they reinvent culture to align with what the *Indian Act* says they have, that they have patriarchal privilege now.

I guess with that one, I -- mainly to people at the grassroots level. Whenever I we talk about women's issues, they bring up, "Well, what about balance?" And I think that we really need to look at the fact that there is zero balance in our community. Somebody's got to open their mouth and say that, but there is no balance right now.

It's -- men control the private sphere and the public sphere, and the private sphere is the family unit where, you know, we have our Indian status because of the men in our lives. I have status because of my husband, and before that, I had status because of my father. And so, in our world, men hold all the cards and we hold none.

So I think it's really important to look at what are we talking about when we say balance, and let's bring balance back, I say. Let's decolonize by bringing our matriarchal traditions back.

The second one, the abolition of prostitution. I've said a whole lot about that.

I think one of the distinctions that's being made with the groups that disagree with us is that they don't see prostitution as being part of male violence, and I believe that it inherently is part of male violence against women. It's legalized rape, you know, when men purchase women for sexual purposes.

And the fact that the state has decided to separate out human trafficking from prostitution. And in Vancouver, they have laid charges on the grounds of human trafficking and refuse to arrest anyone under the new prostitution laws of arresting Johns. They don't do that, and they're allowed to get away with that. I don't understand that. And they shouldn't be separated. I mean, human trafficking and prostitution are along the same lines.

And yeah, we just call on the city police to enforce the law, *The Protection of Community and Exploited Persons Act*, as a way of reducing the demand for paid access to women and girls' bodies.

And exiting services, I did talk about that earlier as well. We seriously need exiting services that include detox on demand. We need recovery homes and safehouses. I had no clue how difficult it was for Indigenous women to escape prostitution, and more recently, I've been talking to them about that and finding out how difficult it is to get out.

And so, there is Christian services, exiting services in Vancouver, but there is -- when you think about the numbers of Indigenous women that are in prostitution, there isn't a safe place for them to go, programs and services for them to attend to. There is the exiting

service that's there, but it doesn't include the elements that I've spoken about.

The third one is on restorative justice, and I won't spend too much time on it because you do have the -- our position paper. I guess we would just highlight the power imbalance within our communities, the utter denial that there is a problem with male violence against women in our communities.

The things that happened to me, I never learned that it was male violence against women, it wasn't articulated. I wasn't allowed to say it. When I did speak it when I was maybe -- three was the first time I spoke it, I got in trouble for saying that I was being sexually abused. I got in trouble. And then I said it again when I was nine and I got in trouble. And I think that's pretty common.

So there's a denial that there is any issue of violence in our communities. And we really lack the capacity in our communities to address the issue of violence. There aren't enough services to address.

When I was working with my Band, I tried to get funding for an anti-violence worker, and they just said there's no money. Sorry, we can't help you, there's no money. And I'm trying to say to them, look, there is gang rapes, there is women landing in hospitals, and I just

ended up getting pushed out of my community because of what I was saying. I was speaking the wrong things.

I think the next point is so critical, the substantive equality that's guaranteed to us under the *Charter of Rights and Freedoms.* We have that guarantee, and it is a federal obligation. But this government and other governments before it have decided to view women's issues as a service issue, and they've tried to do that with anti-violence work as well.

And that's why I am so fond of the women in Vancouver Rape Relief because they don't see it as a service issue, you know, and they see it as a place where you -- the consciousness-raising happens, and women begin to understand what they're going through.

And my friend, Sherry Smiley, actually a couple of days ago was talking to me about the parallels between battered women and battered wives and how they decide to stay, you know, and why they decide to stay, and the issue of prostitution and why they decide to stay. And she was doing the compare and contrast and that really opened my eyeballs.

But yeah, it is -- I think that the treating of transition house workers as service providers, as a program, is highly problematic, and I really believe that we need to politicize that work and recognize that it is an

issue of women's equality. And so, what I'm recommending here is that the federal government reinstate funding for women's programming for women's centres.

And within those women's centres there's a whole lot that we can get done, you know. We can identify -- you know, we are the experts of what's happening to us and we can do the similar kind of work that we do in AWAN, you know, just understanding what are the issues and doing our own research and doing our own political lobby.

And right now, we're -- like the Cree women here, we operate without an office, without funding, without staff. I mean, we still do the work. And it shouldn't be that way. So I say to the feds, they better get busy and reinstate our funding.

Women only spaces in women's healing. I have been through that route myself. I went to a treatment centre when I first sobered up. I have been sober for 35 years now, and I -- hard to believe from where I came from with the drugs and alcohol that I did when I was young.

I was in one program, it was actually a training program. It was supposed to be a sexual abuse counsellor training program. We were unfacilitated for one full month of talking circles. We were sitting with men that were offenders. They were raving about their offences

in the guise of healing, and us survivors were cringing and being triggered and falling apart. And I fought, and fought and fought, and eventually they kicked me out of the program.

So I just think that women only spaces are so important that we don't have co-ed healing like currently exists, when you go to a treatment centre, there's always men there. And detox, currently, the detoxes in Vancouver they're in short supply, but what's worse is that women are put into the same detoxes as the men.

Oh yeah, and then the politics. Me and my politics. I'm saying that within those healing centres, that they have to give some understanding of the oppression, the systems and institutions and beliefs that oppress them. Because invariably we blame ourselves for our -- "our failures", you know. And those things that happen to us come from the dominant society and yet we're to carry that burden.

So I think that any new programs have to move away from the Western model of individualizing our problems. You know, we are Indigenous people, we're communal people, and why aren't we looking at our healing as a communal process?

So -- and then the last one is the *Gladue*

decision where I think far too often it's being used in these cases of male violence against women where they take into account men's colonization. They say, oh, the guy went to residential school.

And you have it in your -- from your testimony in Vancouver, my cousin gave her statement. Her niece was very young, had a little girl. She was murdered, like a couple of years ago, three years ago, maybe. And the guy was being sentenced, and the *Gladue* decision came into play and they were listing all the impacts of colonization on him and why he should have a reduced sentence.

But what about her? Like the niece is dead. That child is never going to see mom again. And so I don't think that these lenient sentences on the basis of *Gladue* should be done on the backs of Indigenous women who are experiencing male violence.

MS. CHRISTA BIG CANOE: Chief Commissioner and Commissioners, that actually will conclude the questions I have for Ms. Blaney.

And I would request at this time -- it's now 1:25, I would like to request a 30-minute lunch. I believe lunch is being provided in Room F. And it's mostly because I'm aware that people have also been waiting, so for the health purpose break and the need for sustenance and food.

And when we return, I will have Ms. Blaney here if you have questions before we call the next witness.

COMMISSIONER BULLER: Thirty (30) minutes, please.

MS. CHRISTA BIG CANOE: Thank you.

--- Upon recessing at 1:26 p.m.

--- Upon resuming at 2:13 p.m.

FAY BLANEY, Resumed:

MS. CHRISTA BIG CANOE: Thank you.

If I could ask if we can restart.

As you'll recall, I have knowledge-keeper and expert, Fay Blaney with me. I have finished asking the questions in examination in-chief but wanted to ask the Commissioners if they had questions before we call the next witness.

COMMISSIONER BULLER: I'm going to wait until after cross-examination. Thank you.

MS. CHRISTA BIG CANOE: Thank you, Chief.

You'll need your headset for this.

COMMISSIONER AUDETTE: Merci beaucoup, Me Big Canoe. En effet, je vais avoir une question pour notre témoin, Mme Blainey. D’abord, avant de commencer, je veux dire un gros merci pour venir nous partager ici votre expertise, vos connaissances et, évidemment, vos recommandations. Good. À quelques reprises, vous avez

mentionné la loi sur les Indiens, la loi C-31, le projet de loi C-31; donc, on parle ici des amendements apportés à la loi sur les Indiens. Dans l'histoire, pour ceux et celles qui vont avoir décortiqué la loi sur les Indiens, on comprend qu'en 1951 arrivent certains amendements puis on va parler dans une perspective féministe, une perspective « femme » ou d'égalité et d'équité. La loi C-31 est supposée corriger une discrimination basée sur le sexe et, ensuite, plus tard, la loi C-3, dont une femme de votre territoire de la Colombie Britannique, Mme McIvor.

Pourriez-vous me dire, et aussi aux gens qui nous écoutent, comment ces lois-là ont-elles eu un impact sur les femmes autochtones et quel est, encore aujourd'hui s'il y a un, l'impact sur la violence faite aux femmes? J'essaie de voir s'il y a un lien avec la loi sur les Indiens et la violence faite aux femmes.

MS. FAY BLANEY: I know that there is a huge impact from Section 12.1(b), because Indigenous women no longer had our own status. Like, we had status by virtue of our father, or our husband, the men in our lives. And the other aspect of it was the membership aspect under 12.1(b) where Indigenous women were compelled to go to a community where their spouse was from. And when they brought in the amendment in '85, it was really bizarre where women were being reinstated in communities where

their ex-husband was from and they weren't accepted in those communities.

When I talk about the matriarchal tradition, this is where it really comes into play. My late aunties were telling me that a long time ago the women -- the sisters always stayed together. And she said the sister's children were all your -- they were her children too, and so they were all my brothers and sisters instead of being first cousin like the way the current kinship system works. And she said that the brothers went and lived with the women that they married, and so those cousins were not as closely related, they were a little more distantly related to you.

And we did carry our -- the clan in our culture, like, Indigenous women were the head of the clans. And so then when you think about the *Indian Act* and the fact that women no longer carried the clan, instead now you're following a patriarchal system of going along with the man's name. And I alluded to men controlling the private and the public sphere, men were in charge of the family. Men were the head of the family under this new system, but under the old system women kept the families together.

And we continued to carry on that tradition even though, like, the *Indian Act* has done all these things

to us, it's still very much underneath it all, a matriarchal tradition where women hold families together. And families really struggle after the -- their Elder passes away, the woman in the family.

Nineteen eighty-five (1985) was -- well, I know the whole history. I'm not sure which part you're asking me about. I know about the Mary Two-Axe Earley, right at the beginning from the Six Nations really fought for this, for the change, and then after her was Jeanette Lavalle, and then Sandra Lovelace, like, it's a really long history. And I was involved with the Indian Homemaker's Association and they were a group that marched to Ottawa in around 1982 to address this issue.

It went through all kinds of contortions. I know that in upper and lower Canada they had -- it used to be called the *Gradual Civilization Act*. How insulting is that, hey? So yeah, it's always been -- I think that has been like, one of the keys to the colonization process, and it's also been quite the significant piece that has resulted in the levels of male violence that we experience.

Because women's status are, you know they're -- in terms of our status in society, it's negligible at that point, you know, when the *Indian Act* says you don't matter and the only way you do matter is by virtue of being related to these men. And yeah, and our family system has

been turned upside down. I have big issues with the nuclear family that we supposedly have these days. It's very different from what we had.

I know that in 1951 when that amendment happened, they began to post, publicly post the names of people that were on the Band membership list, and it gave people, or members in the community an opportunity to contest someone on that list. And I know some of the people that were contested as children, you know, they come forward and say, "Even though this woman is not married, the father of that child is non-status." And so that child would be struck off of the membership list. I have a friend like that.

COMMISSIONER MICHELE AUDETTE: Est-ce que vous… (Rires) Mme Blaney, est-ce que vous croyez aujourd'hui qu'en deux mille dix-huit (2018), la discrimination à laquelle vous avez fait référence est réglée, aujourd'hui, avec tous les amendements ou est-elle encore présente dans la Loi sur les Indiens?

MS. FAY BLANEY: Well, Sharon McIvor fought this case in the Courts and I think it's still a big issue. And I love the way that she brought out the fact that men gained status or bestowed status pre-1985, and those descendants from those families where men had status and bestowed it, they held onto status longer than the women.

Usually need a diagram to show people, but I guess it's enough to say that under Sharon McIvor's case, her grandchildren lost their status and her brother's grandchildren, they still had status.

So there was a residual discrimination and I know that there was a huge protest coming out of the Indigenous community and I'm not sure where it's at exactly today.

COMMISSIONER MICHELE AUDETTE: Je crois qu'elle a déposé une pétition aux Nations Unies pour dénoncer le projet de loi C-3 qui n'a pas réglé la discrimination entre les hommes et les femmes, que les femmes sont encore affectées par… même avec les amendements. C'est la compréhension, à la lecture des documents.

Ma dernière question est plus : qu'est-ce qu'on pourrait, comme commissaires, mettre dans un rapport important, pour l'Enquête nationale? En vous écoutant, on sait qu'il y a une discrimination systémique ; vous avez fait mention de la Loi sur les Indiens et ses lacunes ou justement, la Loi graduelle d'émancipation des sauvages.

Et ensuite, le pouvoir des hommes, qu'ils soient dans la sphère publique ou privée; dans nos communautés, on se retrouve avec ces hommes, au quotidien, que ce soit nos pères, nos frères, nos fils ou nos petits-

fils. On nous parle aussi… vous nous parlez de cette loi-là, la Loi sur les Indiens. Comment on peut amener des recommandations, comme commissaires, pour enlever la discrimination systémique et faire en sorte qu'il y a un meilleur partage et un meilleur équilibre entre les hommes et les femmes dans nos communautés? Quelles seraient vos recommandations?

MS. FAY BLANEY: More fairness? So are you referring to the *Indian Act*? Should we have one, or shouldn't we?

COMMISSIONER MICHELE AUDETTE: No, I'll try in English.

MS. FAY BLANEY: Okay.

COMMISSIONER MICHELE AUDETTE: You mention about the discrimination because of the *Indian Act*, and also power of the men in private and public sphere. As women in our communities, we're facing the lateral violence or the systemic violence.

MS. FAY BLANEY: M'hm.

COMMISSIONER MICHELE AUDETTE: What would you recommend that we put in the report, so we can break those -- the reality that women are not equal in our community.

MS. FAY BLANEY: Okay. Okay. Thank you for that.

Well, one of -- I think it was the third or the fourth recommendation, I was talking about the importance of the Independent Women's Movement, and I think that is so critical. Indigenous women often don't have a voice, and I think we can go around the room and have long lists of women that we know that don't have a voice. We have this dynamic where we're forever breaking the silence. That's why so many reports are called "Breaking the Silence", because we keep breaking it and then we keep getting shut down again and again and again.

And so I think that Indigenous men are not prepared to give up privilege. I really -- I highly doubt they're willing to give up privilege, and I think we need to organize amongst ourselves as Indigenous women.

And the other part of that is the importance of alliance building with non-Indigenous women. I think that's where we find the most solutions.

I was at another event this past weekend in Ottawa, and there was this legal expert from the international arena, and she was saying when you look at the progress that's been made, it has consistently been made from women organizing with women. Like, we can't stress that enough. All these actions of trying to pass international human rights declarations, they don't -- they're not effective because they don't have the machinery

in place to enforce or to monitor or anything like that.

And so meaningful change comes from women organizing with women.

And the recommendation that I left out -- I had to leave some out because I had too many -- I was saying that we're in a -- we're still in that dark age after all the gains that we made in the Women's Movement, you know, where we had women centres. We had NAC, National Action Committee on the Status of Women. And NAC was implementing an affirmative action policy where they were bringing in Indigenous women, women of colour and just trying to be inclusive, women with disabilities, lesbians. Like, they just were really working hard at their affirmative action policy.

And so, yeah, that's number one in my mind is women working in alliance with other women.

And if I look at my history, that's where my work has been done. You know, I mentioned earlier about organizing with Angela. I've organized with rape relief, and I organized with WAVA (phonetic). Before that, it was the Women and Indian Homemakers. It's women in the communities.

In '95 I did a research project that we were submitting to the Royal Commission on Aboriginal Peoples. Women in those communities are so willing to come forward.

One from Bernie's community there, we went to Haida Gwaii, and the women just came forward in large numbers to make sure that we had the space to be able to talk about male violence in our lives.

So, yeah, women need to be supported. We need to be protected as well, I think. We face discrimination too when we start to do this. There's a huge push to silence us, and the push is not just coming from the men. It does come from our own women that believe that men should be the patriarchs that we follow. And it's very difficult to unlearn. You can't blame women for that. I mean, we Native people struggle with the very same thing around the superiority of white people. It took me a while to overcome that. You know, for a time I thought I was such a bad person -- in my teens.

COMMISSIONER QAJAQ ROBINSON: Thank you.

I have a question, and it's very similar to what Michele has asked, but I want to ask it anyway because I think it might be a little bit nuanced.

You spoke about in the context of restorative justice. I think the words you used were "We're just not ready to take on those kinds of, I guess, responsibilities". And we've heard from a number of families across the country who have struggled with systems that have been delegated to their communities, whether it's

child welfare or policing, and the challenges they face are numerous. We hear some accounts of nepotism, some blatant exploitation of their positions of power. But we also hear from families and survivors talking about the need for community to -- and I think what I've heard is we need to be given the space and the ability to do things our way.

How do we get from "We aren't ready" to being able to do things our way. Like, those two, I don't think there's a contradiction there, but there's a bit of a tension.

MS. FAY BLANEY: M'hm.

COMMISSIONER QAJAQ ROBINSON: And I was hoping you could share some thoughts you have about how we move past not being ready?

MS. FAY BLANEY: M'hm. Oh, absolutely.

The Royal Commission on Aboriginal Peoples in 1996, in their report they told us that overwhelmingly, the university degree holders were women, Indigenous women, and yet you look at the presidents of societies, the executive directors, the chiefs, you know, all of the CEOs, they're mostly men. How did we get there? Like, how in the heck is it that women are so well educated and yet can't reach any level of having any power and control over the things that affect our lives?

And if you ask the youth like my son, he'll

say, "It's the baby boomers; they're the problem." And the baby boomers are buying into the Chief-in-Council stuff. You know, in B.C., as Audrey -- there she is back there -- about what the chiefs are doing to our resources and the decisions that they make under the *Indian Act* system is such a dismal failure. The *Indian Act* makes the chief accountable to Indian Affairs. And who is accountable to the people now?

And so that really teaches a hierarchal model of decision making which is so contrary to what it is that we adhere to, but when you talk to the women, I mean, it's a whole different ball game. And we never reach positions of power and authority and decision making. We're kept out.

Even with the level of my education, I can't get hired anywhere. It's because I'm a woman with an opinion, and nobody wants a woman who has something to day. If it's a guy with no education and he has something to say, you bet he'll get hired. And it's like that in our communities.

The level of grossness amongst those men in that leadership is really disturbing. When I was managing treaty with my band, they were making rude jokes about the illegitimate children that they were having. What kind of joke is that? I'm just so offending. I was disgusted, and

I couldn't express my disgust because I was in a room full of men. We were at a Fisheries meeting. They were trying to negotiate how are we going to bring the people from the north. And one guy said, "Oh, I've got kids up there." They have kids all over the place and they don't bother to take any responsibility for them.

But I think when you empower women, we take on the roles that we had in our traditional society of caring for our family and community. And I think that's what my puberty rights were about, was caring for family and community. And women know how to do that when we're not caught up in trying to survive.

So the answer is the same, autonomous Indigenous women groups.

COMMISSIONER QAJAQ ROBINSON: You talked about the *Indian Act* governance model, and there's a lot of people calling just for the complete abolishment of that.

How do we change the systems of power and control, whether it's chief and councils established under the *Indian Act* or even municipal governments, provincial governments and federal? Do you have thoughts on how those institutions could be reformed?

MS. FAY BLANEY: I don't know about those institutions. What I've recommended is that anything that impacts us that they talk to us. We need to be consulted.

You know, the Native community are so big right now on the duty to consult and to accommodate and we're completely left out of that equation. And so before we get ourselves elected in those places, I think we need to have our authority recognized that we do have authority.

You know, we have authority by virtue of what we've done to keep our communities surviving and I think much of the survival of the First Nations can be attributed to us and there is that -- the Cheyenne proverb about the hearts of the women on the ground. You know, they believe it. They believe that we hold power as life givers and we hold power as leaders in our communities.

COMMISSIONER QAJAQ ROBINSON: Thank you. Those are all my questions.

COMMISSIONER BRIAN EYOLFSON: I just have one sort of follow-up question I guess.

You had mentioned and you referred to racism and resistance in Canadian society and I think as well you referred to -- when you were talking about belief systems, justifications and ---

MS. FAY BLANEY: Oh, the triangle.

COMMISSIONER BRIAN EYOLFSON: Yes, and you referred to justifications and Indigenous people being put down and that sort of thing. So I was just wondering if you had any thoughts based on your experience and education

or otherwise about how one can go about combatting, challenging or changing those attitudes in broader Canadian society and any views towards recommendations on that?

MS. FAY BLANEY: Well, I work with a friend who is watching me right now, Kysa (phon.), and we're organizing a reconciliation circle and before that I was organizing similar reconciliation circles, Bright New Day Reconciliation Circles.

And what we do there is we unseat settlers from their positions of power first of all by way of them coming into our space. So before the event starts, they're outside. When they enter the space, they have to enter it according to our protocols and we have long protocols. You know, it takes the whole half day for us to get through the protocols of calling, you know, asking to come in first of all, whose place are we in, and then the leadership welcoming you and blanketing you and getting witnesses.

Like you guys did that in Vancouver and yours was probably half an hour while ours goes for half a day. We make sure that they -- when they're entering the space, they get the history of the nation that’s there as well.

And so you can't just walk in and stake a territory by putting your person, your coat on. It's not your space to stake a claim here.

And so that's really effective by starting on that footing where settlers are uncomfortable, you know, and then we go into telling our stories. So we tell our stories and it's not just us, residential school survivors, telling our stories but the settlers have to tell their stories too, like how did you land here in my territory and what have you been doing here. You know, and how did you benefit from settling here for two or three generations, you know, and it's not like well they -- sometimes they say well, I've been on that farm for five generations and I'm now an Indigenous citizen of Canada. You know, it doesn't work that way. Whose territory are you on?

And so we do that and often it's the first engagement that they've had with Indigenous peoples. So I really like that process. I didn't believe in it much when I first started doing that work but now I really see the difference that it makes in bit by bit reaching out to settlers to get them to have -- you know, have, as my aunt would say, a rude awakening into where they are and how they got there. So educating through those circles I think is one way.

COMMISSIONER BRIAN EYOLFSON: Thank you very much.

MS. CHRISTA BIG CANOE: Commissioner Audette, I understand you have another question?

COMMISSAIRE MICHÈLE AUDETTE: Oui, merci beaucoup. Merci, Maître Big Canoe.

J'avais oublié de vous dire merci d'avoir mentionné les femmes du "Downtown Eastside", des femmes et des familles qui ont été affectées par le tueur en série et évidemment de nous rappeler que l'enquête aurait pu aller beaucoup plus loin pour aller entendre les témoignages de ces femmes-là aux prises par la prostitution.

Alors ça je vous l'accorde et nous espérons pouvoir justement rejoindre le plus de gens possible dans des situations de vulnérabilité.

Et dans un de nos exercices, l'industrie du sexe, la prostitution fait partie de vos questionnements puis de nos préoccupations et vous avez entendu parler des femmes qui ont recours à la prostitution non pas par choix.

Alors est-ce que cela constitue une violation des droits humains? Si oui, lesquels?

MS. FAY BLANEY: I think we have a natural right, an inalienable natural right to safety and security of the person and I think when women are being sold, their bodies are being sold, they're being paid for to be legally raped. It's not safe and secure.

MS. CHRISTA BIG CANOE: Thank you, Commissioners. At this point, I want to thank the witness Fay Blaney for her examination in-chief and I would just

ask for a couple minutes so we can reset to have the next witness Naiomi Metallic.

CHIEF COMMISSIONER MARION BULLER: Five minutes, please.

--- Upon recessing at 2:42 p.m.

--- Upon resuming at 2:51 p.m.

MS. CHRISTA BIG CANOE: I have the pleasure of introducing you to Professor Naiomi Metallic.

Mr. Registrar, Ms. Metallic would like to affirm in, please.

MR. BRYAN ZANDBERG: Good afternoon, Professor Metallic.

MS. NAIOMI METALLIC: Good afternoon.

MR. BRYAN ZANDBERG: Do you solemnly affirm to tell the truth, the whole truth, and nothing but the truth?

MS. NAIOMI METALLIC: I do.

NAIOMI METALLIC: Affirmed

MR. BRYAN ZANDBERG: Thank you.

MS. NAIOMI METALLIC: Thank you.

EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS. CHRISTA BIG CANOE:

MS. CHRISTA BIG CANOE: So once again, just so it's noted on the record, I am going to make a motion to qualify Professor Naiomi Metallic as an expert. In doing

so, the parties in attendance consent to the process I'm undertaking before I actually make the motion. So I'm just going to actually start right away.

Is it okay if I call you Naiomi?

MS. NAIOMI METALLIC: Yes.

MS. CHRISTA BIG CANOE: Thank you. So Naiomi, a couple of things I just want to start with. Can you tell me a bit about your background?

MS. NAIOMI METALLIC: Where I'm from?

MS. CHRISTA BIG CANOE: Where you are from?

MS. NAIOMI METALLIC: Sure. I am from the Listuguj Mi’gmaq First Nation which is in Gespe’gewa’gi, otherwise known as the Gaspé Coast of Quebec.

MS. CHRISTA BIG CANOE: Excellent. And so I understand you speak a couple of languages at least and are working on a third.

MS. NAIOMI METALLIC: I speak both English and French fluently and I am working on the Mi'gmaq part, so (speaking in Mi'gmaq language). It means I speak Mi'gmaq a little bit.

MS. CHRISTA BIG CANOE: Excellent, thank you.

So I'm going to actually start with a couple things but I want to start with your CV in particular and I'm going to actually just ask that we enter the curriculum

vitae of Naiomi Walqwan Metallic as the first exhibit.

CHIEF COMMISSIONER MARION BULLER: The CV is the next exhibit. Thank you.

--- EXHIBIT NO./PIÈCE NO. A14:

Curriculum vitae of Naiomi Metallic

(March 14, 2018, 12 pages)

MS. CHRISTA BIG CANOE: Thank you, Chief Commissioner.

Just doing an overview, obviously we see with your professional history you're currently teaching at Dalhousie.

MS. NAIOMI METALLIC: That's right.

MS. CHRISTA BIG CANOE: Can you just tell me a little bit about that?

MS. NAIOMI METALLIC: Sure. I've been at the Schulich School of Law at Dalhousie since June of 2016 and I also hold in that regard a chair position, the Chancellor's Chair in Aboriginal Law and Policy, and I teach constitutional law, Aboriginal peoples and Indigenous governance.

MS. CHRISTA BIG CANOE: Excellent. Thank you.

I also understand that prior to that you were also a practising lawyer?

MS. NAIOMI METALLIC: Yes. Before I joined

Schulich, I was at a firm -- and still have a connection to a law firm called Burchells LLP in Halifax, and I continue to have a counsel relationship with them.

MS. CHRISTA BIG CANOE: And I also note that you have been a law clerk at the Supreme Court of Canada?

MS. NAIOMI METALLIC: Yeah. I clerked with Justice Bastarache in 2006 and 2007.

MS. CHRISTA BIG CANOE: So in terms of -- I mean, obviously, I think anyone can look and see that you have a large amount of professional services indicated on page 2 and 3 of your CV, but I also noticed you have some professional and academic recognition and awards, a number of those. Are there any that you want to tell us a little bit about?

MS. NAIOMI METALLIC: Oh. Well, I got a teaching award this year from the students at Schulich, so that made me quite pleased since I had only been there for a couple of years, so that was very nice. And some recognition in the best lawyers in Canada in the area of Aboriginal law.

MS. CHRISTA BIG CANOE: Excellent. Now, when we say Aboriginal law, what are we talking about? We're not talking about Indigenous legal practice, per se, we're talking about the way Canadian law is looking at Aboriginal laws. What's the way you would contextualize

that?

MS. NAIOMI METALLIC: Right. So the distinction I make, and I try to make this pretty clear these days when I teach students, is that I see Aboriginal law as Canadian law or settler law as it applies to Indigenous people. And that can be even, you know, some people just think it's section 35 Aboriginal treaty rights, but it's really the intersection of a number of areas of law as they relate to and touch on Indigenous people. And then there are Indigenous laws which are the laws of Indigenous people. So Anishinaabe law, Mi'kmaq law, so that's the distinction.

MS. CHRISTA BIG CANOE: Okay. That's helpful. I also understand that you -- you're currently working on some research or that you have some research designations. Can you share a little bit about that?

MS. NAIOMI METALLIC: Oh. That was simply that -- I'm in a period -- or in the process of sort of transitioning to have a lawyer CV to a -- an academic CV. I'm getting used to sort of what goes into -- a lot more goes into the academic one.

So something that wasn't in here that's listed is that in -- now, in my new role as a academic, I'm involved in a number of research projects, and it's not necessarily reflected in here. I do have other documents

that I can send, if that's necessary.

But one of them which may be relevant to what my evidence is going to be is that last year, over the course of about a year-and-a-half, I was involved with a team of researchers looking into how social assistance in First Nations communities in the Maritimes worked.

MS. CHRISTA BIG CANOE: Excellent. So in addition, one of the -- in addition to your academic work, what are some of the considerations or some of the things that helped you have knowledge about the areas you'll be speaking to us today?

MS. NAIOMI METALLIC: Okay. So I have the -- several years of experience as -- in being a practitioner, and really that's -- some of the cases that I was involved with and exposed to sort of translated directly into what became my large interest areas. There is a case that's noted in my CV that I was involved in for over six years called *Simon*, and it was about social assistance. In that research -- it was actually also related to the research project I spoke about earlier, but that was about social assistance on Reserve.

And it's through having hat that case for about six years, it went to the Federal Court, Federal Court of Appeal, we even sought lead to appeal to the Supreme Court of Canada. We were denied.

But through that case is how I became really -- or how I got to learn about this area and realized how important it was and not really well-known, and it really is what drove me to academe so that I could talk about it and write and research more about it.

MS. CHRISTA BIG CANOE: I understand when you -- can we talk a little bit about your LLM and the work you did on that, because that's the paper we're actually going be discussing a bit today too?

MS. NAIOMI METALLIC: Sure. So this was the major paper that I wrote. We -- I wrote a number -- I did one of these -- I -- more paper-based LLM, it's not just one thesis. But this -- if I was to -- you would say -- call it a thesis, it would be this, which is about 100 pages, but it was the major piece of work that I did. I believe the course that I wrote -- yeah, I wrote it for, I believe, an -- no. I forget exactly what class it was, but my supervisor was Bruce Ryder at Osgoode.

And -- yes. I -- what I wanted to do was to -- *The Caring Society* decision had recently come out, and having read it, I really felt that it responded to and addressed I think a lot of the issues and concerns that I had coming out of the case that I referenced a moment ago and other things that, you know, over the course of being involved with that case had become so much more aware of

the problems in service delivery on Reserves.

So this was an attempt to showcase and highlight what those problems were and also talk about how I think *The Caring Society* starts to give us tools to address some of those problems.

MS. CHRISTA BIG CANOE: Excellent. And I note that the full title is The Broad Implications of the First Nations *Caring* Decision Dealing a Death Blow to the Current System of Program Delivery Reserve and Clearing the Path to Self-Government.

I know it's a bit of a mouthful, but Chief Commissioner and Commissioners, may I have that entered as the next exhibit?

COMMISSIONER BULLER: Yes. Certainly.

--- EXHIBIT NO./PIÈCE NO. A15:

"The Broad Implications of the First Nation Caring Society Decision: Dealing a Death-Blow to the Current System of Program Delivery (CSPD) On-Reserve & Clearing the Path to Self-Government," unpublished work by Naiomi Metallic written as a major paper for her Master of Laws (100 pages)

MS. CHRISTA BIG CANOE: Chief Commissioner and Commissioners, based on the knowledge, skills and

education, as well as the teaching experiences and legal practice that Professor Metallic has described and is evidenced in her curriculum vitae, I am tendering Naiomi Metallic as an expert, specifically in the areas of Aboriginal law and policy, settler law, as it relates to Indigenous people, with specific knowledge and practise in human rights, constitutional law, federalism and the delivery of essential services.

COMMISSIONER BULLER: Could you repeat that please?

MS. CHRISTA BIG CANOE: I'm sorry. I said it too fast, didn't I? My apologies.

Did you want me just to -- to the areas of specificity or the whole motion?

COMMISSIONER BULLER: Areas of specificity.

MS. CHRISTA BIG CANOE: Thank you.

So tendering Naiomi, specifically in the areas of Aboriginal law and policy, settler law, as it relates to Indigenous people, with specific knowledge and practise in human rights, constitutional law, federalism and the delivery of essential services.

COMMISSIONER BULLER: Based on the consent of the parties, as well as the evidence tendered in support, we do declare that Ms. Metallic -- Professor Metallic is qualified as an expert to give

opinion evidence in the areas outlined by counsel.

MS. CHRISTA BIG CANOE: Thank you.

So in doing the examination in-chief, Naiomi has actually prepared, and it's true that you prepared, a slide presentation. And so rather than her just do a presentation, or me just ask questions, we're going to actually walk through it together.

So Naiomi, it's true that you prepared this slide presentation; correct?

MS. NAIOMI METALLIC: Yes.

MS. CHRISTA BIG CANOE: Okay. Thank you.

And we would like to have it, as well, exhibited?

COMMISSIONER BULLER: Yes. Is there a hard copy?

MS. CHRISTA BIG CANOE: Yes. I have one for you.

COMMISSIONER BULLER: Okay. That will be the next exhibit, please.

MS. CHRISTA BIG CANOE: Thank you.

--- EXHIBIT NO./PIÈCE NO. 16:

Slideshow presented during Prof. Metallic's testimony comprising 28 slides (hardcopy, 14 pages)

MS. CHRISTA BIG CANOE: Did you just want to

start?

MS. NAIOMI METALLIC: Sure.

(SLIDE PRESENTATION/PRÉSENTATION DE DIAPOSITIVES)

MS. NAIOMI METALLIC: Okay. So my paper is an exploration, as I said, first of all about the nature of service delivery on Reserve. And by that, I mean, all matter of essential services. So I'm talking about, broadly, child welfare, social assistance, assisted living, housing, sort of the -- the main sort of day-to-day essential services encompassing that broad lot.

And one of the first things that really is important to learn about this area is how different it is from areas -- these same areas in terms of how they're delivered in the provinces, right, by provincial governments.

So for a moment, let's just talk about how it works in the provinces. You know, generally, under the Constitution, they're recognized to have primarily jurisdiction over essential service areas. They -- so they, in that regard, come up with the rules, they, you know, pass legislation and policies and regulations, and they also fund it, and they also have, you know, civil servants who provide these services; right. So it's all within one house, the province's house, but when we talk about essential services on reserve, it’s a really

different picture, and so very briefly, it's funded by the federal government. There's a bit of nuance on that, but I can talk about it -- but primarily funded by the federal government.

Then when it comes to the rules that are applied, generally, it's provincial or territorial rules that inform the delivery of these services. But in a -- it can either be in a couple different ways. It can either be indirectly, through the federal government choosing to apply these laws; or in a few cases, primarily child welfare and policing -- and I'll explain it a bit more after -- it's directly through the application of provincial laws. But then when it comes to who delivers the service it tends to be First Nations who are delivering these services through -- we'll get into this more -- agreements, generally with the federal government and sometimes the provinces as well.

So a really different picture where you have three different jurisdictions involved as opposed to sort of, one -- in one house, like the province is.

MS. CHRISTA BIG CANOE: Yes. And to -- I know you had already said that you're talking about different types of services. Essential services, maybe just for the purposes -- I know you gave the example of child welfare, but what are other services that you might

be talking about?

MS. NAIOMI METALLIC: Sure.

So Social Assistance, assisted living, which is generally sort of viewed as service for persons with a disability. It can also be emergency services, so any fires in the community and other sorts of things, policing, education, health, water, other infrastructure, housing. You know, sort of the -- as I say, it's basically the gamut of the day to day services that people are usually provided by levels of government.

MS. CHRISTA BIG CANOE: And so, can you give us some context for how the services -- and how did this system, this three different jurisdiction system come to be?

MS. NAIOMI METALLIC: Okay. So the model that we've had, and had for about 50 years really, started post-world war two. Prior to that, and I'm not an expert so much in how it went before this, somebody who wrote a book called "Enough to Keep Them Alive" and it talks about how sort of, pre-world war two was primarily just rations and other things that were given to First Nations.

But in the post world war two era, there was more of a concern about human rights and citizenship, and there was at this point, sort of a change in how the Canadian government saw Indigenous People. And when it

came to a First Nations on a reserve, a joint committee of Senate and House of Commons was struck to sort of study the issue of poverty in Indigenous -- in First Nations communities. And so they did study it, and there was a realization that they were not receiving any of the same services which had now started to be offered by provinces, and even to some extent, by the federal government. The federal government offers Old Age Security as an example of an essential service.

So these started -- so it was recognized that they were not receiving any of the same amounts of services, and so the committed gave a -- thank you -- recommendations about how to move forward on this. And because the ethos at this time was, it was informed by a sense of equality, but a sense of equality in the sense of formal equality. Like, everybody should be the same, you know, this everybody is colour blind sort of approach. And so the committee at this time identified that, you know, it thought that the problems that Indigenous People faced was because of the special rules that were in place, like the *Indian Act*, and Treaties, and reserves.

And the recommendation was that it would be better if these First Nations people were entered into the, you know, sort of has more service provided by the provinces and territories, and wouldn't it be great if

they, you know, kind of absorbed into the mainstream. So that was the sort of thinking at the time. And the recommendation, yes, was for the federal government to try to work with the provinces, in order for them to see about providing the services to First Nations on reserve.

So if I take you to my next slide, so what Canada first did, and we've already talked a little bit this afternoon about the amendments to the *Indian Act* in 1951. But one of the first things Canada did when it got this recommendation was to insert what is now Section 88 into the *Indian Act*, which some of you may know. It says that provincial laws of general application apply to Indians, except if there is a term in the *Indian Act* or a term in a Treaty that's inconsistent with that.

And there's, you know, there was not a lot of -- or not a tonne of discussion about what was motivating exactly, Canada in adding this in. But there's been some speculation that they were trying to do, sort of, precisely what the committee had suggested, which was to get the provinces and territories to take over these services. So that was their, sort of, first attempt. But it didn't work exactly as intended, because it's really hard for the federal government to just unilaterally tell the provinces to take over a service, especially when that service involves spending money.

So the initial reaction of the provinces was, well yeah, you may have put Section 88 there, but we're not going to expend the dollars. And so what that in fact then translated to was that Canada had to try to negotiate with the provinces to sort of, take over these services. And most of the provinces initially refused, right? The only province to agree sort of wholeheartedly or entered into an agreement around this time was Ontario in 1965. So they actually agreed to extend their laws on reserve, with respect to Social Assistance and then other services followed; so long as there was a cost-sharing agreement. So I believe the Ontario-Canada cost-sharing agreement is 90 percent the federal government, 10 percent Ontario.

The rest of the provinces never entered into such an agreement, except for some particular areas. So what we see in the sort of late -- or early '60s is the feds talking with the provinces about extending their laws with respect to child welfare. So over a course of time in the '60s is when many provinces agreed to a cost-sharing arrangement with the federal government.

Now, it was in this time with respect to child welfare, this is sort of, we say is the beginning of the Sixties Scoop. Because that's what's happening, the provinces are agreeing to apply their child welfare

legislation. But it was only primarily to apply the apprehension provisions with respect to physical abuse and neglect, and the rest of the, sort of, services with respect to prevention services and these other services that might exist within the province, were not really being extended. That was still viewed primarily by the provinces as something for Canada to address.

The other area that's a little bit like this, but I won't go into massive detail unless there is some questions, is policing as well. That there -- it is sort of recognized that provincial policing legislation does apply, but also it is pursuant to cost-sharing arrangements between the provinces and the federal government.

So yes, what we see is sort of the classic, sort of hot potato model of, you know, the provinces and the federal government going back and forth about who has any responsibility over these groups of people. And so Canada was left, primarily with respect to all these other service areas, with a dilemma of what to do, and there was -- continued to be pressure about the conditions of Indigenous People in their communities.

So in 1964 the Department put a proposal to Treasury Board to be able to provide similar services to what is provided in the provinces, in areas like Social

Assistance. And then that got extended into other areas, but yes, there was a Treasury Board authority that was approved, that said something to the effect that similar service will be provided on the basis of rates and standards similar to the province.

And there was -- so and around that time there was another little directive that went out to the department saying, it may not be possible to exactly mimic what they're doing in the provinces around rates and standards, but try your best, although we recognize a little bit of flexibility. But what came from this period is essentially this idea of the comparability standard, that standards are going to be delivered by Canada, or funded by Canada to First Nations using provincial rules and standards -- comparing to provincial rules and standards. So it's called the comparability standard and we still have that today.

Okay. My last slide into how this came to be. So that's how we got comparability, the comparability standard, for the most part. And then initially it was simply the Department of, now, Indigenous Affairs, or whatever they're called now, providing the service directly. But following, in particular, the sort of fall out from the White paper -- I will just explain that briefly, although I'm sure you all know what that is. But

it was, you know, the proposal by Trudeau and Chretien to, you know -- it was along again this idea that it was reserves in the *Indian Act* and other special treatment for Indigenous people that was the problem, so in this sort of era of formal equality by simply getting rid of all these things, that will be the solution.

So as you know, Indigenous people in Canada reacted -- you know, there was a very intense reaction that, you know, that fuelled an Indigenous resistance movement, which, you know, moved us in a whole other direction. And we do have the federal government at this time formally distancing himself from the whitepaper policy, and at this time, we have Indigenous people asking for, you know, greater community-based programming.

So what we have after this -- the federal government, is more of an interest in funding agreements that are allowing Indigenous communities more control over the programs and services they have. So this gets translated into now funding agreements between the federal government and First Nations communities where they will provide the services pursuant to a contract or an agreement with the federal government.

Now, these agreements are usually quite detailed. We'll talk a little bit more about them, but it's primarily the federal government that determines the

content of these agreements and the standards that the Indigenous group is going to follow. I can talk a bit more about that after.

MS. CHRISTA BIG CANOE: Yes. So -- now, I think you referred to it as the hot potato, the hot potato model, and then it kind of evolves a little more of that to the -- to this devolution you're talking about.

MS. NAIOMI METALLIC: M'hm.

MS. CHRISTA BIG CANOE: In terms of the last slide you have up and this devolution and the types of funding agreements you're talking about, in your opinion what has this resulted in, this new like devolution, but here's the money but it's going to be on a contract-base, and we're going to put in the stipulations? So where are we now? What ---

MS. NAIOMI METALLIC: Right.

MS. CHRISTA BIG CANOE: --- what has it resulted in?

MS. NAIOMI METALLIC: Okay. So that's my segue into talking about the various problems.

So if you take me to the next slide. In my paper, I identify about 10 problems with this area, which I am going to propose to take you through, some in more depth than others.

But I guess -- just to tell you what -- the

main point of my presentation of today, is that often when we're talking about these areas, like child welfare and some other similar areas, people now know it because of the *The Caring Society* case about underfunding, but there are so many more problems. And the point of my presentation in going through that is to sort of lay bare all of the other problems, because they all work together to create an extremely dysfunctional system.

So the first problem that I want to address is just a very simple one, and we'll get into, I think, more of the details around it, but even when you just look at -- and we know this sort of intuitively from all of the social and the socioeconomic statistics that we hear about First Nations people -- is that, you know, there hasn't been a real improvement in living conditions. In, you know, in 2014 in the Special Rapporteur, I believe, said that, you know, the socioeconomic position of Indigenous people in Canada was at a crisis point.

And this simply is just something that was in the Minister's -- the ministerial transition book, so provided to Minister Bennett when she started her job. This is an online source that you can look at, but the department tracks our community well-being index, and it reaches that by -- it looks at a composite index comparing results for education, employment income and housing among

non-aboriginal communities and on Reserve First Nations and Inuit communities.

And what you see by looking at it -- so the gold line are First Nations -- is that -- and it tracks over a 30-year period, up to 2011, and there's generally been an increase in well-being for everybody, but you see that there's a persistent gap that hasn't closed for First Nations on Reserve of 20 points over a 30-year period. And I argue that, you know, this -- service delivery and the way that it works is a big part of the problem.

And I guess that's my other point, is that when we talk about First Nations communities we often talk about inter-generational impacts, you know, and the toll that it's taken. And certainly, that is a cause, but it's not the only cause. I think that this is an active system that continues to this day that is exacerbating the harms; right? So it's not just something that happened in the past that is causing this; it's something that is actively going on under our noses every day.

So if I take you to the next problems, the next three -- next slide, please.

COMMISSIONER BULLER: Sorry. One moment.

COMMISSIONER AUDETTE: Désolé, professeur Metallic, juste pour bien comprendre votre diapositive CWB Score, qu'est-ce que c'est, CWB?

MS. NAOMI METALLIC: Ça veut dire Community Well-Being Score.

COMMISSIONER AUDETTE: Thank you.

MS. CHRISTA BIG CANOE: Okay.

MS. NAIOMI METALLIC: Okay.

MS. CHRISTA BIG CANOE: I was going to ask you one quick question. If you can go back one slide.

MS. NAIOMI METALLIC: Yeah.

MS. CHRISTA BIG CANOE: I apologize.

MS. NAIOMI METALLIC: Yeah.

MS. CHRISTA BIG CANOE: So -- and you're talking about the ministerial transition book, which is a publicly available, but I see you have the link there as well, the gap that exists that's shown there as well about Inuit communities.

This morning, when we heard -- so you just contextualized for us in terms of essential services, but we heard Mr. Argetsinger also talking about the social determinants of health.

So the connection between social determinants of health ---

MS. NAIOMI METALLIC: M'hm.

MS. CHRISTA BIG CANOE: --- and the type of essential services you're talking about, can you give us a little context on that?

MS. NAIOMI METALLIC: With respect to Inuit communities?

MS. CHRISTA BIG CANOE: No. I'm sorry. I said I see this one has Inuit communities as well, you didn't address that. But in general, there is a gap still between the two Indigenous compared to the non-Aboriginal.

MS. NAIOMI METALLIC: Yes.

MS. CHRISTA BIG CANOE: So -- but -- and I was -- actually, that was a segue to introduce what Mr. Argetsinger talked about.

MS. NAIOMI METALLIC: Right.

MS. CHRISTA BIG CANOE: What I'm asking specifically of you is that -- what is the connection? So we heard this morning about the social determinants of health, and you're now talking about essential services and the way that the province said exist. What's the connection between those social determinants of health and service or service delivery, to help contextualize?

MS. NAIOMI METALLIC: I do have some slides that I will be getting into later in the presentation, but I think there's a -- quite a direct connection. That this is a system that -- well, again, go back to underfunding, the underfunding has a direct link to people's socioeconomic, you know, their day-to-day ability to live and eat and live in housing.

And I think there -- there's the underfunding, but if we're going to see -- the rest of this whole system sort of operates to allow that to persist in a really pernicious way. So that will be -- and I will get to some specific examples.

MS. CHRISTA BIG CANOE: Right. And I -- and I think -- you know, is it fair to say it's basic -- a -- basic enough to understand that essential services, and I know I'm just kind of rolling it back ---

MS. NAIOMI METALLIC: Yeah.

MS. CHRISTA BIG CANOE: --- to like a higher level here – essential -- like when we see the social determinants of health like -- like what was addressed this morning ---

MS. NAIOMI METALLIC: M'hm.

MS. CHRISTA BIG CANOE: --- and the issues, those 11 factors we looked at, it's fair to say all of those factors rely on having services ---

MS. NAIOMI METALLIC: Absolutely.

MS. CHRISTA BIG CANOE: --- delivered to meet those needs?

MS. NAIOMI METALLIC: Yes.

MS. CHRISTA BIG CANOE: And I know it's a step back, but I just want to make sure there's a bit of context ---

MS. NAIOMI METALLIC: These are ---

MS. CHRISTA BIG CANOE: --- as you move forward.

MS. NAIOMI METALLIC: These six fundamental services, that if -- you know, people are not able to live off the land entirely and need to live in homes today and go to the grocery store to buy food, all -- and all of these things, then you need all of these services to live.

MS. CHRISTA BIG CANOE: Yes. Okay. Thank you.

MS. NAIOMI METALLIC: So going on to the next slides that I had.

So the next three go back to this comparability standard that I was talking about earlier, and it sort of fleshes out some of the problems with it. So the first thing that we saw is that the comparability idea sort of came out of the feds trying to get the provinces to take over services, and it was based on this recommendation from that joint committee that wouldn't it be great if the provinces took over services in this regard.

And sort of jump a little bit forward to 1969 and the whitepaper and the reaction to it, we have Canada actually dismissing or distancing itself from the whitepaper policy. But yet, you know, the -- what lies

behind the way services are delivered, and particularly the comparability standard of simply taking whatever provincial rules apply and applying that to the Reserve context, is still in that same vein of assimilative thinking. So to my mind, the comparability standard is still very much based in a very assimilative approach.

And -- I mean -- so it's -- but it's not just a matter of something -- a matter of principle or symbolic, it actually has real impacts. So -- and this gets to my point number 3.

Which the way that the system works, it largely leaves Indigenous people, First Nations people here out of policy development. So just to explain it a little bit better. If you have the feds who say we're going to offer welfare services, or we're going to use provincial standards in order to do that.

So what they've done -- what they did in -- where I studied, in particular, in the East Coast, what Canada did in '64 after it got this authority to provide services, it went and it looked at the -- or the social assistance policy of the different provinces and then developed their own policy and then started providing these services.

And since then, as the provinces have changed rules, they've sometimes gone and adapted the rules

to reflect that. Not always at the same time period, but that's -- that's what they're supposed to do, or they say they're supposed to do.

But when they have done this -- so they simply -- the feds simply just emulate whatever the provincial rules are and that really -- you know, the provinces generally, especially in the areas where they have no connection with First Nations, where their laws do not directly apply, they have no cause to go to the First Nation and say, "Look, I know the feds apply their rules to you but how do you feel about how our rules apply to you?" They never do that. Why would they do that?

So you have a situation where First Nations don't have any involvement in this policy development particularly where the feds are simply just borrowing provincial rules and just plopping them into the First Nations context.

In the few instances where I said like child welfare and policing where there are these sorts of agreements and the provincial law does apply more directly, it's only in some times in some provinces and only in more recent times where the provinces have actually started to even think about accommodating First Nations' interests in their legislation.

Some provinces still don't have anything in

their legislation about recognizing First Nations' children or accommodating that. And beyond that as well, and I touch a little bit on this in my paper, there might actually be some constitutional restrictions or restraints around the provinces fully accommodating the interests of First Nations in their legislation because of rules around federalism and singling out.

It's getting a little technical legal but it is -- you know, really this whole model really -- my point is it really leaves First Nations largely out of policy development and it's certainly not a coherent system of developing policy for Indigenous people, the most vulnerable Indigenous people, some of the most vulnerable people in Canada.

The other point to make about this is simply -- this is my next slide, please -- with this system is that, you know, because First Nations people have so little input into the rules that apply to them and, you know, most of these rules are based in, you know, your Canadian values is that they're really not culturally appropriate.

And you know, I mean some of the values where we differ with Euro-Canadian values are, you know, it's a capitalist system. We're not so much a capitalist system, hunter, gatherer, kinship models. You know, the Euro-Canadian system is based on liberalism and

individualism and when it comes to ideas around family, we look at it in terms of the nuclear family. All of those sort of rub up and are intentioned with, you know, First Nations value systems and can really sort of come to the fore when you're applying provincial child welfare policy to a First Nation.

So for example, one of the examples that's often given is that, you know, the nuclear family model is very different from a kinship-based model and so it will create differences when it comes to child welfare. So parenting values can be denigrated or devalued. There's also that often the provincial systems and laws don't account for the poverty and the systemic issues that exist already in First Nations communities and so there can be certainly negative impacts.

To go back to child welfare again, you know, one of the examples I will often give is that, for example, in order to be a foster parent in a community, the rules that provinces have is that you have to have something like one room per 1.5 child or something like that. You have to have enough space.

But if you live in a First Nations community and we've already heard about housing and I'm going to talk about housing a bit more after, but if you're living in an extremely overcrowded place where you have, you know, maybe

four or five people per room or maybe less, but if you have a lot of people, then you can't be a foster parent because you don’t have the space.

So these are how these interactions do not work and, you know, Cindy Blackstock has talked about it and it was actually recognized in the child welfare decision from the Canadian Human Rights Tribunal that First Nations' children are actually being taken because of reasons of neglect more so than abuse and that's because I think also provincial child welfare rules often don’t, you know, specifically consider the socioeconomic position and children again are taking for abuse that is -- oh, sorry, for neglect that is outside of the control of the parents.

So, you know, I think -- and one thing I argue in my paper around this is that there are -- a lot of the academic literature and there's also been studies and even the department in some cases has recognized that what makes more sense in this context are rules and control by the Indigenous peoples themselves, right, and there's not a tonne of examples but there are some examples that are out there.

One that I'm quite proud of because it's where I live right now but for example, in Nova Scotia, since 1999 they've had a sectorial self-government agreement around education in First Nations community. So

they control education from K to 12 and that's been now for over almost two decades now, if not more, and because of this, the graduation rates at the Mi'gmaq on-reserve schools is two or three times the graduation rates at other schools in other First Nations in the country.

MS. CHRISTA BIG CANOE: You anticipated actually the question I was going to ask you which is that concept of well why does cultural appropriateness matter in terms of, you know, either social terms as health or success. Again, I'm just thinking of what we heard this morning from Mr. Argetsinger about the impact the poverty issues have.

But the example you're giving is when there's culturally appropriate services and direction and input by the Indigenous community or the First Nation, you're seeing increased success and outcomes. Can you maybe -- that's the one example. Are there other examples?

MS. NAIOMI METALLIC: Yeah. In the paper and this is somewhere around page 34 to 37, you'll have to go find it but there's tonnes of scholars who now have cited a bunch of literature that support that, you know, the community determining its own rules is really -- and what is culturally appropriate and what is necessary and will improve conditions in communities.

Another example I give but I preface this by

saying that I don't want to, by any means, downplay the situation in Inuit communities as well but there has been some research that because most Inuit communities are under land claim agreements, there has been some improvement although it's even mentioned in some of those papers that because still services are underfunded and under some of these land claim agreements, there's still not enough control. But there is some evidence to suggest that even with some more improvements that have been made with certain land claim agreements, there's been some improvement because there's been more control. But that is not to suggest in any way that there's still not huge significant problems, not to take away from what previous witnesses had said.

Okay, next one. So now I want to turn to some of the problems that exist because of the contribution agreement model. So this is the devolution model. This is the federal government agreeing or through agreements allowing the First Nations community to deliver the programs directly themselves.

Some of the problems that I canvassed in the paper is that essentially these are really not agreements in the sense of their being equal bargaining power. It's a sort of take it or leave it. Indigenous communities or First Nations governments don't really have a choice when

they're presented with, you know, these agreements to provide various services. "It's at this amount and this is what you're going to receive" is generally the approach. That's even been recognized in a few court cases that are cited in my paper.

So yes, beyond that, another area that I touch on is that although over time some of these funding agreements have been tweaked in certain ways with the hope or intent to allow more flexibility, there's different models but all these funding agreements are in the nature of what's called a contribution agreement. And there have been tweaks on that over time. Some of them allow the community to keep if there's -- within any of the budgets let's says there's a surplus in education or there's a surplus in social assistance, they might be able to take that surplus and move it over to this budget.

So over time, the government has tried to redesign these different funding agreements to allow that in some cases. I'm really generalizing here but one of the problems is that these agreements are significantly underfunded, so you're not really going to have much of a surplus in any of these budgets and there's nothing to move around from one to another.

So efforts to sort of give more control to First Nations by just trying to make these agreements

slightly more flexible while not increasing funding hasn't changed anything.

Also during the last administration under the government of Stephen Harper, his government really tried to rein these in and make them not very flexible at all and there were changes made and sometimes always unilaterally and there was even some litigation that occurred where First Nations were trying to, you know, sue the government for making changes to these agreements without their consent.

Anyway, so it goes to show that there's also a lot of discretion that the government has continuously in terms of reaching these agreements and often the communities really don't have much sway or ability to change the cost of these agreements.

Another problem with these which does impact on the day-to-day delivery in a very important way is that these agreements impose inordinate reporting requirements on Indigenous communities, First Nations communities.

An Auditor General's report from 2002 found that the average community had to fill out something like 168 forms per year. They've apparently tried to bring it down in some cases. More recent reports that I had read for the paper said in some cases only 37, but sometimes those are reports that still have to be filled on a

quarterly basis, so massive amounts of reporting.

In some communities, staff have actually said that they spend most of their time filling out reports rather than actually providing the services they're supposed to be providing.

There's also some -- so a lot of the stuff that I read for this Master's paper were grey reports, and they're really interesting. So that's sort of intergovernmental reports. It even talked about how sometimes INAC would lose reports, and then there would be a delay in the community receiving funding and could delay services.

So there's a number of problems with this reporting -- with reporting but also this contribution agreement model. And that's what some reports have said, several studies, pretty much dating back to the '80s, the first one being the Penner Report has suggested that this is a really inappropriate vehicle for a nation-to-nation relationship. And some have pointed out that, you know, when you look at the agreements -- because there's funds transferred between the federal government and the provincial and territorial governments, some have pointed out that they have very different funding agreements. They're either intergovernmental agreements or grants. There's far less sort of the federal government maintaining

all this control and all these reporting requirements, but those have generally not been looked at as models.

These reports that I've referred to earlier like Penner and RCAP and others have said that we have to seriously look at moving to a model that is going to allow the communities to have more control over this and without all those strings attached and all those tight controls from the federal government.

However, the federal government has been extremely resistant to look at this. There's a quote in the paper from an INAC report that actually considers the possibility of getting into these types of grants, agreements or intergovernmental agreements that look more like the provinces, and it's kind of just dismissed out of hand on the basis that, well, they wouldn't be able to manage their affairs in this way. It's very paternalistic and it also talks about the fact that within the provinces, the provinces are accountable to taxpayers, but on reserves, Indians don't pay taxes so they wouldn't hold their governments as accountable. So very problematic, obviously, but that is sort of the reasoning.

There's more recently been, in 2017, there was a MoU signed between INAC and AFN, and they are studying it. I've read the joint report that came out, and it looks like they are -- it's not entirely clear. There's

still going to be more work that's coming. It looks like they do want to make these agreements more flexible. They want to have less reporting, but I didn't see a lot there indicating that they're considering a different model. I don't know if they're still in the mindset of it's still going to be contribution agreements. But these are very problematic agreements, in my view.

MS. CHRISTA BIG CANOE: I know that you've shared five with us and you said you had ten. I do want to talk about the next one, which is talking about contextualizing the problems with the system as it's violating the rule of law specifically.

And I have a specific question in relation to that type of violation before we get too into the legal nitty gritty. I'm curious if you could help me understand, and I think it applies at this point. When we're talking about violating the rule -- because I don't think people understand when we're talking about services or people's wellness or health that we're always talking about rights.

MS. NAIOMI METALLIC: Yes.

MS. CHRISTA BIG CANOE: And so one of the issues, though, too is when we're doing any type of analysis through a lens -- and we're talking about a legal lens here and violation of the rule of law -- doing an analysis through the human rights lens, what are some of

the common mistakes or incorrect assumptions that people are making?

And I'm going to suggest, and I think that your argument supports this, that there is a violation of the rule of law, that the things that are not being done because of this model is actually a breach of human rights.

But can you help me understand, maybe clarify the problem with what we need to do when we're looking at this to understand?

MS. NAIOMI METALLIC: Right. So this goes back to my comment earlier about there now does seem to be growing awareness about the problems a little bit in these areas of essential services because of the *Caring Society* case, but the emphasis is always just on funding.

Now, don't get me wrong, funding is a huge problem, and I'm going to get to that, but there is this whole system, the way it works, really allows for that underfunding to perpetuate and for a bunch of other problems to happen.

So most Canadians and most -- I didn't know this until I was sort of deep in it as a lawyer with a case on my lap that I needed to address, but that's when I found out how different and problematic this whole area is. And the major problem is that this whole system is created where there's very little accountability placed on the

Government of Canada in particular, also a little bit provinces, but more so the Government of Canada. This whole system allows the government to run a program that receives less attention and less care than it should and for it to go unnoticed and uncriticised.

MS. CHRISTA BIG CANOE: Yeah.

MS. NAIOMI METALLIC: And that's why I see this as a really huge major human rights issue.

MS. CHRISTA BIG CANOE: And if I'm understanding you correctly too -- and please feel free to make sure I am understanding you correctly -- but it's kind of built on a number of the false assumptions when you were talking earlier about RCAP and the reports, and it seems to me that when you talk about violating the rule of law, though, that this is the status quo and it's okay that it keeps going because you just showed us earlier that this, you know, starts in the '60s, and here we are in 2018.

And so, you know, with that in concept, can you explain a little more what you mean when you say it is violating the rule of law?

MS. NAIOMI METALLIC: Sure. So in some Supreme Court of Canada cases, the Supreme Court gives a definition. There's lots of different definitions of the rule of law. Generally it's that, you know, government actors are following legislation, and that's true. That's

one definition of it, but there's this other idea of rule of law in that when governments act and in order to hold them accountable, they should be acting in accordance with rules that everybody knows and that everybody can easily find and see, and how they're acting is sort of set out in those rules. And if you think that they're not following those rules, you can then use those rules to, you know, take them to court and say, "Look, see, they're not doing what it says right there at Number 5." It's a sort of really basic concept that there are prescribed rules of law that government is accountable as much as the sort of regular person. And, you know, it's not just sort of an academic thing. If you don't actually have laws written down, it is much harder to hold governments accountable.

So maybe I'll just take you through this slide to help explain that a little bit. I'm not the only person who's been saying that. The Auditor General of Canada -- and I'll take you to some quotes in a bit -- has been raising the red flag about the lack of any sort of legislative structure in this area since at least, from what I found, the mid '90s.

The only piece of legislation -- so let me just back up because something you might be thinking, "Well, what about the *Indian Act*?" So there's nothing in the *Indian Act* on delivery of essential services.

The last major time, aside from some amendments around status, that the *Indian Act* was amended was 1951, and the only thing that the government did in 1951 was put in section 88, which I already talked about. But besides that, there's nothing when it comes to essential services delivery.

Now, Canada could have done something about it, but it chooses not to and instead does this sort of policy funding agreement approach.

And so the only other piece of legislation besides the *Indian Act* that's relevant is the *Department of Indian Affairs Act*, which just simply creates the Department, and it gives a bare sort of jurisdiction to the government -- or to the Department over Indian Affairs. That's really the only piece of legislation that you can actually link what the government does with respect to essential services, aside from 88, back to the Department.

So there isn't, like in the case of the provinces, you know -- in the province, let's go back to social assistance, but there will be a *Social Assistance Act*. There's going to be regulation and there's going to be policies. So we don't have those things in place.

And so what's the matter when there's not those things in place is that it allows the government a lot of discretion, which is the ability to sort of change -

- you know, make decisions but also make decisions sometimes that are not -- you cannot then point to a piece of legislation to say, "Okay, you have the authority to make that decision."

So discretion happens all the time, and it's not necessarily always a bad thing, but it is a bad thing when it's abused or there's too much of it, and that is my argument about how the system works, is that it just gives the government too much discretion to change its mind, to change how it interprets funding agreements or how it interprets its program terms, or how it monitors, you know, the reports and these sort of things, because as administrations change as different governments come into power, they may have certain different ideological bents, but they can sort of change all of this without, you know, much happening or being seen at the surface.

And so that can create situations where there can be abuse. And so in my paper I give some examples of this. During the last part of the Harper administration's time in office, there were some cases that, you know -- there were all these different interpretations that the government was giving to the comparability standard. So in the case that I was involved with on social assistance, they said that comparability meant, you know, strictly, strictly mirroring whatever the

rate was in the provinces and following them very, very strictly but in such a way that the First Nations would be receiving even less than they had been receiving before and in a way that even some of the Department staff -- and I still have some of the records from the court case -- but even where the Department staff recognized that it would have a very significant impact on the amount that people would be getting. And there was concerns that that might even increase child welfare apprehensions in the community and caused violence against staff in the community. There is actually such a document where the staff recognized this.

So they took this in that particular instance, a very narrow interpretation of comparability.

Then on the other side of it they were litigating the child welfare decision, where Cindy Blackstock was arguing that comparability meant offering and funding, at the very least the same level of services in the provinces. And in that case they were saying, "Well, no, comparability doesn't exactly mean that." So in two cases going on at the same time, they were arguing two different sort of standards. And there was no legislation to go back to to say "This is what comparability means."

And so you have different lawyers and people from the Department trying to argue all these different

things, and it just -- it really leads to a lot of confusion and a lot of malleability.

And so that is one of my big problems with the fact that there are no laws that really encapsulate this.

There are other cases that are discussed in the paper. And also too, this area, as I say, it really is difficult to challenge this area because there's no legislation. When you have a law, you can actually go to court and say, "Hello, Court, they're not following this particular provision." But where you don't have that and you have funding agreements and policies, it's a lot harder to make that case before the Court. The documents provided are much more sort of bigger. The case production is huge. And also, it's just really hard to very clearly establish what it is the government is supposed to be doing and there's different arguments on both sides.

And there have been some cases, for example, where, you know, even arguments get made -- there's been some administrative law decisions where these things have been challenged and government lawyers have said, "Well, this, you can't even bring in administrative law arguments because what we're talking about here is just a contract between the Government of Canada and the First Nations and you can't challenge those types of arguments here. It's

just a contract and they can sue under the contract." So sort of trying to get away from all the public law aspects of what was going on here.

So it is very difficult to challenge this area. So I actually think this area -- the lack of legislation also creates access to justice issues in a major way. There really hasn't been much challenge of this area except for the last 10 years or so, and the only real first successful case has been the *Caring Society* case, maybe a few others, but it is a very difficult area to challenge. I go into more detail about this.

And I guess the last thing about this that I'll raise is that the system -- and this has been raised by the Auditor General -- because there's no legislation, it never gets before Parliament and parliamentarians to actually debate what the policy ought to be. And so, you know, it's all happening at the bureaucratic level, and so not much comes up to the surface to be debated. So when we see parliamentarians debating Indigenous policy, it always tends to be after there's been a rash of suicides or a shooting or something. It's always reactive. And this whole system really doesn't lend itself to a proactive actually addressing of Indigenous issues.

Now, I just want to underline something to be really clear. I am not urging or arguing here for

unilateral federal legislation in all these areas. I do think there needs to be legislation that clearly sets out lines of accountability, but it has to be with Indigenous people as partners. And I'll talk more about that after, but I just want to make that clear.

So those are there to read. We can just quickly go to the next slide. I won't read all of them, but essentially what I've just been saying has been repeated by the Auditor General. So he or she, at whatever time period, talks about lack of substantive legislative authority undermines parliamentary control, does not provide instruments for Parliament to hold the Department accountable.

In 2011, Auditor General said that the lack of structural -- or the structural impediments severely deliver the delivery of public services and hinder the improvement of living conditions on reserve. So that's a real link about how this whole system is impacting on Indigenous people.

MS. CHRISTA BIG CANOE: I think we're going to go to the one that keeps saying is not the only problem but technically a big problem.

MS. NAIOMI METALLIC: Which is the severe underfunding, right? But I guess what I'm trying to say is all these other problems help this bigger problem of the

underfunding kind of go under the radar or has allowed it to go under the radar for as long as it has.

MS. CHRISTA BIG CANOE: If we could just -- oh, there we go.

MS. NAIOMI METALLIC: Thank you.

And we know from the *Caring Society* decision -- sorry, I'm not trying to be too loud -- that INAC in fact knows that it doesn't provide a comparable level of services, and this is something that the Auditor General too has suggested that INAC doesn't even really study properly whether it is providing comparable services. It's referenced in some Auditor General reports, and in the *Caring Society* decision, they do actually quote some internal INAC reports.

And there was one from 2006 where INAC specifically says that if current social programs were administered by the provinces, meaning if the provinces were paying for it, this would result in significant increases in cost for INAC.

So it does seem that there is this knowledge that generally, social services are being underfunded.

You know, and something that has exacerbated the underfunding, of course, has been the 2 percent cap that was in place from 1996 to 2016. I don't know how much you wanted me to go into that, but it is detailed there,

and there are some good resources cited in the paper that can talk about how the cap ended up getting put in place and how it stayed there for so many years.

My next slide, please. So to, I think, corroborate the fact that there is, you know, a significant underfunding to the point where First Nations feel they have to go to the Human Rights Commission, I just pulled this slide out -- or found this quote. This was from last year. The Canadian Human Rights Commission was reporting to a UN body on different things, but one of them was talking about the *Caring Society* case, and essentially what this quote says is that it's not the only case. Yes, it was the first case of its kind to argue a systemic underfunding of services, but the quote basically ends by saying that there are a number of other complaints that are currently before the Commission like the *Caring Society* case now in the areas of special education, health services, assisted living, income-assisting benefits and policing. So those are all ongoing complaints now.

Next slide. Did you want to ask a question on this? No? Just go?

So here, I do so in my paper, but, you know, we've already talked about this a little bit, but you know, I do think that there's a pretty obvious link between chronic underfunding and these other problems, social

problems and other tragedies that we see in our communities, and I think it is directly linked to the vulnerabilities that our women and girls experience.

So in the paper, at one point I just go through about a year's worth of newspaper articles that all talk about how underfunding of services were somehow responsible for various tragedies, house fires, disease, violence and murder, drug-related crimes. So anyway, if you go to this part of the paper, it's around page 62 or 63. You can take a look at that.

I was involved, as I mentioned at the beginning, in a research project for a couple of years around social assistance in the Maritimes, and this was in the last couple of years. And through that we looked at how it was actually being -- how the program was being delivered in communities in the Maritimes. And one thing that we noticed was that -- and it's talked about in my paper too -- the rates for welfare services, at least in the Maritimes, have not gone up since 1991.

So if you think about, for example, you know, in the provinces, the rates for social assistance do actually -- you know, are increased at least every couple of years, I believe, in order to reflect inflation. So we found there that, you know, in some provinces it's 82$ per week that people are getting, and that hasn't changed for

about 25 plus years.

And again, I think my point is that the system allows for this to sort of happen under the radar, and there really needs to be more accountability.

And I also want to link this, you know, to the really low rates that we're seeing for social assistance. We heard, when we interviewed people, they talked about food insecurity, about how they couldn't afford healthy diets, how sometimes they ran out of food. Some people actually linked the fact that they, you know, felt sometimes they had to resort to illicit activities in order to supplement their income, so drugs, other issues.

But, you know, other times we heard more positive stories that communities would come together because of food insecurity and do things like bottle drives and stop people on their way out of the community to fundraise. But it goes to show that, you know, a lot of these programs are not providing sufficient means for people to support themselves.

And we heard from people talking about -- especially people who are on assistance -- you know, how it affected their self-esteem and their sense of self-worth, and some people talked, you know, how -- the sense of desperation that they felt.

So all of these things link back to -- you

were talking about, you know, the lived experience of people, food insecurity and housing insecurity, that I'll get to in a second. And I have here linked this proof of food insecurity. I didn't do a tonne of research, I have to say, on the links, but you know, this food -- this policy research institution body, the paper that I pulled up, you know, links food insecurity with impacts on physical, mental and social health, and I think that we intuitively get that.

One paper, though, that I really wanted to bring to the Commission's attention -- it's really interesting to find at the same time that we were doing this research -- comes from the New Brunswick Aboriginal Peoples Council who are an off-reserve, non-status organization. They represent the off-reserve and non-status in New Brunswick.

MS. CHRISTA BIG CANOE: This was provided in the schedule, the Nidap Wiguaq ---

MS. NAIOMI METALLIC: M'hm.

MS. CHRISTA BIG CANOE: --- Engaging Aboriginal Youth in Addressing Homelessness, and it's the New Brunswick Aboriginal Peoples Council and it's on the summary as Schedule C. And so I would request that we do actually enter it as an exhibit.

CHIEF COMMISSIONER MARION BULLER: I'm not

going to try to pronounce the name.

MS. NAIOMI METALLIC: Nidap Wiguaq.

CHIEF COMMISSIONER MARION BULLER: But it is the next exhibit, please.

--- EXHIBIT NO./PIÈCE NO. A17:

New Brunswick Aboriginal Peoples Council report (April 2016) "Nidap Wiquag: Engaging Aboriginal Youth in Addressing Homelessness" (39 pages)

MS. NAIOMI METALLIC: I came across this report. It was shared by me around the same time that we were doing some of this research in New Brunswick and Nova Scotia about social assistance, but it's talking about homelessness, but it was -- it just was confirming a lot of the things that we were finding too, but I think it's a really interesting report for a couple of reasons. One, it's, like I said, by an off-reserve, non-status organization that decided it wanted to study the impacts of homelessness on Aboriginal youth aged, I think 12 to 30 is their age range. And they interviewed 43 homeless youth, and they have definition of homelessness as a variety of things. But they interviewed 43 in three cities in New Brunswick, so Saint John, Fredericton and Moncton.

And the really interesting finding is 95 percent, so 41 out of 43 of the youth, were youth that had

left First Nations communities. So 41 of 43 homeless youth said that they had left a First Nations community in either New Brunswick or Nova Scotia. So they conclude as part of this that data indicates that homelessness of the Aboriginal population is disproportionately coming from the reserves.

And one of the biggest factors that they talk about in the report that caused a lot of these youth to leave was lack of housing, primary factor, as well as family, drug and alcohol abuse, and also physical and sexual abuse. So if you want just page references, I'm looking at page 12 and 13, just for your own notes. So they said about 65 percent of the participants were male; 35 percent were female. But most of them had stories about living in really overcrowded conditions and there were also stories of sexual abuse, of both young men and women, and often they linked it to having to live in really overcrowded situations. So that's in the report as well. So I think that's very telling. Some also discussed having experienced abuse in foster homes as well.

But it does -- I think this report shows the link between homelessness in the off-reserve community, linking it to problems in First Nations, including inadequate housing, which is, I think, a big part of what this whole service delivery quagmire creates.

MS. CHRISTA BIG CANOE: Excellent.

So I know that we've been talking a lot about particularly First Nation child services and care. I know that one of the problems with the system that you identify is on the next slide, and it's resulting in a significant overrepresentation of First Nations' children.

But I note the statistics are actually talking about Aboriginal children, so I'm assuming, looking at the jurisdictions as well, seeing that the Northwest Territories and Nunavut are up on this slide, that it's likely not just First Nation-specific but rather statistics.

But, you know, can you just share briefly with this problem -- you know, I think one of your earlier slides said, "Well, we know it's not improving the conditions" but then we also know it's not improving the state of child welfare or foster care in the country, based on these numbers.

MS. NAIOMI METALLIC: Yes, that's right.

So this comes from a Premier's report from 2015, and you're correct that they were looking at Aboriginal children more broadly. So it includes both the Inuit and Metis, as well as First Nations children.

But yes, the stats from this -- I mean, it's funny; sometimes we talk about the '60s scoop as if it's

somehow the past tense, but it certainly is not. I mean, it did happen starting in the '60s and there was this, you know, massive scooping of children into the foster care system, but the problem is still existent today.

So I had pulled these slides from the -- or the 1977 statistics showing, you know, the overrepresentation in some of the bigger Prairie provinces, but if you compare them from the numbers that were put together for this 2015 report, they're higher. So it just goes to show that, you know, the problems in the system, in particular with respect to child welfare, is still resulting in massive overrepresentation in every province, every single province.

MS. CHRISTA BIG CANOE: If we can move to the next slide, this is like we kind of heard some of the issues today from other witnesses on, you know, intersections of the different isms, like racism and sexism, and I see that your next problem with the system actually talks about the whole -- like, looking at the system and where we are now with the devolution of services that it actually fuels stereotypes and hate.

MS. NAIOMI METALLIC: Yeah.

MS. CHRISTA BIG CANOE: Can you explain that a little to us?

MS. NAIOMI METALLIC: So this is -- I liked

Fay's triangle reference earlier, and so I've been talking about it. She said there's personal experience, systems, laws and institutions, and then the Canadian society's ideology and beliefs. And I think I've been talking about the systems, but now I'm going to talk about that other corner, I think, which is the ideology and beliefs. But I think these two feed into each other.

So as I said before, I really don't think that most people, aside from now underfunding because of Cindy's case, but don't know about -- or don't understand how the system's service delivery works in First Nations communities. And if you were to go to your local Tim Hortons and ask your average Joe, he will probably say, "Well, you know, those First Nations, those Indians get pots of money thrown at them." This is a pervasive narrative that gets thrown around. And what people do not understand is that this is money for essential services that people in the provinces are also getting, not from the federal government but from the provincial government. And some of the quotes that I like to sometimes throw around is Bob Canoe has this video where he, you know, talks about how the fact that we get -- you know, First Nations on Reserve gets funding for services and they're a population about the size of New Brunswick. But people in New Brunswick get far more from their governments for the

services. Or Cindy says it in another way, but she says we get less and get blamed for getting more.

But people don't understand that this -- these are monies for basic essential services that everybody gets in this country; right? Because we have a social safety net and we believe in it, and it's almost like a fundamental -- it is a fundamental right.

But people don't understand that. They see it as buckets of money on the one hand, and then they still see, despite their beliefs that there are these buckets of money, that there are still this poverty -- this crushing poverty and social problems.

And one might question that if the money is sufficient, but sometimes where people's minds go instead is that there's this bucket of money, but yet they're still living in this extreme poverty. So what's the cause of it? Oh, it's their leadership, their leadership is corrupt, or they're -- you know, they're incompetent and are not able to handle the money.

So we get these narratives that really persist in -- you know, that either are -- we are corrupt or we're incompetent and that's why these problems persist. So we're scapegoated for these problems, and I think that that's a really big persistent stereotype. And this system allows that -- perpetuates that in a very, very negative

way.

MS. CHRISTA BIG CANOE: Can we move on -- let's move to your 10th point.

MS. NAIOMI METALLIC: Yeah. So my last point in the paper talks about how another part of this problem is itself primarily -- I mean, there's other departments involved, but the Department of Indigenous Affairs and how it fits into this whole system I've been describing to you this afternoon, how it, you know, is a part of the problem.

A big part of the problem goes back to my point about there being no legislation. If you look at sort of modern legislation for the delivery of services, one of the first points you're going to get to, usually section 2 or section 3, is objectives of the program. And under objectives, it's going to tell you that the objective of providing social assistance to a population is to benefit their well-being or to do X or Y.

But that gives a direction to the civil servants who are working in a department offering this service about what they're trying to -- what they're ultimate objective is. And it's important when you take people -- or governments to court, you know, often the courts will try to interpret whatever they're -- you know, they're doing in light of those objectives.

Well, we don't have that. The *Indian Act* has no objectives. I mean, we kind of know what the objectives of the *Indian Act* are, but -- but there are -- you know, with respect to service delivery, there is no mandate document.

And so, a lot of the Gray reports that I refer to earlier talk about -- and the Pinner (phon.) Report also talked about the fact that DIAN's (phon.) really -- or INAC is really confused about what its objective is, and it has two sort of conflicting mandates, and at various points in time one's been stronger than the other. And the lack of legislation sort of allows that not to be resolved.

And so, the conflict is between sort of monitoring, which is, you know, accounting for every penny spent on Indians. So you know, getting all those reports and making sure every single dollar is accounted for, that's the sort of monitoring objective. And then we could say that the other objective is, you know, more about, you know, you know, promoting the well-being of Indigenous people or maybe it's promoting the well-being to the point of self-government or self-determination.

And so, because there's no objective set out anywhere in law, there is always this tension between the two. And the pendulum swings; right? And I argue in the

paper that certainly under the Harper Administration the pendulum had swung pretty far to the monitoring; right? And -- where there was statements made by the government about how that is their -- their bread and butter is to monitor and to make sure that, you know, First Nations communities are held accountable to the Canadian taxpayer.

Yeah. And so -- I go on a bit about that at length, and also, how, you know, it is very difficult in trying to come up with a solution that this is not addressed. And that at various points the department has grown in size. At certain points, they tried to -- the federal government tried to shrink the size of the department, but in more recent years it's been increasing. And if there's more staff, they tend to be, I think, a bit more focused on sometimes monitoring.

So it's a part of the -- it's a piece of the puzzle that is this larger problem that has to be addressed.

MS. CHRISTA BIG CANOE: Sorry. I just wanted to check in with Naiomi before I requested a short break.

We have been running a little behind schedule, and we acknowledge that, and we will be trying to make up some time by either sitting a little late or starting a little early.

But I'm going to ask you for a 10-minute break now, and I can tell you that I anticipate -- Naiomi's been speaking for about approximately an hour and five minutes, and we had originally planned for an hour-and-a-half, so I'm going to suggest that I will be able to complete my chief in about 20 minutes when we return. And then we'll ask for another break pre -- to meet with parties and make sure we can have cross-examination set.

So on that basis, I'm going to ask -- and please -- I know I keep saying this, if we can keep the time where we're losing time is we're not coming back from the breaks with a sufficient amount of time to actually move the material forward. So if it could be a strict 10-minute break. Thank you.

So it is now 4:06. So at 4:16 we are back here and rolling.

--- Upon recessing at 4:09 p.m.

--- Upon resuming at 4:23 p.m.

NAIOMI METALLIC, Resumed:

EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MS. BIG CANOE (Cont'd):

MS. CHRISTA BIG CANOE: Okay. Ready to rock and roll?

Okay. And so Chief Commissioner and Commissioners, if we can recommence. I'm still here with

the expert witness, Professor Naiomi Metallic, and we're just going to continue.

Can I have AV put up the -- thank you.

So while it's coming up -- and we'll go the next slide -- while it's coming up, I know we keep talking about and we keep hearing you talk about specifically the *First Nations Child and Family Caring Society*. In fact, we know now, because it's in evidence, that this is really the big case you use in your paper and in your arguments to talk about the problems with the system and that this is a case that can offer some solutions.

So on that basis, I'm going to ask you to carry on in your presentation to contextualize for us, particularly, how is it that this case can assist us in understanding or making some of the changes that are required to deal with the 10 problems you just listed?

MS. NAIOMI METALLIC: Great. Okay. Yeah, so in the last third of my paper I talk about the importance of this case. It's a fairly well-known case. I won't go into the details around it too much, we have already talked about it to a certain extent.

Cindy Blackstock and the Assembly of First Nations challenged the underfunding of Child Welfare Services, in particular, saying that it was probably somewhere between 22 to 37 percent less than what children

in provincial programs get funded for similar programming.

And it was started quite some time ago. It had quite a long -- a procedural history. It was challenged at a few points. Some of that is detailed more in the paper.

Going on to the next slide. This is just a really brief introduction. We have on January 26th, 2016, the tribunal found that Canada and Indigenous and Northern Affairs Canada had been knowingly underfunding -- had been knowingly underfunding child welfare services. The decision -- the tribunal maintained a -- some supervisory control over the remedy, but ultimately, it ordered that Canada immediately cease discrimination and ultimately seek to reform the program.

Canada did not appeal the 2016 ruling. There have since been some compliance orders about whether Canada has been fully implementing the decision. The latest one called on Canada to fully fund the cost of prevention services and provide funding for actual costs of least destructive measures.

I'm not going to get into very big detail around the remedial orders, although it's clear that there continues to be some -- you know, discussion, dispute between the parties about full implementation. But I want to talk primarily about the important aspects of the main

decision from 2016.

So moving on to my next slide. I think there is three real key things that help from that decision addressing these broader issues around all service delivery. The first being that in this case, and in many other cases, Canada -- INAC, in particular, argued that the provision of these services is not mandated by section 91.24 of the Constitution, it is something that the government simply does as a matter of good public policy.

And -- so that argument has been used in many cases, and even in some more recent cases there was one more recently in the Quebec Courts on policing, where again, Canada says, "Yes, we fund some of this stuff through funding agreements, however, we have no constitutional mandate. We are not required. We do not have a fiduciary duty to provide these services. We do so out of the goodness of our hearts."

Now, this was argued in the decision itself and anyway, a really important aspect that came out of this was the tribunal finding that when it comes to the child welfare services, Canada indeed is exercising its power under Section 91.24. And in fact, Canada also tried to argue here that because the provinces have a role and because some province the legislation applies, that really it's actually more -- here it was a provincial

responsibility. And the tribunal concluded that although Canada may choose to delegate aspects of its responsibility to the provinces, at the end of the day it is Canada as the primary responsibility in terms of providing these services.

So what the -- I will go a little bit through the findings. It was found that INAC's funding significantly shapes child and family services delivery and that INAC provides policy direction and oversight, it negotiates and administers the agreements with the provinces and the territories, and First Nations. It found, in fact, that it wasn't a passive player, as it seemed to present itself as, but rather it is the government entity that has the power to remedy inadequacies in the programming, ultimately. And that -- yeah.

Based on all of these things, the tribunal dismissed the argument that Canada did not have a more robust role, simply than just one of funder. And in fact, the tribunal, although it concluded that Canada was on the hook because of the *Canadian Human Rights Act*, and that funding was a service, it also has a part of the judgement dedicated to looking at this question around whether Canada had a fiduciary duty in the circumstances because it exercises such significant discretion over this area. And the -- I'm not getting into the law on what constitutes the

fiduciary duty, but to summarize briefly the analysis, the tribunal looked at the fact that the specific Indigenous interests are affected by child welfare because kids can get taken into care and placed in foster families, and potentially lose their language and their link to their culture.

So the tribunal actually found the aboriginal and Treaty rights of the children to their language and culture was at risk. Because of that, that specific Indigenous interest was at stake and because the government exercises extreme discretion -- a lot of discretion in this area, there was potentially an argument for fiduciary duty as well as the human rights finding. But they didn't have to ultimately conclude on that, because they were deciding under the *Canadian Human Rights Act*. But that's all really important findings that ground Canada's duty much more securely in the law then previous decisions had. So that's really important for future cases about essential services.

The next big thing that the tribunal found was, in many ways it found that the delivery of child welfare services in Canada today mimics what happened with residential schools. And so basically, I'm not going to get into all the details, but it's in the paper about how the mechanics of the funding around child welfare services

worked under these funding agreements. But basically, what was found was that because prevention services were not funded, or very minimally funded, this system created incentives to take children into foster care. So by that way it was perpetuating the residential school system.

But the decision also goes on beyond that and also comments on the fact that removing children into foster families where they might lose their language and their culture, again perpetuating the residential school system. And then even more broadly, this is the quote at the last bullet, the tribunal says:

> "Similar to the residential school era, today, the fate and future of many First Nations children is still being determined by the government..."

So there's this broader statement about how much control the government has over their lives is also perpetuating or mimicking the residential school system.

And that sort of leads into the final point, which I think is a -- the most important aspect of this case. When a lot of people talk about this case, they think it's just that the tribunal said, Canada is underfunding when you compare it to the provinces. But that's not exactly what the decision stands for. Yes, it says, you have to bring them at least up to this level, but

they said that this -- the provincial level is not the measure -- is not the measuring stick. It's actually the needs and circumstances of the community that dictate how much services -- and the funding, not this arbitrary setting it at whatever the provinces decide to do.

Why? Because First Nations are different. They're different. They have different needs and circumstances. The history of colonialism has impacted them. They also have different cultures and different needs, and those -- and to be a responsive program that reflects substantive equality, Canada actually has to provide services on that basis and not simply just the formal level.

And so, going back to that comparability standard which I referenced at the beginning, this idea that we just take the provincial standards and that's what we can apply on reserve. This suggests, and actually quite specifically says, that the comparability standard -- they call it there the reasonable comparability standard -- is discriminatory. Because it's trying to make circumstances on reserve mirror circumstances in the province, and they're different, and the Commission -- the tribunal recognized that. So I'll just read this quote. It finds that -- so the tribunal found that both domestic and international human rights law require:

> "...the distinct needs and circumstances of First Nations children and families living on-reserve -- including their cultural, historical and geographical needs and circumstances [be considered] in order to ensure equality in the provision of child and family services to them."

So I think that that's really key. Because it's about that the communities are entitled to services, and services that are funded, that meet their needs and circumstances, and their culture, and their geographical circumstances.

So essentially, it's not said as directly, but it's obvious from that quote that any sort of program, or any funding that is solely based on mirroring what the provinces do is a violation of human rights. So that, I think, is a really big key finding. Again, Canada did not appeal it, and we now have a number of other cases that are going forward that are making somewhat similar arguments, I understand.

MS. CHRISTA BIG CANOE: So one of the articles that was cited in the summary was done by Sebastien Grammond, and he was talking about federal legislation on Indigenous child welfare in Canada. I don't

have a hard copy. There is a link and we will ensure that we provide it in hard copy. And the only reason I'm raising it is because I know that there's a point in terms of what Mr. Grammond is suggesting, about the federal legislation. And you touched on it a little earlier, saying you know, I'm not saying that we want there to be this unilateral and it has to be in partnership.

I want to return to the -- and I know this is gearing towards recommendations to the Commissioners, but I -- that you want to present, but I want to return to that concept of what do you mean by, you know, federal legislation, but with -- in partnership with First Nations? What does that look like? And I referenced Mr. Grammond's article, because I know that that was one of the points that you raised, his argument is as well.

MS. NAIOMI METALLIC: Yeah. So we finally are now -- particularly with this government, now starting to have conversations about legislation, and there is some trepidation, at least that I've heard a little bit, because we don't have a very good history in Canada of a government responsibly legislating First Nations' policy issues. But it is something that happens in other places. In the United States, for example, they have actually -- they have a significant amount of legislation that recognizes the inherent jurisdiction of American Indian's tribes and

actually, what it does is set out accountability of the governments.

And that's a really -- I think for me, the most important part about legislation. It's not about the federal government, or any government, telling First Nations what they have to do, rather, but it's setting out accountability mechanisms, and also sort of helping to implement, I think, inherent rights. So in the U.S. a lot of it is about recognising and implementing the inherent rights of those tribes to determine their own programing, but at the same time setting out rules for how other governments are to interact with them.

And so, one of the things that is now being floated, post the tribunal's decision on child welfare, is looking at -- there is a child welfare legislation in the U.S. that does recognize the inherent jurisdiction over it. It's not perfect. It's an older piece of legislation. But nonetheless, it does set out the accountability mechanisms and sort of, helps implement a system -- the -- an appropriate system for recognition. There's people who have done more work on that. Sebastien has written a paper about it. So I think that these are things to look at. I think that too long that this system has allowed for very little accountability of other governments, and we need to figure out ways to do it. And there can be governments

that come in -- see, my biggest fear is that governments come in, they say we're going to change things, we're going to do things that are better, but they only pass policies.

I can give you a million examples in Canada of where the government just creates a policy; a policy on self-government; a policy on this or that. But then another government can come in and ignore that policy.

And so I feel that there needs to be some more accountability to hold the Federal government accountable. And, you know, there has been calls for legislation around accountability, around how it funds and how it provides other services.

MS. CHRISTA BIG CANOE: And so it's safe to say that one of your recommendations -- and I understand you're wary like others are, in terms of saying, you know, legislate more on the rights of Indigenous people, but at the same time really the parameters around that recommendation speak to the accountability or the frameworks and functions to ensure that you're achieving substantive equality instead of just, you know, putting into place a bunch of rules that may continue or foster the stereotypes or those other problems. Is that fair?

MS. NAIMI METALLIC: Yeah. If I could just ask the fellow with the PowerPoint power, could you go to Slide 27 for a sec?

So in this echoes something that Fay said earlier in response to, I think, one of the Commissioner's questions about how to move forward. And so there are three broad themes, but the last one is a phrase -- I think it's better than consultation because consultation now under, you know, Supreme Court of Canada decision sometimes has a very particular, almost narrow meaning.

But the better way forward, I think, and I think this is more in keeping with the U.N. Declaration on the Rights of Indigenous People, but you'll have experts talk on that, is nothing about us without us, right? And so it's this idea that if there's major, you know, decisions that are being made that are going to impact on communities, they have to be done in partnership.

And the Auditor General, to go back to some of the reports that came out, some of them from the mid-nineties, has been saying this; that, you know, so here's one from '94:

> "Given their fundamental need to preserve First Nations values and culture, it would be unlikely that their problems could be adequately addressed by solutions imposed on them from the outside." (As read)

Right? So the Auditor General is talking

about how there has to be this partnership. And it's the same from other recommendations. It has to be with -- you know, fully -- with full participation and consent, I think, of Indigenous communities when it comes to stuff like this.

MS. CHRISTA BIG CANOE: So I just want to make sure I get the opportunity to ask you if you have any recommendations that you want to suggest to the Commissioners.

MS. NAIOMI METALLIC: Sure. So one is, you know, I'm not in a position to dictate the needs of communities in particular. I just think that there are these, you know, sort of basic principles that should inform away for. One is that we need something to hold other governments more accountable. The other I think is -- if I can get your fellow again to go to my Slide 24.

This is where I set out the sort of generally three themes, right? So I think this is really basic, and I use this in other contexts but one is that there needs to be space, right? First Nations need to be able to -- and I think this is what comes from the Caring Society, and maybe I didn't articulate it specifically but I think an implication of the decision is that only Indigenous people, if they're going -- if Indigenous people have a substantive equality right to services and programs

that reflect their needs, circumstances, and culture, then they have to be the ones determining what they are because there really is no way around it. You cannot have another level of government determining what you need for your -- you know, in terms of your culture, your geography, if another government's trying to determine it, then they're not going to get it because they're not from the community.

So there was a quote -- and it's in the paper a few times but I think it really encapsulates what I think is sort of the main principle coming from the decision, which is, "The principle is simple..." This is from Carrier Second Tribal Council member back from 1981, so the language is a little bit dated but he says:

> "Only Indian people can design systems for Indians, anything other than that is assimilation." (As read)

And so I think that that really is a key principle and it comes into this number one, this making space; that in a way forward we need to make space for First Nations communities in order to come up with, you know, the rules that make the most sense for the basic programs and services that affect them.

And so it can be through agreements but I really think that there needs to be something more robust holding governments accountable, in that sort of space.

So that's where I think that legislation has a role to play.

The other one obviously is resourcing. And so that gets back to Cindy's case, right? I mean -- and in Canada's case, that is about resourcing First Nations programming appropriately, and Inuit programming appropriately. I don't know how it is that Canada can get away with knowingly underfunding a service, a basic fundamental service that, you know, other people or other -- people who have received province -- services from the province can take for granted.

And so in that regard I would point to the Caring Society's own what they call the Spirit Bear Plan wherein there's five calls within in it. I will not read through all of them but essentially, at the end of the day, it's calling on Canada to implement the Canadian Human Rights Tribunal Decision to cost any shortfalls in federally funded public services and to fix it; to consult with First Nations in order to develop programming that meets their needs in order to develop programming that meets their needs; and to do sort of a 360 evaluation to identify ongoing discriminatory ideologies and policies.

So I think this is a good starting point although -- and excuse the pun -- I do think it is sort of the bare minimum.

(LAUGHTER/RIRES)

MS. NAIOMI METALLIC: I know, cheesy.

But beyond that, I do think that there are some broader structural changes that really need to be looked at so it's not just adding -- I mean, it definitely is addressing the resourcing but there's bigger, broader structural changes that have to be focused on.

MS. CHRISTA BIG CANOE: On that basis, too, I did provide the Commissioners each a copy, and counsel received a copy, too. Can we please ensure that that's marked as an exhibit.

CHIEF COMMISSIONER BULLER: That's the next exhibit, please.

--- EXHIBIT NO./PIÈCE NO. A18:

Spirit Bear Plan (one page)

MS. NAIOMI METALLIC: I think that's sort of it. Just go to the last slide, to make sure we covered it. I think we ---

MS. CHRISTA BIG CANOE: Yeah, we did.

MS. NAIOMI METALLIC: Yeah, good.

MS. CHRISTA BIG CANOE: And so I know these are very broad recommendations you're giving, and they're really looking more at principles than specific recommendations. Just so we're clear moving forward, anything that came up that you didn't get to address in-

chief today but that was in your paper or references to other questions or things that you can answer moving forward, in that way I know that for me I have no further questions in examination in-chief.

I understand that the Commissioners are all deferring their questions until after cross-examination; is that correct?

CHIEF COMMISSIONER MARION BULLER: Yes.

MS. CHRISTA BIG CANOE: Excellent.

So just keeping in mind the time, it's now 4:45. I understand that the Commissioners are available to sit until 5:30, 5:45. And so I'm going to ask for a 15-minute break so that counsel can meet the parties with standing and return to start, just to begin the cross-examination process.

So if we can take -- and I know we're going to keep this within 15 minutes. It's now 4:45. We'll be back at 5:00.

--- Upon recessing at 4:46 p.m.

--- Upon resuming at 5:20 p.m.

MS. CHRISTA BIG CANOE: Commissioner, Commissioners, hi. So I just want to go over a couple of quick things in terms of housekeeping before we actually go into cross-examination.

So earlier I had asked for a ruling on Rule

48 and I just want to touch for a moment on the record to read in the last part of that rule.

So earlier it had been indicated that during the examination in-chief that no counsel other than Commission counsel was allowed to speak with the witness about the evidence that he or she has given until the evidence of the witness is complete.

The last part of this rule says:

> "Commission counsel may not speak to any witness about her or his evidence or the witnesses being examined by other counsel." (As read)

So that it's clear, it's not a prohibition on talking with an individual. It clearly is a prohibition about not talking about their evidence. And so Commission counsel will not be able to talk to any of the witnesses about their evidence during the duration of the cross, which is going to commence today with the calling of the first party that we'd like to cross.

Just so it's also on the record, there will be 14 of the parties that will actually be using their participatory right pursuant to Section 25 to actually do cross-examination.

The first party who has asked to do cross-examination is the Inuit Tapiriit Kanatami. And so I will

ask counsel to please come to (inaudible)

(SHORT PAUSE/COURTE PAUSE)

MS. CHRISTA BIG CANOE: Before you commence, could you just please introduce yourself. And I'll just remind you, the clock's here. Once you ask your first question, the clock will start.

CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS. ELIZABETH ZARPA :

MS. ELIZABETH ZARPA: My name is Elizabeth Zarpa; I'm counsel with Inuit Tapiriit Kanatami.

So I want to thank all witnesses today who provided their testimony.

I specifically want to zero in a little bit more on the issue relating to -- I guess the social determinants of health within Inuit Nunangat, and also the experience of living in northern regions.

So one of the main findings of the Labrador Inuit Women's Realities Report emphasize the importance of sort of a stable income, and the recognition within Hopedale and Nain of the lack of diversity and sort of at the same, the wage economy.

I wanted to do a follow-up and ask you, Tracy, the experience of EI payments and income assistance, is -- are these payments adjusted to northern living?

MS. TRACY DENNISTON: Are they what?

MS. ELIZABETH ZARPA: Is this on?

MS. TRACY DENNISTON: Can you hear me? Can you say the question again? Are they...?

MS. ELIZABETH ZARPA: So when an individual goes on Employment Insurance or income assistance, are these types of income adjusted to living in Nain or Hopedale or Nunatsiavut?

MS. TRACY DENNISTON: No. I think it's pretty much the same back from years ago. It's the same amount, even though our communities have very high costs of living, the income don't match what they really need to survive on.

MS. ELIZABETH ZARPA: And to talk a little bit about how to adjust that, would you make sort of a generalization that the cost of living, say -- for instance, in the report also it mentioned the experience of paying for types of electricity. So in Nunatsiavut, it's predominantly heated with oil?

MS. TRACY DENNISTON: Yes, oil and wood.

MS. ELIZABETH ZARPA: Okay.

MS. TRACY DENNISTON: So a lot of homes have wood stoves because they can't afford all oil.

MS. ELIZABETH ZARPA: Okay. And in the report it mentions -- in the Labrador Inuit Women's Realities Report it mentions that approximately for the

cost of heating oil throughout the winter months is approximately $1,000?

MS. TRACY DENNISTON: Yes.

MS. ELIZABETH ZARPA: Okay. And with your experience with relation to Inuit women going to the shelters who experience violence within the community, would you make the assumption that -- or from your experience would you say that many of them are living below the poverty line?

MS. TRACY DENNISTON: Yes.

MS. ELIZABETH ZARPA: Okay. And what would you see as different ways to adjust to making a wage, a living wage for living in Nunatsiavut, would it be levels of, like, Tim Hortons or access to like, say, women's cultural sewing programs to ---

MS. TRACY DENNISTON: Yeah, accessibility to different programming to make them educated -- like I find education is a big key to lacking women for skills. So if they were able to bring programs into the communities versus having to get them to leave the communities it would probably be more sustainability for them to receive jobs later.

MS. ELIZABETH ZARPA: Okay. And in your experience also you mentioned that you had a Bachelor in social work with a specific ---

MS. TRACY DENNISTON: Yes.

MS. ELIZABETH ZARPA: --- focus. Did you obtain that education in Nain or Hopedale?

MS. TRACY DENNISTON: In Goose Bay.

MS. ELIZABETH ZARPA: Okay. And is there, like, a university in Nunatsiavut?

MS. TRACY DENNISTON: No. Memorial University is where I got my Bachelor's of social work degree from but they came in -- they done a specific Inuit program that came to Goose Bay, so we were able to move our families to Goose Bay even though it was still in Nunatsiavut region, we still had to move but they made it more accessible. This is part of the reason why I have a degree is because they were able to understand that these programs are hard for families to leave and more major centres like City of St. John's or other bigger cities.

MS. ELIZABETH ZARPA: And so when you say that you had to move, did other Inuit who are part of the Bachelor of social work program that lived in Labrador, like Nunatsiavut or Nain or Hopedale, did they also have to move to Goose Bay to do a program?

MS. TRACY DENNISTON: It was just the one program that they found that there was a need for Inuit social workers in our communities, and they came up with a program, and that they wanted to make it easier for us to

go out, to be able to attain our degrees, which is what they done.

MS. ELIZABETH ZARPA: Okay. And to talk a little about the housing, too. Like, in the report it outlines that some Inuit who want to obtain an education, who have to leave their communities, sometimes, like housing programs, if they're gone for a certain amount of time, they lose their spot in the house?

MS. TRACY DENNISTON: Yes. Depending on the length of the education program they want to do, sometimes they get approval to leave for education purposes. But sometimes if they're gone longer than what they had initially planned or wrote to the Torngat Housing to say that they were wanting to stay longer, they sometimes lose their house or they're saying they can't come back to the house.

MS. ELIZABETH ZARPA: So in the circumstance, if an Inuit woman wants to get a higher education to obtain different levels of jobs, they'll probably most likely, possibly, lose access to their house if they want to go back to the community.

MS. TRACY DENNISTON: It's a possibility.

MS. ELIZABETH ZARPA: And would you make any -- not recommendations but would you make sort of a generalization that having a college or university in, say,

Labrador, in northern Labrador, would be beneficial to increasing the quality of life for Inuit?

MS. TRACY DENNISTON: Yeah, I think it would depending on the needs that women -- like, which programs that they would like. I think based on the needs -- if Inuit women were to decide what kind of training that they wanted, just going back and seeing which was most important that they would like to see, to come back and do that with the communities would work.

MS. ELIZABETH ZARPA: And I might go back and forth between you and Tim a little bit, if that's okay.

So with Tim, I just want to ask you, is there a university in Inuit Nunangat?

MR. TIM ARGETSINGER: No, there is no university within Inuit Nunangat, and Canada is the only jurisdiction with Arctic territory that does not have one.

MS. ELIZABETH ZARPA: So the experience of what Tracy mentioned is kind of analogous or similar to other regions within Inuit Nunangat?

MR. TIM ARGETSINGER: Yes.

MS. ELIZABETH ZARPA: And would you -- in the experience of an individual who has to leave their community, their family, their home for, say, a university degree, do you think there's an effect on sort of that experience that the individual has to endure; do you think

that stops people from pursuing a post-secondary education?

MS. TRACY DENNISTON: Yes, big impacts, I find. Because our communities are so small, its people end up leaving and going to bigger centres to go to school, and they end up having culture shock because they're not used to living in a city. Like, one example being St. John's, and Memorial University. Even though St. John's is still in our province of Newfoundland and Labrador, it's so much way bigger than what their communities are used to living in. So we're so rural and isolated that, our outlying communities, it's very hard to adjust to vehicles all year round. So that's just one example would be that.

MS. ELIZABETH ZARPA: Okay. And just to build up on the experience of having to leave a remote community to pursue, for example, post-secondary education, is there like a hospital or a doctor or a dentist in Nunatsiavut or Nain or Hopedale that's permanent?

MS. TRACY DENNISTON: A dentist comes in. It's a fly-in position that comes back and forth to do contract work.

Who else did you say?

MS. ELIZABETH ZARPA: Is there like a hospital, like, a doctor where you can go give birth or...?

MS. TRACY DENNISTON: No. All women have to leave our communities a month before their due date to go

to Goose Bay to have their babies.

MS. ELIZABETH ZARPA: Okay. So what if the weather is bad and they're -- they can't fly for one week, two weeks?

MS. TRACY DENNISTON: I've seen instances where the Ground, Search and Rescue helicopter has had to come in because of bad weather, where some cases they had to go on that, but those were a few. But the weather usually can be bad sometimes, but sometimes when it's not, they usually get out on a medi-vac, where the hospital determines if they have to get as soon as possible. So the flights end up coming in to take them to go either to Goose Bay or to St. John's based on the need.

MS. ELIZABETH ZARPA: So Inuit women can't give birth in their territory?

MS. TRACY DENNISTON: No. They do if -- it's like if they're a way in their labour -- like – see -- like if it's in middle of the night and -- because in Nain the planes can't get in during the night, it's only during the day. Because we can only have flights in during the day, daylight hours.

In Hopedale and other communities around Nunatsiavut, Hopedale and Makkovik, there are lights that can work throughout the night, but in Nain we can't because of the way the hills are laid out in the community. So

sometimes when they give in birth in Nain because they can't get out because they're in labour, like mid-morning, 3:00 or 4:00 in the morning.

MS. ELIZABETH ZARPA: And is there like a 24-hour doctor there that could ---?

MS. TRACY DENNISTON: No. They call a doctor in Goose Bay.

MS. ELIZABETH ZARPA: Okay.

And Tim, you might have some idea around if this is sort of a similar experience throughout the other regions or you may not, but is this sort of a common theme with living in different areas in the 53 communities, 54 communities?

MR. TIMOTHY ARGETSINGER: I'd say it's a -- it's common. I -- so Iqaluit, for example, has a hospital where it's possible to give birth. There -- potential complications, though, that are foreseen, a woman would typically give birth in Ottawa, for example.

MS. ELIZABETH ZARPA: And would you state that universal healthcare access for Inuit living in the North is a reality?

MS. TRACY DENNISTON: Yes.

MS. ELIZABETH ZARPA: So access to universal healthcare, is that sort of -- is that something that is -- like can you access universal healthcare living, say for

instance, in Nunatsiavut?

MS. TRACY DENNISTON: No.

MS. ELIZABETH ZARPA: And Tim, do you have anything to add?

MR. TIMOTHY ARGETSINGER: (Non-verbal response).

MS. ELIZABETH ZARPA: Thank you for that. So I know -- I know that throughout the -- throughout your testimony this morning, we -- there was a lot of emphasis around the inter-generational trauma that has been perpetuated due to relocation and residential schools.

And I know you mentioned also, Tracy, about the importance of traditional healing. Do you have any examples of sort of training that's taken place throughout Nunatsiavut for Inuit?

MS. TRACY DENNISTON: Yeah. We do have some traditional healers, which sadly aren't really recognized by our communities because -- this is hard to say -- because I think this is where some of our healing needs to happen within our communities is from traditional healers.

And there were a few that -- I've trained with a couple of them, but one of them, in particular, used to travel back and forth to Nunatsiavut communities and do healing, like sharing circles. And -- like some of the core trauma issues of sexual abuse, relocation, those

things came up during the healing circles, and those were some of the areas I felt were the areas that our communities needed to go to in order for us to heal. But based on traditional knowledge, they didn't have the degrees to back up their credentials as a healer.

So the -- the government and the -- the government and the ones in positions of decision-making for our communities are not from the community who make decisions for our Inuit people, and I'm seeing it to the point where it's been not helping our communities, community members. So the people, the majority of the people who are in positions of power are not Inuit people.

MS. ELIZABETH ZARPA: And if they're not Inuit, where do these people who are in positions of power, who are they?

MS. TRACY DENNISTON: They are people who have the credentials according to university degrees, a masters, thesis workers who come into our communities because they have these credentials to say that they can give a strategy which helps -- supposed to help our Inuit people, but they're not Inuit people.

MS. ELIZABETH ZARPA: So the standards are set by other types of outside Inuit legislation or Nunatsiavut legislation, their credentials for setting up healing programs are set by provincial, the province?

MS. TRACY DENNISTON: Not by province, by community.

MS. ELIZABETH ZARPA: Okay.

MS. TRACY DENNISTON: For -- from my experience, it's by community around the Nunatsiavut region.

MS. ELIZABETH ZARPA: Okay. And would it be fair to say, in your opinion, that in order for like traditional healing or Inuit-specific traditional healing that incorporating Inuit ways of healing is important in that process?

MS. TRACY DENNISTON: Yes, very important. Because how -- who are you if you don't know who -- if your Inuit culture is not part of what you're doing? Like that's the biggest piece I find is missing, and this is a piece that in order for Inuit to heal like we need to recognize and acknowledge our history.

Like we can't separate our history from our current issues that we're dealing with, but -- and a big part of that is also recognizing our past of colonialism and passing information on about people from away having more education are more valued than who we are. That is very prevalent still today in our communities.

MS. ELIZABETH ZARPA: And so, if a person feels as though they're -- say if they're -- they're having

a really deep experience with inter-generational trauma, where would they obtain sort of treatment? Is there treatment centres in Nunatsiavut?

MS. TRACY DENNISTON: No.

MS. ELIZABETH ZARPA: Okay. So if a man or a woman are experiencing difficulties, do you know if there's programs that they attend in the province, or do you know where they go?

MS. TRACY DENNISTON: The closest one that I can remember -- sometimes, we do have Nunatsiavut frontline workers who are from the communities that come in to do specific programs around trauma and inter-generational trauma, which is helpful, they -- but they do a limited number of programming.

But like for the more in-depth therapy, counsellors are hired. Newfoundland and Labrador Health is one organization who is considered higher -- they're trained -- they're the best in our community who can deal with the heavy healing work that needs to be done, but most of those positions are filled by, again, people who have the credentials of masters or those kinds of degrees.

MS. ELIZABETH ZARPA: And are they usually like permanent residents of the community or are they ---?

MS. TRACY DENNISTON: No, we have a lot of turnover, we have a lot of turnover. So it's -- the

services are not being provided that needs to be provided because how can you trust a person when you know they're not going to be here for very long.

MS. ELIZABETH ZARPA: And Tim, you mentioned in your testimony also that throughout the 53 or 54 communities in Inuit Nunangat, the only treatment centre or mental health healing that you've seen are -- was in Kuujjuaq?

MR. TIMOTHY ARGETSINGER: Yeah, I should qualify that. It's the only physical structure with a treatment centre that is Inuit-specific. I'm aware of this in Kuujjuaq. I understand that in Cambridge Bay there is, on the land, an addictions treatment program, but not in the same way as a physical structure residential treatment centre in the same way.

MS. ELIZABETH ZARPA: So you may or may not know the answer to this question, but do you know if Inuit who are living through different communities, if they want to receive substance abuse treatment, if they have access to that in the north, or do they have to travel to sort of an urban setting?

MR. TIMOTHY ARGETSINGER: They'd have to travel to an urban setting, for example, Edmonton, Winnipeg, Ottawa. It's all determined by the arrows. So the air link to the closest hub community or large city

centre is where you would typically go to access treatment.

MS. ELIZABETH ZARPA: I recognized earlier also too -- Tracy, I don't want to pick on you too much, but I was wondering, you mentioned before that generations who had family members that were relocated from Okak and Hebron, there's sort of a pattern of recidivism or just continuous going into the criminal justice system again and again.

When individuals, say Inuit men for example, have to be flown away to prisons, is there one in the Nunatsiavut?

MS. TRACY DENNISTON: Is there a prison in the Nunatsiavut?

MS. ELIZABETH ZARPA: Yeah.

MS. TRACY DENNISTON: Goose Bay is the closest one.

MS. ELIZABETH ZARPA: Okay. And if these individuals have to receive sort of rehabilitative training or rehabilitative kind of access, do you know if that's available for Inuit-specific?

MS. TRACY DENNISTON: Yeah, in Goose Bay I know there was one. I think she's just recently retired. There was a prison liaison officer who used to do some -- she was one of our traditional knowledge trainers that I worked with who was working in Goose Bay with some of the

inmates.

MS. ELIZABETH ZARPA: And do you sense that maybe the access to sort of Inuit-specific rehabilitative services as being something that's important to help heal the individual from that intergenerational trauma?

MS. TRACY DENNISTON: Yes.

MS. ELIZABETH ZARPA: Okay. Earlier, I tabled -- well, I never tabled, but I passed along a CBC news article that was relating to the experience of a Gwich'in man who was -- you know, who offended and was charged, convicted, and then he was sent to a faraway federal institution. And in that experience, he was in the Prairies, but he was actually Gwich'in from Inuvialuit Region, I think, or Inuvik.

Do you kind of recognize or see a lot of Inuit who sort of get involved in the criminal justice system and then have to be flown to foreign regions outside of Labrador, outside Nunatsiavut? And if they are, do they have access to Inuit-specific rehabilitative programs outside of Goose Bay?

MS. TRACY DENNISTON: I know for the federal sentences they have to go to bigger centres. I'm not sure which, if it's New Brunswick or Nova Scotia, but I know for the federal, heavier, longer sentencing, they -- when they get federal sentences, they go out there. And I know there

is services, but it's not Inuit-specific. It's probably somebody who is of culture in that area. It could be somebody First Nations, but it's not specific to Nunatsiavut.

MS. ELIZABETH ZARPA: So the rehabilitative programming that they might get will likely be sort of analogous or similar to the Indigenous culture that they're sort of living at that time, other than it being Inuit-specific?

MS. TRACY DENNISTON: Living at that time, like, they're there for the sentence that they've done, but it's because they were forced to go, but it's kind of like forced upon them, whoever is there at the time, to deal with who's working there.

MS. ELIZABETH ZARPA: Okay. So I'm cognizant of the time. I have four minutes left. I wanted to highlight a little bit about the idea of food sovereignty a little bit, so accessing to the different types of food and the experience of having accessibility to healthy, nourishing, non-perishable foods on a yearly basis. I wanted to know if that was something that is a reality in Nunatsiavut?

MS. TRACY DENNISTON: Yeah, it is, but it's getting better. Like, we do have a food subsidy program that, probably in the last 10 years, has been implemented

into our stores, where we do get flown-in fruits and vegetables, which is something that we would not normally get all the time. But depending on weather again -- weather could be a factor or it could be -- we could end up sometimes getting last week's fruits and vegetables for this week, which are rotten by the time they get there or moldy, like things -- we end up having to go without sometimes because of the weather, the flights.

MS. ELIZABETH ZARPA: And, Tim, would you kind of generalize that maybe that's a common theme throughout living in northern regions or do you have a different idea?

MR. TIMOTHY ARGETSINGER: You mean access to healthy and nutritious store-bought foods or just ---

MS. ELIZABETH ZARPA: Well, non-perishable -- healthy foods, maybe traditional foods? They're two different things, but if you want just ---

MR. TIMOTHY ARGETSINGER: Yeah, I would say that's a true experience of a lot of communities, linking it back to the social insurance of health, income. I mentioned the gap in median individual income earlier, the way that that impacts your access for both store-bought and harvested foods as money is required in both scenarios. So if you want to access country food, you want to go and hunt it, you have to buy gas. You have to buy equipment. So

there's cash involved with that process as well. So these are all interrelated, interlinked challenges in that way.

MS. ELIZABETH ZARPA: Would it be fair to say that Inuit have the highest cost of living in Canada?

MR. TIMOTHY ARGETSINGER: Yes, for sure.

MS. ELIZABETH ZARPA: And just to elaborate, Tim, I wanted to ask you directly, the *Indian Act* is not applicable to Inuit, right?

MR. TIMOTHY ARGETSINGER: No.

MS. ELIZABETH ZARPA: And so did you want to quickly do the last point and elaborate, like if the *Indian Act* doesn't apply, what does apply?

MR. TIMOTHY ARGETSINGER: Inuit in Canada have settled for comprehensive land claims agreements in each of the four Inuit regions, so the Inuvialuit Settlement Region in the northern part of the Northwest Territories. I think there our agreement was signed in the early '80s, I think in 1982. James Bay and Northern Quebec Agreement for Nunavik and in '75. Nunavut was in '93, and then Nunatsiavut was 2005 or '06 -- 2005, I think. So those agreements were negotiated between Inuit and representational organizations at the time and the federal government, in some cases with provincial governments. And so they are agreements that are comprehensive in the sense that they affirm specific rights and they deal with things

like access to resources and that stipulate, for example, impact benefit agreements and the royalties that would be expected to be paid to Inuit in some cases.

MS. ELIZABETH ZARPA: Okay. And I want to keep asking questions, but I think I have to stop now.

(LAUGHTER)

MS. CHRISTA BIG CANOE: Ms. Zarpa, I'm sorry, as a matter of housekeeping, no objection of any sort, you spoke to an article and you asked a question to Ms. Denniston. I know that the Commissioners have a copy of that. Are you asking or requesting that to be put into an exhibit or was it just for the purposes of a demonstrative aid?

MS. ELIZABETH ZARPA: I was hoping that it would be passed along as an exhibit.

MS. CHRISTA BIG CANOE: You would like it to go in as an exhibit?

MS. ELIZABETH ZARPA: Yes, please.

CHIEF COMMISSIONER MARION BULLER: This the article entitled "Why does the Canadian justice system treat Aboriginal people as if they're all the same?" will be the next exhibit, please.

--- EXHIBIT NO./PIÈCE NO. A6:

CBC article "Why does the Canadian justice system treat Aboriginal people

as if they're all the same?" by Kris Statnyk, posted January 1, 2019 08:00 AM CT, last updated January 5, 2015 (three pages) Submitted by Elizabeth Zarpa, Counsel for Inuit Tapiriit Kanatami

MS. CHRISTA BIG CANOE: Commissioners, Chief Commissioner, for today, we're asking for an adjournment and we're asking to actually recommence tomorrow morning at 8:00 a.m. in this same space where we will continue the cross-examination, and the next party that will be crossing, just so that you're aware first thing in the morning is the Eastern Door Indigenous Association.

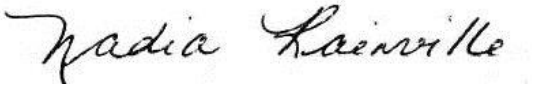
At this point, I please request the adjournment.

CHIEF COMMISSIONER MARION BULLER: Thank you. We will adjourn until tomorrow morning at 8:00 a.m.

--- Upon adjourning at 5:53 p.m.

LEGAL DICTA-TYPIST'S CERTIFICATE

I, Nadia Rainville, Court Transcriber, hereby certify that I have transcribed the foregoing and it is a true and accurate transcript of the digital audio provided in this matter.



_____

Nadia Rainville

May 14, 2018