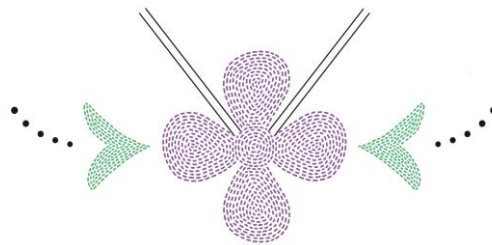


National Inquiry into
Missing and Murdered
Indigenous Women and Girls



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 4 Closing Oral Submissions of the Parties with Standing
The Westin Ottawa - Ottawa, Ontario**



PUBLIC

**Monday December 10, 2018
Part 4 Oral Submissions - Volume 5**

**Congress of Aboriginal Peoples
MMIWG Manitoba Coalition
Native Women's Association of Québec
Families for Justice
Institute for the Advancement of Aboriginal Women
Assembly of Manitoba Chiefs
Treaty Alliance Northern Ontario-Nishnawbe Aski Nation/Grand
Council Treaty #3
Government of Québec**

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Second Chairs: Meredith Porter & Shelby Thomas (Commission Counsel)

Heard by Chief Commissioner Marion Buller and Commissioners Michèle Audette (*via Skype*), Brian Eyolfson & Qajaq Robinson

Grandmothers, Elders, Knowledge-keepers & National Family Advisory Circle (NFAC) members: Vincent Kicknosway, Elaine Kicknosway, Thelma Morriseau, Stanley LaPierre, Eelee Higgins, Reta Gordon, Laureen Blu Waters, Bernie Poitras, Leslie Spillett, Louise Haulli, Pénélope Guay, Kathy Louis, CeeJai Julian, Myrna Laplante, Gladys Radek, Charlotte Wolfrey, Micah Arreak, Norma Jacobs, Barbara Manitowabi, Sarah Nowrakudluk

Eagle River Drummers: Shady Hafez, Yancy Thusky, Awema Tendesi, Steve Tendesi, Jordan Jacko

Clerks: Bryana Bouchir & Maryiam Khoury

Registrar: Bryan Zandberg

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1

Ottawa, Ontario

2

---Upon commencing at 8:09 a.m.

3

MS. CHRISTINE SIMARD-CHICAGO: Good

4

morning, everyone. Bonjour. (Native word).

5

(Speaking in Anishnaabe).

6

My name is Christine Simard-Chicago. I'm

7

from Lac Seul First Nation and I am going to be your MC

8

this week along with my friend Christian.

9

M. CHRISTIAN ROCK: Bonjour à tout le

10

monde. Mon nom est Christian Rock, je suis membre de la

11

nation Innue de Pessamit. Je vais être votre maître de

12

cérémonie accompagné de ma collègue, Christine. Merci.

13

MS. CHRISTINE SIMARD-CHICAGO: So first of

14

all, I'd like to acknowledge the Algonquin territory that

15

we're having our final submission in this week. I'd like

16

to acknowledge the drums, the bundles, the elders, the

17

Commissioners, the men, women, Parties with Standing, our

18

viewing audience, and of course, our missing and murdered

19

loved ones that we have, and survivors.

20

M. CHRISTIAN ROCK: Bonjour à tout le

21

monde. Je voudrais commencer en remerciant la nation

22

algonquine de nous accueillir sur son territoire. Je

23

voudrais profiter aussi de l'occasion pour remercier les

24

aînés qui nous ont accueillis ici, la cérémonie de la pipe

25

qui a eu lieu ce matin et l'accueil chaleureux que les

1 gens nous ont réservés depuis qu'on est arrivés ici.
2 Merci.

3 **MS. CHRISTINE SIMARD-CHICAGO:** So we're
4 having our sessions this week bilingual in both official
5 languages, as if you couldn't tell, but that's what we're
6 doing.

7 So right now, I'd like to call up Vince and
8 Elaine Kicknosway. Vince is a father of four, grandfather
9 of 13, great-grandfather of one, a member of Walpole
10 Island and the Loon clan. He has worked at Odawa Native
11 Friendship Centre for the past 41 years and is presently
12 the Cultural Resource Coordinator.

13 Elaine is Wolf clan, originally from
14 northern Saskatchewan, and a member of Peter Ballantyne
15 Cree Nation. She is a singer, women's traditional dancer,
16 participant in ceremonies, an ongoing learner. Elaine
17 supports and helps within drumming circles, ceremonies,
18 talking circles, and she has been a blanket exercise
19 facilitator for the past five years.

20 **M. CHRISTIAN ROCK:** Donc, merci Christine.
21 Je voudrais profiter de l'occasion pour souligner la
22 présence de l'aîné Vince Kicknosway, un père de quatre
23 enfants, grand-père de 13 petits-enfants et arrière-grand-
24 père d'un petit enfant. Il est membre de la nation Walpole
25 Island du clan Loon. Il a travaillé dans les 41 dernières

1 années au Centre d'amitié autochtone, où il occupe
2 aujourd'hui le poste de coordonnateur des ressources
3 culturelles.

4 Elaine Kicknosway, du Wolf Clan, est
5 originaire du nord de la Saskatchewan. Elle est membre de
6 la Peter Ballantyne Cree Nation, une chanteuse et danseuse
7 traditionnelle. Elle participe à des cérémonies et apprend
8 de nouvelles choses chaque jour. Elaine apporte son aide
9 et son soutien lors des cercles de tambour, de cérémonies
10 et de cercles de parole. Depuis cinq ans, elle anime des
11 exercices de couverture.

12 **MR. VINCE KICKNOSWAY:** Bonjour. (Speaking
13 in Indigenous language.)

14 **(OPENING PRAYER)**

15 **MS. CHRISTINE SIMARD-CHICAGO:** Now, I'd
16 like to call for a Métis elder, Reta Gordon. She's a
17 founding member of the Métis Nation of Ontario and she's
18 been active since 1993 teaching about Métis culture, and
19 she is an honorary citizen of the Métis Nation of Ontario.

20 **M. CHRISTIAN ROCK:** Donc, maintenant, je
21 voudrais inviter Mme Rita Gordon à se joindre à nous. Elle
22 est une aînée Métis, elle est membre fondatrice de la
23 nation des Metis de l'Ontario. Elle enseigne la culture
24 Métis depuis 1993. Elle est sénatrice honoraire du MNO.
25 Merci, Madame.

1 **MS. RETA GORDON:** (Speaking in Indigenous
2 language). Hello, everyone, and welcome. Bonjour à tous
3 et bienvenue. It's an honour to be here in the territory
4 of the Algonquin Nation. Je suis honorée d'être ici sur
5 la territoire des peuples algonquins. I would like d'être
6 ici sur le territoire des peuples Algonquins.

7 I would like to share with you something I
8 wrote for the first time I went to the vigil for the
9 murdered and missing women on Parliament Hill.

10 Creator, when we were born, you gave us the
11 gift of life. Today we are gathered here to stand up and
12 remember First Nations, Métis and Inuit sisters, mothers,
13 daughters, grannies, aunties, nieces and friends who are
14 impacted by all forms of violence and abuse, including
15 those that have gone missing.

16 Creator, lift the veil of denial,
17 ambivalence, ignorance, and attitudes of uncaring and help
18 us to find our loved ones. We do not know where they are
19 or if they are alive or dead. Help us to bring each of
20 our sisters, mothers, daughters, grannies and aunties,
21 nieces and friends home.

22 Creator, as we remember the women, we must
23 also remember their loved ones. Our families and
24 communities are in pain. Give us the strength and comfort
25 during these dark times.

1 When we tell our stories, open the ears of
2 the listeners so it touches their hearts and calls them to
3 action.

4 Creator, give the wisdom and courage to our
5 leaders, lawmakers, police and anyone who is called to
6 help a woman who is suffering abuse and violence or who
7 has gone missing. May they see she is a woman who has
8 loved ones, is a member of our community, and not first to
9 look to see if fault can be found on the woman.

10 Creator, we now turn our prayers to the
11 men. In order for the violence against our women to stop,
12 our men need to resume the role of taking care of and
13 protecting their mothers, sisters, daughters, grannies,
14 aunties and spouses. Give the men who have abused the
15 strength, clarity and courage to admit their harm, seek
16 help and change.

17 For the men who have harmed or killed a
18 missing woman, we pray that guilt will cause them to come
19 forward so she may be reunited with her family and put to
20 rest in a proper manner to allow her spirit to be at
21 peace.

22 Finally, Great Spirit, we pray for all
23 women who give us the wisdom, strength and courage to
24 stand up for ourselves and make a commitment to end
25 violence and abuse in all of its forms.

1 We pray that if there are women with us
2 today who are in harm's way that you place helpers in
3 their lives and place courage in their hearts to find
4 safety and to know safety is their inherent right.

5 Mercy. Merci. Thank you. Migwetch.

6 **MS. CHRISTINE SIMARD-CHICAGO:** So we have
7 young men with us who are from the Algonquin Territory,
8 the Eagle River Drummers.

9 They're composed of young men from Kitigan
10 Zibi and Rapid Lake of the Algonquin Territory. They have
11 been singing together for well over 10 years, and they can
12 be found singing at local and regional powwows across
13 Canada.

14 **M. CHRISTIAN ROCK:** Donc, merci. On
15 accueille aujourd'hui le groupe Eagle River Drummers, qui
16 est un groupe formé de jeunes hommes provenant de Kitigan
17 Zibi de Rapid Lake, sur le Territoire Algonquin.

18 Ils chantent ensemble depuis plus de 10
19 ans. On peut les entendre dans tous les powwows locaux et
20 régionaux à travers le Canada. Messieurs?

21 **(CEREMONIAL DRUMMING)**

22 **MS. CHRISTINE SIMARD-CHICAGO:** Migwetch.
23 Thank you.

24 So now we'll start with our lighting of the
25 qulliq with our Elder, Eelee Higgins.

1 Eelee is one of the Inuit Elder residents
2 in Ottawa. She's a retiree. She taught as a long-time
3 teacher in Iqaluit, Nunavut, at Jomees School. Eelee has
4 two children, grandchildren and, more recently, a great-
5 grandchild.

6 **M. CHRISTIAN ROCK:** Donc, merci aux joueurs
7 de tambours. Nous allons maintenant procéder avec
8 l'allumage du qullip. Le qulliq sera allumé par Madame
9 Elee Higgins.

10 Madame Higgins est inuite qui est résidente
11 à Ottawa ici en Ontario. Elle est retraitée. Elle a
12 enseigné pendant de longues années à Iqaluit au Nunavut et
13 à l'École Jomees School. Madame?

14 **ELDER EELEE HIGGINS:** (Speaking Inuktitut)

15 **COMMISSIONER QAJAQ ROBINSON:** I'm going to
16 translate. This qulliq is new for Eelee so she's going to
17 be learning it today and over the week. Each woman
18 usually has their own. This is the Inquiry's that has had
19 many elders and women tend to it.

20 The qulliq in -- I'm going to speak in
21 first person as if I were speaking on Eelee's behalf --
22 was used for so much in Inuit life to warm space, to cook
23 food, dry clothing.

24 **MS. EELEE HIGGINS:** (Speaking Inuktitut)

25 **COMMISSIONER QAJAQ ROBINSON:** I recall from

1 my childhood watching my mother light the qulliq ---

2 **MS. EELEE HIGGINS:** (Speaking Inuktitut)

3 **COMMISSIONER QAJAQ ROBINSON:** --- we were
4 told that we weren't to run around and be hyper within the
5 house, within the tent for fear that the wind that we
6 would create might blow out the flame. So everyone had to
7 be very mindful within the house of how you impacted the
8 flame.

9 **MS. EELEE HIGGINS:** (Speaking Inuktitut)

10 **COMMISSIONER QAJAQ ROBINSON:** I have
11 memories of my mother preparing food on the qulliq for us,
12 drying the clothes -- our clothes. These are the things
13 that I remember.

14 **MS. EELEE HIGGINS:** (Speaking Inuktitut)

15 **COMMISSIONER QAJAQ ROBINSON:** It brought me
16 great joy and it was the most beautiful thing to wake up
17 in the morning to the smell of the qulliq and to the light
18 of the flame. It brought me a lot of joy.

19 **MS. EELEE HIGGINS:** (Speaking Inuktitut)

20 **COMMISSIONER QAJAQ ROBINSON:** In our lives
21 today the qulliq is used more ceremonially to gatherings,
22 and I'm grateful for the life and the role the qulliq
23 continues to play in our lives.

24 **MS. EELEE HIGGINS:** (Speaking Inuktitut)

25 **COMMISSIONER QAJAQ ROBINSON:** Thank you.

1 **MS. CHRISTINE SIMARD-CHICAGO:** Thank you.

2 Now I'd like to call upon Laurie Odjick to
3 do the welcoming for the territory.

4 **M. CHRISTIAN ROCK:** Maintenant, nous
5 voudrions inviter Madame Laurie Odjick pour faire ses
6 remarques d'ouverture. Madame Odjick.

7 **MS. LAURIE ODJICK:** Good morning, everyone,
8 and welcome to our Algonquin territory.

9 Again, my name is Laurie Odjick. I'm from
10 Kitigan Zibi.

11 I'd like to thank our traditional helpers.
12 I'd like to acknowledge the drum, the bundles, the family,
13 and PHAC family, Commissioners, and parties with standing,
14 and especially the family members that are here today.

15 As Algonquin people we also need to -- I
16 would like to extend that we listen with our hearts as
17 well as our ears.

18 It's going to be a difficult week. We need
19 to remember to be kind and loving to each other regardless
20 of whether our opinions -- different family members have
21 different opinions and we may not agree, but we also need
22 to remember that we need to respect the other opinions as
23 well because not all opinions are the same.

24 And I just want to put that out there for a
25 reminder, because it's going to be a difficult week for

1 everyone.

2 And I just again would like to say miigwech
3 to everybody for coming, and thank you.

4 **MS. SIMARD-CHICAGO:** Miigwech, Laurie.

5 Now we have our national family advisory
6 circle. I'd like to ask them to come up. We have Barb
7 Manitowabi, Sara N -- I can't say her last name so I'm not
8 going to try and disrespect it, so I'll just say Sara N --
9 and Ceejai Julian.

10 **M. CHRISTIAN ROCK:** Merci. Maintenant, on
11 voudrait accueillir le Cercle du Conseil National des
12 Familles, nommément Madame Barbara Manitowabi, Madame
13 Sarah Nowyakallak. Madame Ceejar Julianak, et les autres
14 personnes qui l'accompagne. Merci.

15 **MS. BARBARA MANITOWABI:** That's my son
16 Mike. He's my strength today.

17 Good morning.

18 I'd like to thank the Algonquin people for
19 welcoming us, and I'd like to thank all the family members
20 and survivors.

21 It's been a long two years. We're almost
22 done.

23 I love the Commissioners for what they've
24 done and what they've witnessed, what they put their heart
25 and soul in.

1 This week is going to be really hard so
2 it's important we take care of each other. Lots of hugs,
3 lots of gifting, check in on each other.

4 Yesterday we lost another boy, just 17.

5 A lot of what we've been working towards
6 is, you know, sharing a light on where those problems
7 exist that are making our women weak. We're trying to
8 find solutions on how to make us stronger, because when we
9 make the mother strong the families will get strong, and
10 when the families are strong they make the community
11 strong.

12 A lot of this process is about processing
13 pain, and with that comes all kinds of terrible things our
14 families go through because of this pain. Pain is from
15 poverty; pain is from violence; pain is from addiction;
16 intergenerational trauma. It's just layer, after layer,
17 after layer, and we're trying to peel all those layers
18 back, and we're asking the government to open its eyes and
19 see what we see.

20 Because when we lose our women there's a
21 vacuum and a void that happens in our communities and you
22 can feel it in our young people. They continually fall.

23 So just keep in mind that we're going to be
24 doing some heavy work this week and keep each other in our
25 hearts -- in our good hearts and our good minds and take

1 care of each other.

2 Thank you, Commissioners.

3 And thank you, Mike. Miigwech. (SHORT
4 PAUSE)

5 **MS. BARBARA MANITOWABI:** I guess one last
6 thing. Braedon Jacob (ph) is his name, and if we could
7 just take a minute, and I'll stand in silence.

8 (MOMENT OF SILENCE)

9 **MS. BARBARA MANITOWABI:** Meegwetch.

10 **MS. CHRISTINE SIMARD-CHICAGO:** Meegwetch
11 for that.

12 So now I'd like to call upon our
13 Commissioners to come up and do their opening remarks.
14 I'd like to call upon Commissioner Robinson.

15 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**
16 **COMMISSIONER QAJAQ ROBINSON:**

17 **COMMISSIONER QAJAQ ROBINSON:** Ullaakut.
18 Good morning. Bonjour.

19 I'd like to acknowledge that we are on
20 unceded Algonquin territory, and I would like to thank the
21 Algonquin people for welcoming us here.

22 It's quite significant that we're here in
23 this territory, that we are concluding the hearings here
24 at the -- in the national capital region where so many
25 decisions are made that affect the lives of Indigenous

1 people across this country.

2 We also must remember the women and girls
3 who have been murdered and who have gone missing in this
4 territory. I want to thank you, Barb, for reminding us
5 that this is something that's every day. And I'd like to
6 draw attention, and remember, and call to action in the
7 name of Maisy Odjick and Shannon Alexander, who have been
8 missing since 2008; Mary Papatsie, who has been missing
9 from this region as well since 2017. People know
10 something. Speak up and speak out.

11 I also want to acknowledge the murder of
12 Kelly Morriveau in 2006 within this territory, whose case
13 goes and remains unsolved. Families want answers, and
14 there is people who have those answers. Speak up.

15 Families and survivors watching, those who
16 have shared with us over the last two-and-a-half years,
17 those who have guided us, I want to acknowledge you.
18 Members of the National Family Advisory Circle here with
19 us today, CJ, Myrna, Gladys, Charlotte, Micah, Norma,
20 Barb, Sarah. I'd also like to acknowledge Laurie Odjick
21 as a family member, a member of our team, as well as a
22 member of the National Family Advisory Circle. Thank you
23 for having us in your territory and walking with us.

24 I'd like to acknowledge our grandmothers.
25 Commissioners have grandmothers that guide us. Louise,

1 Kathy, Penelope, Bernie, and Blu, merci, nakurmiik, thank
2 you. Those that are guiding us here in this land to walk
3 properly, Vincent and Elaine Kicknosway, Rita and Eelee,
4 nakurmiik, thank you, meegwetch.

5 I'd also like to acknowledge Elaine and
6 Vincent Kicknosway's son, Theland, who is not here, but he
7 walks the talk. I see him sing and dance and walk every
8 year in the name of the women and the girls and calling
9 men to action. And that example in that young man is just
10 something that is so powerful, and I want to acknowledge
11 him. I see him. I am so humbled by him. So I want to
12 acknowledge him. I hope we see him sometime this week.

13 Drummers, thank you for reminding us of our
14 heartbeats, the heartbeat, always. As well, I'd like to
15 thank our staff and the Inquiry team.

16 Although it's ultimately our -- the four of
17 us -- our obligations to make findings and
18 recommendations, the role of Parties with Standing is
19 tremendous, and I want to talk a little bit about that
20 role.

21 The scope of this Inquiry being so vast and
22 so huge has meant that there are many, many, many people
23 who have an interest. We have over a hundred Parties with
24 Standing, which is quite unique for an Inquiry. During
25 these closing submissions, we will be hearing from almost

1 60 parties, verbally, and from all the other Parties with
2 Standing, we're receiving written submissions.

3 As I said, although it's our
4 responsibility, it's so fundamental that we receive your
5 perspective, the perspective of your clients, the
6 perspective of your governments, and how you think we must
7 take what we have heard from the families and survivors
8 who are at the heart of this work, their lived experience,
9 their knowledge, their expertise, as well as how we should
10 understand and apply what we have heard from knowledge
11 keepers, experts, and institutions throughout the last few
12 months of hearings.

13 You will help us not only understand but
14 help apply what we've learnt. What does that mean to your
15 jurisdiction? What does that mean for your community?
16 What does that mean for your families? And it's so
17 valuable because we are only four and we are here to
18 learn, and what you teach us guides us tremendously.

19 So I want to thank you for that and look
20 forward to hearing from those of you who are going to be
21 sharing with us your perspectives this week.

22 We have heard from, I believe, close to 30
23 Parties with Standing when we were in Calgary, and we
24 heard a number of reoccurring themes about the need to
25 support and lift up Indigenous women's organizations and

1 communities to properly fund and support these
2 organizations that are doing the grassroots, frontline
3 work for their community, that are actively engaged in
4 nation building day to day, and how current project-based-
5 one-time-pilot-project-type funding's that come with
6 restrictions and state set priorities creates these cycles
7 of projects and services no longer being available and how
8 devastating that is.

9 We have also heard about the need for
10 equitable social services to properly fund and support
11 community-led initiatives driven to preventing violence
12 and supporting and uplifting Indigenous women and girls
13 and families.

14 We have heard that at the regional and
15 national level, governments have to start giving up power
16 and embracing Indigenous-led and designed policies,
17 projects, and programs and best practices, and giving
18 Indigenous women and girls the space and the place to what
19 they've been saying for 150 years needs to be done.

20 I suspect we will hear much more this week
21 and some of those sentiments will be echoed. I want to
22 thank you all again and look forward to learning from you
23 this week.

24 Nakumiik. Migwetch. Merci.

25 **MS. CHRISTINE SIMARD-CHICAGO:** Migwetch.

1 I'd like to call upon Commissioner Eyolfson to come up and
2 do some opening remarks.

3 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

4 **COMMISSIONER BRIAN EYOLFSON:**

5 **COMMISSIONER BRIAN EYOLFSON:** Boozhoo.
6 Ahneen. Tansi. Good morning. Bonjour. Welcome to the
7 final week of closing submissions of the National Inquiry.
8 And it's a pleasure to be with you all here in Ottawa this
9 week. And as a guest here I too want to acknowledge that
10 we are gathered this week on the traditional territory of
11 the Algonquin people.

12 I also want to acknowledge and thank some
13 people. First of all, our respected elders, Vincent and
14 Elaine Kicknosway, Rita Gordon, Eelee Higgins. Thank you
15 for your prayers for getting us started in a good way.
16 Thank you for the lighting of the quilliq, Eelee.

17 Our grandmothers, elders and woman
18 warriors, our earth song, blue waters, Golden Spruce
19 Woman, Ernie Williams, Louise Holly, Elder Kathy Louie,
20 And Penelope Gray. Thank you for being here with us and
21 thank you for your guidance and support.

22 Members of the National Family Advisory
23 Circle that are here with us this week - CJ, Myrna,
24 Charlotte, Norma, Barbara, Sarah, and Gladys and Micah who
25 I think are arriving as well. Thank you for walking with

1 us and guiding us and providing us with your advice and
2 support.

3 Also Laurie, thank you very much for your
4 opening remarks and welcoming us here this morning. Gerry
5 Pagnin and Corey Lee McPherson, for offering beadwork as
6 healing and selfcare this week.

7 And I want to acknowledge the drum and
8 thank the drummers, the Eagle River Drummers, for helping
9 us get started this morning in a good way.

10 And all of our staff and our teams for your
11 hard work and dedication, thank you very much. And thank
12 you to our MCs, Christin and Christian, this morning.

13 Those who have joined us in person and via
14 webcast to honour the spirits of missing and murdered
15 Indigenous women and girls and trans and two-spirit
16 people, thank you very much for joining us. I especially
17 want to thank the Parties with Standing this morning.

18 Thank you for joining us in this journey in
19 this National Inquiry, helping us examine the systemic
20 causes of all forms of violence experienced by Indigenous
21 women and girls, including trans and two-spirit people.

22 I know that many of you have been long-time
23 advocates for the elimination of violence against
24 Indigenous women and girls, and you've called for this
25 Inquiry, and I appreciate your valued input and working on

1 this with us, alongside us.

2 And together we've heard a great deal over
3 the past several months about issues surrounding missing
4 and murdered Indigenous women and girls. And we've also
5 heard many recommendations for improving safety in our
6 communities.

7 So two weeks ago we started in Calgary with
8 Parties with Standing making final submissions there, and
9 in Calgary, we were provided with many recommendations to
10 help us in the development of our final report. And this
11 week is our final week of submissions and I again look
12 forward to the perspectives and recommendations of the
13 Parties with Standing who are here with us this week, here
14 with us to make submissions in light of the evidence that
15 we've heard and to assist us with the development of our
16 final report, which is due April 20th, 2019 to address the
17 safety and healing of Indigenous women and girls and
18 2SLGBTQ people in our communities across the country. So
19 I know you've put a lot of thought and work into your
20 final submissions to honour the spirits of the Indigenous
21 women and girls who are missing and murdered, and I thank
22 you for taking this opportunity to come here and share
23 your submissions with us. And I very much look forward to
24 hearing your submissions this week. So *chi-miigwech*.
25 Merci. Thank you. Merci and (Native word).

1 **(APPLAUSE/APPLAUDISSEMENTS)**

2 **MS. CHRISTINE SIMARD:** *Miigwech.* So now
3 we're -- I'm going to call upon Commissioner Audette who
4 is going to be making her comments via Skype. What that
5 looks like, I have no idea, but we'll try.

6 **M. CHRISTIAN ROCK:** Donc, maintenant, nous
7 allons accueillir la commissaire Michèle Audette qui va se
8 joindre à nous via la plateforme Skype. Voilà. Commissaire
9 Audette?

10 **--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR**

11 **COMMISSIONER MICHÈLE AUDETTE:**

12 **COMMISSIONER MICHÈLE AUDETTE:** Merci.

13 Alors, kwei, bonjour tout le monde! Je vais
14 commencer en français pour rester le plus zen et saine.
15 Alors, merci au peuple algonquin de nous accueillir sur
16 votre territoire. Moi, je suis encore ici, en territoire
17 wendat, près de Québec.

18 J'ai compris ce matin par mes collègues
19 qu'il y avait une cérémonie de la pipe, quelque chose que
20 je suis de façon... l'expression qu'on dit en français, de
21 façon religieuse et respectueuse à chaque rassemblement de
22 l'enquête, je participe à la cérémonie de la pipe. Alors,
23 un gros merci à Elaine, désolée de ne pas avoir été là ce
24 matin.

25 Merci aussi aux messages de Laurie Odjick,

1 très fort, très très sincère et un discours qui va très
2 bien, qu'on entend souvent sur la colline parlementaire.
3 Alors, un gros merci, Laurie. Merci aussi de t'être jointe
4 à l'équipe de l'Enquête nationale.

5 J'aimerais aussi dire merci à Barbara, C-J,
6 Charlotte, Norma, Mika, Sarah, Mary, Gladys et toutes les
7 femmes qui ont contribué depuis les tous débuts à
8 l'Enquête nationale en tant que membre du NFAC. Merci à
9 toutes nos anciennes qui avaient commencé ce grand chemin
10 avec nous et, par le temps, qui nous ont quittés.

11 J'aurais aimé ça être avec vous cette
12 semaine, j'aurais vraiment vraiment aimé ça, mais des
13 circonstances hors de mon contrôle fait en sorte
14 qu'aujourd'hui, je dois rester ici, auprès de ma famille.
15 On traverse une période difficile et l'une des forces qui
16 fait que je peux continuer aujourd'hui, ça a été le
17 message de beaucoup de familles puis de survivantes qui
18 m'ont expliqué, une fois qu'on a perdu notre maison sous
19 les flammes, que la leçon de vie qu'elles m'ont enseigné,
20 Melanie Morrisson était présente et d'autres femmes et
21 d'autres personnes importantes dans ma vie, qui m'ont
22 dit : « Personne de blessé, tu n'as pas perdu un être
23 cher, ce n'est que du matériel. » Alors ça, ça a été la
24 meilleure leçon, sauf que je dois me retourner, cette
25 semaine, pour relocaliser et loger tous mes petits-enfants

1 et ceux que j'aime.

2 C'est une semaine importante ; comme je le
3 disais, j'aurais aimé ça être avec vous cette semaine
4 parce qu'on va accueillir une deuxième fois et dernière
5 fois les parties qui ont une qualité pour agir. Et
6 nombreux et nombreuses d'entre vous qui ont cette qualité-
7 là avez représenté les organisations. On vous a vu
8 grandir, on vous a vu réagir, on vous a vu partager
9 l'expérience de vos clients, de vos clientes de ces
10 familles et survivantes et je vous en remercie.

11 Les parties ayant la qualité pour agir,
12 cette semaine, vont déposer leurs observations finales,
13 des observations qui vont nous permettre, à nous les
14 commissaires, de pouvoir faire en sorte que dans la
15 réflexion pour un rapport final et des recommandations, on
16 puisse y mettre l'expertise et l'amour auquel les familles
17 vous ont fait confiance.

18 Cette dernière audience me rend fière, même
19 si je la vis dans des émotions assez mélangées. Elle me
20 rend fière parce que je sais que ça a été une expérience
21 difficile, une expérience remplie d'émotions, mais une
22 expérience surtout avec un... apprentissage unique et
23 incroyable. Vous avez accompli un travail avec nous tous
24 et nous toutes, un travail difficile, mais un travail qui
25 démontre aussi qu'il y a de l'espoir - moi, j'y crois.

1 Maintenant, l'effort qu'on a mis, tout le
2 monde ensemble, il faut donner vie à la suite de cette
3 enquête-là, il faut honorer les paroles et les
4 recommandations qui émanent des familles et des
5 survivantes. Alors, ça, pour moi, c'est fondamental. On a
6 trouvé des façons d'assembler cette connaissance-là sur
7 l'Enquête nationale ; c'est ce qui va nous permettre
8 d'amener un rapport -et je le répète- des recommandations.

9 Alors, tous les Canadiens et Canadiennes
10 qui nous ont écoutés, qui ont participé, ont jugé ou qui
11 ont soutenu ces travaux-là, je vous demande, encore une
12 fois, de faire en sorte qu'une fois cet outil, cette
13 Enquête terminée, on doit honorer cette vérité et faire en
14 sorte qu'on changement réel arrive.

15 I want to say thank you for the people of
16 the Anishinaabe territory for welcoming us. As you can
17 see, I am here in the Wendake territory, and it's not
18 something -- I wish I was -- I was with you, with you
19 first of all, to hug you, first of all to open my mind and
20 my spirit and my heart to listen to truth coming from the
21 families who gave that voice to the Party with Standing.

22 I heard this morning that a ceremony, a
23 pipe ceremony was held by Helene and I have to say thank
24 you. Thank you for this ceremony because everywhere we
25 went, the Commissioners and the staff, we participate in

1 those ceremony because for us, this is important and this
2 is the protocol, and this is our Indigenous law. So I
3 have to say thank you.

4 I was able to listen your speech, Lori, to
5 see your face, and proud to say that your message
6 resonates through here, to my heart. I have to say thank
7 you for your words and your teaching.

8 I was very touched by your message,
9 Barbara, for the opening remarks and to see the families
10 with you, surrounding you, and the moment of silence. So
11 thank you. Thank you for being there in this important
12 journey.

13 You can see again I'm not with you today,
14 and I feel sorry. I wish I was there, but my family and I
15 are going through a difficult moment, difficult experience
16 right now. Last week we lost our home. It burned. But
17 the teaching and the lesson came from you, families and
18 survivors, that we have to stay strong because nobody,
19 nobody, my children, Serge, my family wasn't hurt. We're
20 still there. We're alive. So thank you for your
21 teaching.

22 So I have to relocate and reorganize this
23 week, but my heart, my stubbornness, and my willingness
24 for a real change is there with you.

25 The Party with Standing is in this room.

1 You will share with us your comment, your concern, your
2 knowledge that came from the family that you represent.
3 And with that, it will help the work of the Commissioners,
4 the work of the Inquiry to make sure that -- and the
5 report and the final recommendation, your concern or your
6 hope is brought there.

7 It is also, for me, the last hearing, so
8 another reason why I'm sad that I'm not with you. But I
9 have all my trust, all my love to Marion, Qajaq, and
10 Brian, and all the staff, but most of all, with the
11 (inaudible) and the families, survivors, and the staff
12 that are families and survivors, all my trust and heart to
13 you and with you.

14 So in conclude, I have to say that I have
15 hope, big, big hope that what we heard, what was mentioned
16 by Qajaq and Brian, that it will resonate and we have that
17 responsibilities, us as citizen, as human being, but also
18 as government, the Government of Canada, every government
19 across Canada, our own government, the Métis, the First
20 Nation, and the Inuit, to make sure that we honour every
21 words, every tears, every hope that came from the families
22 and survivors.

23 I will be there Friday for those hugs that
24 it mentioned by Barbara because believe me, I believe to
25 receive and I need to give the love.

1 So I wish you a wonderful day and my
2 colleagues, I miss you. Merci.

3 **(APPLAUSE/APPLAUDISSEMENTS)**

4 **MS. CHRISTINE SIMARD-CHICAGO:** Merci.
5 Miigwetch, Michèle.

6 I'd like to call upon Chief Commissioner
7 Buller to come up and make some opening remarks.

8 **M. CHRISTIAN ROCK:** Merci. Je voudrais
9 demander à la Chef Commissaire Marion Buller de venir pour
10 vous adresser ses commentaires d'ouverture.

11 **---OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR CHIEF**
12 **COMMISSIONER MARION BULLER**

13 **CHIEF COMMISSIONER MARION BULLER:** Tansi.
14 Good morning. Bon matin.

15 I want to start by acknowledging and
16 welcoming the spirits of the missing and murdered
17 Indigenous women and girls. Their memories and their
18 strength and their legacies inspire us every day and guide
19 us in our work. I welcome them, their spirits, to join us
20 this week.

21 I also want to acknowledge that we're on
22 the land of the Algonquin, Anishinaabe people. Of course,
23 it's their traditional land and as importantly, unceded
24 land.

25 Thank you to those who have joined us

1 today, either in person or through our webcast. We know
2 that we may not see you but we know that you're watching,
3 so thank you.

4 I offer my warm welcome to our elders and
5 knowledge keepers, Reta Gordon, Vincent and Elaine
6 Kicknosway. Thank you for your prayers and starting us in
7 a good way today.

8 Thank you also, Eelee Higgins, for lighting
9 the *qulliq* so that we have light and warmth as we do our
10 work this week.

11 Thank you and welcome to our grandmothers.
12 Also, thank you and welcome to families, survivors, who
13 are joining us in person and by webcast. And thank you
14 also to the members of the National Family Advisory, who
15 are here. And also, welcome to those who are watching on
16 our webcast.

17 And also, thank you Eagle River drummers
18 for our opening song today and reminding us in a very
19 measurable way that our collective heartbeat across Canada
20 is strong and getting stronger.

21 Thank you also to the National Inquiry
22 staff, our AV people, our translation people, the
23 logistical people who have made and continue to make the
24 magic happen all across Canada in some very challenging
25 circumstances, I might add.

1 Laurie, thank you for welcoming us.
2 Christine, Christian, merci beaucoup. And I do watch the
3 clock. Thank you.

4 **(LAUGHTER/RIRES)**

5 **CHIEF COMMISSIONER MARION BULLER:** I also
6 want to extend a very warm welcome to members of our
7 Ottawa office staff who are going to be able to join us
8 from time to time. Welcome. Always happy to see you.
9 You're an important part of our work. And also, from time
10 to time, some of our government partners will be joining
11 us, and again, welcome. And now you can see what all the
12 paperwork does, and we're very grateful that you're able
13 to join us.

14 We can't do this work without Parties with
15 Standing. The organizations and individuals from front
16 lines to government to Indigenous organizations, all of
17 you have been a great help so far and we're looking
18 forward to hearing more from you as we go along this week.

19 Two weeks ago in Calgary we received final
20 submissions from several Parties with Standing who called
21 for a change in the Canadian social order, a new social
22 contract. Colonialism was highlighted as a catalyst for
23 the ongoing systemic violence against Indigenous women and
24 girls and members of the LGBTQIA communities.

25 Parties outlined issues of poverty,

1 unemployment, racism and discrimination, isolation in
2 harsh environments, lack of supports and services, and
3 inadequate and unstable funding. In general non-
4 Indigenous governments continue to control the lives of
5 Indigenous peoples, and as they pointed out, to the
6 detriment of Indigenous women and girls.

7 I value the suggestions and recommendations
8 we heard in Calgary, especially around reconciliation and
9 the distribution of power, or redistribution of power,
10 where Indigenous people will reclaim their power and their
11 place over their own policies, practices, laws,
12 governments and community structures. It's our time.

13 We were also told quite clearly Band-Aids,
14 lip service, government handouts simply are not good
15 enough. Our women and girls are dying and going missing
16 as a result. That has to stop.

17 So parties with standing, you've got a lot
18 to live up to. The people in Calgary set a very high bar.
19 I look forward to hearing from you this week. Your
20 submissions will help us contextual what we've heard, the
21 important truths that we've heard from families and
22 survivors, almost 2,000 of them, across Canada. They are
23 providing the foundation for our work.

24 I can't stress enough the importance of the
25 work that we're doing this week. This will provide, as

1 I've said, framework for our final report that's coming up
2 all too quickly at the end of April 2018 (sic). The
3 recommendations that we make with your help, and also with
4 the help of families and survivors across Canada, will
5 bring about the necessary change to create healing,
6 justice, and reconciliation so that all of our women and
7 girls can be safe. The dying, the murders, the deaths
8 just simply have to stop.

9 Thank you very much.

10 **(APPLAUSE/APPLAUDISSEMENT)**

11 **MS. CHRISTINE SIMARD-CHICAGO:** Miigwech.

12 Just some quick housekeeping notes. We
13 have Gerri-Lee McPherson and Corley McPherson here that
14 will be doing healing by beading in the Elders' room,
15 which is directly across from this room in the Quebec
16 room.

17 We have health workers here, our health
18 support team. They're wearing beautiful vests with nice
19 designs on them. I don't see -- I wish one would stand
20 up. There she is, looking fabulous.

21 And for smudging, we have smudging
22 available. Because of the requirements of the hotel
23 smudging will occur in the Elders' room right across the
24 way.

25 Thank you for everything, and I hope you

1 all have a wonderful day.

2 **M. CHRISTIAN ROCK:** Donc, afin d'ajouter
3 quelques notes complémentaires pour bien lancer la
4 journée, j'inviterais ceux qui ont besoin de traduction
5 simultanée d'utiliser les équipements qui sont situés à
6 l'arrière pour un atelier qui porte sur le perlage, donc
7 qui est mené avec Madame Gerry-Coralee qui se trouve dans
8 la salle Québec.

9 Il existe également une salle qui est
10 destinée pour les aînés, et une salle qui est destinée
11 pour l'aide en matière de santé.

12 J'inviterais également aux gens qui sont,
13 qui représentent en matière de santé de s'avancer un peu,
14 comme tout à l'heure. Donc ceci étant fait, il y a une
15 salle aussi qui est destinée pour le smudging.

16 Donc je vous souhaite une bonne journée, on
17 est prêt à commencer.

18 **MS. CHRISTINE SIMARD-CHICAGO:** So we'll
19 just take a quick two minute break just to reorganize the
20 podium, et cetera. A five minute break I'm being told
21 her. So five minutes. And please come back to re-
22 adjourn.

23 **M. CHRISTIAN ROCK:** On va prendre un cinq
24 (5) minutes pour réorganiser la salle. Je vous invite à
25 entrer dans cinq (5) minutes dans la salle pour procéder.

1 Merci, au revoir.

2 --- Upon recessing at 9:13 a.m./L'audience est suspendue à
3 9h30

4 --- Upon resuming at 9:29 a.m./L'audience est reprise à
5 9h30

6 **MS. CHRISTINE SIMARD-CHICAGO:** Grab your
7 seats.

8 **MS. CHRISTA BIG CANOE:** (Speaking in Native
9 language)

10 Thank you, Commissioners.

11 If we could formally start the record for
12 the purpose of closing submissions.

13 Today, just for the purpose of the record,
14 I'm Christa Big Canoe. I'm Commission counsel. Sitting
15 beside me is Meredith Porter, who is also Commission
16 counsel.

17 Throughout the week you will see some of
18 the Commission counsel inviting the parties up to make
19 their submissions to you.

20 I have just a couple quick housekeeping
21 notes, if I may.

22 So good morning, Chief Commissioner and
23 Commissioners.

24 One of the things that we did in the
25 hearings at Calgary in the closing submissions was every

1 day at the end of the day there would be an honour song,
2 and that honour song is done to thank the parties that
3 have come and made their submissions.

4 So I just wanted to let parties know that
5 in advance because, you know, I know people do have
6 flights, or coming or going, but please, if you can, and
7 you're making submissions, stay around for the end of the
8 day.

9 Also there will be some other things that
10 are related to you and small gifts based on a gift from
11 one of the party's last week at the last hearing in terms
12 of a commitment stick. And we have some of those here for
13 parties with standing. And that will happen at the
14 closing today.

15 And those were the couple of housekeeping
16 announcements I wanted to make sure everyone had the
17 opportunity to know about.

18 So, as you know, and the Commissioners have
19 already spoken to this in their wonderful opening remarks,
20 but just again for the purpose of the record, we will have
21 34 parties this week presenting to the Commissioners.
22 They're closing submissions. Each party will have 40
23 minutes in which to provide those submissions, and then
24 there will be 10 minutes' worth of questions -- clarifying
25 questions by Commissioners to the parties. We do have a

1 time set and that just allows the parties to know where
2 they're at in their submissions.

3 The very first party that we would like to
4 call up and invite to make their closing submissions is
5 the Congress of Aboriginal Peoples. Mr. Robert Bertrand
6 as well as other counsel will be speaking.

7 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ROBERT BERTRAND:**

8 **MR. ROBERT BERTRAND:** Bonjour. Good
9 morning, Elders and family, Commissionaires, and the
10 Inquiry staff, Indigenous leaders, and parties with
11 standing, and guests.

12 I am Robert Bertrand, National Chief of the
13 Congress of Aboriginal Peoples, and with me is Ms. Lisa
14 Lombard, legal counsel for CAP, et Madame Danielle Bédard,

15 I wish to acknowledge the land on which we
16 are gathered is the unceded traditional territory of the
17 Algonquins, which we are all presently privileged to be
18 gathered on.

19 I would like to start by thanking the
20 National Inquiry for your work.

21 Over the years we have several resolutions
22 at our assemblies calling for a national inquiry and CAP
23 joined our voices with family who have lost loved ones.

24 We also joined your call for a two year
25 extension and were disappointed with the limited six

1 months the government agreed to. The short timelines for
2 the Inquiry's work led to real challenges for delivering
3 on this critical mandate.

4 CAP has been honoured to participate as a
5 party with standing to contribute to the thoroughness of
6 these proceedings and support the needs and the priorities
7 of the families, survivors, and communities we serve.

8 We are here today to speak to the
9 considerations you must take into account for your final
10 report.

11 Since 1971 CAP has been the national voice
12 representing the interests of Métis status and non-status
13 Indian living off reserve and southern Inuit Indigenous
14 peoples.

15 Our vision is that all Indigenous peoples
16 in Canada will experience the highest quality of life
17 founded on the rebuilding of our Nations; all Indigenous
18 citizens will be rightfully treated with respect, with
19 dignity, integrity, and equality.

20 From coast-to-coast CAP's 10 provincial and
21 territorial affiliates are instrumental in providing us
22 with a direct line to the needs and interests of our
23 constituents living off-reserve.

24 Our constituency is made up of diverse
25 Indigenous peoples. CAP arose as a national

1 representative of the Forgotten People; those who have
2 been systematically excluded by the government.

3 In 2016, the Supreme Court of Canada's
4 *Daniel* decision confirmed the Government of Canada's
5 jurisdiction and responsibility to Métis and non-status
6 Indians.

7 The Court also documented that these people
8 are the most underserviced and disadvantaged of all
9 Canadians. We believe that the result of this
10 marginalization of our peoples through lack of proper
11 service and supports has created an increased risk for our
12 Indigenous women and girls.

13 As Indigenous peoples we have been
14 resilient. We will not allow ourselves to be left behind
15 any longer. To the survivors, their families and
16 communities; we have not forgotten. Canada knows your
17 story and our hearts are with you.

18 It is our belief that the Inquiry's
19 recommendations are not optional.

20 I will now turn it over to Ms. Lombard to
21 explain the legal imperatives and obligations for Canada
22 to deliver actions in response to the issues of missing
23 and murdered Indigenous women and girls.

24 Migwetch. Merci beaucoup. Thank you.

25 --- FINAL SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR MS.

1 **ALISA LOMBARD:**

2 **MS. ALISA LOMBARD:** Thank you. And thank
3 you to the Algonquin and Anishnaabe People for welcoming
4 us on their un-surrendered and unceded traditional
5 territory today; the Elders for their beautiful prayers,
6 for sharing and for lighting the Qulliq this morning; the
7 Eagle River drummers for setting us on the right path with
8 their inspiring sound and voices; the families, the
9 colleagues, the parties with standing, thank you to
10 everyone attending and watching today.

11 I'd also like to acknowledge the sacred
12 items in the room and their critical importance.

13 We must remember, before we get into these
14 legal technicalities, that the Inquiry was born from the
15 spirits of our stolen sisters and the loving, fierce
16 advocacy of their families and allies who rightfully
17 refuse to accept excuses as justifications for their
18 losses, pain, and suffering.

19 These foundational truths must inform our
20 work today and always.

21 Commissioners, Chief Commissioner, to
22 anchor my client's proposed contributions to the work of
23 the Inquiry, we think it may be helpful to briefly recall
24 the role of a party with standing before an inquiry,
25 generally.

1 The role of a party with standing in an
2 inquiry's proceedings is in the advancement and protection
3 of the party's special interest and contribution to the
4 inclusiveness and thoroughness of an inquiry. Standing is
5 habitually granted where the party has an interest which
6 is direct and substantially affected by the subject
7 matter.

8 Further, the role of a party with standing
9 in an inquiry proceeding is to be responsive to the
10 inquiry's terms of reference and the subject matter of its
11 investigation. The primary objective is to be helpful to
12 the inquiry in discharging its mandate. And here the
13 party with standing may do so by making legal
14 representations further to the Terms of Reference and the
15 legal path.

16 CAP's submissions today advance legal
17 arguments respecting the legal imperatives underpinning
18 Canada's obligation to implement the Inquiry's
19 recommendations with due diligence, in good faith, and in
20 a manner that upholds the honour of the Crown, as well as
21 identifying broad themes emerging from institutional and
22 expert hearings, and a broad framework for
23 recommendations.

24 So the first point is that there must be
25 action because of legal imperatives.

1 The Inquiry's recommendations and findings
2 are not optional. They cannot be ignored like so many
3 recommendations before them. They are legal imperatives
4 arising from human rights, the Canadian Charter of Rights
5 and Freedoms, the Canadian Constitution, including the
6 Honour of the Crown.

7 At the first level, internationally, the
8 incidence and rates of violence and disappearance of
9 Indigenous women and girls in Canada unequivocally violate
10 multiple and myriad multiple human rights that Canada has
11 pledged to uphold through binding international covenants.
12 As such, under international law, Canada has a positive
13 obligation to act to prevent such violations. The Inquiry
14 is the mechanism Canada has chosen to determine how to
15 meet those obligations.

16 As such, Canada is not at liberty to
17 disregard its recommendations or delay their
18 implementation. To do would amount to a conscious
19 continuation of the human rights violations.

20 The entities responsible for monitoring
21 compliance with the Convention on the Elimination of
22 Discrimination Against Women and the Convention on the
23 Elimination of Racial Discrimination, as well as the
24 Inter-American Commission on Human Rights, the Special
25 Rapporteur on the Rights of Indigenous People, and the UN

1 Human Rights Committee have all found the disproportionate
2 prevalence of violence, murder, and disappearance of
3 Indigenous women and girls to be a violation of human
4 rights and called on Canada to take measures to protect
5 Indigenous women and girls and hold perpetrators of
6 violence accountable in order to fulfil its human rights
7 obligations.

8 As stated by the UN Special Rapporteur on
9 the Rights of Indigenous Peoples, the issue involves, and
10 I quote:

11 "Complex multidimensional and mutually
12 reinforcing human rights violations
13 which routinely exclude Indigenous
14 women and girls from enjoying the
15 rights otherwise guaranteed to
16 citizens." (As read)

17 We submit that these rights attach to the
18 most basic functions of human dignity.

19 Canada's breach of its international
20 obligations has been noted by experts testifying before
21 the Inquiry itself. Professor Brenda Gunn, qualified as
22 an expert in international human rights as it relates to
23 Indigenous people, noted that international human rights
24 documents form normative obligations that exist for
25 Canada, in addition to being within treaties to which

1 Canada is explicitly a party. She stated that, and I
2 quote:

3 "There is a recognition that the
4 prohibition of gender-based violence
5 against women has evolved into a
6 principle of customary international
7 law." (As read)

8 She summarized reports from international
9 human rights bodies that establish that:

10 "Canada has failed to take sufficient
11 measures to ensure that all cases of
12 murdered and missing Indigenous women
13 have investigated and prosecuted, and
14 that those failures constitute
15 violations of human rights under both
16 the Convention on the Elimination of
17 Discrimination against Women and the
18 International Convention on the
19 Elimination of All Forms of Racial
20 Discrimination." (As read)

21 International bodies also note Canada's
22 need to address gaps in the law on violence against women,
23 gaps in its data collection to monitor performance, to
24 develop a national action plan, address root causes in
25 terms of economic, social, and cultural rights, and to

1 properly strengthen resource service delivery; in short,
2 many of the areas that the Inquiry is investigating.

3 International human rights obligations are
4 at least part of the legal reason the Inquiry was called.
5 CEDAW and the Special Rapporteur specifically called for a
6 national inquiry on this issue. And Canada held out the
7 Inquiry as the action it was taking on the issue in its
8 reviews by human rights monitoring bodies. This is
9 important.

10 As such, we submit that Canada has a
11 positive obligation to act. International human rights
12 obligations bind the state not only to refrain from
13 violating human rights directly, but also to prevent and
14 eliminate their violation within their countries.
15 Professor Benda Gunn called this obligation basic; a
16 foundational principle of human rights. And she said, and
17 I quote:

18 "The basic obligation that relates to
19 the situation of murdered and missing
20 Indigenous women and girls in Canada
21 is Canada's duty of diligence; duty of
22 due diligence to prevent, investigate,
23 prosecute, punish, and compensate.
24 This requires prioritization and
25 resourcing of these measures." (As

1 read)

2 She further stated:

3 "Where Canada has legal obligations to
4 fulfil, it means that when
5 prioritizing budgets and engaging in
6 certain activities that Canada is
7 required to fulfil and address these
8 areas and others of social and
9 economic and social marginalization."

10 (As read)

11 Canada has thus been found to be in breach
12 of its international obligations, and elected in 2016 to
13 call an inquiry as the means by which to address the issue
14 and meet its obligations. In terms of -- in the terms of
15 Reference for the Inquiry, Canada states that:

16 "The purpose of the Inquiry is to make
17 recommendations for effective action
18 and then commits to take effective
19 action to prevent and eliminate
20 violence against Indigenous women and
21 girls in Canada." (As read)

22 Under these circumstances, Canada is not at
23 liberty to disregard the Inquiry's recommendations. The
24 Inquiry is the vehicle by which Canada is meeting its
25 legal obligations. Canada convened it in order to

1 identify the effective action it must pursue to address
2 the issue. To disregard the Inquiry's recommendations
3 would be to consciously continue to violate the rights of
4 Indigenous women and girls in a wilful and deliberate way,
5 and its legal obligations and commitments at the
6 international level.

7 No one is demanding perfection here, I
8 don't think, but due diligence is not a complex concept,
9 and usually gives rise to some meaningful progress.

10 Several *Charter* rights are also implicated
11 in the Inquiry's mandate. Again, as a vehicle through
12 which the Crown seeks to satisfy its *Charter* obligations,
13 it cannot ignore the Inquiry and its recommendations.
14 This is even more clearly the case given that the *Charter*
15 rights at issue are constitutional obligations being
16 breached in their application to Indigenous people, and
17 thus invoke the honour of the Crown, which requires, at a
18 minimum, that the Crown follow through on its promises.

19 Section 7, 12 and 15 of the *Charter* are
20 potentially implicated in the issue of missing and
21 murdered Indigenous women. Section 7 provides that, and I
22 quote:

23 "Everyone has the right to life,
24 liberty and security of the person and
25 the right not to be deprived thereof

1 except in accordance with the
2 principles of fundamental justice."

3 While it is often invoked in the sphere of
4 criminal law, section 7 rights may be extended where there
5 is -- and I quote:

6 "State action which directly engages
7 the justice system and its
8 administration."

9 To date, section 7 has only successfully
10 been invoked to restrict the State's ability to deprive
11 individuals of rights or liberties, arguing that inaction
12 by the State that leads to a deprivation of life or
13 liberty in its failure to hold perpetrators of violence
14 against Indigenous women and girls accountable, breach of
15 section 7 may be a novel argument. But it is not a huge
16 conceptual stretch, particularly as such an action is in
17 the context of the administration of justice.

18 Section 12 provides that:

19 "Everyone has the right not to be
20 subjected to...cruel and unusual
21 treatment or punishment."

22 Treatment is cruel and unusual when it
23 outrages standards of decency or conscience, which the
24 individual as well as the collective stories of missing
25 and murdered Indigenous women clearly do. Providing

1 greater elaboration in the standards involved for this
2 type of illegal treatment, section 12 has a parallel in
3 international law in the convention against torture and
4 other cruel, inhuman, or degrading treatment to which
5 Canada is a party and under which there is increasing
6 recognition that gender-based violence against women may
7 be considered torture in some circumstances.

8 The committee that monitors compliance with
9 the convention has recognized that the principle of
10 non-discrimination is fundamental to the interpretation
11 and application of the convention, and that the -- and I
12 quote:

13 "Discriminatory use of mental or
14 physical violence or abuse..." (As
15 read)

16 Is an important factor in determining
17 whether a State has committed torture.

18 The committee has emphasized State's
19 obligations to protect minority or marginalized
20 individuals or populations who are especially at risk of
21 torture or ill treatment and has found that gender is a
22 key factor in the forms of torture or ill treatment. It
23 has specifically connected murdered and missing Indigenous
24 women in Canada to violations of the UN Convention Against
25 Torture and has separately found that law enforcement

1 officials who fail to provide adequate protection against
2 racially motivated attacks is a violence. The
3 disproportion of violence against Indigenous women and
4 girls clearly constitutes clear and unusual -- cruel and
5 unusual treatment, and in some cases, torture.

6 Section 15 is the *Charter's* equality and
7 non-discrimination provision. To show discrimination
8 under section 15, a claimant must prove a distinction
9 based on an enumerated or analogous ground such as race,
10 and that the distinction's impact on the individual or
11 group perpetrates -- perpetuates a disadvantage or
12 disadvantages.

13 It is discriminatory conduct that
14 section 15 seeks to prevent, not the underlying attitude
15 or motive of the conduct. The disproportionate prevalence
16 of violence against Indigenous women and girls most
17 certainly perpetuates disadvantages.

18 Section 15 is usually directed at express
19 legislation or rules. Here, it is the State conduct or
20 inaction in the administration of the law that is based on
21 exclusionary racial distinctions which are no less
22 egregious or deserving of rectification.

23 The prevalence of violence and the
24 disappearance of Indigenous women and girls constitutes
25 human rights violations under Canada's own human rights

1 framework. Canada's obligation to address systemic
2 violations is heightened by the particular group being
3 affected here, thus being Indigenous peoples.

4 Courts have recognized that the honour of
5 the Crown is at stake in all of its dealings with
6 Indigenous peoples. This arises from the Crown's
7 assertion of sovereignty over the Indigenous occupants of
8 the land without conquest and its resulting commitment to
9 protect and act honourably towards those occupants.

10 Regarding constitutional obligations, in
11 particular, the Supreme Court has long since made clear
12 that the Crown must fulfill its constitutional promises in
13 an honourable way. It first invoked this idea in 1990 in
14 *Sparrow* in the context of the constitutional recognition
15 of Aboriginal rights in section 35 of the *Constitution*
16 *Act*, stating, and I quote:

17 "...the honour of the Crown [is at
18 stake] in dealings with aboriginal
19 peoples. The special trust
20 relationship and the responsibility of
21 the government vis-à-vis aboriginal[s]
22 people must be the first consideration
23 in determining whether the legislation
24 or action in question can be
25 justified."

1 The Supreme Court has reaffirmed the
2 relevance of the honour of the Crown and the fulfillment
3 of constitutional duties in subsequent cases. The
4 *Manitoba Métis Federation v. Canada* decided in 2013 the
5 Supreme Court found in violation of the honour of the
6 Crown in the way that the government had implemented the
7 *1870 Manitoba Act*, particularly those sections that
8 promised to land -- to grants lands to Métis children and
9 which recognized their existing land holdings.

10 The process of allotting land to the Métis
11 was subject to inordinate delay and resulted in lesser
12 holdings than originally envisioned. As a preliminary
13 point, the Court restated the nature of the Crown honour -
14 - of Crown honour as a doctrine affecting existing
15 obligations in a real and substantial way. It reaffirmed
16 the statement in *Haida Nation* that the honour of the Crown
17 is -- and I quote:

18 "...not a mere incantation, but rather
19 a core precept that finds its
20 application in concrete practices..."

21 And -- and I quote again:

22 "...gives rise to different duties in
23 different circumstances"

24 Further, it -- and I quote again:

25 "It is not a cause of action itself;

1 rather, it speaks to how obligations
2 that attract it must be fulfilled."

3 The Court then re-established the Crown's
4 obligation to diligently implement constitutional
5 promises.

6 The Crown's honourable obligations in the
7 context of the *Constitution* are further elaborated later
8 in the same decision, the *Haida Nation* decision, and the
9 Court says that:

10 "...the law assumes that the Crown
11 always intends to fulfill its solemn
12 promises, including constitutional
13 obligations..."

14 It also said that:

15 "...if the honour of the Crown is
16 pledged to the fulfillment of its
17 obligations, it follows then that the
18 honour of the Crown requires the Crown
19 to endeavour to ensure its obligations
20 are fulfilled."

21 The Supreme Court requires that an
22 obligation be owed specifically to Aboriginal peoples,
23 which of course *Charter* promises are not. The Supreme
24 Court may view the requirement that an Aboriginal group is
25 the sole beneficiary rigidly.

1 Justice Harry LaForme of the Ontario Court
2 of Appeal was critical of its approach in *R. v. Kokopenace*
3 where he said:

4 "The Supreme Court now appears to have
5 retreated from this position.
6 Instead, 'not all interactions between
7 the Crown and Aboriginal people'
8 engage the honour of the Crown; more
9 specifically, it will not be engaged
10 by 'a constitutional obligation in
11 which Aboriginal peoples simply have a
12 strong interest' or one 'owed to a
13 group partially composed of Aboriginal
14 peoples'."

15 This was in *Manitoba Metis Federation*, at
16 paragraph 68 and 72.

17 However, with respect to the violence
18 against and disappearance of Indigenous women and girls,
19 it is well-documented that Aboriginal peoples are the
20 disproportionate victims of the rights violations. The
21 obligations may not be owed specifically to them, but
22 their violation is disproportionately experienced by them.

23 All peoples are equal beneficiaries of
24 *Charter* rights, but Indigenous peoples experience those
25 rights very differently, if at all. With full knowledge

1 of this fact, it would be disingenuous to argue that Crown
2 honour applies to obligations that explicitly target
3 indigenous people, but not to those whose breach does do.

4 Moreover, essential humanity requires an
5 extension of the state's obligation of diligent
6 implementation to the benefit of indigenous women so they
7 can equally access protections and the benefits of the
8 law. This is the principle underlying section 15 of the
9 *Charter*.

10 These are the promises made in our
11 *Constitution*, and we all have a right to its equal
12 protections by its own terms. There are no defensible
13 exceptions to the meaningful benefit substantive equality
14 rights for indigenous peoples. None. Not a single one.

15 Crown honour requires diligent
16 implementation of promises and, at a basic level, the
17 intent to keep promises. Further, the delay in
18 implementation is not an option. That is also made clear
19 in *Manitoba Métis*. At paragraph 82, the Court said:

20 "A persistent pattern of errors and
21 indifference that substantially
22 frustrates the purposes of a solemn
23 promise may amount to a betrayal of
24 the Crown's duty to act honourably in
25 fulfilling its promise."

1 Finally, the honour of the Crown also lays
2 at the heart of reconciliation, an objective that is also
3 at the heart of this Inquiry.

4 Canada has stated that the Inquiry is part
5 of its efforts to achieve reconciliation. As such, the
6 honour of the Crown requires that the government work to
7 diligently support its work and implement its
8 recommendations.

9 This is an obligation of the Crown
10 regardless, as the continuing violation of *Charter* rights
11 owed to indigenous peoples requires concerted, diligent
12 action as will be identified by the Inquiry pursuant to
13 the honour of the Crown and the rule of law.

14 Our final point concerning the legal issues
15 relevant to the Inquiry's recommendations concern how
16 those recommendations must be structured and implemented.
17 The inherent right of self-determination arising from
18 section 35 and other constitutional and legal instruments,
19 which is universally recognized internationally as well as
20 for indigenous Nations in Canada, requires a principled
21 and inclusive approach to the beneficiaries or targets of
22 Inquiry recommendations, one that transcends the limiting
23 criteria of the *Indian Act* and current administrative
24 structures.

25 The right of self-determination is

1 recognized for indigenous Nations. It is uncontroversial
2 in Canada.

3 It is embodied in Article 1 of the Covenant
4 on Civil and Political Rights and the identical Article 1
5 on the Covenant -- of the Covenant on Economic, Social and
6 Cultural rights which have been almost universally
7 ratified.

8 Identical language has been expressly
9 applied to indigenous people at the international level in
10 Article 3 of the United Nations Declaration on the Rights
11 of Indigenous Peoples, which says indigenous peoples have
12 the right to self-determination.

13 This guarantees the right to freely
14 determine their political condition and the right to
15 freely pursue their form of economic, social and cultural
16 development. There's nothing unclear about this
17 provision.

18 Canada has recognized self-determination as
19 an inherent right of indigenous Nations and states as its
20 principle of its reconciliatory relationship with
21 indigenous peoples, and I quote:

22 "The Government of Canada recognizes
23 that all relations with indigenous
24 peoples need to be based on the
25 recognition and implementation of

1 their right to self-determination,
2 including the inherent right of self-
3 government."

4 The core requirement of self-determination
5 is the ability to determine membership. This is one of
6 the key areas in which colonialism and its legislation, in
7 particular the *Indian Act*, has undermined indigenous self-
8 determination and identity.

9 The definition of belonging captured in the
10 treaties was abandoned, and the *Indian Act* imposed
11 definitions of indigeneity with the express intent of
12 reducing the indigenous population. This we know.
13 Resulting in harmful exclusions, structural racism and
14 consequences that non-status people continue to experience
15 today alongside their brothers and sisters and kinship
16 family members who do have status.

17 Canada has made moves to alter the *Indian*
18 *Act* criteria and devolve some authority over membership.
19 Bill C-31 allowed Indian Bands to determine their own
20 membership.

21 The federal government continues to
22 determine status, however, and Indian status is the basis
23 on which services are generally provided and largely
24 political consultation conduct.

25 The federal government continues to grapple

1 with the *Daniels* decision, to put it lightly, and has not
2 provided decisive leadership in the area of recognizing
3 the rights of non-status people.

4 Some of the consequences of these
5 strictures were discussed by experts before the Inquiry,
6 and we will elaborate on those in our final submissions.

7 The right of self-determination and the
8 remediation of harmful past exclusion demands a principled
9 and inclusive approach to the populations targeted by the
10 Inquiry's recommendations. Limiting programs to status or
11 on-reserve Indians or the implementation through existing
12 bureaucratic structures that restrict their programming
13 based on status and the presence of an on-reserve
14 component would reinforce existing divisions and
15 disadvantages and continue to undermine the right to self-
16 determination, not empower it.

17 Canada must start recognizing the Nations'
18 ability to determine their own membership, their own
19 people, who belongs to them, who their families are as
20 they are today. As they are today, they do not look the
21 same, as they would not after all these years. And must
22 cease its practice of dividing and limiting indigenous
23 peoples and political entities.

24 An inclusive approach to the question of
25 who is indigenous must inform the Inquiry's

1 recommendations and the government's actions that follow.

2 In our final submissions, which we will
3 give to the Inquiry on Friday, we essentially provide a
4 summary of the evidence into seven key themes that then
5 inform the framework of our recommendations, which will
6 also be submitted on Friday.

7 The first key theme is colonial disruption
8 of membership determination. The second key theme talks
9 about what experts before the Inquiry had to say about the
10 debilitating effects of exclusion from community.

11 The third key theme talks about the
12 vulnerability of those without community, which was a
13 resounding theme in proceedings before the Inquiry, talks
14 about support structures based on status and their glaring
15 inadequacy.

16 Notably on that particular point, Professor
17 Naomi Metallic testified that *Daniels* plus the Caring
18 Society cases by the Human Rights Commission means that
19 equal obligations with respect to service delivery are
20 owed to Métis and non-status Indians. It's an important
21 point.

22 We also identified the need for more
23 resources for off-reserve indigenous peoples as well as
24 the existence and participation in racism regardless of
25 status.

1 That particular point was echoed by two
2 family physicians who appeared before the Inquiry. Dr.
3 Barry Lavallee, who was a qualified expert in anti-
4 indigenous racism, indigenous health and medical education
5 elaborated on this in the health care system, stating that
6 dehumanization, which is a very important point that I
7 would encourage you to consider seriously, of indigenous
8 peoples occurs in health care as well as policing and
9 justice sectors, and that medical school, and I quote,
10 "reinstalls racist attitudes or reinvigorates them" and
11 the use of stereotypes that go on.

12 Dr. Janet Smylie -- full disclosure, who's
13 my mother-in-law -- testified about how humans, and I
14 quote, "in-group and out-group people based on their
15 appearance", which leads to implicit or unconscious race
16 preference bias.

17 Our last theme that we identified was the
18 value in restoring membership determination, and this
19 brings us to the framework for our recommendations which
20 will all be structured around the principle of inclusivity
21 or exclusivity where there is a choice in addition to the
22 need for community building, citizenship determination
23 processes -- processes are important.

24 We often ask ourselves, so how do we go
25 from this point to this ideal point, and I think that the

1 answer lies in something that none of us know, which is a
2 transition process. And that transition process will look
3 different for everybody, and that's okay as long as it
4 does not pre-determine outcomes.

5 Secondly, we'll group our recommendations
6 under substantive equality and resourcing services and, of
7 course, an inclusive approach to resourcing in area-
8 specific jurisdictions such as child welfare, justice and
9 corrections, et cetera.

10 Those are our submissions for today. ...Thank
11 you very much for listening.

12 **(APPLAUSE/APPLAUDISSEMENTS)**

13 **MS. CHRISTA BIG CANOE:** Are there any
14 questions for Ms. Lombard?

15 **COMMISSIONER QAJAQ ROBINSON:** First, I'd
16 like to thank you both, National Chief Bertrand for your
17 words and your presence today and Counsel for your
18 submissions. I look forward to reading them in full.

19 I only have one question and we've been
20 taught throughout this how important words are. And as
21 you speak of the implications of the recommendations
22 flowing from this Inquiry and legal framework that you
23 have outlined, which, in your submissions create not
24 recommendations but legal imperatives, is there a word
25 other than "recommendations" that you think we may want to

1 consider using in the language of our report?

2 **MS. ALISA LOMBARD:** Imperatives.

3 **COMMISSIONER QAJAQ ROBINSON:** Thank you.

4 Those are all my questions.

5 **COMMISSIONER BRIAN EYOLFSON:** I just want
6 to thank you both very much for your submissions. I don't
7 have any additional questions at this point, but I look
8 forward to reading your written submissions. *Miigwech.*

9 **CHIEF COMMISSIONER MARION BULLER:** I think
10 this one is on. Thank you.

11 Yes. Thank you both very much. It was
12 hard to stay seated and not start jumping around with
13 excitement.

14 Perhaps you can help me with one issue I'm
15 wrestling with. As you've very ably stated, there are
16 international obligations that Canada has, or under
17 international instruments. There's the Charter of Rights.
18 It's one thing to have rights as Indigenous people, but
19 under these same instruments and the Charter, are there
20 meaningful remedies? And if so, what are the remedies?

21 **MS. ALISA LOMBARD:** I think -- are we
22 talking about the Charter or are we talking about the
23 international instruments generally?

24 **CHIEF COMMISSIONER MARION BULLER:** Both,
25 because -- and my question arises from wrestling with, as

1 you've very capably pointed out, all the international
2 instruments that Canada has embraced in some shape or
3 form, very clearly states that we as Indigenous people
4 have certain rights. But none of those instruments, in my
5 reading, show opportunities of recourse or remedies when
6 they're violations, in a meaningful way. Canada can be
7 slapped on the wrists by the United Nations and other
8 bodies, but that really doesn't change what happens at the
9 grassroots level.

10 Then, in the Charter, of course, you
11 properly pointed out the appropriate sections of the
12 Charter that apply. There are options for remedies under
13 section 24 of the Charter, but under the Charter, are we,
14 as Indigenous people, able to claim remedies for many of
15 the difficulties that -- challenges that are clear cases
16 of discrimination as a people or peoples across Canada or
17 as individuals? And then what meaning would that remedy
18 have under the Charter?

19 So it's a big question and you may not be
20 able to answer it today. I know it's difficult at times.
21 If you want to address these issues in your written
22 submissions, that's fine as well.

23 **MS. ALISA LOMBARD:** Absolutely. If I may,
24 a very preliminary response, that would be that at the
25 international level, there are various covenants that call

1 for the prevention, protection, punishment, and for
2 reparations that go beyond, I recently learned, the simple
3 damages that include psychological damages, damages to the
4 whole, to the collectivity.

5 In terms of article 24, I actually wrote my
6 law school thesis on that, but it's pretty far back in my
7 mind so I'd have to have another closer look. From my
8 recollection all those years ago, I do remember that it
9 was extremely under-utilized and that, I think that there
10 may be some opportunity there to examine what use it could
11 be.

12 **CHIEF COMMISSIONER MARION BULLER:** And next
13 question. Assuming for the moment that remedies under the
14 Charter, section 24 of the Charter -- and perhaps
15 elsewhere -- are confined to domestic courts, what role do
16 you think international courts play in providing remedies
17 and recourse? Again, tough question.

18 **MS. ALISA LOMBARD:** I'd have to give that
19 some thought, but I will address that in our final
20 submissions.

21 **CHIEF COMMISSIONER MARION BULLER:** Okay.
22 That could be critical of anyone, but I'm also wrestling
23 with the question of what point, if we consider ourselves
24 Nations, why are we asserting our rights in domestic
25 courts?

1 **MS. ALISA LOMBARD:** That's the space that
2 we have, I think is the most pragmatic answer I could
3 perhaps provide. There are -- there is international for
4 -- but as we all know here, it can be a persuasive forum
5 but it's not -- whatever happens there is not always
6 enforceable, depending on the circumstances and with whom
7 you're dealing.

8 Domestic courts are but then again, we can
9 look at the experience of, you know, Dr. Cindy
10 Blackstock's work and the five non-compliance orders she's
11 dealing with.

12 And so as effective as the remedies and the
13 orders from domestic courts may be, they don't always
14 realize their full potential, that being the primary
15 example.

16 **MS. CHRISTA BIG CANOE:** Well, Ms. Lombard,
17 thank you for your thorough and very persuasive and
18 helpful submissions.

19 Mr. Bertrand, President Bertrand, thank you
20 for coming today and thank you for providing a wonderful
21 framework for our very first set of submissions. It's a
22 pleasure to work with both of you. Thank you.

23 **MS. ALISA LOMBARD:** Thank you.

24 **(APPLAUSE/APPLAUDISSEMENTS)**

25 **MS. CHRISTA BIG CANOE:** Thank you. Next,

1 we would like to invite up the Missing and Murdered
2 Indigenous Women and Girls Manitoba Coalition. Ms.
3 Catherine Dunn.

4 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. CATHERINE DUNN:**

5 **MS. CATHERINE DUNN:** Good morning. My name
6 is Catherine Dunn and appearing with me this morning
7 behind the podium are two co-chairs of the Manitoba
8 Coalition of Murdered and Missing Indigenous Women and
9 Girls. And as well, in the audience are some family
10 members and survivors who have come personally here today
11 to listen to our submission.

12 I am struck by how complex murder can be.
13 Listening to my learned friend who was the last speaker,
14 murder can be almost incomprehensible. But if we peel
15 back the layers of the onion, murder is a simple thing.
16 It is one human being eliminating the life of another.

17 And in Winnipeg, there are a number of
18 family members, a number of survivors, who are banding
19 together today to watch what happens, who have been
20 watching for the last two years, the path and the roadway
21 of the National Inquiry, because as we heard at the very
22 beginning of this day murder results in silence. And it's
23 not a minute of silence, it is a silence that goes on
24 forever. It is a silence that keeps from you your mother,
25 your children, your sister, your grandmother.

1 And the families and survivors behind me
2 and in Winnipeg are here to speak to that silence because
3 that silence is hopefully going to be addressed by the
4 National Inquiry. That silence has gone on for 150 years.
5 That silence has affected the community in Winnipeg, the
6 communities across this country. That silence is
7 reflected in the children's faces who look for their
8 mothers and find silence. That silence is reflected
9 because their mothers, their sisters, their daughters, are
10 Indigenous.

11 And in Manitoba, we have been described by
12 various Ministers of government as the "epicentre" of this
13 particular issue, if you can call murdered women an issue,
14 if you can call murdered girls an issue, if you can call
15 murdered and missing children an issue.

16 We are not here today or for this week for
17 an issue. We are here to let Canada know what we all know
18 in this room. The purpose of the National Inquiry, among
19 many other things, is to create a public record, a public
20 record which will identify 150 years of oppression against
21 one section of Canada, and that is Indigenous people.

22 There are international rights that Canada
23 has signed up for which protect all people, who talk about
24 the human family and the need for equality. And today is
25 December the 10th. December the 10th, 1948 was the date

1 that the United Nations Declaration on Human Rights was
2 proclaimed in another national city, this time in Paris.
3 And that proclamation was the result of a number of United
4 Nations determining that after two world wars, enough was
5 enough. And that declaration was their intention to end
6 violence.

7 How does that affect Indigenous women and
8 girls? It affects them in this way. I'll draw your
9 attention to the picture on the screen. Those children
10 are touching the grave marker of their mother. Those
11 children lost the chance to have a parent show them what
12 being a mother was about. The young woman in the grave
13 died too young. She died because of violence. And we are
14 here today in the nation's capital to accept our
15 responsibility and our role, moving forward.

16 Those children deserve a mother. All
17 Indigenous women, all Indigenous girls deserve to live a
18 life in Canada like every other Canadian, but it has not
19 happened.

20 We have to consider, as part of our
21 journey, why that hasn't happened. We have to consider
22 political will and what role, if any, that plays in why we
23 are here today. We have to consider what action is
24 required and how we can implement the laws and the
25 policies, internationally, nationally, provincially, or

1 otherwise, which will result in a review of the laws and
2 legislation in Canada which will provide accountability
3 for those children.

4 They have not read the United Nations
5 Treaty on Indigenous rights, but they have felt the hands
6 of their mother and they have felt the loss of their
7 mother.

8 With me today is Ms. Anderson's sister who
9 you've heard as part of the community hearings who spoke
10 to the National Inquiry.

11 What she said is that,

12 "My sister Dawn was the youngest and I
13 just wanted to share a little bit of
14 who I am."

15 She stated,

16 "I am a very strong Indigenous woman
17 and I work hard. I work hard at
18 trying to change the pathway for us.

19 "I come from a very strong family who
20 is deeply rooted in their culture and
21 their language. It is very difficult
22 for us to share our truth, but it is
23 also important for us to share our
24 truth.

25 "We come from a family of 11 and now

1 we have 10 after losing my sister.
2 We're very protective of one another
3 in our family and we're also very
4 supportive and we grew up a lot.
5 "We grew up most of our childhoods
6 living off the land. My father was a
7 commercial fisherman and a trapper,
8 and that taught us as a people and as
9 a family, survival.
10 "And I feel I know that when we're
11 gathered here today, we're gathered
12 here in strength for one another and
13 also, you know, to create a pathway
14 for change for Indigenous women and
15 girls across this country."

16 A pathway for change does not come from
17 laws, it comes from political will.

18 Before this Inquiry started, the research
19 team of the National Inquiry compiled a master list of
20 previous recommendation organized by 17 different themes
21 on why Indigenous women and children are not respected, on
22 why Indigenous women and girls are murdered and missing.
23 This master list comprised 1,200 recommendations. Do we
24 need 1,200 recommendations to accept that murdered women
25 is a concept that Canadians will not abide for? Do we

1 need 1,200 recommendations or do we just need this:
2 children who will go home tonight and find family, yes,
3 because Indigenous people are resilient and Indigenous
4 people gather around each other and hold each other up.
5 And these children are the leaders of tomorrow, but it
6 also true that these children have no mother, and that is
7 our responsibility, for these children, for all children,
8 and in particular, for Indigenous children.

9 There are international laws that say that
10 everyone is created equal. That was the purpose of the
11 United Nations Declaration of Rights. Specifically, in
12 that declaration, it stated that everyone is equal no
13 matter what the race.

14 That declaration was followed up, as if we
15 needed it, by another declaration by the United Nations,
16 saying, in particular, Indigenous people have collective
17 rights, have individual rights to language, to culture, to
18 freedom, to education. These children are what we mean by
19 that declaration.

20 Yes, we have laws; yes, we have policies;
21 yes, we have commissions and reports and parliamentary
22 committees and truth and reconciliation proposals and
23 inquiries, but we do not have the one thing that we need,
24 which is justice. Justice for those children and all
25 Indigenous children, women and girls in this country.

1 It's not hard to do to be just, but it
2 becomes complicated, as I said at the beginning.

3 We have the *Charter of Rights*, which
4 appears to give equal rights to every person in Canada, no
5 matter what, and yet in Winnipeg today, while I am
6 speaking, an Indigenous girl will go into the Health
7 Sciences Centre, she will be young, she will be poor, she
8 will have a baby, and because she is Indigenous her baby
9 will be apprehended. Not because she is poor. Not
10 because she is young. But because she is Indigenous.

11 And 150 years ago, it was determined by the
12 Europeans who came to this country that Indigenous people
13 were not the same, would not be treated the same, would
14 never be treated the same. A 150 years is many
15 generations. There have been many reports and many
16 inquests, and many children who stand at the grave of
17 their mothers or their sisters waiting for justice.

18 Justice is a simple thing. Justice means
19 one human being holding their hand out to another and
20 saying come with me. Not what is the law on any
21 particular thing, it is an emotion. Come with me. Let's
22 do this together.

23 That's what we are asking Canadians to hear
24 this morning. Let us do this together because if you do
25 not protect that young Indigenous girl with the newborn

1 baby, they will come for yours. Because justice and
2 injustice has a way of coming around, and if we do not
3 protect the vulnerable then everyone is at risk.

4 But I'm not here this morning to threaten.
5 I don't think Canadians need to be threatened. I think
6 Canadians, as a result of this National Inquiry, will have
7 a public record, a public record that shows them, without
8 exception, that systemic racism exists in Canada, in the
9 child welfare system, in the police system, in the courts
10 system. That these systems which were created to protect
11 have done the opposite. That the police we look to for
12 support and protection are in fact secret societies that
13 have their own rules when it comes to Indigenous peoples.

14 It was the police who decided in the case
15 of this young woman who was murdered that she wasn't
16 murdered. Tell that to her children. Tell that to her 10
17 siblings.

18 Political will. We have laws. My
19 colleague from -- the last speaker very adroitly and with
20 great precision told you what the law is. What do you
21 know the law is? The law is that we should be just to one
22 another. And if you need to write that down, then you're
23 in trouble, because by writing it down someone will say
24 you didn't write it down the right way. And these
25 children are the result.

1 And maybe you will say well how does an
2 international law, how does a *Charter of Rights* at the
3 national level affect these children. Well quite simply,
4 these children before they were born, before their parents
5 were born, before their grandfathers, and grandparents
6 were born, lost their land. Not lost it, but settlers
7 came to this country and took it by treaty, sometimes by
8 treaty, sometimes not. And for 150 years, these children
9 have suffered, and children like them.

10 Because if you have no land then you have
11 no home, and if you have no home, you have nothing,
12 because you cannot get past the fact that you have no
13 home. If you have no home you have no family. If you
14 have no family then you have nothing.

15 This Inquiry is not about the law. This
16 Inquiry, in part, is about political will. There are
17 laws. There are reports. We know what to do and we know
18 how to do it.

19 What is political will? How does one
20 harness this if the state has a statutory duty to
21 recognize Indigenous self-determination what happens if
22 that duty is breached?

23 Well, what happens is that every Canadian
24 who goes out into the world and says "Look, I am from
25 Canada. We are a just nation. We are an example to the

1 world of what democracy is.”

2 If our own government is unable to
3 recognize the rights of Indigenous people in our own
4 country then the average Canadian who believes that we are
5 a just and free society is wrong, and this may be the
6 first time in 150 years that they've heard why this is
7 wrong.

8 I suspect that there are many, many
9 Canadians, and in particular many people in government, in
10 federal government, in provincial governments, in
11 municipal governments who know what they're doing is
12 wrong, who have picked up the bodies of murdered women and
13 said somehow the fault lies with them because they are
14 poor, because of their lifestyle, because they are
15 Indigenous.

16 Why does Canada use the language of double-
17 speak to use as a political weapon against women and
18 children? They announce support for Indigenous self-
19 determination on the one hand and on the other they take
20 it back or deny it completely. They say to LGBTQ2
21 spirited people you don't matter the law doesn't apply
22 somehow to you.

23 Government funding is provided in minutiae
24 for problems in society that are monumental because they
25 won't let go. That's what Ellen Gabriel said, they won't

1 let go. She said so if it's about political will and if
2 the leaders of this nation are only looking on the next
3 election then we will once again be at the bottom of their
4 priorities, and so she suggested the way of
5 implementation, in her view, was to sue.

6 I've listened to the questions of the
7 Commissioners. They want to know what they can do to help
8 this along. Well this is an attitude, an attitude that
9 can be changed through education; that can be changed
10 through community-based organizations that go out into the
11 world and show each other and other Canadians what justice
12 is, but we need to start now.

13 On February the 1st 2018 the Canadian Human
14 Rights Tribunal Commission for the fifth time found Canada
15 to be racially discriminatory in its treatment of
16 Indigenous peoples. This ground-breaking decision and the
17 five non-compliance orders has garnered lukewarm
18 journalistic response.

19 Why is it that Canada can be found not
20 once, not twice, not three times, but five times to be
21 racially discriminatory to Indigenous people -- children -
22 - not people, children in Canada, and nothing happens?
23 Where is the political will? Where is Canadians horror of
24 who we are? After today there is once again a public
25 record and we must call on Canadians to protect these

1 children, to bring their mothers, who are missing, home.

2 We have heard on February the 8th, 2018,
3 seven days after Canada was found to be, in essence, in
4 contempt of its duty not to be racially discriminatory
5 against Indigenous people, the federal government endorsed
6 the United Nations Declaration on the rights of Indigenous
7 people. What happened in a week? Nothing. You cannot
8 endorse a right unless you believe it, and if you believe
9 in something then it happens.

10 You cannot, as the federal government,
11 endorse a declaration without something inherent, and that
12 something inherent is justice.

13 We have the opportunity, yet again, to
14 permit the federal government, to permit the Manitoba
15 government -- because that is where I am from -- to do the
16 right thing. It's a small thing really. It's a
17 permission to Indigenous children to be like all other
18 children, to go to school, to go to the hospital and be
19 born without the threat of apprehension, to have medical
20 services, to have access to land and cultural resources.
21 It's not a big thing really.

22 And your job I don't envy, because how do
23 you create political will if it's not really there.

24 No ministers came to this inquiry. No
25 ministers of the government sat here and dialogued with

1 the Commissioners about what they should do. Why would
2 they? The very first thing that you do in reaching an
3 understanding is listening. And the way to listen is to
4 come and hear the evidence. The evidence here is
5 overwhelming that in every system in this land, education,
6 child welfare, medicine, land resource, language,
7 Indigenous people are betrayed again and again by their
8 own governments.

9 For what reason? Why do you take away the
10 rights of the child? What reason is there that can take
11 away the right of a child to have a normal life? That is
12 my question, but it is the federal government's obligation
13 to answer that question. And with your assistance,
14 perhaps they will provide the political will that is
15 necessary to move forward.

16 How do you do that? You sue them. How
17 often do you do that? Every day. Who sues them? Every
18 political organization in this country, every NGO and
19 community-based organization in this country, every
20 individual, every guardian of every child, has got to take
21 a step forward together or individually to protect each
22 other, because the federal government, the Manitoba
23 government, is not protecting them, as is their duty.

24 And so I hope that the National Inquiry
25 will be able to create, in this government -- who may or

1 may not be listening because they're not here in person --
2 accountability and responsibility. We teach these things
3 to our children, how to be accountable, how to be
4 responsible. It's not a difficult concept because you
5 teach your children those things.

6 One more murdered and missing Aboriginal
7 woman is too many. The time for recommendations is over.
8 The time for recommendations has left us. Now is the time
9 for implementation. And as we go forward, the Manitoba
10 Coalition of Murdered and Missing Indigenous Women and
11 Girls will go forward with the National Inquiry.

12 And to those families and survivors
13 watching in Winnipeg, I hope I have explained your
14 position on your behalf, but I have not brought back your
15 mothers, your sisters, your daughters. But perhaps the
16 survivors and the families can protect or stop, at least,
17 the next murder, the next missing person. Thank you.

18 **...(APPLAUSE/APPLAUDISSEMENTS)**

19 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
20 Dunn.

21 Do the Commissioners have questions for Ms.
22 Dunn?

23 **COMMISSIONER BRIAN EYOLFSON:** Thank you
24 very much, Ms. Dunn, for your submissions. I was really
25 interested in what you had to say about political will,

1 and I just have maybe a general follow-up question related
2 to that.

3 Do you have any thoughts, recommendations,
4 about -- in terms of shifting or moving political will,
5 the involvement of the attitudes of all Canadians and how
6 to affect that or improve that? I know you referred to
7 education, for example. I was wondering if that's what
8 you were talking about or if you could expand on that a
9 bit?

10 **MS. CATHERINE DUNN:** Yeah. I think that's
11 the beginning, but if it -- the education of the average
12 Canadian about what has happened over this last 150 years
13 has been minimal thus far. And hopefully, when it is
14 explained to the average Canadian what happened here over
15 the last 150 years, that is a beginning.

16 But I think it's simpler than that. We are
17 all human beings and we all have to accept each other.
18 You can't go to school to do that. You have to simply do
19 it.

20 **COMMISSIONER BRIAN EYOLFSON:** Thank you.

21 I just want to acknowledge your clients who
22 are here as well and those that may be back at home
23 watching. Thank you.

24 **COMMISSIONER QAJAQ ROBINSON:** I don't have
25 questions. I thank you for your submissions and I look

1 forward to the written submissions which I trust will
2 expand on this issue of harnessing political will.

3 I have said it in my closing and opening
4 remarks that we really have to start recognizing that this
5 is not an Indigenous problem, this is a Canadian -- it's
6 Canada's problem.

7 So I thank you for that.

8 I also want to acknowledge the amazing
9 women behind you, Sandra, Hilda, Geri (phonetic), Coralee
10 (phonetic), Thelma, and Leslie, and the families in
11 Winnipeg, and the survivors.

12 You've kept our feet to the fire. Thank
13 you. And we speak of accountability and keeping the heart
14 of this Inquiry focused, and your clients have been
15 instrumental for me -- I'll speak personally -- staying
16 focused. So thank you.

17 **CHIEF COMMISSIONER MARION BULLER:** I have
18 just one question. Would you like the photograph marked
19 as an exhibit?

20 **MS. CATHERINE DUNN:** Yes, please.

21 **CHIEF COMMISSIONER MARION BULLER:** Okay.
22 Just so we have the record clearly, could we have the
23 names of the two young girls, please?

24 **MS. CATHERINE DUNN:** Erin Anderson Bruce
25 and Tamica Anderson Bruce. Tamica is T-a-m-i-c-a.

1 **CHIEF COMMISSIONER MARION BULLER:** Thank
2 you. That will be Exhibit 1.

3 **MS. CATHERINE DUNN:** Thank you.

4 **--- EXHIBIT NO./PIÈCE NO.1:**

5 Colour digital image of Erin Anderson
6 Bruce and Tamica Anderson Bruce
7 leaning on their mother's headstone
8 Submitted by: Catherine Dunn, Counsel
9 for MMIWG Manitoba Coalition

10 **CHIEF COMMISSIONER MARION BULLER:** And Ms.
11 Dunn, thank you very much for your very moving
12 submissions. And to the women who are behind you and
13 listening in Winnipeg, thank you. It has been an honour
14 and a pleasure to work with you. Thank you.

15 **MS. CATHERINE DUNN:** Thank you very much.

16 **...(APPLAUSE/APPLAUDISSEMENTS)**

17 **MS. CHRISTA BIG CANOE:** Chief Commissioner,
18 I will be requesting a break, but just one point of
19 housekeeping. I just want to remind any of the Parties
20 with Standing or Public in the room that we actually do
21 have translators in the room and we do have the headsets,
22 so some of our parties today may be making submissions in
23 French too, so after the break, you may want to ensure you
24 sign out a headset.

25 And I am going to request but follow your

1 direction on whether we have a 15 or a 20-minute break.

2 **CHIEF COMMISSIONER MARION BULLER:** A 15,
3 please.

4 **MS. CHRISTA BIG CANOE:** Thank you.

5

6 -- Upon recessing at 10:53 a.m./ L'audience est suspendue
7 à 10h53

8 --- Upon resuming at 11:16 a.m. /L'audience est reprise à
9 11h16

10 **MS. CHRISTA BIG CANOE:** If we could get
11 started again, we are a little bit behind schedule, so if
12 we could just keep the flow moving that would be helpful.

13 The next party that we would like to invite
14 up is the Native Women's Association of Quebec. Maître
15 Rainbow Miller will be presenting on behalf of the Native
16 Women's Association of Quebec. And I understand she'll be
17 doing it en français, in French.

18 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR ME RAINBOW**

19 **MILLER:**

20 **Me RAINBOW MILLER:** Bonjour, Mesdames et
21 Messieurs les commissaires. Me Rainbow Miller pour Femmes
22 autochtones du Québec. J'aimerais juste vous indiquer que
23 ça va être Mme Viviane Michel, présidente de Femmes
24 autochtones du Québec qui va commencer les présentations
25 et aussi faire les introductions et également vous

1 expliquer certaines recommandations que nous vous avons
2 envoyées vendredi dernier.

3 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MME VIVIANE**

4 **MICHEL:**

5 **MME VIVIANE MICHEL:** (Langue autochtone
6 parlée)

7 Est-ce qu'on a eu la traduction? Non, pas
8 encore? Bonjour tout le monde! Je me permets toujours de
9 remercier le Créateur, je me donne toujours ce droit et je
10 lui demande de me guider, justement, dans ce que j'ai à
11 vous présenter.

12 Évidemment, c'est important aussi de
13 souligner le territoire où on dépose les pieds. Je
14 remercie la nation Anishnabe de nous accueillir dans son
15 vaste territoire non cédé.

16 Je vous salue, Mesdames et Messieurs le
17 commissaires ; je salue Michèle qui est, je pense, via le
18 FaceTime ou quelque chose comme ça. Et j'honore les
19 femmes, j'honore les familles. Et un grand merci aussi au
20 cercle d'Echocom (phon.), qui sont présentes avec nous, en
21 plus des objets sacrés présents aussi qui vont nous aider
22 à passer dans ce passage.

23 Évidemment, j'ai besoin de faire un bref
24 historique quand on parle de violence faite aux femmes,
25 l'importance, justement, de toucher des points. On parle

1 de racisme qui est flagrant, un flagrant problème. La
2 théorie de la supériorité raciale, qui a justifié la
3 colonisation agressive en Amérique et dans les autres pays
4 qui ont été colonisés et nous en faisons partie.

5 Est-ce qu'il reste des traces de ce racisme
6 au Canada? Oui, évidemment ; on voit tout l'héritage de la
7 colonisation qui nous a été retransmis et qui est encore
8 exercé en 2018. Elle est omniprésente. Ce racisme est ce
9 qui justifie les attitudes déshumanisantes envers les
10 femmes autochtones, ce qui alimente les attitudes
11 paternalistes envers nous, les autochtones.

12 Nous devons lutter contre ce type de
13 racisme afin de protéger nos femmes autochtones. Nous
14 devons éradier (sic) toute trace de ces théories qui
15 justifient la supériorité raciale dans nos cursus
16 scolaires et des services publics. Il serait important
17 qu'il y ait une évaluation des théories pour cibler celles
18 qui peuvent être utilisées pour justifier le sentiment de
19 supériorité.

20 Le préambule du projet de loi de Roméo
21 Saganash, il est écrit que toutes les doctrines politiques
22 et pratiques qui invoquent ou prônent la supériorité des
23 peuples ou d'individus en se fondant sur des différences
24 d'ordre national, racial, religieux, ethnique ou culturel
25 sont racistes, scientifiquement fausses, juridiquement

1 sans valeur, moralement condamnables et socialement
2 injustes.

3 Au Québec, lorsqu'on parle justement de
4 violence faite aux femmes et aux jeunes filles, en 2015,
5 un petit rappel, en 2015, il y a des femmes qui ont
6 dénoncé la Sûreté du Québec sur la brutalité policière
7 exercée sur elles. On parle d'agressions physiques,
8 sexuelles, purges géographiques, harcèlement et
9 intimidation. Ce sont des formes qui sont inacceptables,
10 surtout venant d'une entité qui devrait protéger le
11 citoyen et sécuriser le citoyen, dont nous en font partie.

12 On a vu le port du bracelet rouge par la
13 Sûreté du Québec, soutien aux pauvres policiers. Et on
14 peut voir, encore une fois, l'agresseur qui devient
15 victime ; encore, cette autre forme qui continue encore.

16 Femmes autochtones du Québec a bel et bien
17 exprimé que ce sont des formes d'intimidations et on l'a
18 exprimé à la Commission Viens. 37 plaintes, deux retenues
19 et on peut voir que la Sûreté du Québec a été épargnée au
20 niveau criminel. Et les raisons de cet épargnement, c'est
21 vraiment des causes syndicales : l'État ne veut pas être
22 confronté au processus de négociations syndicales.
23 D'ailleurs, les bracelets rouges ont été enlevés après une
24 entente avec le syndicat ; évidemment, on voit encore, ça
25 nous prouve encore que le gouvernement n'a pas envie

1 d'être en guerre ou d'être mêlé dans ce processus de
2 syndicats.

3 Les femmes autochtones ont hérité d'une
4 discrédibilité (sic) de leur personne et je pense qu'en
5 tant que victimes, on n'a pas à subir ce genre de
6 processus.

7 Pour combattre le racisme, premièrement,
8 éradier (sic) les services publics et du cursus scolaire
9 les théories qui prônent la supériorité raciale, tel que
10 mentionné dans le projet de loi de Roméo
11 Saganash C.2.2.6.2.

12 Secondement, l'importance de l'éducation
13 des Canadiens sur l'effet du colonialisme. Troisièmement,
14 l'éducation populaire, la responsabilité des médias de ne
15 pas véhiculer une image sexuée ou stéréotypée des femmes
16 autochtones. Les effets dévastateurs de la colonisation,
17 la discrimination des femmes autochtones dans la *Loi sur*
18 *les Indiens*, elle est tellement flagrante! Violence
19 structurelle, institutionnelle et systémique y est
20 présente, encore aujourd'hui.

21 Dans les recommandations, pour réparer
22 l'effet de la colonisation, quatrièmement, intégration
23 dans la législation des droits énumérés à la Déclaration
24 des Nations Unies sur les peuples autochtones, financement
25 des projets qui s'inscrivent dans l'esprit de la

1 Déclaration.

2 Cinquièmement, que le Gouvernement du
3 Québec et du Canada reconnaît le droit des peuples
4 autochtones à l'autodétermination et qu'il s'engage à
5 accompagner graduellement les Premières Nations vers
6 l'autonomie gouvernementale - sans doute un rêve encore!

7 Sixièmement, un système de justice
8 autochtone ; création de comités de travail pour rétablir
9 les droits autochtones traditionnels.

10 Septièmement, une Commission d'enquête pour
11 les enfants autochtones disparus au Québec. On pourrait
12 prendre exemple sur Me Arsenault qui est vraiment dedans
13 présentement.

14 Les hommes qui veulent agresser une femme
15 savent que les femmes ne sont pas protégées par le
16 système. C'est ce qui met les femmes à risque des pires
17 prédateurs ou des assassins. Je dis toujours que c'est une
18 porte ouverte à une violence gratuite où nous, les femmes
19 autochtones, sommes les meilleures cibles.

20 Dans les violences faites aux femmes, les
21 violences sexuelles, les violences intergénérationnelles,
22 les femmes autochtones disparues et assassinées, le projet
23 de recherche que Femmes autochtones du Québec a fait, dont
24 *Debout et solidaires*, déposé devant vous, une recherche
25 qualitative avec les familles et les familles des filles

1 et des femmes autochtones disparues, leur expérience avec
2 les services publics, expérience des travailleurs terrain,
3 leur expérience avec les services publics.

4 Notre conclusion? La discrimination quasi
5 systémique que subissent les femmes autochtones de la part
6 des institutions et en particulier des policiers. Les
7 familles se butent à des policiers qui sont trop souvent...
8 ne leur transmettent pas d'information, démontrant peu
9 d'intérêt pour la piste poursuite de l'enquête ou refuse
10 de coopérer avec elles. Désintéressement généralisé des
11 violences faites aux femmes autochtones.

12 Pour cesser le cycle de violence, que le
13 Gouvernement du Québec et du Canada se mobilisent pour
14 travailler en coopération à un plan national et provincial
15 pour éradier (sic) toute forme de violence envers les
16 femmes autochtones.

17 Des centres d'hébergement adaptés aux
18 réalités autochtones, des centres d'hébergement adaptés
19 aux réalités autochtones. A) financement de base accrues
20 pour les maisons des gens implantés, B) une maison
21 d'hébergement par communauté ou plus, des maisons
22 d'hébergement de deuxième étape, des « hut shelters » dans
23 les villes, établir des protocoles d'entente inter-
24 organisations entre les maisons d'hébergement autochtones
25 et allochtones avec les policiers et les services sociaux,

1 de la protection de la jeunesse et à toutes les ressources
2 susceptibles à travailler en violence conjugale et
3 familiale.

4 Onze (11), ressources 24 heures sur 7 jours
5 pour les femmes en difficultés. On parle d'itinérance
6 dans la prostitution, et cetera. On a d'autres modèles
7 évidemment.

8 Douze (12), ressources pour de l'aide au
9 transport aux femmes autochtones en ville ou à l'extérieur
10 de... ou à l'intérieur de la ville, évidemment.

11 Treize (13), centre de guérison de traumatismes
12 locaux et régionaux. On parle de cliniques de trauma. Je
13 pense que je vous en avais déjà parlé, Madame la
14 Commissaire en chef, depuis le début de l'enquête
15 nationale on entend que des traumatismes n'ont jamais été
16 travaillé, d'où l'importance d'avoir une clinique de
17 trauma.

18 La mise en œuvre d'un plan d'action et
19 solutions émanant du forum des Premières Nations sur les
20 agressions sexuelles présidé par femmes autochtones du
21 Québec et la Commission de santé et services sociaux des
22 Premières Nations Québec - Labrador, déposés devant vous
23 évidemment.

24 Reconnaissance par le gouvernement du rôle
25 qu'occupe la médecine traditionnelle, les aidants naturels

1 et les aînés dans leurs soins psychosociaux.

2 Prévention et implémentation de maisons de
3 guérison pour les hommes et les femmes, plus les enfants.

4 Financement de projet et de sensibilisation
5 pour les communautés sur les agressions sexuelles et les
6 risques d'exploitation sexuelle pour les jeunes filles.

7 Que le gouvernement reconnaisse la
8 corrélation entre l'augmentation de la violence faite aux
9 femmes autochtones et l'exploitation des ressources
10 naturelles.

11 Que les permis d'exploitation naturelle
12 soient attribués sous condition qu'il y ait des
13 subventions pour le logement à prix modique pour les
14 femmes autochtones et des centres d'aide aux femmes
15 autochtones.

16 Évidemment Femmes Autochtones du Québec
17 n'est pas en accord avec l'exploitation de nos ressources
18 naturelles, mais on avait déposé... on fait référence,
19 justement, au mémoire sur l'exploitation sexuelle qu'on
20 vous a soumi encore, où est-ce qu'on va parler des impacts
21 que cela amène lorsqu'y'a le... les dévastateurs de notre
22 environnement soient présents dans nos territoires.

23 Qu'un financement accru et récurant soit
24 octroyé au programme Ishikawa(phon.) de Montréal où ils
25 élaborent des kits de bienvenue pour les filles et femmes

1 autochtones qui arrivent dans des villes où elles sont à
2 risque d'être recrutées par les proxénètes.

3 Protocole d'entente en cas de disparition
4 de femmes comme celui du SPVM à étendre aux autres corps
5 de police un peu partout au Québec.

6 Que le gouvernement fédéral donne son appui
7 au projet de Loi S-215 de la Sénatrice Lillian Dyck. Il
8 s'agit d'un projet de loi modifiant le Code Criminel, qui
9 obligerait un tribunal lorsqu'il impose une peine pour
10 certaines infractions violentes à considérer le fait que
11 la victime est une femme autochtone comme une constance
12 aggravante.

13 Plusieurs provinces canadiennes se sont
14 dotées d'une loi sur les personnes disparues en lien avec
15 la recommandation du rapport de la Commission Opale.

16 Nous recommandons que le Québec se dote
17 d'une telle loi, afin de faciliter les enquêtes dans les
18 cas des personnes disparues au Québec.

19 Recommandations des familles debout et
20 solidaire. Il y a un besoin urgent supplémentaire en
21 milieu policier sur la question des femmes autochtones
22 disparues et assassinées, que ça soit au sein des corps
23 policiers ou québécois; à la page 52.

24 Les familles se sont senties abandonnées,
25 sans avoir eu l'occasion de raconter leur histoire ou de

1 partager leur vécu. La possibilité de rencontrer d'autres
2 familles ayant partagées les mêmes expériences et qui
3 peuvent réellement comprendre leur situation est
4 bénéfique. Ça c'est à la page 54.

5 Évidemment, en annexe, que nous allons
6 déposer, la continuation des rassemblements des familles
7 est vraiment importante pour leur propre processus de
8 guérison et les outiller, évidemment, en terme juridique.

9 Et, dans ce même processus, continuation
10 des rassemblements des femmes qui ont dénoncées la
11 brutalité policière, évidemment dans le même processus
12 pour le soutien et le processus aussi de guérison.

13 Je vais céder la parole à notre avocate
14 Rainbow, qui va toucher l'aspect juridique.

15 **Mme RAINBOW MILLER:** Bonjour. Comme vous
16 pouvez voir, messieurs et mesdames les commissaires, nous
17 avons fait des recommandations qui sont vraiment pratiques
18 étant donné que cette violence là et la disparition des
19 femmes touche spécifiquement les femmes autochtones du
20 Québec, donc nous voulions vous donner des recommandations
21 vraiment pratiques.

22 Et je vais parler maintenant sur le système
23 de justice et aussi sur la police. Comme vous allez... je
24 n'ai pas encore déposé notre mémoire écrit. Par contre,
25 vous avez reçu en fin de semaine des demandes en vertu de

1 l'Article 33 pour déposer certains documents.

2 Et on a aussi demandé de déposer des
3 transcriptions de la preuve qui était entendue devant la
4 Commission Viens, qui pour nous c'est important que cette
5 preuve-là soit déposée devant vous étant donné que ça
6 démontre tout le climat et toutes les représailles qui ont
7 été faites à Val-d'Or lorsque les femmes ont décidé de
8 dénoncer. Y'a des preuves concrètes qui démontrent que
9 les policiers de la SQ du Poste 144 ont fait des
10 représailles aux femmes.

11 Par exemple, il y a un cas où une dame elle
12 a fait une plainte et par la suite elle a été... elle
13 disait qu'elle se faisait harceler par la police et ça l'a
14 été effectivement prouvé par les policiers qui ont fait
15 l'enquête qu'elle a été journalisée trois fois plus.

16 La « journalisation » ce que ça veut dire
17 c'est qu'il vérifie dans l'ordinateur puis ils cherchent
18 là de voir si elle est... elle a un mandat contre elle.

19 Excusez-moi, je vais parler plus... moins
20 rapidement. Donc ces événements-là ont été démontré
21 devant la Commission Viens et aussi des cas où on a pu... où
22 est-ce qu'y'a eu une enquête, par exemple, et ça va... ce
23 dossier-là va se retrouver dans le mémoire écrit.

24 Il y a un policier à Kawawachikamach qui
25 faisait de la brutalité policière. Il a même mis une

1 laisse de chien sur un individu autochtone.

2 Y'a des gens qui se sont plaints. Ça l'a
3 pris une reporteuse(sic)... cela a pris un... le fait
4 qu'une journaliste appelle et se déplace sur place pour
5 qu'il y ait réellement un changement. Pour que quelque
6 chose se fasse.

7 Et par la suite lorsque on regarde les
8 dossiers d'enquête, on réalise que ce même policier là
9 s'est retrouvé à Maniwaki et a brisé les jambes d'une
10 femme.

11 Et lorsqu'on fait l'enquête encore plus
12 profondément, la Commission Viens a demandé à la
13 déontologie policière de savoir si cet individu-là - ce
14 policier-là - avait fait l'objet de plaintes. Il avait
15 fait l'objet de 10 plaintes en déontologie et celui-ci
16 continuait à servir dans des communautés autochtones, où
17 il a des femmes autochtones, comme vous le savez, qui
18 vivent une situation avec les policiers. Ils peuvent
19 vivre de la brutalité, de l'intimidation.

20 Donc ces cas-là particuliers devant la
21 Commission Viens ont démontré que les systèmes en place
22 pour protéger les femmes autochtones et le public en
23 général ne fonctionne pas. Elles sont comme une passoire.

24 Si il y a un policier qui fait ce genre
25 d'acte et qui fait l'objet de plusieurs plaintes et qui

1 continue de travailler c'est un cas vraiment important
2 pour nous, parce qu'il démontre spécifiquement les
3 problèmes au niveau de ces mécanismes-là.

4 Donc effectivement on a fait des
5 recommandations pour que les mécanismes de plaintes soient
6 beaucoup plus robustes comme l'organisme des Nations
7 Unies, le CIDA, lorsqu'ils évaluaient la question des
8 femmes autochtones disparues et assassinées. Ils disaient
9 l'importance que... pour que les femmes autochtones puissent
10 avoir confiance au système de justice, au système de... aux
11 services policiers, il faut que les... mécanismes de
12 protection du public soient beaucoup plus robustes - c'est
13 le terme qu'ils utilisent.

14 Donc, dans les recommandations, je vais
15 commencer par la police. Ce que nous recommandons,
16 Mesdames et Messieurs les commissaires est qu'il y ait,
17 premièrement... que le Ministère de la Sécurité publique -
18 ça, c'est à la recommandation 30 - que le Ministre de la
19 Sécurité publique reconnaisse, premièrement, qu'il y a de
20 la discrimination systémique envers les femmes autochtones
21 au sein de ses services, que le Ministère de la Sécurité
22 publique doit mettre en place des mesures drastiques pour
23 s'assurer de l'efficacité des mécanismes de protection du
24 public et aussi effectuer des réformes si nécessaires afin
25 de lutter contre l'impunité.

1 Je vous ai envoyé, Mesdames et Messieurs
2 les commissaires, je crois samedi, des extraits de la *Loi*
3 *sur la police*, je suis désolée, ils sont en français, mais
4 ils peuvent être obtenus en anglais. Et il y a un article
5 dans cette loi qui est l'article 260 ; j'ai posé des
6 questions à la SQ à Régina sur cet article-là.
7 L'article 260 est un article qui... c'est un mécanisme
8 interne dans la Loi qui oblige un policier, lorsqu'il voit
9 qu'il y a un acte criminel ou déontologique qui est commis
10 par un confrère, de dénoncer son confrère. Et c'est un
11 mécanisme qui, sur papier, ça paraît bien : ah, il y a un
12 mécanisme dans la loi qui fait qui fait que les policiers
13 doivent dénoncer. Mais dans la réalité, ce mécanisme-là ne
14 fonctionne pas toujours.

15 Par exemple, devant la Commission Viens,
16 nous avons demandé au chef de police Jean-Pierre
17 Pelletier, qui était le chef du poste 144, qui était le
18 poste qui était écrit sur le bracelet rouge, on lui a
19 demandé : « Pendant que vous étiez là... » -il était là,
20 lui, il était chef de police de 2010 à 2015- « ... est-ce
21 qu'il y a un policier qui a fait une dénonciation en vertu
22 de l'article 260 à votre poste, pendant que vous étiez
23 chef? » et il nous a répondu que non.

24 Donc, effectivement, cela démontre que
25 c'était un poste de police où la preuve a démontré du

1 profilage racial, de la discrimination systématique, des
2 abus policiers envers des femmes et ce sont tous des actes
3 qui auraient dû être dénoncés en vertu de cet article-là
4 et ça n'a pas été fait.

5 Donc, ce que nous demandons, c'est que cet
6 article-là soit respecté. Il devrait y avoir aussi un
7 amendement au Code de déontologie et au Code de discipline
8 pour inclure l'obligation de dénonciation et que si un
9 policier ne dénonce pas, qu'il y ait une sanction.

10 Et que le Ministère de la Sécurité publique
11 exige qu'il y ait aussi des statistiques pour vérifier
12 l'efficacité de ce mécanisme afin d'identifier les postes
13 de police, justement, où il n'y en a pas. Parce qu'on
14 s'entend que les policiers, c'est comme la population
15 générale ; il y a tout le temps un pourcentage de gens qui
16 ne respectent pas les règles. Donc, s'il y a un poste de
17 police qui ne génère pas ce genre de plaintes là, il
18 faudrait qu'il soit analysé.

19 D'ailleurs, c'est l'une des questions que
20 j'avais posées au Capitaine Charbonneau, à Régina, je lui
21 ai dit : « Est-ce que ça ne serait pas bien qu'il y ait
22 des statistiques qui soient faites sur cet article-là? »
23 et il m'avait répondu que oui, effectivement.

24 De modifier la loi, aussi, afin d'augmenter
25 l'accessibilité des mécanismes de plaintes contre des

1 policiers et augmenter la représentativité des autochtones
2 dans des postes qui ont un pouvoir décisionnel.

3 Présentement, au Québec, il y a trois... si
4 une femme, par exemple, vit une situation soit un abus,
5 que ce soit, par exemple un abus sexuel ou un abus de
6 brutalité policière, elle a le premier choix, qui est de
7 faire une plainte au criminel. Mais comme on l'a vu,
8 d'après les dossiers de Val-d'Or, sur 37 dossiers, il n'y
9 en a seulement deux dont il y a eu la poursuite. Ce n'est
10 pas vraiment un mode qui fonctionne bien pour les femmes
11 autochtones qui, malheureusement, vivent tous les
12 stigmates qu'on retrouve partout ailleurs dans la
13 société, ils se retrouvent dans le système de justice.
14 Donc, c'est encore, comme on dit en bon québécois, la
15 pente est vraiment très haute à monter.

16 Le deuxième mécanisme, c'est de faire une
17 plainte en déontologie policière. Le comité de
18 déontologie, comment ça fonctionne, c'est que la personne
19 doit faire une plainte écrite, soit en français, soit en
20 anglais et ça ne peut pas se faire au téléphone, donc
21 effectivement, ce n'est pas du tout... c'est un mode de
22 fonctionnement qui n'est vraiment pas adapté à la réalité.
23 Il y a des femmes autochtones, encore plus si elles sont
24 dans une région éloignée et dans ce mode de processus de
25 plainte, le commissaire à la déontologie peut imposer la

1 conciliation.

2 Et la conciliation, c'est un principe de
3 base ; normalement, la conciliation doit se faire si les
4 pouvoirs, selon moi, sont égaux. Donc, dans une situation
5 où il y a une disproportion de pouvoir comme ça, c'est
6 imposer un fardeau à la plaignante qui est insurmontable
7 et si elle ne veut pas faire de la conciliation, si le
8 commissaire décide qu'il doit y avoir une conciliation,
9 elle doit s'opposer par écrit. Donc, qu'est-ce qui se
10 passe dans ce cas-là? Probablement qu'elle va juste
11 abandonner sa plainte.

12 Et l'autre processus, c'est le processus
13 interne de discipline interne et comme je vous l'ai
14 mentionné au début de ma présentation, il y a des cas
15 devant la Commission Viens qui ont démontré que ça ne
16 fonctionne pas, le processus interne. Par exemple, quand à
17 Régina, si vous vous rappelez, Jean Vicaire, qui est chef
18 de police du Lac-Simon, a témoigné devant vous qu'il y
19 avait eu... il y avait des femmes qui étaient allées faire
20 une plainte à leur chef et la chef était venue le voir et
21 elle lui a dit qu'il y avait des allégations, soit d'abus
22 sexuels ou abus physiques de la part de policiers de la
23 région de Val-d'Or, M. Jean Vicaire est allé voir son
24 supérieur et devant la Commission viens, on a posé des
25 questions à la SQ. Qu'est-ce qui s'est passé avec cette

1 plainte-là? Et je vous l'ai mis par écrit, mais Mesdames,
2 Messieurs les commissaires, j'ai fait référence à la
3 preuve : ils disent qu'ils n'ont pas de trace écrite.

4 Donc, il s'agit ici d'une plainte qui est
5 vraiment sérieuse et ça s'est comme perdu. Donc ça, ça
6 démontre à quel point le système interne ne fonctionne
7 pas.

8 C'est pour ça que... la raison que nous avons
9 fait recommandation, selon nous, premièrement, il faut
10 des... il doit y avoir des changements au niveau des
11 mécanismes de protection du public. Et nous suggérons
12 qu'il y ait la création d'un ordre professionnel pour les
13 policiers, pour redresser la qualité des services, tout en
14 permettant aussi aux plaintes du public de procéder sans
15 que les syndicats puissent avoir des pressions sur les
16 employeurs. Parce que ce que... la question de Val-d'Or a
17 démontré, c'est que, derrière, le syndicat exerçait
18 vraiment une grosse pression et c'est ce qui faisait en
19 sorte qu'il y a eu vraiment des luttes de pouvoir dans ce
20 cas-ci.

21 Et évidemment, ce que nous suggérons, c'est
22 une réforme de la déontologie policière. Et ce que je ne
23 vous ai pas dit, d'ailleurs, en parlant de la déontologie
24 policière, la prescription est d'un an. Et dans les cas,
25 par exemple, des femmes de Val-d'Or qui, si leur plainte

1 au criminel ne passait pas, leur recours en déontologie
2 était déjà prescrit. C'est un recours, une prescription
3 d'un an.

4 Donc, ce que nous suggérons, c'est de
5 l'étendre à trois ou même plus, mais en tout cas, je ne
6 sais pas si le gouvernement serait prêt à faire un recours
7 en déontologie sans prescription, mais il faut que ce
8 délai-là soit augmenté et aussi, que la conciliation soit
9 à la demande de la victime, que ça ne soit pas imposé.

10 Et au Québec, il y a un nouveau processus,
11 qui s'appelle le Bureau d'enquête indépendant. Il s'agit
12 d'un bureau qui a été créé à la demande de la société
13 civile afin qu'il y ait un bureau... que ça ne soit pas la
14 police qui enquête sur la police. Présentement, ce bureau
15 d'enquête là engage des civils, mais pour l'instant, ils
16 sont venus témoigner devant la Commission Viens, il y a
17 encore beaucoup d'anciens policiers qui sont les
18 enquêteurs qui forment les civils.

19 Donc, pour nous, au niveau de la
20 représentativité, c'est important, parce qu'on veut... si on
21 a demandé ce type de bureau là, c'est pour s'assurer que
22 ça ne soit pas la police qui enquête sur la police. Et,
23 depuis le 17 septembre 2018, toute plainte qui... d'une
24 personne autochtone qui veut faire une plainte contre un
25 policier -il faut spécifier que ça va être dans des cas où

1 ça va être un acte criminel - le BEI va enquêter ces... va
2 faire ces enquêtes criminelles.

3 Par contre, pour l'instant, ils n'ont pas
4 d'enquêteurs qui sont autochtones. Donc nous, pour nous,
5 c'est important qu'il y ait cette représentativité-là.

6 Également, on considère que les policiers
7 dans la région de Val-d'Or qui n'ont reçu aucune sanction
8 pour des actes criminels, pour nous, c'est important que
9 ces policiers qui ont fait des représailles et des
10 brutalités reçoivent une sanction importante pour envoyer
11 un message que les femmes autochtones sont protégées par
12 les policiers.

13 Nous voulons également faire des
14 recommandations au niveau du système de justice. Je ne
15 vous apprends rien quand je dis que le système de justice
16 n'est pas adapté pour les femmes autochtones.

17 Malheureusement, lorsqu'elles décident de dénoncer, le
18 système de justice, souvent, va revictimiser les femmes
19 autochtones et elles font face au racisme et aux
20 stéréotypes de la part des différents acteurs du système.
21 Pourtant, elles sont nombreuses à être judiciarisées et
22 elles sont surreprésentées dans les prisons au Québec.

23 Donc, on peut venir à la conclusion que
24 malgré la surjudiciarisation des membres des Premières
25 Nations, les crimes contre les femmes autochtones

1 perdurent et elles ne sont pas protégées par le système
2 actuel. Donc, nous avons fait des recommandations de
3 mesures pratiques qui pourraient être mises en place pour
4 créer un début de confiance, parce que les femmes
5 autochtones ne font pas confiance au système de justice.
6 Par ailleurs, comme vous le savez, elles font
7 malheureusement l'objet, souvent, d'agressions sexuelles
8 et pour la plupart, ne vont même pas décider de dénoncer
9 parce que le système n'est juste pas là pour elles.

10 Donc, ce que nous suggérons et que nous
11 aimerions que Messieurs et Mesdames les commissaires, que
12 vous puissiez faire comme recommandations, c'est qu'il y
13 ait une création d'une clinique d'aide juridique pour les
14 femmes autochtones au Québec. Présentement, premièrement,
15 il n'y a pas de clinique juridique pour les autochtones au
16 Québec, mais nous aimerions en avoir une spécifiquement
17 pour les femmes, parce qu'elles se retrouvent trop souvent
18 dans des positions désavantageuses alors qu'elles ne
19 peuvent s'offrir d'avocat et cette clinique permettrait
20 d'offrir un service adapté à une clientèle qui, trop
21 souvent, se sent démunie face au système de justice.

22 Parce que lorsque les femmes connaissent
23 leurs droits et les exercent, cela a pour effet de les
24 remettre en position de force et de *empowerment*. Une telle
25 clinique pourrait faire avancer les droits des femmes au

1 Québec... les droits des femmes autochtones, excusez-moi.

2 Par ailleurs, comme vous le savez peut-
3 être, dans certaines provinces, le gouvernement finance
4 des services d'avis juridiques pour les femmes et les
5 hommes qui sont victimes d'agression sexuelle. Pour nous,
6 ça serait un programme qui pourrait aider les femmes à
7 recevoir de l'information juridique si elles décident
8 d'aller porter des plaintes. C'est un projet qui, déjà,
9 existe en Ontario, où ils offrent quatre heures d'aide
10 juridique.

11 Mais l'aide juridique, c'est bien, mais ce
12 que nous, on croit qui pourrait réellement aider les
13 femmes, c'est de mettre sur pied un projet - je vais le
14 dire en anglais, parce que le terme n'existe pas en
15 français, *independant legal representation* pour les femmes
16 autochtones victimes de crimes sexuels. Comme vous le
17 savez probablement, plus les femmes dans le monde
18 demandent à ce que les lois sur les agressions sexuelles
19 soient réformées et dans plusieurs pays, des programmes
20 permettent à des victimes d'agression sexuelle de
21 bénéficier de leur propre avocat qui veille à leur intérêt
22 pendant le processus judiciaire.

23 Nous souhaitons un tel programme pour que
24 les femmes autochtones victimes d'actes criminels puissent
25 avoir une avocate de confiance. Mais ce sont des services,

1 comme on dit en anglais, d'*advocacy* qu'ils ont besoin :
2 quelqu'un qui est là à leurs côtés, qui sont là pour leur
3 intérêt, parce que comme vous le savez, dans le système de
4 justice actuel, le procureur de la Couronne, lorsqu'il
5 rencontre la victime, la première chose qu'il va dire,
6 c'est : « Je ne vous représente pas vous, mais je
7 représente l'État, mais je vais quand même être votre
8 avocat. » Alors, pour des femmes qui déjà ne font pas
9 confiance à l'État, ne font pas confiance au système de
10 justice, je pense que ça peut donner l'une des raisons
11 pour dire : « Regardez, j'abandonne ma plainte. »

12 Donc, on n'est pas les seules à le
13 demander, ça. J'ai soumis un article de journal qui
14 reprend la position de Rape Relief Ottawa qui dit que
15 c'est ce que les femmes demandent, elles ont besoin du
16 *advocacy*, elles ont besoin de quelqu'un qui soit à côté
17 d'elles et qui représente leur intérêt.

18 Donc, il est de connaissance générale que
19 les femmes autochtones sont nombreuses à subir des
20 violences sexuelles et elles sont surreprésentées
21 malheureusement, dans ce type de violence. Donc, cette
22 recommandation viserait à rétablir un équilibre pour les
23 femmes autochtones qui sont victimes de discrimination
24 systémique dans le processus judiciaire. Et une telle
25 représentation pourrait leur garantir une chance de

1 s'exprimer, plus de respect de la part des acteurs de
2 justice et des meilleures chances de succès.

3 Nous avons... l'une des autres
4 recommandations, Mesdames et Messieurs les commissaires,
5 ça serait de recommander une création d'une chambre
6 criminelle pour les agressions sexuelles au Québec. Selon
7 l'étude sur l'abus sexuel chez les Premières Nations,
8 89,1 % des femmes autochtones affirment que les victimes
9 ne veulent pas dénoncer leur abus parce qu'elles ne
10 veulent pas se rendre en justice. Dans la foulée des
11 évènements de Val-d'Or, par exemple, où le DPCP a décidé
12 de poursuivre qu'un nombre très très mince de dossiers,
13 les femmes autochtones au Québec ont encore moins
14 confiance au système de justice.

15 Donc, nous croyons que la création d'un tel
16 tribunal, jumelé à de la formation spécifique sur les
17 agressions sexuelles et sur la réalité de la violence
18 faite aux femmes autochtones aurait comme effet
19 d'augmenter la confiance de certaines plaignantes
20 autochtones à l'endroit du système de justice et ce
21 tribunal devrait être instauré de manière à offrir un
22 endroit respectueux pour les plaignantes.

23 D'ailleurs, ce projet a déjà été proposé
24 dans la sphère publique lors des dernières élections
25 provinciales par le Parti Québécois et répondrait à un

1 besoin criant qui a été de plus en plus exposé avec le
2 mouvement #metoo et #onguéritensemble, où les victimes
3 d'agression sexuelle se retournent plutôt vers les médias
4 et les réseaux sociaux pour dénoncer les abus, alors que
5 le système de justice est tout simplement inadéquat pour
6 les victimes d'agression sexuelle.

7 Pour terminer, parce qu'il me reste deux
8 minutes, ce que nous suggérons, ça serait qu'il y ait un
9 plan d'action pour la déjudiciarisation des femmes
10 autochtones. Comme vous avez pu l'entendre pendant tous
11 les témoignages, malheureusement, les femmes autochtones
12 sont souvent surjudiciarisées pour des raisons souvent qui
13 émanent de la discrimination systémique.

14 Donc, on considère que cette
15 surjudiciarisisation remet encore les femmes dans une
16 situation... les remet dans une situation où elles sont plus
17 à risque d'être encore judiciarisées. Et lorsqu'elles font
18 face à des policiers, il a été démontré, par exemple, que
19 quelqu'un qui a déjà un casier judiciaire, le policier,
20 avec son pouvoir discrétionnaire, va souvent la
21 surjudiciariser encore.

22 Donc, ce que nous proposons, ça serait un
23 plan d'action pour la déjudiciarisation où il y aurait
24 également une formation des policiers et du système de
25 justice, faciliter la demande de pardon - présentement,

1 une demande de pardon, c'est 600 \$. Et c'est ce que l'une
2 des témoins à Newfoundland nous disait ; elle demandait
3 que les femmes qui ont un casier judiciaire pour avoir
4 fait de la prostitution, que ce dossier-là leur soit
5 pardonné, et la création de protocoles d'intervention pour
6 les femmes autochtones, un modèle d'intervention pour les
7 femmes autochtones.

8 **MME VIVIANE MICHEL:** J'aimerais rajouter ;
9 c'est sûr qu'on eu une Commission d'enquête nationale et
10 d'où l'importance d'avoir un comité de suivi, après la
11 Commission d'enquête, pour savoir qu'est-ce que, dans les
12 recommandations, a été concrétisé.

13 On a eu l'expérience avec l'ACVR, avec les
14 96 recommandations. On n'est pas à jour à savoir qu'est-ce
15 qui a été concrétisé dans les 96 recommandations. Donc,
16 j'apporte qu'il va être ajouté à l'annexe, justement,
17 d'avoir un comité de suivi sur les recommandations qui
18 vont être déposées à la Commission d'enquête.

19 Évidemment, on fait... on subit encore le
20 génocide, c'est vraiment un génocide - je ne veux pas dire
21 un génocide culturel, un génocide, point final. Et quand
22 est-ce que cela va cesser? Quand est-ce que nos femmes,
23 nos filles, nos sœurs, nos mères, vont avoir protection,
24 voir avoir accès à la justice comme tout être humain?
25 Donc, on a besoin de protection, on a besoin que le

1 politique puisse prendre position afin de rétablir.. même
2 pas de rétablir, de créer une meilleure ambiance
3 juridique, judiciaire, pour nos femmes autochtones.

4 Merci.

5 **(APPLAUSE/APPLAUDISSEMENTS)**

6 ... **MS. CHRISTA BIG CANOE:** Just before you ask
7 questions, I understand that Commissioner Audette will be
8 joining us by Skype.

9 Avant de passer aux questions, si j'ai bien
10 compris la Commissaire Audette se joindra à nous par
11 Skype.

12 **Mme VIVIANE MICHEL:** Je le sais pas où
13 regarder.

14 **COMMISSAIRE MICHÈLE AUDETTE:** Moi je vous
15 vois. Est-ce que vous m'entendez? Est-ce que vous
16 m'entendez? Oui?

17 **Mme VIVIANE MICHEL:** Oui.

18 **COMMISSAIRE MICHÈLE AUDETTE:** Ah, ta voix.
19 Alors en 30 secondes je sais que Marion elle a un setup..
20 je crois que les questions vont être posées par mes
21 collègues en premier.

22 **MS. CHRISTA BIG CANOE:** Go ahead.

23 **Mme VIVIANE MICHEL:** Est-ce qu'elle me pose
24 une question?

25 **Mme CHRISTA BIG CANOE:** Je le sais pas.

1 **Mme VIVIANE MICHEL:** J'ai pas compris.
2 Est-ce que c'était... est-ce que la question était vers
3 nous? J'ai pas compris.

4 **COMMAISSAIRE MICHÈLE AUDETTE:** Non. I
5 think, Marion, they will ask question, Brian and Qajaq
6 first?

7 **COMMISSIONER QAJAQ ROBINSON:** Merci,
8 Viviane. Merci, Rainbow.

9 I also want to thank you for welcoming me
10 to your gathering last year to present about the Inquiry.
11 That was a real honour.

12 I have a question about legal support and
13 advocacy in the area of criminal law.

14 We've heard from a lot of families that
15 when they're engaged in the criminal justice system, other
16 systems become involved, too, sometimes child welfare,
17 sometimes medical institutions. And one of the issues
18 that you -- we've heard complaints when it comes to Legal
19 Aid clinics is it's -- you're only eligible for help with
20 dealing with one institution or one process.

21 So a woman who's dealing with the criminal
22 justice, Child and Family Services and then maybe public
23 housing, that lawyer that helps her at Legal Aid can't
24 help her with everything else.

25 Would you agree with the proposition that

1 that legal clinic should be not just criminal law, that it
2 should be a Legal Aid clinic for all legal services
3 required and advocacy services required and advocacy
4 services required for an indigenous woman or girl
5 regardless of the institution she's dealing with?

6 **MS. RAINBOW MILLER:** Yes, of course. I'm
7 sorry. Maybe the way that I approached it was like within
8 the criminal law, but yes, this kind of clinic could give,
9 you know, all kinds of legal advices and advocacy and
10 representation.

11 And actually, one of the -- you know, of
12 the things that we were thinking about is that -- because
13 when you ask -- when you -- when you are eligible to a
14 legal clinic, it's specific things, you know, that are in
15 the law, but I do understand that some -- I believe it's
16 Toronto -- what's the name -- Aboriginal, yeah, they --
17 like I went on the internet site and I could see they
18 received funding from other resources, not just, you know,
19 from Legal Aid so they're able to do more services.

20 That's what we would like, you know, to
21 have like a powerhouse where these women can come in and
22 we take care of them and we take care of their legal
23 issues, you know, because this is lacking. In Quebec
24 there's absolutely nothing.

25 And if there would be funding from Legal

1 Aid but also funding from different sources -- for
2 example, you know, the cases of Val d'Or, you know, like
3 these women could probably have gone through civil
4 litigation but, you know, like the problem was there was
5 no -- nobody available to do that and, you know, it's not
6 very paying.

7 So this is the kind of, you know, file that
8 could have been taken by Legal Aid, you know, to take
9 those files and bring them forth in front of the Court
10 and, you know, send a message, you know, stop, you know,
11 this violence against us. We will fight back.

12 **COMMISSIONER QAJAQ ROBINSON:** Thank you.

13 **COMMISSIONER BRIAN EYFOLSON:** I just want
14 to say thank you both for your thoughtful submissions, and
15 I will pass the mic on.

16 **CHIEF COMMISSIONER MARION BULLER:** Okay,
17 Michèle.

18 **COMMISSIONER MICHÈLE AUDETTE:** Bonjour.
19 Ah, bien là je vois que vous vous tournez. Alors en
20 quelques secondes je veux dire de... à Viviane, surtout là,
21 pour commencer, je t'ai écouté attentivement puis c'est
22 beau de voir ta force. Et je le sais pas ça fait combien
23 d'années-là que t'es la femme autochtone du Québec et
24 c'est... un vois que c'est pas un travail là. Que tu
25 détiens et tu maîtrise très, très bien cet enjeu-là.

1 d'avoir soulevé-là la réalité que les femmes ont subie en
2 termes de traumatismes et aussi ce qui s'est passé à Val-
3 d'Or qui est malheureusement représentatif à travers le
4 Canada. J'ai juste un modèle, puis j'ai changé mes
5 écouteurs pour toi, Viviane.

6 **Mme VIVIANE MICHEL:** Elle est bonne.

7 **CHIEF COMMISSIONER MARION BULLER:** Thank
8 you for your very compelling and thoughtful
9 recommendations and submissions today. It's been an
10 absolute delight to work with both of you. Thank you so
11 much.

12 **MS. CHRISTA BIG CANOE:** Thank you, Chief
13 Commissioner and Commissioners.

14 We would next like to invite up the
15 Families for Justice. Counsel Suzan Fraser will be
16 speaking on behalf, and I think they just may need a
17 moment to set up behind the podium here.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. SUZAN FRASER:**

20 **MS. SUZAN FRASER:** Good afternoon,
21 Commissioners. My name is Suzan Fraser. I'm here on
22 behalf of Families for Justice.

23 I'd like to thank you for receiving us
24 today.

25 Commissioner Audette, our thoughts are with

1 you. Nous passons à vous et votre famille dans cette
2 temps difficile bonne chance à vous in rebuilding your
3 house and getting things organized.

4 We wish to acknowledge the traditional
5 territory from which I am joined Ms. Bridget Tolley on my
6 right, and on my left Maggie Cywink. Bridget I will
7 introduce you to in a minute.

8 I want to also acknowledge that I am a
9 beneficiary, a beneficiary of the assistance of the
10 Haudenosaunee people, who assisted my family 250 years
11 ago, both in receiving them and the land that our family
12 settled on and took. Also, in the assistance provided in
13 the American Revolution when my ancestors fought --
14 persuaded Haudenosaunee people to join them, that their
15 lives would be better with the British than the Americans,
16 and for their continued support when my ancestors were
17 held hostage in America and the Haudenosaunee people
18 returned with my ancestors to help rescue them. We would
19 not have survived without that assistance. We would not -
20 - I would not enjoy the privilege that I do today without
21 those gifts, and as I indicated previously I will continue
22 to try to repay the debt.

23 We stand here today for the 20 families who
24 engaged in this process in the national Inquiry in order
25 to seek justice for their loved ones; for their murdered

1 and missing members of their families, households, and
2 communities. We are here on behalf of Families for
3 Justice. Our families span the land, coming from
4 different communities now known as Saskatchewan, Manitoba,
5 British Columbia, Quebec, Alberta; they are Cree,
6 Haudenosaunee, Anishnaabe, Algonquin, Inuk descent.

7 Bridget you will know, she wanted to ensure
8 that her mother was remembered; that she wasn't just
9 another woman who suffered misfortune. She battled -- and
10 I'm going to tell her a little bit more about her battle
11 -- in order to get information in order to get justice.
12 You will know her because she did not want her mother to
13 be forgotten, and in 2006 asked that a vigil be held at
14 Parliament Hill to honour -- to honour her mother and the
15 500 -- then-500 missing and murdered Indigenous women and
16 girls.

17 Those -- that vigil became known as Sisters
18 in Spirit. Bridget, when that was unfunded, founded
19 Families for Sisters in Spirit, and she's continued to
20 ensure that her mother is not forgotten.

21 She is here reluctantly today; reluctantly
22 because she has not engaged with your process; reluctantly
23 because your process failed families. And I'm going to
24 have to talk to you today about some of those failures,
25 because I think that's an important part of what you have

1 to do in your final report, is to acknowledge where you
2 went wrong, acknowledge who was hurting, acknowledge what
3 is left to be done, and at the heart of everything that
4 you do, remember the very basic needs of the families.

5 Bridget and Maggie are going to stand for
6 as long as they can.

7 I also want to just tell you that my sister
8 is here today. My sister, Heather, is here. We were in
9 this room many, many years ago. Not in this room but in
10 this hotel many years ago when she got married. And we
11 got prepared for the wedding, which actually took place on
12 Parliament Hill, in this hotel and this is the first time
13 I've returned, so I return with happy memories.

14 But having a sister here, everyone knows
15 what it means to have a sister to be grounded in the
16 strength of a sibling, to be grounded in a sister who has
17 endured hardship, heartache, trauma. Heather is a
18 reminder of all that has been lost. So I'm very grateful
19 that she came and accepted my invitation to come today.

20 I want to tell you about the stories. I
21 want to honour the family members in our group to ensure
22 that their loss is never experienced again. That is how
23 the families will be honoured; that is how they will be
24 commemorated. They will be remembered when the violence
25 stops. They will be honoured when they -- there are no

1 more missing, when there are no more murdered. They will
2 be honoured when traditions are restored; when women are
3 empowered; when communities are built up, when children
4 are embraced, raised with their language, with their
5 ability to go between one world and another; and when the
6 worlds return to a two-row path.

7 I'm not going to speak to you today about
8 human rights; I'm going to speak to you about the humans.
9 What did they tell you? What did you hear? What did they
10 need? I want you, when you prepare your report and you
11 think about all that you have heard, is to ground yourself
12 in the critics. There have been many; some criticism
13 fair, some unfair. I have the unenviable task of being
14 critical. I don't like saying critical things to people
15 but in order for you to be honest about what you're doing
16 you're going to need to do that.

17 So as a bit of a roadmap for the remaining
18 time, I'm going to reintroduce you the families in our
19 group; to remind you of the promises that you made to the
20 families that came before you; to remind you what the
21 families told you both inside and outside the Inquiry
22 about the work that you needed to do; and to tell you how
23 the families have attempted to act with integrity, and
24 what they need from this Inquiry process.

25 The families: In February 1982, Danielle

1 Ewenin's sister, Eleanore "Laney" Theresa Ewenin, was
2 ejected from a vehicle and died from exposure on the
3 outskirts of Calgary.

4 You'll remember Ms. Ewenin because she
5 helped you structure support, she told you what you needed
6 in the early days of those community hearings about how
7 you should be serving families, what families needed, how
8 they need to be supported.

9 In November 1991, Silas Blackned's mother,
10 Rose-Ann Blackned, went missing.

11 Commissioners, you will remember her story
12 because three of you sat and heard from the Blackned
13 family. You will remember that she was banished from her
14 community after going after her sexual abuser with a
15 butter knife.

16 You will remember that when she was
17 banished, she was taken from her house after kneading her
18 bannock. Her bannock was on the counter when she was
19 taken from her house. That banishment took her to Val-
20 d'Or where she was beaten to death and found frozen to
21 death. She left two boys, Silas and his brother, who were
22 five and two at the time that she died.

23 On January 28th, 2017, 26 years after her
24 death, the family found out the truth of what had happened
25 to their mother, their sister, their daughter. That case

1 was reopened and closed again.

2 You made promises to that family; promises
3 I will remind you about towards the ends of my
4 submissions, about documents you would get; the way that
5 the stories would be remembered.

6 In 1994, before I was even a lawyer, Sonya
7 Nadine Mae Cywink went missing from her London home 24
8 years ago, 25 years in August of 2019. So we're coming up
9 on a quarter of a century being without her sister. She
10 was found dead on the Southwold Earthworks in Elgin County
11 in the Province of Ontario. There was an extensive
12 investigation but no-one was charged in her death.

13 Maggie will tell you that the work that was
14 done in her sister's file was exemplary. Sonya's family,
15 including Maggie; her brother, Alex; her sister,
16 Anastasia; her late brother, Ana (phonetic); her sister,
17 Naomi; a brother-in-law, Tom; and brother-in-law, Ozzie;
18 nephews, Scott, Jordie, Ali, Wyatt, Jack, Len, and Mark
19 are all looking for answers.

20 Maggie also mourns Melissa Nicholson, who
21 was the daughter of her common-law spouse, a spouse she
22 had for five years, who died in -- on June 11th, 1991.

23 I should have started in 1972. In 1972,
24 19-year-old Audrey Anderson was found dead at the side of
25 the road. Her niece, Jolene Banning, is a member of our

1 group. I want you to know that that death, that was
2 determined an accident, has recently been re-opened. The
3 coroner has changed the finding from accident to
4 undetermined in a very public announcement. And there's a
5 new hotline and they're looking for tips. That is a
6 success that has come from some of the work done by the
7 family information liaison office.

8 I introduced you to Bridget. On October
9 the 5th, 2001, Bridget's mother, Gladys, who was an
10 Algonquian Great Grandmother from Kitigan Zibi First
11 Nation, was struck and killed by a Sûreté du Québec police
12 cruiser when she was walking along Highway 105. No
13 charges were ever laid. The case was ripe with conflict,
14 conflict of police officers who were related to the other
15 police officer, so the investigating officer related to
16 the officer who was driving the cruiser. For 17 years,
17 she sought answers. Most recently, Bridget has given her
18 testimony to the VIAN's (phonetic) Inquiry, and you'll
19 receive the transcript of that by way of a Rule 33
20 submission, and you can look forward to receiving that
21 hopefully within the week. But as I said at the
22 beginning, what Bridget said at the time, "I don't want my
23 mom's death to be another Indian woman's misfortune."

24 On December 14th, 2003, on Friday it'll be
25 15 years, Vanessa Brousseau's only sibling and sister,

1 Pamela Jane Holopainen of Shumacher, Ontario, went
2 missing. She was last seen in Timmins after a house
3 party. She was 22 years old. Pamela and Vanessa's
4 grandfather was from -- and I'm -- I'm going to -- try to
5 pronounce it properly, Sanikiluaq on the Belcher Islands,
6 he was given a number by the government. He suffered many
7 of the indignities that others have getting tuberculosis,
8 being sent far away to home. His daughter, Holly,
9 Vanessa, and Pamela's mother was 14 when she was sent to
10 boarding school in Timmins. She became pregnant and had
11 Vanessa and Pamela.

12 Pamela's case remains under investigation
13 of the South Porcupine Division of the Ontario Provincial
14 Police. The family, having inquired of all of the other
15 family members whether they had seen Pamela, informed the
16 local police that their loved one had not been surn
17 (phonetic) for days, and they were concerned for her
18 whereabouts. Can you imagine what the police said to the
19 family when they attended at the station? I bet you can
20 because you heard it over and over and over. "Oh, she's
21 probably out drinking." How many times did you hear that
22 story in the course of this Inquiry?

23 They were informed -- they informed the
24 police that there was a history of domestic violence, that
25 she had two children, that she would never leave children

1 who ended up in foster care. She was probably out
2 drinking, she'd come home in a few days, so they said.
3 After a few months, the family were called in for the
4 police for an interview and were shown nude photos. They
5 suggested that Pamela was a prostitute in Hamilton,
6 Ontario. This was not believed. She would not leave her
7 children. Her case was turned over to the OPP a full year
8 later and remains unsolved.

9 On October -- on December the 9th, 2004,
10 Marie Burke's daughter, Maggie Lee Burke, was last seen
11 leaving her residence in Edmonton, Alberta to meet a
12 friend. She was 21 years at the time of her
13 disappearance. Maggie Burke was the first missing and
14 murdered Indigenous woman's case publicized by the OPP in
15 October 2015 during a national 10-day social media
16 campaign. Police stated that it was coincidental how
17 their news conference was scheduled one day after the
18 public -- national public Inquiry into Missing and
19 Murdered Indigenous Women was announced. "Please help us
20 find Maggie. She's missed and loved," her family pleads.

21 On February the 11th, 2007, Diane Big
22 Eagle's daughter, Danita Faith Big Eagle, was seen for the
23 last time in Regina, Saskatchewan. She was a mother of
24 two children, Cassidy and Talon. She was 22 years old.
25 Her missing persons case is handled by the Regina Police

1 Service Cold Cases Unit. Her mother, Diane, raises her
2 grandchildren. She no longer communicates with the
3 investigators.

4 On April 26th, 2008, Tashina Cheyenne
5 Vaughn General, the daughter of Denise General of Cayuga
6 Nation, Wolf Clan, Six Nations of the Grand River
7 Territory, was murdered along with her unborn child. Her
8 body was found at Six Nations near Chiefswood Road and
9 Indian Line, Ontario. She was 21 years of age.

10 In the summer of 2009, Judith Evelyn
11 (phonetic) Anderson, Shelley May Anderson -- sorry, Judith
12 Evelyn Anderson's sister, Shelley May Anderson, was last
13 seen in Haileybury and Cobalt, both towns in Ontario.
14 Shelley Mae was 51 years old when she vanished. She
15 wasn't reported until -- missing until July 23rd, 2010
16 when an employee of the Ontario Disability Support Program
17 got in touch with the OPP, reporting that support cheques
18 had been returned without being cashed for more than a
19 year.

20 On September the 3rd, 2010, Patricia
21 Sturgeon-Gliddy was killed. Her sister, Charlotte Murray
22 spoke to you in Thunder Bay last year. She told you how
23 difficult it was for her because they weren't blood
24 sisters, and that she wasn't considered a victim under the
25 Victim Assistance Program, and so wasn't consulted during

1 the trial.

2 In 2011, Linda John's daughter, Helyna Lynn
3 Rivera of Six Nations was murdered in Buffalo, New York
4 state. She was 25. Her four young children became
5 orphans when their father fatally shot Alanna four times
6 in a last violent act against her. He was sentenced to 25
7 years to prison by an Erie County court.

8 On July 30th, 2011, Roberta Dawn McIvor was
9 killed in Sandy Bay First Nation. She was 34. Roberta
10 was asleep in her car when two teens, then 17 and 15,
11 stole her car. While trying to push her out of the car,
12 she got tangled in a seatbelt and was dragged down the
13 road and eventually decapitated. The teens were
14 sentenced. She was pre-teen -- predeceased by her three
15 sons. Her cousin, Alaya McIvor, spoke about her cousin
16 and the senseless loss of her life. Alaya also spoke to
17 you eloquently about her experiences as a survivor of
18 human trafficking, laying out the bear, raw truth of that
19 existence, grounding the work that would later come, in my
20 view, on your panels on human trafficking. Those stories
21 -- those stories are going to be the hardest for you to
22 remember, the most important for you to remember.

23 I want you to know that on July 20th, 2013,
24 Billy Joe Laboucan's daughter, Bella Laboucan-McLean
25 (phonetic), from Sturgeon Lake Cree Nation, fell 31

1 stories to her death from a downtown Toronto condo
2 building. She was 25. The Cree woman had moved to the
3 city, was very excited about her work, from northern
4 Alberta to study fashion design. Toronto Police say they
5 do not have enough evidence to prove whether or not the
6 case is a homicide, but there are no leads to pursue.
7 Their investigation remains open.

8 In 2013, Maxine Goforth's daughter, Kelly
9 Nicole Allision Goforth of Regina, mother of a baby boy,
10 was murdered in Regina. She was 21. A 32-year-old man
11 was charged with second degree murder in connection with
12 her death. Maxine had been - has in caring for her
13 grandson since her daughter's death. Many people have
14 celebrated Kelly's life. He has been sleeping with a
15 blanket with Kelly's face on it every night, saying,
16 "That's my mommy, that's my angel."

17 Maxine also mourns Baby June. Baby June
18 was a 4-year-old child who was in care, whose mother was
19 trying to get her back to the family, but then she was
20 given to other people who were thought worthy to raise
21 her. Instead, they locked her in a closet and starved her
22 and she died.

23 On April 20th, 2014, Laura Lynn Oochoo's
24 mother, Elsie Marie Oochoo, died in Muskowekwan First
25 Nation, Saskatchewan. She was 63.

1 On February 28th, 2016, Anita Ross's
2 daughter, Delaine Corinna Copenace, one of the very first
3 stories you heard in Thunder Bay, was reported missing in
4 Kenora, Ontario. She was a 16-year-old girl. After a
5 highly-publicized search and 22 days of looking, her body
6 was found in Lake of the Woods, steps from the police
7 station in a place that had been searched many times.

8 The Office of the Chief Coroner of Ontario
9 determined that there was no foul play. A regional
10 coroner overturned the decision and said the investigation
11 was not complete. Her mother, Anita, does not have
12 answers. She believes Delaine was murdered and that the
13 authorities have it wrong.

14 Elwood M. Ashawasega is the son and brother
15 seeking justice for the loss of his mother and his sister.
16 Mother, Shirley Caroline Asawasewega and Caroline Dawn
17 Asawasewega.

18 Michelle Robinson is a daughter and
19 community members who honours her living mother, Mary Anne
20 Elliott and speaks for Janel Squirrel, 26-year old, mother
21 of three, whose body was found in the basement of a
22 Whitmore -- Whitmire Bay, Calgary home, northeast end
23 where she was staying with her boyfriend who pleaded
24 guilty to manslaughter. She most recently gave her
25 statement.

1 without reservation and at great personal cost. That has
2 to have meaning. They want to know -- they want the
3 State, and Prime Minister, you're not too far from here,
4 we could probably -- if somebody has a good arm -- throw a
5 stone to your office. Prime Minister, you have to
6 acknowledge the loss and the oppressive structures that
7 allowed these losses to take place.

8 Ms. Gabriel acknowledged that families want
9 security in their communities. They want freedom from
10 oppression from outside people in their communities. And
11 within, they want their communities, they want their women
12 and girls and children and men to be safe.

13 I asked her what good would look like, what
14 would good look like. She told me that she doesn't have
15 the answers; that she could only tell me what she thinks.
16 That we have to look at the loss, what we've lost, the
17 attacks on our communities, the issues with our justice
18 system, but we also have to have an awareness of where we
19 come from, where we were going, and what we want.

20 And I'm not in the "we"; right? This isn't
21 -- the white woman, "me", has no part in the "we" of this.
22 This is the words of my clients. Because the solutions
23 will come from the bottom up, and not the top down.
24 Nothing has ever been built from the top down. It is only
25 from the bottom up. And that is why when you make your

1 recommendations you have to look at families.

2 I'm going to run out of time before I can
3 tell you everything, I want to tell you, so I'm going to
4 go back to where I think you'll find some of the answers
5 about what you need to do. And those are found, I think,
6 in many ways in the open letters. The open letters urged
7 you -- open letters to the Prime Minister that were copied
8 to you that will -- that talked about some of the things
9 that needed to be done.

10 First of all, in terms of the integrity of
11 your work. You need a reputable coalition of community
12 leaders, academics, research institutions to oversee the
13 ethical collection and storing of your data that you've
14 obtained from this. You took stories from family members,
15 those family members should receive those stories back,
16 either by the transcript.

17 But how are you going to do that? How are
18 you going to say this is what we learned from you, this is
19 how we are honouring you? That is very, very delicate
20 work.

21 The families came to you with their
22 stories, many were retraumatized by it, some are still
23 waiting for support. Charlotte Murray, who testified
24 almost a year ago in Thunder Bay, still has not received
25 aftercare funds. She's filled out form after form. She

1 has a lawyer. There are still people waiting, still
2 people struggling. You need to ensure that you do right
3 by those families, that their stories don't just sit on a
4 shelf in an archive in a research department, but they're
5 returned to the family in an appropriate way.

6 You need to urge -- your recommendations
7 should be focused on resources and capacities for
8 families. It would be a tragedy if you built up only
9 agencies and service providers and the families were yet
10 again left without resources. Because the true
11 rebuilding, the true healing will come when they are
12 empowered to find ways to commemorate their loved ones, to
13 develop their own strategies for anti-violence, to develop
14 their language and their culture.

15 I want to give you a list of grievances.
16 You promised the families that your process would look
17 different. You created advisory committees without
18 letting the families know how people were chosen. You
19 held directed roundtables without being transparent. You
20 promised a forensic file review, and no details ever came.
21 You'd urged families to engage with you, promised them
22 that they would be prepared, that they would have support,
23 and left them scrambling to attend last minute hearings
24 with last minute travel with aftercare that was cobbled
25 together. You promised them that you would hear their

1 truth and to some, you told them that there would be time
2 limits on that truth.

3 You invited them to register by April of
4 2018 when you were requesting your extension, but then you
5 were silent.

6 You promised them that you would help them
7 find answers, and they heard nothing from them.

8 You told them they didn't need to apply for
9 standing, that they could be witnesses without telling
10 them that standing had meaning, that standing would give
11 them certain participatory rights, that standing might
12 allow them to have counsel.

13 Families are waiting.

14 I want to tell you what happened to Vanessa
15 Brosseau (phonetic) because her story is emblematic of how
16 the Inquiry failed families.

17 In March of 2017, she received an email
18 from Susan Vella acknowledging Pamela as a missing woman
19 and encouraging her participation. On March the 17th,
20 Vanessa emailed Susan Vella and Jennifer Lord a document
21 with her sister's story and indicating her interest in
22 participating.

23 That was acknowledged and then she asked if
24 there was time for her to read her submission.

25 In August of 2017, she received an email

1 asking to do an intake. There was a back and forth of
2 correspondence throughout September and eventually, she
3 spoke with an intake worker. So there were basically a
4 back and forth of about eight emails.

5 She finally speaks with Lyne Watson on
6 September the 11th, 2017 who called her to say, "Let's do
7 this," promising her that there would be a conversation
8 with legal folks afterwards, that she didn't have a spring
9 schedule yet, suggesting that Vanessa would get a check-in
10 call monthly, asking her for details about what her
11 ceremonial practise was, about what health support she
12 had, indicating that she would be supported throughout the
13 whole process and that she would be put on a check-in
14 list.

15 And then there was silence, silence as the
16 hearings were scheduled in Thunder Bay, silence as many of
17 the Ontario families felt, not knowing where Thunder Bay
18 was for northern families, not knowing when they would
19 come, not knowing if this would be the only Ontario
20 hearing.

21 In March of 2018, she received an automated
22 email from the Inquiry saying that a Member would be in
23 touch shortly. Then she emailed her sister's story again
24 in March of 2018, showing that a year had passed.

25 She heard nothing. I wasn't able to get

1 answers for her. She heard nothing until November the 4th
2 -- until late October when the Inquiry invited her to make
3 a statement. So there was silence for all of these
4 months.

5 She was given a date, November the 4th, and
6 a time, 2:00 p.m. to attend in Timmins to give her
7 statement. I made arrangements to fly. Dr. Smiley, who
8 provides her support, was going to come as well.

9 When she followed up on the 2nd of November
10 to find out where is the statement going to be taken, the
11 very same person who had confirmed November the 4th told
12 her, "Who gave you that date and time?" She couldn't even
13 remember that she had confirmed the statement her very
14 self.

15 I will take Vanessa's statement for her. I
16 will send it to you. But this is why people did not
17 engage with your Inquiry process.

18 For almost two years she was waiting, for
19 almost two years she was willing.

20 I echo the comments made by the Carly
21 Teillet in terms of the issues that lawyers had, in terms
22 of documents last minute, lawyers who had a hard time
23 following the proceedings simply because of the volume and
24 the speed, and what appeared to be a lack of a plan in
25 terms of going forward.

1 But if the lawyers have complaints, what
2 complaints do the families have? How do they know? How
3 are they engaged? How have you been communicating with
4 them?

5 This is why, at the end of the day, you
6 have to return to the families. What did we promise them?
7 To the Blackned family, you told them that you would --
8 you had powers, that you had powers to obtain documents.

9 You told them, Commissioner Buller, "All of
10 the stories, the truths that we hear from families will be
11 collected and saved. They will not be destroyed."

12 And so Commissioner Eyolfson, you were not
13 there that day, but "he would be listening to people in
14 private, he will be able to follow your story as well as
15 we will be able to follow the stories of the people he
16 hears from."

17 You promised all of those families that you
18 would hear their stories, each of you.

19 And Commissioner, Chief Commissioner, you
20 said,

21 "So we all know what is being said by
22 families, even though we might not be
23 in the same room and all of the
24 records will be kept. They won't be
25 destroyed and they will go to the

1 archives and they will be kept there
2 for researchers, for other people who
3 will want to do further studies. Not
4 only will we hear from you, we will do
5 our homework and we will keep the
6 stories to honour the missing and
7 murdered Indigenous women and girls.

8 Their stories are a legacy."

9 These are living stories. These are lives
10 that continue to be lived. Yes, it is important to
11 remember but it is more important to act.

12 I want to tell you -- and I know,
13 Commissioner Audette, you are in a time of great
14 difficulty -- but I want to know that when the extension
15 was not granted and you said that you were going to think
16 about whether you were going to continue with the Inquiry,
17 Commissioner Audette, that was like a gut punch to the
18 stomach of the families who gave you their stories. It
19 was very -- they were extremely hurt by that.

20 We trust that you all take these
21 responsibilities very seriously. We will be setting out
22 in our final submissions ways that we think you can
23 empower the communities. But we think that what you must
24 do is you must account not only for what you see as your
25 successes, but also for the missteps and where the process

1 and teachings. And I receive it with an open heart and an
2 open mind because I recognize that our responsibility is,
3 as you said very eloquently, we're responsible for is
4 nothing, compared to what you've lived with and continue
5 to. So thank you. (Native word).

6 **COMMISSIONER BRIAN EYOLFSON:** I also don't
7 have any questions and I agree with the comments that my
8 colleague Qajaq just said. So thank you for coming here
9 and making your submissions.

10 And I want to acknowledge Bridget and
11 Maggie for being here as well. But thank you for giving -
12 - reminding us what we need to think about in preparing
13 our final report. And you've certainly set out some
14 things that are giving me things to think about. So I
15 don't have any questions, but I just want to say I
16 appreciate your submissions.

17 **CHIEF COMMISSIONER MARION BULLER:** Thank
18 you. I know Michèle Audette is on standby. Michèle.

19 **COMMISSIONER MICHÈLE AUDETTE:** Merci.
20 Merci, Chief Commissioner.

21 Alors, Suzan, thank you very much and I
22 have to say in this journey, you were a very, very -- like
23 I said to Viviane Michel with her lawyer, same thing with
24 you -- we saw passion. I saw passion. I saw dedication
25 and a good and strong warrior for the families and

1 survivors. And that, I commend you. You were very --
2 très forte comme avocate.

3 And of course, it was -- I have to say,
4 when we started, one of the toughest journey -- and it's
5 still very tough and we have to make sure that -- I really
6 think it's important when you say it is important to
7 remember, yes, but most of all, it's to act on it. And
8 this responsibility is huge and it belongs to all of us,
9 including me as a mom or as a Commissioner.

10 So I can't wait to continue this with my
11 free moccasin at the end of this journey.

12 And I echo or heard your message about me
13 thinking should I stay or not, and I have to say thank you
14 to the families across Canada who reached me or I reached
15 to see what do we do, what do we say for this government
16 who says no to this historical Inquiry, historical
17 movement in order to honour what many of us for many
18 decades asked. If we were perfect? No, we weren't
19 perfect. If we could have done better? Yes, we could
20 have done better. And that, very honest with you, very
21 honest with the people who are listening. We can always
22 do better. And I believe we could.

23 What we have to do for the rest of this
24 Inquiry, this point that left front of us, we have many
25 warriors, many fighters, many people that will continue to

1 paddle and bring that report, bring those recommendations
2 to the federal government, provincial government, our own
3 government also -- I just finished speaking with the Innu
4 Nation, reminding them that they have a responsibility
5 towards the women and the children -- and of course,
6 municipalities and so on.

7 So I commend the two women that are with
8 you, Bridget, very strong women since 2003, 2004, and
9 2006. I heard your voice, your message, and your
10 frustration.

11 And you too, just here. Okay. I see you.
12 Very powerful and you speak your truth and you helped me
13 to go through this. Sometimes it was "ouch", sometimes it
14 was amazing, but for me, what I keep in my heart, it was
15 your transparency, your honesty, and your willingness so
16 something that could change among us in this work so we
17 could be and do better for the families and survivors.

18 So Maggie, merci beaucoup, and for your
19 advice also.

20 And this fight -- for me, I call it a fight
21 or this -- maybe it's not the right word in English, it's
22 not over. After the Inquiry, like I said, we're -- it's a
23 tool. I see myself as a tool. We have to continue
24 because racism, discrimination, and justice is still there
25 and families deserve response. And we have to push. And

1 some of our recommendations will continue to push for
2 those response that Canada will not give or the
3 municipality will not give and so on and so on.

4 You can reach me. You know me. You have
5 my numbers if you have any questions, and thank you for
6 your honestly, Maître Fraser. Merci beaucoup.

7 **MS. SUZAN FRASER:** Thank you very much.

8 **CHIEF COMMISSIONER MARION BULLER:** Thank
9 you. I just want to echo what my colleagues had said
10 perhaps more eloquently than I can.

11 Bridget Tolley, Maggie Cywink, thank you
12 for holding our feet to the fire. We've listened with
13 open hearts and open minds, and I've always said we
14 welcome criticism. So I want to thank you both for your
15 honesty and your courage and your strength. You're truly
16 inspirations to all of us.

17 Ms. Fraser, it's been an absolute pleasure
18 to work with such a gifted advocate. Thank you.

19 Thank you, all three.

20 **MS. SUZAN FRASER:** Thank you. *Miigwech.*

21 **(APPLAUSE/APPLAUDISSEMENTS)**

22 **MS. CHRISTA BIG CANOE:** Chief Commissioner
23 and Commissioners, we would like to request a lunch break
24 now. And I'm asking that we come back for 2:00 p.m. we
25 originally were to come back for 1:40 but we're running a

1 bit late. So if we could recommence at 2:00 p.m. please?

2 **COMMISSIONER MARION BULLER:** At 2:00 p.m.

3 **MS. CHRISTA BIG CANOE:** Thank you.

4 --- Upon recessing at 12:53 p.m./ L'audience est suspendue
5 à 12h53

6 --- Upon resuming at 2:02 p.m./L'audience est reprise à
7 14h02

8 **MS. MEREDITH PORTER:** Good afternoon. Good
9 afternoon, Chief Commissioner, Commissioner Eyolfson, and
10 Commissioner Robinson. I'm Meredith Porter. I'm
11 Commission counsel and I will be inviting the parties up
12 to the podium this afternoon to give final submissions.

13 And the first party I'd like to introduce
14 who's at the podium right now is the Institute for the
15 Advancement of Aboriginal Women. Ms. Lisa Weber is
16 counsel for the party and I'll allow her to introduce her
17 accompany support.

18 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. LISA WEBER:**

19 **MS. LISA WEBER:** Thank you very much. So
20 my name is Lisa. I am counsel for the Institute for the
21 Advancement of Aboriginal Women. I will talk about the
22 organization as I proceed through our submissions this
23 afternoon.

24 I do have with me, however, Ms. Rachelle
25 Venne who is the Executive Director and CEO of the

1 organization. And Rachelle will be with me both in
2 support of our presentation as well as to take any
3 specific questions that any of the Commissioners may have
4 with respect to some of our programs and deliveries. So
5 I'm very happy that she's here with me and confident that
6 she'd be able to answer specific questions.

7 So thank you for that.

8 I would like to start, as most of us have
9 been doing and as proper to acknowledge the Indigenous
10 territory within which we are gathered today -- that's an
11 important thing that we must do -- and introduce myself
12 and my role, not only as counsel for the Institute in
13 these proceedings but as an individual, as an Indigenous
14 woman.

15 I am Métis. I am from northern Alberta.
16 I'm a member of the Métis Nation of Alberta, also
17 affiliated with one of the eight Métis settlements in
18 Alberta, so lots of history in that part of the world.

19 I'm also a mother, a grandmother, a
20 daughter, and a sister. So that's a bit of my own
21 background and a reason why I'm committed to this very
22 important work.

23 So I want to thank the Commissioners and
24 Chief Commissioner for the opportunity now to make final
25 submissions before you.

1 I also want to acknowledge the many
2 witnesses who have come forward to speak their truths
3 through this process, recognizing and acknowledging that
4 they took great risk in doing so, risk, for example, of
5 alienation from perhaps funders for their programs, but I
6 think probably most importantly, the recognizing the
7 strength in coming forward and acknowledging and speaking
8 about their experiences and perhaps making themselves
9 vulnerable and opening up either fresh or closed wounds.
10 So that's very important to acknowledge.

11 I want to really acknowledge the work of my
12 client and its steadfast commitment to seeking change. I
13 want to acknowledge the staff. Hopefully they're all
14 watching at home, Rochelle. IAAW has a non-profit
15 volunteer board and I really want to acknowledge the
16 decades of work that this organization has done for this
17 important work.

18 In many ways these hearings we feel are
19 really only scratching the surface of the important work
20 that we do and the important work of many others. And I
21 really want to acknowledge all of the other Parties with
22 Standing, and their counsel, and themselves if they are in
23 the room today or watching. It's been an incredible
24 journey, I can say that, professionally and personally for
25 myself.

1 So with regards to our submissions, this
2 Inquiry has heard firsthand from families and survivors
3 who have shared their experiences about how they have been
4 impacted by violence. Wisdom and knowledge keepers,
5 experts from diverse disciplines have provided you with
6 testimonial evidence on matters which they believe to be
7 relevant to address this national strategy.

8 IAAW is a party with national standing, and
9 we have participated in many of the proceedings, but not
10 all. At various points we were, unfortunately, not given
11 the opportunity to call witnesses for a variety of
12 reasons. However, as I say, we do appreciate the
13 opportunity today to, with 40 minutes, give more fulsome
14 submissions on what we feel are very important issues, and
15 also, very importantly, what we believe are concrete
16 achievable remedies.

17 So I want to talk a little bit about the
18 organization. So IAAW, as I say, is a non-profit
19 organization. It was founded in 1994 by Indigenous women
20 to promote the rights of Indigenous women. It has
21 operated for more than 20 years and provides much needed
22 programs and services through education, family violence
23 workshops, mediation and advocacy, entrepreneurial and
24 wellness programs, women's transition programs, and youth
25 leadership workshops. We provide these important services

1 to hundreds of Indigenous women every year.

2 We also provide cultural support and
3 advocacy services for women who are incarcerated or
4 leaving corrections in helping them to transition to life
5 in the community.

6 I want to take a moment and formally
7 acknowledge the work of IAAW's founder and president,
8 Muriel Stanley Venne. Muriel has been recognized locally,
9 nationally, and internationally for her tireless work as
10 an advocate for Indigenous women. She is the recipient of
11 a National Aboriginal Achievement Award, the Order of
12 Canada, the Alberta Centennial Award, and the Diamond
13 Jubilee Award. Along with three other notable Indigenous
14 leaders in Alberta, Muriel was honoured just yesterday
15 with her own display at the Royal Alberta Museum in honour
16 of her persevering work to achieve justice.

17 An important point to keep in mind with our
18 submissions is while IAAW is open to First Nation, Métis
19 and Inuit women, our organization has traditionally only
20 been comprised for First Nation and Métis women, and it is
21 for this reason that our submissions will focus primarily
22 on those two groups, First Nations and Métis women.

23 We want to emphasize that this focus is by
24 no means intended to suggest that the issues facing the
25 Inuit are any less important. We respect the role of the

1 organizations who have been representing Inuit women and
2 girls and communities in this process, and we give full
3 support to what their representatives have said.

4 We simply did not feel it was our place to
5 make comment on what might be unique circumstances facing
6 Inuit women, girls, and communities, and we truthfully
7 have not had much opportunity to work directly with them.
8 So that -- we just want to qualify, if you will, our
9 submissions in that respect.

10 Through its advocacy work, IAAW has always
11 strived to collaborate with government, with law
12 enforcement, and the justice system on the impact of law
13 and policy on Indigenous women and to create action plans
14 to reduce and prevent violence. But we are growing weary.
15 Like many organizations working directly with women, we
16 have come to question the ability to make real change
17 within existing structures. This becomes more and more
18 apparent every time we hear about another death, another
19 violent assault, another case of injustice, that the
20 status quo much change.

21 So with this backdrop, I will begin by
22 saying that we agree with the key finding of this Inquiry
23 as was outlined in your interim report that violence
24 against Indigenous people, including Indigenous women and
25 girls is rooted in colonization and that for the violence

1 to end that ongoing colonial relationship must also end.

2 Our final submissions today are based on
3 years, in fact decades of direct involvement with
4 Indigenous women who have been subjected to the forms of
5 violence that have been the focus of this Inquiry.

6 So the first topic that we want to talk
7 about is program service delivery, so given our area of
8 expertise. We did note with interest through the
9 institutional hearings that there is significant disparity
10 amongst provinces with respect to program delivery. For
11 example, we heard that victim services in the Northwest
12 Territories is community-based, delivered by community
13 organizations, Indigenous governments, and hamlet
14 councils, rather than delivery by public servants.

15 Funding we heard is provided from
16 government to those organizations to provide the service
17 funding and support. Perhaps most importantly on the
18 topic of program delivery is that we know that the most
19 effective program delivery is through the direct
20 involvement of women with lived experience.

21 A consistent message that we have heard for
22 most of the nongovernment organizations participating
23 throughout this Inquiry is there is consistently a lack of
24 secured sustainable funding for that program delivery. We
25 agree with that statement. It is extremely difficult and

1 often impossible to make multi-year plans to address the
2 needs of our women and families when funding is often
3 provided on a project-by-project basis or tied to
4 government fiscal year end. I take note of
5 Commissioner Robinson's comments this morning regarding
6 program delivery and funding issues, and that gives me
7 hope.

8 And in support of what I believe we will be
9 finding in your final report then we wish to make the
10 following first set of recommendations:

11 Number 1, that Indigenous-led organizations
12 with the mandate, demonstrated experience, and expertise
13 in given program areas be given first and formal
14 preference over other organizations for the design and
15 delivery of programs and services to meet the needs of
16 Indigenous women.

17 Two, that this Commission recommend that
18 grant funding provided to Indigenous organizations to
19 address the systemic causes of violence be provided on a
20 multi-year basis.

21 Three, that adequate funding shall be
22 provided to such organizations, as well as resources for
23 training and support for the workers dealing with trauma.

24 Now my good friend, Mr. Blain, said during
25 his oral submissions for Awo Taan Healing Society that we

1 must break down the veil that separates provincial
2 governments and federal governments.

3 And so while formulating your
4 recommendations our wish is that you not be stifled by
5 jurisdictional questions. Do not worry, for example,
6 whose responsibility is it to provide for First Nations
7 women fleeing domestic abuse on reserve.

8 It was also apparent through the hearings
9 process that there is significant disparity of services
10 between regions and between First Nations, Métis and other
11 Indigenous organizations -- excuse me - communities. In
12 the Yukon, for example, we heard that every First Nation
13 is receiving funding for assistance and culturally
14 appropriate assistance for accused people in the justice
15 system. I can guarantee you, as will become evident
16 through our presentation, that we do not see an equivalent
17 in place in other provinces and certainly not in Alberta.

18 As an organization whose membership, as I
19 said, is almost entirely First Nations and Métis women,
20 IAAW notes that there has been minimal involvement or
21 consideration to the needs of Métis women and girls in
22 this process. Given this reality, we make the following
23 recommendation:

24 That this Commission must formally
25 recognize that Métis women and girls are as vulnerable to

1 victimization as are other Indigenous women and girls in
2 Canada and that further research and evidence should be
3 considered about their experiences, and that specific
4 recommendations that target Métis as a group is warranted.

5 We have a few words about research.
6 Throughout these proceedings, as many of my friends before
7 me have said, there have been thousands of pages of
8 research, reports, findings, and recommendations that have
9 already been tabled. We have heard through several
10 witnesses that we Indigenous people have the answers, we
11 know what is needed in order to address the continuing
12 violence. And yet, as expert Jesse Wentz testified before
13 you, and as we have seen in these thousands of pages, we
14 cannot -- we continue to see ourselves represented by
15 external sources, including some who hold themselves out
16 as Indigenous law experts. This leaves us feeling in this
17 constant state of other. We submit that this is also the
18 experience of Indigenous women and families when programs
19 are delivered by government or government agencies with no
20 connection to our communities. And so we say,
21 Commissioners, stop studying us, stop meeting as
22 experts about us. Do not talk about us as your Aboriginal
23 people. We are not objects, we are not statistics, and we
24 are not just issues. As aptly noted by this Inquiry,
25 decolonizing will require governments to recognize the

1 inherent jurisdictions of Indigenous peoples and properly
2 resourcing the solutions. These solutions must be led by
3 self-determining Indigenous people, communities, and
4 nations or their organizations.

5 This brings me then to recommendations five
6 and six, that any post-Inquiry research, which is proposed
7 by you, must be Indigenous developed, led, and/or owned
8 and subject to strict ethical and protocol requirements as
9 articulated by leading Indigenous research scholars and
10 Indigenous women with lived experience. Six, that
11 Indigenous women must be active leaders in the design,
12 implementation and review of programs and policies
13 directed to increase their safety.

14 I want to shift gears now and talk about
15 the criminal justice system, which was identified also in
16 your Interim Report as playing a key role in perpetuating
17 violence against Indigenous women and girls, and we agree
18 with that finding. The criminal justice system is a
19 source of the violence. As a result of our advocacy work,
20 IAAW has gained first-hand insight into this fact, and we
21 would like to talk about three key contemporary cases from
22 Alberta in the last few years, and I emphasize that fact,
23 with -- that these have happened in the last few years, to
24 support our recommendations in this area.

25 Angela Cardinal was an Indigenous woman

1 living on the streets in Edmonton when she suffered a
2 horrific attack by Lance Blanchard. She was brutally
3 beaten, stabbed, and sexually assaulted. An experience
4 that she later described in court as making her feel
5 disgusted, disempowered, and afraid for her life. In June
6 2015, Ms. Cardinal was the Crown's key witness in the
7 preliminary inquiry of Mr. Blanchard. During her
8 testimony, she was clearly distraught. Although, she
9 expressly said that she was experiencing anxiety, she did
10 not at any point refuse to testify. Despite this, Ms.
11 Cardinal was ordered to be reprimanded -- or excuse me,
12 remanded, reprimanded as well, under Section 545(1)(b) of
13 the Criminal Code. Now, that's a rare provision that's
14 used, which allows for a judge to retain a witness if they
15 have refused to answer the questions without any
16 reasonable excuse.

17 Ms. Cardinal was incarcerated at the
18 Edmonton Remand Centre, and she remained there in custody
19 for five days during the preliminary inquiry. She was a
20 witness. At several points during her testimony, she was
21 held in shackles, and she questioned, why was that
22 happening to her. She said, "I am --" This is quoted, "I
23 am the victim here. Look at me. I'm in shackles. This
24 is fantastic. This is a great system." She expressly
25 advised the court of the difficult conditions at the

1 remand centre and asked to be released to stay with her
2 mother. She was deprived of her liberty without being
3 provided proper legal representation. In addition to
4 being forced to testify in shackles, during court
5 adjournments she was handcuffed. She was held in cells
6 that were in direct proximity to the man who had assaulted
7 her. Lastly and astoundingly, on
8 two -- at least two occasions, she was transported to and
9 from court in the same van as this perpetrator.

10 In this situation, no consideration was
11 given to less coercive measures that could have supported
12 her in court. Her incarceration was justified as if it
13 were for her own good. It was only later when the trial
14 judge characterized her treatment as appalling that this
15 inhumane treatment came to the public's attention. Now,
16 there is legislation in Alberta which requires criminal
17 justice actors to -- treat victims with courtesy,
18 compassion, and respect, and to take all reasonable
19 measures to minimize inconvenience. Similarly, under the
20 Canadian Bill -- Victims Bill of Rights, complainants are
21 entitled to be treated with courtesy, compassion, and
22 respect, including respect for their dignity.

23 Notwithstanding these legislative
24 protections, rather than being treated as a rights bearing
25 individual entitled to dignity and respect, Ms. Cardinal

1 was subjected to harshly punitive treatment and reduced to
2 being a mere instrument of the prosecution. When this
3 case did come to light, the province did order an
4 investigation, which we acknowledge, into the treatment of
5 Angela, and the Minister of Justice acknowledged that
6 there was enough blame to go around for this mistreatment.
7 As an organization, we continue to ask what progress has
8 been made or changes implemented to ensure that our women
9 do not have to endure such abuse within the criminal
10 justice system.

11 The inhumane treatment of Angela Cardinal,
12 though, is not an isolated incidence in Alberta. In 2014,
13 in a -- the criminal trial in Wager, former justice Robin
14 Camp, used widely discredit -- discredited myths and
15 stereotypes in Calgary where, as a sitting judge, he asked
16 the 19-year-old Indigenous victim in open court, quote,
17 "Why couldn't you just keep your knees together?" And
18 commented that, "Sex and pain sometimes go together.
19 That's not necessarily a bad thing."

20 So we say, Commissioners, with such cases
21 in mind, and given the myriad of other very common
22 instances of women being treated with injustice in the
23 criminal justice system, we offer specific recommendations
24 regarding the system as follows. Number 1, we -- we ask
25 that you recommend that an Alberta Indigenous justice

1 inquiry be struck to examine the treatment of Indigenous
2 people involved in the criminal justice system in Alberta,
3 both as victims and accused, with specific attention to
4 the experience of Indigenous women. Two, that an
5 Indigenous human rights commission be formed comprised of
6 Indigenous human rights groups and organizations, led by
7 women, with a monitoring function to track Indigenous
8 interactions within the criminal justice system. Three,
9 we ask that culturally relevant independent legal
10 represented -- representation for Indigenous women be
11 guaranteed through reviewing of existing programs and
12 policies for legal services. And I believe my friend just
13 before me this -- this morning, spoke about a similar
14 recommendation. Number 4, we ask for a recommendation
15 that the legal aid counsel appointment process be amended
16 so that Indigenous accused, and persons seeking coverage
17 for civil and family matters, may elect to have Indigenous
18 legal counsel appointed. Number 5, that victims of crime
19 shall be provided support services in their traditional
20 languages, with proper funding support allocated to enable
21 such services.

22 The last -- I -- I said I would speak about
23 three cases. So the last one I'll speak to has actually
24 been spoken to at past institutional hearings in Calgary.
25 But I'll bring it -- bring it up today, again, for the

1 purpose of our recommendations. And it's the case in R.
2 v. Barton. So at the Calgary institutional hearings, we
3 tendered evidence to this Commission concerning the
4 criminal trial of Bradley Barton in the death of Cindy
5 Gladue. Cindy was an Indigenous mother of three. She
6 bled to death as a result of an 11-centimetre injury to
7 her vagina. In March 2015, following a trial by jury,
8 Barton was acquitted of the charge of murder. In fact, he
9 was acquitted of all charges relating to Cindy's death.

10 Now, we acknowledge from a pure legal
11 perspective, that there were errors of law. That the
12 trial court's uncritical admission of irrelevant and
13 prejudicial information about Ms. Gladue, references to
14 her as Native, that she may have been engaged in sexual
15 activity for payment, and that she may have been drinking
16 with the accused, coupled with the inadequacy of its jury
17 charge, there was findings that these -- these errors
18 constitute clear errors in law. Now, we bring this
19 forward today, though, for the purpose of looking at it
20 through a social justice or human rights lens. And we say
21 that the manner in which Ms. Gladue portrayed throughout
22 the trial, by all active participants in the trial, the
23 Crown, defence counsel, and the trial judge, was a
24 reflection of the pervasive racist and sexist myths about
25 Indigenous women that too often make its way into legal

1 proceedings.

2 But perhaps, the most horrific aspect of
3 this -- in this case, was the ultimate violation of Cindy
4 within the courtroom. I spoke about this -- or through my
5 agent, I spoke about this in Calgary. That during the
6 trial, an application was made by the Crown to tender
7 Cindy's preserved pelvis and reproductive organs into
8 court. That application was allowed to be made and,
9 ultimately, her body parts were indeed admitted. Now,
10 Judge Graesser's voir dire decision resulted in the
11 presentation of her actual body tissue in court. This was
12 a first in Canada's judicial history apparently.

13 So at the Calgary hearings, through my
14 agent Sarah Beamish -- and I thank Ms. Beamish for doing
15 that -- making that difficult submission that day for me -
16 - we had Justice Graesser's voir dire decision admitted,
17 and it is on your record as Exhibit Number 53 already,
18 from the Calgary hearings.

19 So during the cross-examination in Calgary
20 we posed to each of the witnesses on the panel whether, in
21 their opinion, the effect of introducing Ms. Gladue's
22 preserved pelvis into court, in the manner in which it was
23 presented, in the manner in which it was discussed by the
24 parties, whether that dehumanized Ms. Gladue.

25 These witnesses were asked are these

1 actions or were these actions a violation of basic
2 fundamental Indigenous beliefs.

3 Whether the fact that Ms. Gladue's mother
4 was in court when this happened without any prior notice,
5 was this a manifestation of violence against Indigenous
6 women.

7 And finally we asked those witnesses
8 whether or not if by virtue of the fact that the rules of
9 admissibility of evidence allowing for this to happen once
10 and thus that it could happen again is this also a
11 manifestation of violence against Indigenous women.

12 Unanimously the witnesses on that panel,
13 who had been qualified by this Commission as experts, all
14 agreed with these statements.

15 These witnesses were also asked, to their
16 knowledge, what was the reaction of Indigenous women
17 across the country about what happened to Cindy and then
18 the way in which her body parts were introduced into
19 evidence, the way she was treated.

20 Sandra Montour from Six Nations shared that
21 women gathered in protest in her community and across the
22 country.

23 Nakuset, also a witness qualified as an
24 expert, commented that there were no words, and that her
25 hope was, and I quote, "that the people involved in this

1 are held accountable.”

2 Cindy Gladue, Indigenous woman, mother, and
3 victim, reduced to an object, dehumanized to be a specimen
4 of tissue rendered admissible pursuant to the common law.

5 Her preserved pelvis has never been
6 returned to her family. It remains as an exhibit, marked
7 as an exhibit, somewhere in the Canadian criminal justice
8 system, admitted by the Crown representing the interests
9 of society.

10 We submit that the criminal justice system
11 in this case steered so far from humanness that it's
12 unfathomable to think that it would ever happen again.
13 However, given that we operate within a system based on
14 *stare decisis* we must contemplate that and, therefore, in
15 consideration of these three cases, and in particular the
16 case of Cindy Gladue, we request that this Commission
17 recommend the following.

18 Number one, to ensure that the human
19 dignity and rights of no Indigenous woman is ever
20 violated, as was Cindy Gladue, we recommend that all
21 governments undertake law reform to prevent the use of
22 human organs or tissue as real evidence in criminal
23 prosecutions.

24 Now, we acknowledge that is a very odd
25 recommendation to make, but I would encourage you, plead

1 with you, to consider the fact that this did happen once
2 and it can happen again and therefore there is rational
3 for such a blatant recommendation.

4 I then went back to the specific Orders-in-
5 Council establishing this Inquiry and tried to hook this
6 issue onto what is actually within your mandate.

7 And so our second recommendation is that
8 pursuant to the authority granted to this Commission by
9 Article 2(2) (b) of the Alberta Order-in-Council 232 2016
10 that Alberta Crown Prosecution Services be advised that
11 any proposed future application to admit the preserved
12 pelvis of Cindy Gladue in the retrial of Bradley Barton
13 for her murder or death shall be reported to the
14 authorities by this Commission as being a gross violation
15 of fundamental Indigenous beliefs, and secondly, pursuant
16 to Article 2(2) (c) of that same Order-in-Council that such
17 actions would constitute misconduct on the part of Alberta
18 Prosecution Services.

19 Number three, at the Calgary institutional
20 hearings we asked whether the panel would support the
21 following recommendations and they unanimously agreed, and
22 those recommendations are that all provincial and
23 territorial Crown prosecutors and Provincial and superior
24 Court judges complete mandatory training on the human
25 response to sexual assault victimization, including a

1 component addressing the unique circumstances pertaining
2 to Indigenous victims, with such educational programs to
3 be developed in consultation with appropriate Indigenous
4 representatives or agencies.

5 Lastly, that government agencies such as
6 Crown prosecutions in the provinces and territories
7 conduct mandatory reviews of existing processes and
8 procedures with a view to reducing systemic discrimination
9 and prejudicial policies which may violate the rights and
10 beliefs of Indigenous peoples. Policy amendments to
11 include specific content regarding Indigenous complainants
12 developed in collaboration with Indigenous organizations.

13 Now, I wasn't sure when I prepared, as my
14 friend reminded me that we had 40 minutes and not 20, so
15 I'll proceed with the other recommendations that we have
16 identified. They're also criminal justice system related.

17 So we know, and we've also heard throughout
18 this Inquiry, that our women are over represented in
19 corrections often for poverty related offences or as a
20 result of offences which have been contributed to by the
21 social circumstances that they find themselves.

22 Consequently, we believe that these
23 mitigating circumstances ought to be taken into
24 consideration when sentencing Indigenous offenders and we
25 offer the following recommendations.

1 That the provincial ministries of justice
2 review and amend provincial victims of crime legislation
3 and related justice policies and procedures with a view to
4 addressing the over representation of Indigenous women as
5 victims and accused; that the Minister of Justice Canada
6 implement necessary amendments to the Criminal Code which
7 will enable a judge when sentencing an Indigenous accused
8 when the court believes it is warranted to deviate from
9 sentencing precedent for reasons relating to the unique
10 circumstances of the offender.

11 Three, that the Minister of Justice Canada
12 amend Section 515(10) of the Criminal Code to enable a
13 judge when considering the release or detention of an
14 Indigenous offender that his or her unique circumstances
15 as an Indigenous person shall be taken into consideration,
16 i.e. the Gladue factors.

17 I'll close with some final words about
18 implementation, although we are of the opinion that many
19 of the recommendations we have made don't necessarily need
20 to be tied to, you know, very long-term plans for
21 implementation, but rather we believe that they're very
22 achievable, and I harken the words of my friends this
23 morning about political will and acknowledge that that
24 certainly is a factor here.

25 In the words of Dr. Cindy Blackstock, who

1 also provided evidence before you, and also, ironically,
2 the words of IAW's founder Muriel Stanley Venne, "enough
3 tinkering, there must be reforms in ways that matter." We
4 believe that these recommendations that we've suggested
5 are readily achievable and they can be acted upon in
6 reasonably short order.

7 We do acknowledge that some of them are
8 more complex problems and this will require complex
9 solutions.

10 We remind you when you're formulating our
11 recommendations that please remember we are not a
12 monoculture Indigenous people and we need to remind
13 government that we are not monocultural and Indigenous
14 people.

15 If we are to truly address the systemic
16 causes of violence against our women we must address
17 colonialism. This Inquiry is not only about the law it is
18 also about political will.

19 Like our CAP, like the calls to action of
20 the TRC, the many other reports, commissions, and
21 inquiries, we know that your recommendations will not be
22 binding on government institutions, or frankly Canadians.
23 We understand that this Commission does not have the power
24 or authority to direct government to make legislative
25 change or policy change. However, we believe it is

1 important in fulfilling your mandate that we identify and
2 assist you in examining the systemic causes of violence
3 against women and girls and to make recommendations for
4 effective action.

5 In this sense, we hope that this Inquiry
6 and your resulting recommendations can be a tool for such
7 action, and that is, in fact, what we intend to do with
8 this work and your resulting report is to use it as a tool
9 in moving forward with our work.

10 So that will be the end of my submissions.
11 I would allow Ms. Venne to make some direct comments, if
12 she wishes.

13 **MS. LISA WEBER:** One final comment, then.

14 Thank you to Commission counsel for
15 reminding me we did submit our two-page recommendation, so
16 we'll actually ask that be admitted as an exhibit today.

17 **CHIEF COMMISSIONER MARION BULLER:**

18 Certainly. The two-page recommendations, correct, will be
19 Exhibit 2, please.

20 ---EXHIBIT NO./PIÈCE No. 2:

21 "Key Draft Recommendations" document

22 (three pages)

23 Submitted by: Lisa Weber, Counsel for

24 Institute for the Advancement of

25 Aboriginal Women

1 **MS. LISA WEBER:** Thank you.

2 That would conclude our submissions unless
3 there are any questions from the Commissioners.

4 **COMMISSIONER QAJAQ ROBINSON:** Thank you for
5 your presentation, and thank you for both -- to both of
6 you for being here.

7 I want to talk a little bit about the
8 statement you want us to make with respect to the use of
9 Ms. Gladue's parts by the criminal justice system, and I
10 look forward to reading more about that in your closing
11 submissions, the finding you wish for us to make, the
12 declaration.

13 It reminded me of testimony I heard in
14 Membertou from Ms. Brooks, who talked about how her
15 sister's head was kept for years. The case was unsolved.

16 And in their beliefs and their laws, a
17 spirit can't rest without all her parts, to the point
18 where her mother wasn't prepared to even bury her and have
19 ceremony until she was fully intact again.

20 Ms. Brooks described a process of having to
21 fight to get those after years -- I think it was eight or
22 nine years -- to get her sister's remains back together so
23 she could rest. And it took an investigator and a
24 pathologist with will to do additional autopsies and
25 forensic reports because the concern was if they made an

1 arrest, the original autopsy or forensic or pathologist
2 report that was relied on needed to be challenged so the
3 accused, whomever that accused may be -- and this is a
4 case where there was no one ever arrested -- would have a
5 right to examine her head.

6 They resolved that legal challenge,
7 protecting the individual's rights, by having multiple
8 pathologists do an examination so that there would be an
9 array of opinions that a Court, if it were ever
10 adjudicated, could rely on.

11 And I was wondering -- and you may not have
12 heard that testimony, so I don't want to spring it on you,
13 but I think it's related and I wanted to draw your
14 attention to that testimony in the event that that might
15 assist you because I think they are absolutely related.
16 And the solution that was found met multiple interests,
17 and I think that that process was something to think about
18 as well.

19 So I just wanted to flag that with you. I
20 guess it's more of a flagging of some of the evidence on
21 our record as opposed to a specific question, but if you
22 have thoughts about the parallels between how the
23 prosecution of Ms. Gladue's death was handled and this
24 case, I welcome you to comment.

25 **MS. LISA WEBER:** Yes, and thank you for

1 that.

2 I think I -- what comes to my mind right
3 away is the fact that we have discussed and we keep in
4 very close contact with her family. And I can tell you
5 that that was raised an issue, that they have not had a
6 final burial, if you will, for Cindy. And that's why.

7 And I can also tell you that her surviving
8 children, we talked about that because IAAW was very
9 supportive of advocating for the return of her remains,
10 her body parts, from the Crown or wherever they are, and
11 they're afraid. They're afraid to ask.

12 They're afraid that they may impact any
13 potential retrial of the man who killed her, and so
14 they're afraid to ask. And I think that goes to the whole
15 issue of colonialism and the impact and our fear or asking
16 for something that we should never have to ask such a
17 question, but they're afraid to go there. They're afraid
18 to ask that.

19 But thank you for pointing that -- that
20 other case out. No, we wouldn't have been present when
21 that evidence was ---

22 **COMMISIONER QAJAQ ROBINSON:** I think if --
23 you're right. It's that -- it was a combination of
24 demanding and the will of specific individuals and
25 institutions, so perhaps there's a need for policy

1 declarations with respect to remains, perhaps even
2 legislative reform.

3 Thank you.

4 **COMMISSIONER BRIAN EYOLFSON:** I don't have
5 any further questions, so I just want to thank both of for
6 attending and providing your submissions.

7 Thanks very much.

8 **CHIEF COMMISSIONER MARION BULLER:** I also
9 want to say thank you both very much. Thank you for
10 coming.

11 And I also have to say, Ms. Weber, it's
12 just been a real privilege to work with you and such a
13 committed advocate, so thank you.

14 **MS. LISA WEBER:** Thank you.

15 **MS. MEREDITH PORTER:** Thank you.

16 The next party I would like to invite to
17 the podium is from the Assembly of Manitoba Chiefs.
18 Representing the Assembly of Manitoba Chiefs will be Grand
19 Chief Arlen Dumas.

20 **---SUBMISSIONS BY/SOUMISSIONS PAR GRAND CHIEF ARLEN DUMAS:**

21 **GRAND CHIEF ARLEN DUMAS:** (Speaking in
22 Native language) Good afternoon, Elders, grandmothers,
23 families of the murdered and missing indigenous women and
24 girls, survivors, Chiefs, leaders and Commissioners. My
25 name is Grand Chief Arlen Dumas.

1 I'd like to acknowledge the Algonquin
2 territory that we're on. I'd also like to acknowledge all
3 of the sacred items that are in the room.

4 I would like to begin by acknowledging and
5 honouring the murdered and missing indigenous women and
6 girls, survivors of violence and exploitation, and their
7 families. It is important for the Assembly to begin with
8 this acknowledgment, as it is only the result of the
9 advocacy by the families and the survivors that we are
10 here today.

11 It is our responsibility to ensure that the
12 families and the survivors who have shared so much with us
13 during the Inquiry feel heard and that their
14 recommendations are acted upon.

15 My role here today is to draw attention to
16 what the AMC has heard from a regional perspective about
17 MMIWG and to convey the sense of urgency. A complete
18 paradigm shift is required to reverse the course and keep
19 First Nation women and girls safe.

20 Western ways are incapable of dealing with
21 the crisis of MMIWG. Keeping First Nations women and
22 girls safe requires us to return to First Nations ways of
23 being and knowing.

24 Flowing from my remarks, AMC legal counsel
25 Joelle Pastora-Sala, will be grounding our submission

1 today in the seven phases of life, and co-counsel Anita
2 Southall will be introducing AMC's recommendations to you.

3 As the Grand Chief of the Assembly, I have
4 the honour and privilege of advocating on behalf of 62
5 First Nations in Manitoba. These First Nations represent
6 the diversity of Cree, Oji Cree, Ojibway, Dene and Dakota
7 Nations.

8 To address the MMIWG, the Assembly made a
9 conscious choice to build on what we had heard throughout
10 the years and be directed by families and survivors.

11 In 2014, with the help of families of the
12 murdered and missing Indigenous women and girls,
13 survivors, elders, and community organizations, and
14 supported by the First Nations Chiefs in Manitoba, the AMC
15 developed a Families First process in collaboration with
16 the Southern Chiefs Organization and the Manitoba
17 Keewatinowi Okimakanak.

18 In 2014, this work was considered ahead of
19 its time and neither Canada nor Manitoba did anything
20 about in response. We cannot continue to wait to have an
21 informed regional response that respects our families and
22 survivors. What we heard and learned through the Families
23 First process was that any process that addresses MMIWG
24 must put families and survivors first, must be regionally
25 focused, must be trauma informed, and based on First

1 Nations ways of being and knowing.

2 As we approach the end of the National
3 Inquiry and we reflect on the process, AMC is left with
4 the conclusion that this was ultimately a flawed process
5 because it was based on western laws and values which did
6 not reflect who we are as a people.

7 Families and survivors sounded the alarm
8 bells throughout this process. Manitoba Chiefs had heard
9 that they were not informed -- that families were not
10 informed about important timelines or included in
11 meaningful discussions in the hearing process. Despite
12 this glaring oversight with the magnitude of the issues
13 and the reality that this could be the only opportunity to
14 have our voices heard, the Assembly of Manitoba Chiefs
15 made sure that the AMC continued to be involved in
16 support.

17 The Inquiry was filled with people with
18 good intentions and good hearts, including families,
19 survivors, Parties with Standing, Inquiry staff, and
20 Inquiry Commissioners.

21 But the good intentions of all those
22 involved could not cure what was a deeply flawed and
23 problematic process. Families continued to be traumatized
24 as they publicly shared their truths, which for many meant
25 reopening deep wounds. Experts and witnesses involved

1 were cross-examined in a western, combative-style process
2 which arbitrarily imposed timelines and party positioning
3 took priority over charting a way forward for families in
4 crisis.

5 Counsel and organization representatives
6 were regularly given documents at the last minute and
7 expected to make sense of dense information with little or
8 no time to meaningfully engage in the materials.

9 Given the nature of the issues before the
10 Inquiry, the work was always going to be challenging.
11 Those challenges did not need to be compounded by a flawed
12 process.

13 The First Nations principle of reciprocity
14 tells us that in spite of these challenges, we cannot let
15 these efforts go to waste. Healing from this collective
16 trauma requires us to have empathy and respect for one
17 another and face the hard truths that were shared before
18 and during the Inquiry. And most importantly, it requires
19 us to act upon these hard truths.

20 The first truth is that we are in a state
21 of emergency. As we listened and learned during the
22 Inquiry process, First Nations women and girls continued
23 to disappear and be murdered as we were grappling with
24 this crisis.

25 Far too many First Nations women and girls

1 are taken from us too soon. We all know the statistics.
2 But more importantly, these women and girls are our
3 sisters, our wives, our cousins, our friends, our
4 neighbours, our mothers, and our grandmothers.

5 We are all deeply affected by this tragedy.
6 There is not one First Nations family in Manitoba that has
7 not been touched by and wounded by this violence. It has
8 devastated -- it is devastating and has rippling effects on
9 us all.

10 First Nations women do not feel safe
11 walking in the streets and young First Nations girls are
12 asking their mothers whether their brown skin means that
13 they will go missing and/or murdered one day.

14 The second truth is that the crisis of
15 MMIWG is a direct result of colonization, the colonial
16 policies and laws established which establish control over
17 every element of our lives as First Nations people, our
18 identity, our culture, our children, our movement, our
19 relationships, our education, our food, our survival.

20 First Nations have always pushed back. But
21 over the last 150 years, Canada has designed systems that
22 continue to remove the Indian from the child, to try and
23 get rid of the Indian problem. Our languages, the way of
24 life, and our way of life were seen as problems by
25 colonizers because we were so strong and rooted in our

1 ways.

2 When First Nations face poverty, low levels
3 of education, inadequate housing, and a loss of value for
4 life, this is all a direct result of colonization. It is
5 the consequence of the continued imposition of foreign
6 laws and policies and practises.

7 First Nations are caught in foreign western
8 systems from birth to beyond death, whether through
9 residential school, Child Welfare, the justice system,
10 health, Social Assistance, or the *Indian Act*.

11 Settlers benefit from the theft of our
12 lands and the commodification of our people. It has
13 created systems that are meant to serve them. These
14 foreign systems have forced First Nations women and girls
15 into desperate situations, situations for survival.

16 At the same time, these systems have
17 promoted the idea that the lives of First Nations women do
18 not have a value, that they do not matter.

19 The forces of colonization funnelled First
20 Nations women and girls into vulnerable situations which
21 placed them at higher risk of going missing or being
22 exploited or being murdered.

23 Taking away from First Nations women and
24 girls through violent and disturbing crimes is an act of
25 genocide that continues the legacy of residential schools,

1 the Sixties Scoop, sanitoriums, and the current efforts
2 linked to the Child Welfare and justice systems.

3 Colonial systems do not work for us. They
4 are fundamentally opposed to who we are as people. It is
5 amazing how resilient our people are, despite all of these
6 systems.

7 The third truth lies within the resiliency
8 of First Nations world views and laws, which are required
9 for a better future, to begin healing from continued
10 disruptions. The only way to prevent future violence
11 against all Indigenous women and girls is to move away
12 from these colonial laws and policies and ensuring that
13 it's First Nations laws that govern all aspects of our
14 lives.

15 Meaningfully addressing the crisis of MMIWG
16 affecting Manitoba First Nations requires a fundamental
17 paradigm shift. This cannot be accomplished with a return
18 to First Nations law -- this can only -- can be
19 accomplished with a return to First Nations laws and ways
20 of being and knowing.

21 The United Nations Declaration of the
22 Rights of Indigenous People offers a framework to
23 achieving this objective. We must fundamentally change
24 the landscape now. First Nations women and girls cannot
25 afford for us to wait. First Nations families and

1 survivors have given us much through this hearing process.
2 They deserve nothing less than (speaking in Indigenous
3 language).

4 (APPLAUSE/APPLAUDISSEMENTS)

5 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. JOËLLE PASTORA**

6 **SALA:**

7 **MS. JOËLLE PASTORA SALA:** Good afternoon.
8 Bon après-midi, family members, survivors, elders,
9 grandmothers, leaders, colleagues, and Commissioners.

10 Mon nom est Joëlle Pastora Sala, and I am
11 co-counsel for the Assembly of Manitoba Chiefs.

12 I will be sharing some sensitive stories and
13 accounts of the types of experiences that AMC has heard in
14 recent years. We have chosen to share our submissions in
15 a format that honours First Nation women and girls and
16 First Nation traditional ways of sharing and doing.

17 Protocol was followed in order to share the
18 First Nation teachings which form the basis of the oral
19 submissions of AMC.

20 I would like to particularly acknowledge
21 Elders Florence Painter and Dennis White Bird, as well as
22 Cora Morgan for their generosity and guidance.

23 First Nation teachings tell us that there
24 are seven stages of life. There are ceremonies and
25 teachings for each of these stages of life. As a direct

1 result of colonization, many First Nation people no longer
2 hear or know these teachings. Many will never hear
3 teachings about the sacredness of life or hear that all
4 women are sacred.

5 Both First Nation women and men are hurting
6 from the loss of these teachings and laws. In addition to
7 being caught in foreign systems, First Nation women and
8 girls are also stuck in stages of life and are not able to
9 move forward emotionally. First Nation women and girls
10 who do not pass through these stages of life through
11 ceremonies and their teachings are more vulnerable to
12 exploitation and violence as they do not know who they
13 are.

14 First Nation women and girls have lost
15 value of life, their own life and the lives of others.
16 Just as First Nation teachings have been stolen from First
17 Nation people, so too have First Nation women and girls.

18 The first stage of life is the good life.
19 Elders teach us that as soon as there is conception there
20 is a spirit or a blue light. When the blue light comes
21 into our bodies, parents, families, and communities
22 celebrate new life.

23 Before we are born, our mothers form
24 connections with us when we are in their womb. During our
25 time in our mother's womb, we are already in the process

1 of learning our roles and responsibilities. It is during
2 that time that the Creator is already making plans for us.

3 When a baby is preparing to make its
4 arrival to the physical realm it announces its arrival by
5 the breaking of the water. This is a natural way of
6 showing us the connection of women with water.

7 Elders speak of a time when midwives used
8 to read birth waters to identify the gifts and talents of
9 babies at birth. From that moment on it was the
10 responsibility of grandmothers, mothers, family members,
11 and community to foster gifts of the child and support
12 them.

13 Once babies are born there are several
14 specific ceremonies that must take place. This includes a
15 naming ceremony which would typically happen four days of
16 the baby being born. According to First Nation teachings,
17 this stage is called the good life as everything is done
18 for the change.

19 At this stage, the value of kindness is
20 thought -- is taught through practices such as
21 breastfeeding. Elders tell us that it is important for
22 babies and infants to feel love during this stage because
23 that is a feeling a child never forgets.

24 Disruptions. When a First Nation woman is
25 pregnant, she is immediately negatively judged by her

1 brown skin no matter her economic, professional, or
2 educational background. As stated by Dr. Lavallee, she is
3 unable to interact with the healthcare system except in
4 stereotype. If she lives in a First Nation reserve in
5 Manitoba, she has likely made a trip to an urban centre
6 like Winnipeg, Brandon, or Thompson to attend her prenatal
7 appointments. This may be the first time that she is
8 outside her community.

9 As a residential school survivor or a
10 daughter of a residential school survivor, she may not
11 feel equipped to be a parent. She recalls being separated
12 from her parents, siblings, and culture, and community at
13 a very young age. She may have been physically or
14 sexually abused by her teachers or fellow classmates in
15 residential schools and been encouraged to keep quiet
16 about the abuse. She may have been publicly, physically,
17 or orally scolded for speaking her language. During her
18 home visits she may have witnessed her parents fighting,
19 growing apart, and drowning their sorrows in abusive
20 substances. She may have left her First Nation as a
21 teenager for better educational or employment
22 opportunities in the city.

23 As her baby grows inside her womb, the
24 young First Nation mother feels more and more alive. As
25 she -- she may be both excited and scared about what the

1 future holds for her and her baby. She is hopeful for a
2 good future for her baby, a life better than the one she
3 has had.

4 When her water breaks, she rushes to the
5 hospital. After a lengthy labour, her baby girl is born.
6 As she holds her baby close, a nurse walks into her
7 hospital room with a stranger. The stranger who is
8 holding a car seat informs her that she is here to take
9 her baby girl.

10 Without any warning or explanation, despite
11 her significant opposition, her baby girl is taken from
12 her within 24-hours. She likely won't know where her baby
13 is taken. The First Nation mother leaves the hospital
14 alone and with potentially nowhere to go. Elders have
15 said that the most violent act you can commit to a woman
16 is to steal her child.

17 There is a fork in the road. She may be
18 able to find the courage and strength to find her baby and
19 to return her baby home. If this is the path, she chooses
20 she will face many obstacles along the way. She will live
21 in poverty and may never have the resources to have a
22 suitable home for her child.

23 The other path she may take is the one of
24 drowning her pain. In drowning her pain she will be
25 subject to many risks where addiction, a lack of will to

1 live, violation, abuse and worthlessness may all ensue.

2 She may be 1 of 350 cases of her legal aid
3 -- on her legal aid lawyer's desk. When she has her day
4 in court, she will likely face racism and stereotypes by
5 individuals far removed from her reality. She may be told
6 by a judge that the cultural heritage of her child is not
7 part of the child's best interest. She will miss out on
8 the fundamental years of her baby's life, from birth to
9 2-years old, a time when nurturing is critical for our
10 baby's future and emotional memory.

11 Eventually her hope for reunification may
12 fade and she will feel a sense of hopelessness. The CFS
13 system will treat her as guilty of being unfit and she
14 will never be given an opportunity to prove otherwise.

15 The First Nation mother's baby is another
16 generation removed from family and culture. The First
17 Nation baby girl is bounced from place to place and never
18 experiences unconditional love or a sense of belonging.
19 She carries grief and loss, even if she is only 2-years
20 old.

21 The earliest moments of her life may be
22 spent in emergency shelters rather than in the loving arms
23 of her family. That baby will not know her name, who she
24 is, and to whom she is connected. Her ties to her family
25 and community will be severed within hours of entering the

1 physical world.

2 The next stage of life is the fast life.
3 It is just what it sounds like. From the time a young
4 girl is 3-years old to when she begins her menses,
5 everything happens so quickly. As children approach their
6 teenage years, things become more challenging for the
7 young ones. They struggle to fit in and find their
8 identity, being too old to play with children -- with
9 child games and too young to play adult games.

10 During this time young girls and boys
11 demand a lot of time from their parents, testing each
12 other's patience. As they age, they begin to think that
13 they know more than their parents and seek independence.
14 First Nation teachings tell us that however difficult this
15 stage may be it is imperative to continue loving,
16 supporting and providing for that child because they still
17 require guidance.

18 Honesty is the gift for this stage of life.
19 Children are often questioned about their actions at this
20 stage and told that they must be truthful. When children
21 are honest with others and with themselves, they will be
22 more grounded and ready to face the challenges of life.

23 Disruptions. As a First Nation child, she
24 may be the sixth generation of stolen children. Each
25 generation which is removed from their family and culture

1 is an added generation of trauma, grief, loss, which is
2 recorded in her blood memory.

3 A baby girl who is removed from the care of
4 her family at birth may reach the physical age of three
5 not even knowing that she is First Nation. She may even
6 believe that she belongs to another culture or race.

7 Because she is suffering emotionally, she
8 may experience behavioural challenges and be flagged by
9 the child welfare worker as a problematic child. Because
10 of her behavioural issues she may be heavily medicated and
11 not be provided with emotional supports. If she is
12 provided with emotional supports none of them will be
13 grounded in her culture. This young girl will be growing
14 physically without the teachings to grow emotionally and
15 spiritually in a way that is connected to her First Nation
16 identity.

17 The next stage of the life is the wondering
18 life. This is when a young woman begins to flourish. She
19 begins to wonder about her identity and purpose and starts
20 to think about what she has gone through and what she has
21 learned. At this stage the young woman desperately wants
22 to belong. According to Basil Johnston for a girl the
23 attainment of womanhood is the most singular event in her
24 life and is the greatest gift.

25 It is in this phase that young girls begin

1 to master skills and training intended to prepare them for
2 adult life, both physically and spiritually. At this
3 stage young girls and boys will do their vision quests.
4 Without these they are unable to proceed to the next
5 stage.

6 Continued parental guidance is also
7 fundamental at this stage. It is important for parents to
8 encourage their children to seek guidance from Elders and
9 mentors. By this point the purpose of life becomes
10 clearer and it is the gifts of sharing that is the value
11 focused upon at this stage.

12 Disruptions: By the time she becomes a
13 teenager, she may have already experienced suicidal
14 thoughts and significant mental health challenges. If she
15 has been categorized by her social worker as a "difficult
16 teen", it will be difficult, if not impossible, for the
17 Child Welfare system to find her a loving home. She will
18 likely be placed in a group home with other teenagers who
19 are suffering trauma. She may experience verbal,
20 emotional, physical, and sexual abuse in her group home by
21 the Child Welfare workers or other teenagers.

22 Because she has been bounced from placement
23 to placement, all of her belongings are stuffed inside of
24 one garbage bag. If she wants to purchase food that is
25 not provided for her in her group home, she may be tempted

1 to steal and could be charged with theft as a result.

2 If her basic needs are not met in the group
3 home, she may become sexually exploited as a way to make
4 money and survive.

5 There are many number of ways where her
6 survival could put her directly in conflict with the
7 justice system.

8 She may not attend or finish school. She
9 may not have anyone in her life to support her or to
10 encourage her. She may not even know how to dream.

11 As she is in her teenage years, she may
12 rebel and start experimenting with abusive substances, as
13 well as engaging in other risky activities. She may start
14 seeking a sense of belonging on the streets with others
15 who are suffering. She may also run away from the group
16 home to seek out her mother and biological family and join
17 the many other young girls who are reported missing,
18 simply because they are trying to return home.

19 If she becomes a teenage mother, her baby
20 will likely be apprehended at birth. She may never have
21 the opportunity to parent her child.

22 When she turns 18, she may get a modest
23 cheque from the Child Welfare Agency which comes nowhere
24 near meeting her needs. She will be handed her garbage
25 bag of belongings one last time. Her only option may be

1 to live in a homeless shelter or in the streets. In this
2 moment, she is so alone. At the same time, she is not
3 alone at all because there are over 11,000 children in
4 care in Manitoba.

5 You'll hear, as I talk about the next four
6 stages, that unlike the three first stages where we have
7 talked about both the teaching and the disruptions, in the
8 next three stages, we will only talk about the First
9 Nation teaching. That is very deliberate. If she reaches
10 adulthood, the First Nation women may never have the
11 opportunity to attain the next ceremonial stages of life.
12 Many First Nation women and girls will not journey through
13 the phases of life, also because they are murdered or
14 disappear.

15 The fourth stage of life is the truth life.
16 At this stage, people begin to know who they really are.
17 Women continue to receive and appreciate womanhood and the
18 teachings they received. The gift at this stage is
19 strength. One of the ways it manifests is through
20 relationships in terms of how the couple lives with one
21 another. Once individuals attain this stage, they start
22 settling down and for some, begin their married life.

23 The fifth stage of life is the planning
24 life. At this stage, adults set out their plans for the
25 future, including parenthood. The four gifts which they

1 carry become the foundation upon which they will teach
2 their children, kindness, honesty, sharing, and strength.
3 It is at this stage that adults may find out that they are
4 expecting a baby.

5 As adults and parents, from the moment we
6 find out that we are expecting, it is our responsibility
7 to ensure the safety and security of our children. It is
8 the responsibility of parents to pass down protocols and
9 ways of living based on the seven sacred teachings.

10 When parents are not able to care for their
11 children and provide them with basic needs, grandmothers
12 are responsible for determining who would be appointed
13 with the responsibility to care for that child, and that
14 is done through ceremony and talking together.

15 The sixth stage of life is the doing life.
16 It is in this stage that parents begin exercising their
17 parental responsibilities and each family member
18 contributes to assisting in the well being of raising the
19 child.

20 According to Basil Johnston, while men and
21 women contend with the struggles in the physical order,
22 they must live out their visions. In so doing, they must
23 observe the laws of the world and customs of the
24 community.

25 At this stage, it is important for

1 individuals to remain true to their spirit and vision.

2 Disruptions: By the time she reaches the
3 physical age when she should be journeying through the
4 truth, planning, and doing phases of her life, she may
5 have already gone missing, been murdered, or taken her own
6 life.

7 The consequence of not progressing through
8 the ceremonial stages of life is that her quality of life
9 may become stagnant and she may not have any control or
10 autonomy. She may be a parent who is robbed of the
11 opportunities to parent by the Child Welfare or justice
12 systems. She may be struggling with addictions to drown
13 her pain. She may be sexually exploited to obtain money
14 for abusive substances.

15 And as an adult, she may carry -- she may
16 have suffered the grief and loss of one or several loved
17 ones, whether it be her cousin, auntie, or friend. One or
18 more persons in her life would be categorized under MMIWG.

19 Because of the impacts of colonization, she
20 may not know how to pray and she may not know that she is
21 sacred. As a First Nation woman, she may not have the
22 grounding and ceremony to honour the women and girls in
23 her life who have passed or the ability to deal with her
24 grief.

25 Stage seven is the elder life. It is a

1 gift to reach the elder stage of life. When adulthood
2 ends, the pace of life changes. Age gives way to
3 decrepitude and elders must accept the loss of strength,
4 the lessening of endurance, and the wane of agility as
5 part of life's destiny.

6 Old age is to be cherished because at this
7 stage, life's work is not finished. Elders play a vital
8 role as leaders and teachers in our community, and it is
9 their role and responsibility to pass their knowledge to
10 the next generation.

11 Grandmothers teach women about the life
12 journey of the child and that there are stages of rites
13 and passages for their entire life as a child. And when
14 we die, the blue light leaves our body and goes back to
15 the Creator and the body goes back to the land, Mother
16 Earth.

17 Disruption: She may reach the physical age
18 of an elder without ever going through most of the stages
19 of life. If she reaches the age of 60 years old, she may
20 have seen, experienced racism, poverty, trauma,
21 residential schools, and Sixties Scoop.

22 She may have never had the opportunity to
23 learn her language, attend ceremony, or learn her
24 teachings. She may have experienced flashbacks, and may
25 have blocked off parts of her memory because they are too

1 painful to recall.

2 While she knows by this stage of her life
3 she is meant to be sought for her knowledge, she is not
4 taken seriously any more, including by her own family. If
5 she was reunited with her children, they may struggle with
6 their relationship, her children would be angry with her,
7 and she could even be angry with herself for all of the
8 suffering she has had in life. She may have never felt
9 free and been institutionalized from birth to death.

10 The stories that we have shared are a
11 reality for so many. This is the work of colonization.
12 Rather than continuing to disrupt the lives of First
13 Nation women and girls, we need to disrupt colonization.

14 I will now turn to my colleague Ms.
15 Southall, to go over the recommendations which AMC views
16 as a pathway to disrupt colonization and keep women and
17 girls safe.

18 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. ANITA SOUTHALL:**

19 **MS. ANITA SOUTHALL:** Good afternoon, all
20 those present, and good afternoon Commissioners. My name
21 is Anita Southall and I'm part of the counsel team for the
22 Assembly of Manitoba Chiefs.

23 Grand Chief Dumas has stated, the crisis of
24 missing and murdered Indigenous women and girls requires a
25 fundamental shift of approach with a return to First

1 Nation laws, ways of being and knowing.

2 The United Nations Declaration on the
3 Rights of Indigenous Peoples offers a path to achieve this
4 objective.

5 AMC has focused on the following areas to
6 provide recommendations: Child Welfare, human
7 trafficking, sexual exploitation and resource extraction,
8 justice and policing, health and education systems,
9 education awareness and honouring loved ones, and media.
10 All recommendations put forward by AMC are grounded in the
11 Declaration and relate to supporting First Nation
12 governments, self-determination, and returning to First
13 Nation laws, ways of being and knowing.

14 While transitioning to First Nation-led
15 solutions rooted in First Nation institutions, there are
16 interim measures that are required by the Crown and all
17 levels of government in order to fulfill Treaty
18 obligations and to address systemic racism that has
19 resulted in the murders and disappearances of First Nation
20 women and girls.

21 AMC's detailed interim measures in each of
22 the subject areas will be contained in AMC's written
23 closing submission that will shortly be filed with the
24 Commission.

25 Prior to addressing the area-specific

1 recommendations, AMC submits the following overall
2 recommendations.

3 Commissioners, you've been provided with a
4 two-page set of recommendations by AMC, and at our
5 conclusion today we'll ask that that be marked as an
6 exhibit. Thank you.

7 In the engagement conducted by AMC in the
8 Families First Process, AMC clearly heard that these
9 issues must be addressed from a regional perspective.
10 Therefore, AMC recommends that the federal government
11 meaningfully support and provide funding to AMC for two
12 regional summits in Manitoba inclusive of both northern
13 Manitoba and southern Manitoba to be held within one year
14 of the release of the National Inquiry report for the
15 purpose of bringing First Nation Elders, knowledge
16 keepers, community members and legal and policy
17 technicians together to coordinate a 10-year plan to
18 support First Nation governments and self-determination of
19 First Nations.

20 These summits will provide the opportunity
21 for First Nations to formulate plans for the
22 infrastructure and First Nation governance of specific
23 indigenous systems to address these issues.

24 It is also recommended that the federal
25 government provide funding to the AMC for the monitoring

1 and implementation of the plans.

2 Thirdly, as an overall recommendation, AMC
3 requests that federal government meaningfully support and
4 fund First Nations and First Nation mandated entities.

5 To the first subject area of child welfare,
6 the brief contest, as stated by the late Elder Elmer
7 Kirschane, "We have to make things good for the future of
8 the little ones".

9 The statistics of children in the child
10 welfare system in Manitoba are deplorable. There are over
11 11,000 children in care, and about 90 percent of those are
12 indigenous children. Your chance of graduating from high
13 school if you are a child in care in Manitoba is only 25
14 percent.

15 There is a direct link between children in
16 care and MMIWG. In 2016, of the over 9,700 missing
17 persons in Manitoba, approximately 87 percent of them were
18 children in care; 70 percent of those were girls.

19 Birth alerts are happening at alarming
20 rates. This practice must end.

21 Manitoba has been identified as possessing
22 unique circumstances and is experiencing a humanitarian
23 crisis in child welfare. We must completely flip the
24 system to reverse these trends.

25 AMC makes the following recommendations.

1 Number 1, that all levels of government
2 implement Article 7 and 22(2) of the Declaration and fund
3 initiatives to implement the goals, objectives and these
4 rights pertaining to freedom from all forms of violence,
5 including the forcible removal of children, and genocide.

6 Number 2, that all levels of government
7 meaningfully support and fund First Nation governments'
8 efforts to reclaim and assert jurisdiction over First
9 Nation children.

10 Number 3, that all levels of government
11 meaningfully support and fund First Nation government
12 efforts to bring first Nations children home and return
13 them to their families and communities.

14 Turning to the subject area of human
15 trafficking, sexual exploitation and resource extraction,
16 the context.

17 Canada has an international reputation as a
18 source, destination and transit country for human
19 trafficking. Trafficking recruitment efforts are rampant
20 in Manitoba.

21 Based on what AMC has heard and observed,
22 the primary factors leading to the human trafficking,
23 sexual exploitation and violence relating to resource
24 extraction projects against First Nation women and girls
25 are the impacts of colonization on the devaluation of the

1 lives of women and girls, the circumstances of poverty
2 among First Nations and the service delivery model in
3 First Nations which leads to a lack of or inadequate
4 social services.

5 The AMC makes the following recommendations
6 relating to this subject area.

7 That all levels of government implement
8 Article 10 of the declaration to fund initiatives to
9 implement the goals, objectives and this right, protecting
10 the right to life, liberty and security of the person and
11 the forcible removal from lands and territories.

12 Justice and policing, a brief context.
13 There is a proportionate representation of First Nations
14 people stuck in the policing and justice systems. There
15 is a historic and ongoing lack of trust between First
16 Nations people and policing agencies.

17 Victims of violence have reported police
18 insensitivities to their well-being, and police officers
19 are also sometimes perpetrators of violence against First
20 Nation women and girls.

21 For many, incarceration may be the first
22 time that they are exposed to their First Nation tradition
23 and culture through cultural programming.

24 The only way to meaningfully reduce and
25 eliminate the over-representation of First Nation people

1 in this system is by restoring jurisdiction of justice and
2 policing issues to First Nations people and governments.

3 The AMC makes these recommendations.

4 That the federal government meaningfully
5 support and fund the AMC to create First Nation legal
6 institutions in Manitoba to develop use, and understand
7 First Nation laws.

8 Number 2, that all levels of government
9 implement Articles 19 and 34 of the Declaration requiring
10 states to obtain consent from First Nations people before
11 implementing laws that affect them and protecting the
12 rights of First Nation people to develop their own
13 institutions.

14 Health and education. The health and
15 education systems are foreign systems that have been
16 imposed on First Nations people and do not meet their
17 needs.

18 The recommendation is that all levels of
19 government implement Articles 14, 23 and 24 of the
20 Declaration to protect the right of indigenous people, to
21 develop priorities and strategies in this field as well as
22 to permit First Nation people to enjoy the highest
23 standard of health and education.

24 I am over time, I think, Commissioners. Am
25 I permitted to just read into the record the remaining

1 recommendations? There are two of them.

2 **CHIEF COMMISSIONER MARION BULLER:** Yeah.

3 Go ahead, and we'll take the time from our time.

4 **MS. ANITA SOUTHALL:** Thank you very much,
5 Commissioners.

6 I will move to just the recommendations in
7 these last two areas: education awareness and honouring
8 loved ones.

9 AMC recommends that the -- all levels of
10 government implement Articles 11 to 13 and 15 of the
11 Declaration, and fund initiatives to implement the goals,
12 objectives and these rights protecting the right of
13 indigenous people to revitalize, practise and teach their
14 spiritual and cultural traditions.

15 And finally, with respect to media, AMC
16 submits that all levels of government must implement
17 Article 16 of the Declaration and fund initiatives to
18 implement goals, objectives and this right, protecting the
19 right of indigenous people to establish their own media
20 outlets in their own languages and requiring states to
21 support them.

22 Commissioners, regardless of what happens
23 in the Inquiry, First Nations will continue to lead the
24 way in protecting and honouring First Nation women and
25 girls.

1 Thank you.

2 **CHIEF COMMISSIONER MARION BULLER:** Thank
3 you. Thank you very much.

4 We're just resetting the clock.

5 **MS. MEREDITH PORTER:** Certainly. And we
6 were just inquiring about whether that can be noted as an
7 exhibit as per counsel's request.

8 **CHIEF COMMISSIONER MARION BULLER:**
9 Certainly. The two-page document of recommendations by
10 AMC is Exhibit 3, please.

11 **--- EXHIBIT NO.3/PIÈCE NO.3**

12 "Outline of Draft Recommendations"
13 document (2 pages)

14 Submitted by: Anita Southall, Counsel
15 for the Assembly of Manitoba Chiefs

16 **MS. CHRISTA BIG CANOE:** Just note for the
17 record.

18 **MS. MEREDITH PORTER:** Okay. So -- okay,
19 I'm just noting for the record that there are eight
20 minutes on the clock for questions. And so Chief
21 Commissioner and Commissioners, at this time, do you have
22 any questions for the party?

23 **CHIEF COMMISSIONER MARION BULLER:** No.

24 **COMMISSIONER QAJAQ ROBINSON:** I don't have
25 any questions. I would like to thank Chief Dumas for your

1 presentation and attendance as well as your counsel. I've
2 very much enjoyed your questions throughout this process
3 of different witnesses, and I look forward to receiving
4 your written submissions and reviewing those as well.
5 Thank you. (*Speaking Inuktitut*).

6 **COMMISSIONER BRIAN EYOLFSON:** I just want
7 to say thank you as well for your presentation, Grand
8 Chief Dumas and counsel. I appreciated your presentation
9 very much. Thanks.

10 **CHIEF COMMISSIONER MARION BULLER:** Yes. I
11 too want to say thank you, Grand Chief. I don't think
12 you'll find any difference of opinion up here that a
13 paradigm shift is needed. Thank you for inspiring us this
14 afternoon. To both counsel, it's a delight to see
15 exemplary advocacy work being done. It's been wonderful
16 to work with you throughout this process. Thank you very
17 much.

18 **MS. MEREDITH PORTER:** Thank you. Chief
19 Commissioner and Commissioners, at this time, we're
20 scheduled to take our afternoon break. We are scheduled
21 to reconvene at 3:40, and if we were to keep on schedule,
22 that would give us about a 13-minute break.

23 **CHIEF COMMISSIONER MARION BULLER:** Okay.
24 We can take --

25 **MS. MEREDITH PORTER:** I'll take --

1 **CHIEF COMMISSIONER MARION BULLER:** -- a 15-
2 minute break.

3 **MS. MEREDITH PORTER:** Take a 15-minute
4 break. Thank you very much.

5 **CHIEF COMMISSIONER MARION BULLER:** Thank
6 you.

7 **MS. MEREDITH PORTER:** Thank you so much.

8 --- Upon recessing at 3:27 p.m./ L'audience est suspendue
9 à 15h27

10 --- Upon resuming at 3:47 p.m. /L'audience est reprise à
11 15h47

12 **MS. MEREDITH PORTER:** Okay. She's ready, I
13 think, yeah. Thank you. The next party I'd like to
14 invite to the podium is from the Treaty Alliance Northern
15 Ontario Nishnawbe Aski Nation/Grand Council in Treaty 3.
16 Ms. Krystyn Ordyniec is counsel for the party.

17 **---SUBMISSIONS BY KRYSTYN ORDYNEC/REPRÉSENTATIONS PAR**
18 **KRISTYN ORDYNEC:**

19 **MS. KRISTYN ORDYNEC:** Good afternoon,
20 Chief Commissioner, Commissioners. My name is Krystyn
21 Ordyniec. I'm honoured and privileged to be trusted here
22 today as counsel to communicate the closing submissions of
23 Treaty Alliance Northern Ontario, which is Nishnawbe Aski
24 Nation and Grand Council Treaty 3, and to deliver
25 recommendations to this Inquiry on behalf of those

1 Nations. Like Ms. Fraser, when I reference the we and the
2 us in this submission, it is the voice of my clients and
3 not myself.

4 I would first like to begin by
5 acknowledging the traditional territories of the Algonquin
6 Nation and the Algonquin, Inuit, and Métis people for
7 welcoming us on their land. Nishnawbe Aski Nation and
8 Grand Council Treaty 3 acknowledge the survivors and
9 families of those who have gone missing and been murdered,
10 the strength and bravery of the journey that has led to
11 this National Inquiry and awareness on an international
12 level. For decades, families advocated for their loved
13 ones. They organized walks and vigils. For decades,
14 these families did not give up hope that one day the
15 crisis, their pain, would be acknowledged. Nishnawbe Aski
16 Nation and Grand Council Treaty 3 acknowledge and thank
17 those families who refused to let their loved ones be a
18 statistic. Today, we honour all of those women and girls
19 that have been lost, their families and their communities.
20 And today, we remember the spirits of those grandmothers,
21 mothers, aunties, sisters, daughters, and friends who are
22 no longer with us and keep them at the centre of this
23 work.

24 And I don't have to look down to my written
25 submission, sorry, my written notes for this portion of my

1 submission. Once again, tragedy has struck for Nishnawbe
2 Aski Nation and Webequie First Nation where Braiden Jacob
3 was found in Thunder Bay yesterday. He had travelled to
4 Thunder Bay to access trauma and grief counselling. And
5 as you will hear in the submission, it is just another
6 tragic reason this has to be addressed today.

7 Missing and murdered Indigenous women and
8 girls is a national crisis, and I would submit to you
9 today, it's a predictable crisis. Why do I say
10 predictable? Because we know -- we know that the systems
11 are failing Indigenous women in this country: Policing,
12 child welfare, education, justice. Laws are specifically
13 designed to systemically discriminate against Indigenous
14 women, further marginalizing them, and further putting
15 them at risk of serious violence on a daily basis.
16 Indigenous women are going missing. They are being
17 murdered. While we sat through these expert hearings, the
18 horrors continued. And we know why. We knew why, in the
19 words of Dr. Cindy Blackstock, over 100 years ago.
20 Everyone knows why. The UN Special Rapporteur on violence
21 against women stated that Indigenous women from First
22 Nation, Métis, and Inuit communities are overtly
23 disadvantaged within their societies and in the larger
24 national scheme. These women face marginalization,
25 exclusion, and poverty because of institutional, systemic,

1 multiple intersecting forms of discrimination that has not
2 been addressed adequately by the state. The words are big
3 and scary: Multiple, intersecting, institutional,
4 systemic.

5 This Inquiry's mandate to look at and
6 report on all the systemic cause of violence against
7 Indigenous women and girls. These words are big. They
8 are scary. This Inquiry has been tasked with examining
9 every single underlying social, economic, cultural,
10 institutional, and historical cause, and existing policies
11 and practices to addressing the ongoing violence and
12 vulnerabilities of Indigenous women and girls. Together,
13 we heard weeks of expert testimony from academics,
14 knowledge keepers, grassroots -- grassroots activists, and
15 educators, all telling us what we already know. That we
16 already know what's wrong. Not one witness said, "I don't
17 know why this is happening," or offered some surprise bit
18 of information that everybody in the room was surprised to
19 hear. We heard the same thing over and over and over
20 again: Lack of resources, lack of capacity, lack of
21 political will, lack of basic human respect for Indigenous
22 women and girls, systems designed to fail people at every
23 turn. We know why. Now, this Inquiry is tasked what may
24 seem like the impossible. What do we do next?

25 I'm just going to give a bit of background

1 on the Treaty Alliance of Northern Ontario. NAN was
2 established in 1973 as the political territorial
3 organization representing political, social, and economic
4 interests of its 49 member First Nations in Ontario.
5 These communities include four traditional language groups
6 and seven tribal council organizations. There are
7 approximately 45,000 NAN members, on and off reserve, in a
8 territory of 210,000 square miles. Grand Council Treaty 3
9 is the historic traditional government of the Anishinaabe
10 Nation in Treaty 3, and the political government for 26
11 First Nations in Ontario and two in Manitoba. The
12 Anishinaabe Nation did not surrender any rights of self-
13 government and continued to exercise traditional
14 government protecting rights respecting approximately
15 55,000 square miles of territory.

16 NAN and Treaty 3 have long recognized their
17 common interests, and on December 2nd, 2009, declared a
18 formal alliance with each retaining separate mandates over
19 their respective communities. As NAN and Treaty 3 have
20 extensive experience acting as a liaison between First
21 Nations and various levels of government on social issues
22 affecting the well-being of women as well as subject
23 matter expertise through the women -- work of their
24 women's councils, they were granted joint standing at this
25 Inquiry as the Treaty Alliance of Northern Ontario.

1 This Commission heard many Indigenous
2 communities suffer from common causes of violence,
3 including poverty, colonialism, racism, lack of access to
4 basic medical support and services, and the effects of the
5 residential school era. In addition, Nishnawbe Aski
6 Nation and Grand Council Treaty 3 communities suffer from
7 extreme geographic isolation and inadequate
8 infrastructure. Combined with insufficient government
9 support, the provision of social services that would help
10 to prevent the victimization of women and girls is
11 virtually non-existent.

12 Through it's right of cross-examination,
13 Treaty Alliance Northern Ontario provided context to the
14 Commission that women and girls in NAN and Treaty 3
15 communities often face the unconscionable choice of
16 staying in an abusive situation due to geographical
17 isolation or leaving their community and family and
18 putting themselves at greater risk of violence in an urban
19 setting where they may lack knowledge of local law, safe
20 areas, or how to access valuable services.

21 These are choices that no women or girls
22 should ever have to make, and it is especially concerning
23 that if support and basic services were available at the
24 community level our women and girls could meaningfully
25 choose instead of being forced into vulnerable and

1 dangerous positions. That said, urban centres should not
2 pose those dangerous risks to Indigenous women and girls,
3 yet they do. Both options must be safe.

4 It is also very important to understand
5 that despite Treaty Alliance North Ontario's joint
6 submission in standing, issues and solutions are unique
7 across each of the 77 communities and great care must be
8 taken in addressing recommendations to consider the unique
9 diverse cultures, traditions, languages, and community
10 perspective of each of the First Nations represented by
11 NAN in Treaty 3.

12 So the first recommendation would be to
13 commit to ensuring that remoteness and the unique
14 geographical situation of Nishnawbe Aski Nation and Treaty
15 3 communities are considered in all final recommendations
16 made by this Commission.

17 Treaty Alliance Northern Ontario recognizes
18 and acknowledges the hard and important work that this
19 Inquiry has accomplished to fulfil its mandate and the
20 extraordinarily tight timeframe it has been given by the
21 federal and provincial governments.

22 Together with that acknowledgement is the
23 deep concern that the Inquiry has moved towards its
24 completion, failing to take into consideration a trauma
25 informed approach with the families at the center of the

1 Inquiry.

2 Communication with NAN and Treaty 3
3 families has been lacking from the beginning. It is
4 impossible to build trust with First Nations people
5 without that basis and effective communication. It is
6 imperative that moving forward there be family directed
7 intervention and solutions. In the words of the families,
8 "nothing for us without us."

9 Families were told at the pre-Inquiry stage
10 save your story. Some of these families did not ever get
11 a chance to tell their story. Three Treaty 3 families
12 participated in the statement gathering only because they
13 were previously identified. There is a real concern that
14 seven other families were pushed away because there just
15 wasn't time.

16 Statements were taken at the Super 8 Motel
17 in Kenora along the TransCanada Highway in a hotel room --
18 hardly a trauma informed approach -- where loved ones were
19 trafficked along this highway. Loved ones died in hotel
20 rooms. Women have disappeared never to be seen or heard
21 from in the exact same setting that the Inquiry was taking
22 statements.

23 It was communicated that for Treaty 3
24 statements taken in a roundhouse with ceremony and
25 traditional medicine in the presence of Elders and

1 blankets with gathering songs was the only way to make
2 families feel safe. This was not done.

3 These families were re-traumatized and
4 aftercare has been difficult to access. There are no
5 services available for extended family members. And what
6 we have seen is organizations who do have funding for
7 aftercare fighting about who represents the families.

8 I would offer to you that the families
9 represent the families, and each individual family knows
10 what care is required to begin their healing journey.
11 Once again, "nothing for us without us."

12 The next recommendation is to provide
13 adequate and sustainable funding for use at the community
14 level to support families who are grieving the loss of
15 loved ones as they move towards healing and closure
16 through community based wellness systems that invest in
17 family relationships, knowledge tradition, community
18 healing, and funding for land-based healing and
19 traditional medicine.

20 Also to ensure the voices of NAN and Treaty
21 3 families of missing and murdered Indigenous women and
22 girls are heard and respected as this Inquiry moves
23 towards completion and findings are communicated in a
24 trauma informed way.

25 Treaty Alliance Northern Ontario, both

1 individually and collectively, supported and lobbied for a
2 national inquiry through advocacy and participation long
3 before the formal announcement of this Inquiry. It is for
4 this reason that NAN and Treaty 3 are extremely
5 disappointed that the Commission did not hold hearings in
6 Treaty 3 or NAN communities.

7 While there was a Part 1 hearing in Thunder
8 Bay, many families could not participate due to high
9 transportation costs and other factors and without access
10 to traditional and cultural support to help them share
11 their story with you. Even more troubling for the
12 families that were able to attend the hearing is that
13 family support was unavailable to them.

14 The next recommendation is to provide an
15 opportunity for those families from NAN and Treaty 3, and
16 across Canada, who could not meaningfully participate in
17 this Inquiry to tell their stories in a trauma informed
18 way with appropriate support, and further, to consider the
19 stories and information in a supplemental report with
20 suitable recommendations and in acknowledgements of the
21 impossibility of considering these important voices in the
22 short timeframe given to the National Inquiry.

23 Through their testimony a NAP's Board Chair
24 Mike Metatwabin and now retired Chief of Police Terry
25 Armstrong describe what it is like for First Nation people

1 in remote northern communities in Ontario. Lack of
2 infrastructure, overcrowded housing, lack of access to
3 clean water, lack of basic services, including healthcare,
4 where on any given day a nurse might not come to work
5 because there is no police officer on duty to keep her
6 safe, social emergencies such as suicide packs and a
7 rapidly growing opioid crisis.

8 Professor Brenda Gunn in her answer to my
9 question what do you tell communities who are living with
10 human rights atrocities on a daily basis about
11 international human rights suggested that these are
12 violations of human rights that impact the security of the
13 person, the right to life for people, and the government
14 must address these issues. Professor Gunn stated if the
15 money doesn't stretch that far this means as a legal
16 obligation it has to move up higher. The budget has to be
17 there for the progressive realization of these rights.
18 Professor Gunn offered that the system is broken. All of
19 the issues are symptoms of a broken system. Until we fix
20 the system Indigenous women and girls will continue to be
21 murdered, they will continue to go missing.

22 OPP Chief Superintendent Mark Pritchard
23 told this Inquiry that to make communities safer and to
24 address the causes of violence in these communities the
25 socio determinants must be addressed without further

1 delay.

2 Suffice it to say, the next recommendation
3 is all levels of government must immediately take steps to
4 address the human rights violations that are occurring in
5 First Nations communities across this country and must be
6 held accountable for those violations.

7 I spoke before of choice. First Nations
8 women travelled to Thunder Bay, Kenora, Dryden, Sault
9 Lookout, or Winnipeg from their home communities for a
10 variety of reasons, but the underlying reason is always
11 the same, not because they choose to but because they have
12 to. They have no choice but to come to an urban centre to
13 access health and welfare services, to flee violence, to
14 go to high school, or to find employment to support their
15 family, all because these supports and services are
16 unavailable to them in their home communities.

17 Braden Jacob came to Thunder Bay because he
18 could not access services in his home community.

19 Everyday we're faced with choices, but I
20 would suggest to you that leaving family, community
21 support, and children to access services that should be
22 available to every single Canadian is not a choice.

23 The recommendation put forward is that
24 funding must be available for First Nations women, and
25 children, and community members to access health, mental

1 health, counselling, and other services in communities
2 without the necessity of traveling to major urban centres.
3 And I think you will find in the news today Grand Chief
4 Fiddler of NAN said the same.

5 Children often travel from communities to
6 attend high school in these same urban centres, one again
7 because they have to.

8 Ms. Tanya Talaga wrote extensively about
9 the issues facing First Nations youth in her book Seven
10 Fallen Feathers and the issue was at the center of a
11 month's long inquest into the death of seven youth who
12 were attending high school in Thunder Bay.

13 Ms. Talaga in her testimony spoke
14 extensively about the need for an Indigenous lens for
15 services like health, but in her cross-examination she
16 also stated that infrastructure is so important, things
17 like community centres in all communities, a functioning
18 gymnasium.

19 The youth need a place to be, a place to
20 go, and things that aren't programs that sort of fade in
21 and fade out of their lives. It's great that so many
22 people are taking the initiative from the south to go to
23 help the kids but there needs to be things in place for
24 them in their own communities run by people from their own
25 communities.

1 And we also heard Superintendent Pritchard
2 speak of Project Journey and Project Sunset in NAN and
3 Treaty 3 territory, which represent positive steps in
4 rebuilding trusting relationships with the police for
5 First Nation people, especially fostering a healthy
6 relationship with First Nation youth, and this type of
7 community based initiative can be a building block for the
8 capacity building that is required at the community level.

9 Despite real change in those relationships,
10 things like Project Journey are no longer funded. So the
11 recommendations put forward are to fund and extend Project
12 Journey and Sunset to all NAN and in Treaty 3 communities
13 and use Project Journey as a model to begin rebuilding
14 trust with First Nation communities across this country.
15 Also, to provide the resources to NAPS and Treaty 3 police
16 services to coordinate similar programs in their
17 communities policed by Indigenous police forces.

18 Ms. Sandra Montour in Calgary thoughtfully
19 offered:

20 "What I do know about the North is
21 that special attention needs to be
22 paid to it." (As read)

23 She described Northern shelters as, "lucky
24 to be single-staffed", and as a result, she believes that
25 safe places for women and girls to go in the North is in a

1 crisis situation.

2 A woman should be able to choose whether or
3 not she wants to stay in her home community or leave when
4 she is crisis, especially in matters of safety. That is
5 currently not a choice available to the majority of woman
6 in NAN and Treaty 3.

7 Ms. Talega once again offered that:

8 "Wouldn't it be a good thing if there
9 was a women's shelter in every
10 community and every remote community
11 that could also function as a safe
12 place for kids to go when things
13 aren't going well? Instead of
14 spending all that money constantly
15 flying people in, flying people out,
16 flying experts in, flying experts out,
17 we did something that was community
18 centric. That's what I think is
19 needed." (As read)

20 In order to truly to begin addressing the
21 crisis into missing and murdered Indigenous women and
22 girls there must be a safe place for them to go in times
23 of crisis. Getting on a plane and leaving a community
24 cannot be the answer for victims of violence and their
25 families. We must start addressing this need at the

1 community level if women and girls are ever going to be
2 safe. The recommendation that shelters and safehouses be
3 fully funded in each NAN and Treaty 3 community.

4 Changing the health delivery system is a
5 major step in the protection of Indigenous women and
6 girls. Dr. Barry Lavallee testified that service delivery
7 through non-insured health benefits was "a form of
8 systemic racism". Health services must be delivered with
9 a recognition of the inherent treaty rights of NAN and
10 Treaty 3 members to equal opportunities for health,
11 including access to appropriate, timely, high quality
12 healthcare regardless of where they live, what they have,
13 or who they are.

14 For self-determination over health,
15 resources must be allocated to the communities, and this
16 can only be achieved by changing the current colonial
17 system to a new one. A system based on the needs and
18 priorities identified by the community.

19 Community engagement on all levels is
20 imperative so that voices are heard, considered, and
21 incorporated into community-based programming.
22 Specifically, there must be approaches to health and
23 health access at the community level, First Nation
24 communities to deliver their own services, policy reform
25 and legislative change for the health system, including

1 sustainable funding models and decision-making structures,
2 and the removal of barriers caused by jurisdiction,
3 funding, policy, structure, and culture so First Nations
4 can manage their own services.

5 NAN's goal is to have communities as
6 decisionmakers and a system design is based on the
7 community needs. Through the NAN Health Transformation
8 Process based on the community's wishes, the system will
9 be made up of both regional and NAN-wide component and
10 service delivery models. Communities will decide how
11 services are delivered and where they should be located
12 based on five pillars: action-based community
13 participation, First Nations law development, policy and
14 legislative review, immediate needs process, and fiscal
15 review and funding policy.

16 Grand Council Treaty 3's mandate is to
17 consult with the communities of the Nishnawbe Nation and
18 Treaty 3 the Elders of the Nation, the regional health
19 organization, community health technicians, and Treaty 3
20 Health Council to being the process of developing a
21 written health law that is consistent with the traditional
22 law and spirit and intent of Treaty signed October 3rd,
23 1873 at Northeast Angle.

24 And also to obtain resources for this
25 undertaking from all governments.

1 The recommendation from Treaty Alliance
2 Northern Ontario is that this National Inquiry support
3 Nishnawbe Aski Nation and Treaty 3 in their community-
4 based health transformation efforts by recommending
5 required funding and commitments from all levels of
6 government.

7 Thunder Bay, Ontario has been the star
8 player in issues as related to policing and Indigenous
9 people, but not in a good way. The Thunder Bay Police
10 Service is the subject of an ongoing systemic review by
11 the Ontario Independent Police Review Director into how
12 the service handles Indigenous deaths. I probably
13 mentioned it during every one of my cross-examinations.

14 The Police Services Board is the subject of
15 a review by Senator Murray Sinclair directed by the
16 Ontario Civilian Police Commission. The OIPRD is holding
17 a press conference on Wednesday to release the report. I
18 had hoped that we would have the reports for this final
19 oral submission, but I would request that if I can get
20 them into the final written submission that this
21 Commission would read and consider in full both the
22 Sinclair Report as well as the OIPRD Report.

23 What we don't need the reports for is to
24 tell us about the fractured relationship between municipal
25 police services in Thunder Bay and NAN and Treaty 3

1 community members. Senator Sinclair's interim report
2 states:

3 "Tragically, grave concerns about
4 missing and murdered Indigenous women
5 and girls throughout Canada are not a
6 new development, nor are the concerns
7 in the Thunder Bay area." (As read)

8 And one of the recommendations would be to
9 listen to the Canadaland podcast. It's a five part
10 podcast and paints the picture of Thunder Bay how
11 Indigenous people are treated on a daily basis.

12 Recommendations include that all levels of
13 government focus on the systemic issues in policing,
14 legislation, policies, and programs through the lens of
15 missing and murdered Indigenous women and girls. To
16 urgently address the gravely concerning problem of police
17 culture as a first step in addressing entrenched systemic
18 discrimination towards Indigenous people. And urge the
19 Thunder Bay Police Service, the Board, as well as the OPP
20 and other municipal police forces to work with leadership
21 in forming appropriate working groups to ensure the safety
22 of Indigenous women and girls is considered as a top
23 priority when addressing organizational change,
24 implementing new policy, and fostering accountability to
25 Indigenous communities.

1 NAP's Detective Constable Alana Morrison's
2 testimony powerfully outlined the difficulties faced by
3 women in remote communities who experience violence.
4 Violence is so entrenched in the daily lives of Indigenous
5 women and girls, Detective Constable Morrison remembered
6 one specific instance in which a young girl said, "I just
7 wondered when it was going to be my turn". This
8 heartbreaking reality cannot continue.

9 Historically, Indigenous women were
10 leaders, at the centre of the family unit. There is an
11 obligation to lift Indigenous women and girls up to remind
12 them of their power, to encourage them to stand up for
13 what is right, and for their own safety and security.
14 There must be a push to encourage more Indigenous female
15 officers and communities so that youth have role models to
16 look up for also for specifically to community brought by
17 gender balance.

18 From Detective Constable Morrison's
19 testimony, recommendations include to fund and train the
20 capacity to administer sexual assault kits in every NAN
21 and Treaty 3 communities for victims who do not wish to
22 leave their home community, to provide resources to create
23 specialized sexual assault units within Treaty 3 and NAP
24 services, to provide resources for community-based
25 programming like the survivor assistance support program,

1 to support recruitment, retention, and promotion of
2 Indigenous women in police services across Canada, and to
3 provide immediately counselling services in the community
4 for any family member of the victim affected by a domestic
5 assault, as well as mental health supports for police
6 officers who themselves experience PTSD.

7 The history surrounding NAP's New
8 Tripartite Agreement, Ontario's new policing legislation,
9 and the state of policing in communities was
10 comprehensively covered through the testimony of Board
11 Chair Mike Metatawabin and Chief of Police Terry
12 Armstrong. Treaty Alliance Northern Ontario reiterates
13 and requests that all levels of government honour the
14 promises made during the tripartite negotiations in
15 respect of funding, as well as through legislative change
16 which is said to come into effect in early 2019.

17 The safety of Indigenous women and girls is
18 dependent on adequately funded and resourced First Nation
19 police services. It is imperative that the services are
20 seen as such, and not simply programs to be cancelled when
21 a budget is tight. Last week right here in Ottawa,
22 Nishnawbe Aski Nation and the Canadian government renewed
23 their Nation-to-Nation relationship by signing an
24 education agreement in principle to continue negotiations
25 for First Nations control, and law-and-law-making

1 authority over education.

2 The goal is to create a NAN First Nation
3 education system promoting Indigenous culture and language
4 and to build a solid foundation for the First Nations of
5 NAN to move out from under the education sections of the
6 *Indian Act*, exercise their vision of greater self-
7 determination, and build a brighter future for their
8 students.

9 Grand Chief Fiddler stated,

10 "Asserting our jurisdiction over
11 education is necessary so we can teach
12 our children in a way that is
13 consistent with our cultures while
14 also ensuring that they are prepared
15 academically for whatever
16 opportunities their futures hold.
17 "Our education system will be
18 developed and implemented by our
19 communities and will provide our
20 children with culturally-appropriate
21 and high-quality learning
22 opportunities that are on par with the
23 rest of Canada."

24 The recommendation is that the support that
25 education jurisdiction is brought back to all First

1 Nations in Canada. In the interim, the recommendation is
2 that funds are provided at the Nation and community level
3 to build Indigenous culture and identity into the
4 education system, starting with children in daycare and
5 extending to post-secondary students.

6 Education doesn't only occur in the
7 classroom, and for my clients, the role of the media
8 cannot be overstated. Portrayal of Indigenous women and
9 girls in a media release can dictate how a missing persons
10 investigation is treated. How women are positioned in
11 stories and through a film can either perpetuate negative
12 and unsafe stereotypes or lift up Indigenous women and
13 girls.

14 The media is the first introduction that
15 the public has to developing issues about Indigenous women
16 and girls, and currently, and unfortunately, the media
17 perpetuates systemic racism.

18 For example, a White female recently went
19 missing and the story inherently was more detailed than
20 when an Indigenous female went missing in the same
21 location.

22 However, Treaty Alliance Northern Ontario
23 is hopeful that through strong recommendations, the media
24 can be an ally and an advocate to be the educator of
25 Canadians in a good way.

1 The recommendations include to review and
2 reconsider with Indigenous input the information given to
3 new Canadians as part of the Immigration process to
4 accurately depict the history of Indigenous people in
5 Canada, and especially the status of Indigenous women and
6 girls throughout history; also, a mandatory Indigenous
7 history as part of all journalism and media classes at a
8 post-secondary level, and to support Indigenous
9 participation in such programs; and finally, to look at
10 all media releases and any print or media publication
11 through a First Nation lens.

12 Treaty 3's *Child Care Law* was declared and
13 adopted in October, 2005, and has its roots in the sacred
14 law of the people founded in spirituality and spiritual
15 gifts. The sacred law of the Anishinaabe people is
16 understood as such. The child is a sacred gift and the
17 child represents the continuity of the Nation.

18 The concepts that guide the *Child Care Law*
19 come from traditional Anishinaabe law which is universal
20 and is forever. It recognizes that the child must live,
21 belong, and grow within an environment of human
22 relationships rooted in the family, the clan, and the
23 community, and that these needs are essential to the best
24 interests of every Anishinaabe child.

25 The culture comprises the whole accumulated

1 knowledge and wisdom that has enabled the people to
2 survive and live a good life. And traditional Anishinaabe
3 law requires each Anishinaabe person to protect and uphold
4 the culture for the benefit of future generations and
5 gives Anishinaabe people guidance for their lives.

6 NAN recently signed a relationship
7 agreement with Ontario on child, youth, and family well
8 being, jointly recognizing the need for First Nation
9 communities and Ontario to work together to develop a
10 transformed, more responsive, and holistic approach to NAN
11 child, youth, and family well being.

12 Treaty Alliance Northern Ontario supports
13 recommendations that bring back child welfare into the
14 jurisdiction of First Nations, rooted in First Nation ways
15 of being and knowing through the codification of First
16 Nation laws with appropriate government supports and
17 recognition of the framework.

18 Last month, First Nation youth from NAN
19 communities, concerned over the Doug Ford decision -- the
20 Doug Ford government decision to scrap the provincial
21 child advocate asked Prime Minister Justin Trudeau for
22 help. The youth travelled to Ottawa for a meeting with
23 Prime Minister Trudeau where, among other things, they
24 asked for his support in creating a child advocate for
25 northern First Nations.

1 If I had more time I would discuss further
2 the Choose Life Initiative that this Commission has heard,
3 but I will read a quote from Betty Naveau of Mattagami
4 First Nation.

5 "The success of this program and
6 services offered within our community
7 are truly dependent on the
8 transference of knowledge and skills,
9 teachings that cannot be learned or
10 found in a textbook, our oral
11 teachings and hands-on skill in our
12 natural environment surrounded by
13 Mother Nature, our knowledge keepers,
14 elders, and community. The importance
15 of keeping our youth healthy, happy,
16 and vibrant and instilling self-
17 identity is our focus and is
18 essential."

19 Recommendations in this regard are to
20 support NAN's call for a northern child advocate to
21 monitor the progress towards closing the outcome gaps
22 between First Nation children and non-Indigenous children
23 and to ensure substantive equality in the areas of health,
24 education, economic well being, and social services,
25 reporting directly to Parliament on this progress; to hold

1 third-party service providers accountable to ensure that
2 First Nation children are safe; to urge Canada to
3 immediately comply with all CHRT orders and to fully and
4 properly implement Jordan's Principle; to permanently fund
5 and expand the Choose Life Initiative; to program starting
6 as early as child and maternal health; and to consider and
7 address the risk factors which lead to human trafficking
8 for First Nation girls as young as 11 years of age.

9 Together with recognizing the jurisdiction
10 of First Nations, Treaty Alliance Northern Ontario
11 expresses its concern that once a child ages out of care,
12 they are not adequately supported, placing young girls at
13 risk for human trafficking, homelessness, and other risk
14 factors.

15 Ms. Fay Blaney testified that protecting
16 women as they age out of care is serious in terms of
17 safety and quite important from the cultural and community
18 aspect. It's critical that they have the support that
19 they need, especially since the state are stealing them
20 from us to begin with.

21 The recommendation are to ensure that these
22 young women are supported as they age out of care with
23 respect to housing, education, income supplements, and
24 counselling to enhance their chances of success.

25 Taking a Family First approach to this

1 Inquiry requires serious consideration of the role of men
2 in accountability, responsibility, and healing. It is not
3 enough to consider the role of men simply as the
4 perpetrators of violence. It is essential that
5 recommendations account for also supporting men, be it
6 through emergency shelter, counselling services, and other
7 supports that have been discussed for female victims of
8 violence.

9 I started this submission with the
10 question, what do we do now? Many witnesses and experts
11 in these hearings expressed their faith in the importance
12 of the work of this Inquiry with scepticism about the
13 prospects for the government to act on the final
14 recommendations.

15 One of the first challenges is overcoming
16 the understandable scepticism on the part of First Nation
17 people. It is essential that an implementation process be
18 part of any set of recommendations. A credible process
19 must identify the institution or department responsible
20 for implementing a recommendation with measurable
21 benchmarks for progress and reasonable timeframes for
22 completion. There must be a mechanism through which
23 progress on implementation can be reported to First
24 Nations, to the public, and to the courts.

25 Treaty Alliance Northern Ontario adopts the

1 same view of Dr. Blackstock insofar as many of the root
2 and systemic causes of violence against Indigenous women
3 and girls are written about extensively in reports and
4 identified solutions are addressed through the
5 recommendations and calls to action of countless inquests
6 and inquiries.

7 Further studies on the increased rates of
8 victimization of Indigenous women and girls as related to
9 the traumatic effects of residential schools; the Sixties
10 Scoop; poverty; lack of access to basic human rights like
11 clean water, shelter, and safe spaces, are simply not
12 required. Action is required.

13 Specifically, I refer to exhibits tendered
14 through our witnesses that speak to years of
15 recommendations that repeat the same things, the same
16 things that are required across NAN and Treaty 3
17 territory, the same things that Grand Chief Fiddler spoke
18 about today found in the Ipperwash Inquiry
19 recommendations, the Seven Youth Inquest recommendations,
20 the Goodwin and Wesley coroner inquest recommendations,
21 the Anderson -- Anderson coroner's inquest
22 recommendations, and the Romeo Wesley coroner's inquest
23 recommendations. It's a call for the immediate and full
24 implementation of all recommendations made in all
25 coroner's inquest verdicts and -- and those that

1 specifically effect NAN and Treaty 3 communities.
2 Further, to call for the immediate and full implementation
3 of the TRC Calls to Action.

4 It is virtually impossible in the short
5 time to address all of the individual and collective
6 causes of violence against Indigenous women and girls in
7 NAN and Treaty 3 territory. It is the hope of Treaty
8 Alliance Northern Ontario that this Commission takes into
9 consideration the unique perspective of 77 communities
10 that are part of these Nations and most importantly,
11 recommends that this work continues. The lives of
12 Indigenous women and girls in this country must be
13 respected to the extent that there is a recognition that
14 this Inquiry is only the first step in addressing this
15 national crisis.

16 As you write your final report, I will
17 leave you with the following general principles outlined
18 by Treaty Alliance, which we hope you will consider:
19 Recommendations and solutions must be community based and
20 community driven; existing policies and practices examined
21 through an Indigenous and gendered lens; recommendations
22 including funding models that are flexible, not time
23 limited, and account for some capacity limitation at the
24 community level; recommendations and solutions must
25 recognize the inherent jurisdiction of First Nation

1 communities, they must have strong accountability
2 mechanisms, and they must consider the perspective and
3 voice of First Nation youth.

4 And just before I -- I did the submission,
5 Anna Betty Achneepineskum, who has travelled with me
6 extensively through these hearings, I spoke to her and she
7 asked me to communicate to you that NAN has begun a
8 statistics-taking -- their own statistics. And there are
9 65 women and 50 male deaths that have -- have occurred
10 under suspicious circumstances in -- for NAN people that
11 they have just discovered on their own through their own
12 statistics and that work also has to continue to truly
13 understand what is happening. *Migwetch.*

14 **MS. MEREDITH PORTER:** Thank -- thank you
15 very much, Ms. Ordyniec. Chief Commissioner and
16 Commissioners, do you have any questions for counsel?

17 **CHIEF COMMISSIONER MARION BULLER:** Brian,
18 (Indiscernible).

19 **MS. MEREDITH PORTER:** No?

20 **COMMISSIONER QAJAQ ROBINSON:** I don't have
21 any questions, but I want to thank you for your
22 submissions. Send our regards to Anna Betty. And for the
23 reminder about understanding, you know, that continued
24 work required to understand the scoop and the depth of
25 this crisis I think that is something that we haven't

1 heard a lot about, so thank you for that. And thank you
2 for all your work over the last few months.

3 **COMMISSIONER BRIAN EYOLFSON:** I just want
4 to say thank you as well, Ms. Ordyniec, for your
5 submissions, and I look forward to reading in more detail
6 in your final written submissions the various
7 recommendations. Thanks. *Migwetch.*

8 **CHIEF COMMISSIONER MARION BULLER:** First of
9 all, I want to express my sorrow and condolences for the
10 loss of yet another member of one of your communities.
11 It's a very sad loss and very profound loss, and I'm very
12 sorry to hear about it.

13 Next, I want to say thank you for reminding
14 us about the importance of coroner's reports, and the
15 impact that those reports can have on families and policy
16 change. They kind of get lost in the shuffle sometimes.
17 I too want to thank you very much for the wonderful
18 advocacy work you've done during the times that you've
19 been with us. It's been a pleasure to work with you and I
20 know that you've represented your clients' interests with
21 great passion. Thank you very much.

22 **MS. KRYSYTN ORDYNIEC:** Thank you.

23 (APPLAUSE)

24 **MS. MEREDITH PORTER:** Okay. Thank you.

25 The final party of the day is from the Government of

1 Quebec. And counsel for the Government of Quebec is
2 Marie-Paule Boucher et al. Is there anybody with you,
3 Marie?

4 **MS. MARIE-PAULE BOUCHER:** It's going to
5 be -- it's in French.

6 **MS. MEREDITH PORTER:** Okay. Anyone in the
7 audience that does not have a headset, I'm going to take a
8 moment here to suggest that you grab one because Ms.
9 Boucher's submissions will be in French.

10 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MARIE-PAULE BOUCHER:**

11 **Me MARIE-PAULE BOUCHER:** Bonjour.
12 Mesdames, Messieurs les commissaires, je m'appelle Marie-
13 Paule Boucher et je représente les ministères québécois de
14 la Santé et des Services sociaux, de la Sécurité publique,
15 de la Justice, le Secrétariat des affaires autochtones,
16 ainsi que le Secrétariat de la condition féminine.

17 C'est un privilège pour moi, à la suite de
18 la participation du Gouvernement du Québec à toutes les
19 étapes du processus d'enquête, de la cueillette de
20 documentation, à l'écoute et à la participation de
21 différents témoins, de vous faire part aujourd'hui des
22 constats du Gouvernement du Québec et de son intérêt dans
23 le suivi des travaux de l'Enquête nationale sur les femmes
24 et les filles autochtones disparues et assassinées.

25 Je profite également de cette occasion pour

1 partager les initiatives prometteuses et les pistes de
2 solutions pour répondre aux différents enjeux qui sont
3 ressortis au cours des audiences.

4 Une commission d'enquête est un moment
5 privilégié pour faire la lumière sur un problème de
6 société qui affecte un segment ou l'ensemble de celles-ci.
7 Par le biais de ses travaux, il devient possible d'obtenir
8 un état des lieux et de se questionner sur le type de
9 mesures qui existent ou qui doivent être développées pour
10 y répondre.

11 La tenue d'une commission d'enquête est
12 également déterminante dans la définition des actions qui
13 devraient être privilégiées pour accélérer la mise en
14 place de solutions durables.

15 Pour le Gouvernement du Québec, il ne fait
16 aucun doute que la tenue de l'Enquête nationale sur les
17 femmes et les filles autochtones disparues et assassinées
18 constitue une étape déterminante pour contrer les facteurs
19 qui favorisent la vulnérabilité de celles-ci face aux
20 différentes formes de violence.

21 Il est important de souligner que la tenue
22 de l'ENFFADA, au-delà du mandat spécifique, aura aussi
23 contribué à poursuivre la nécessaire transformation des
24 relations entre les co-citoyens autochtones et
25 allochtones, de même qu'entre les gouvernements et les

1 communautés autochtones.

2 Permettez-moi un bref retour sur
3 l'actualité qui se déroulait au Québec, il y a déjà trois
4 ans, les événements qu'on appelle maintenant les
5 événements de Val d'Or. Au-delà des allégations portées
6 contre des policiers par des femmes autochtones, ces
7 événements ont provoqué un plus large questionnement sur
8 l'existence potentielle de pratiques discriminatoires
9 envers les autochtones dans le cadre de la prestation de
10 services publics au Québec.

11 En décembre 2016, le Gouvernement du Québec
12 mettait sur pied sa propre commission d'enquête, la
13 Commission d'enquête sur les relations entre les
14 autochtones et certains services publics, écoute,
15 réconciliation et progrès. Cette Commission, la CERP,
16 s'est vu confiée le mandat d'identifier les causes sous-
17 jacentes à toutes formes de discrimination systémique et
18 des traitements différents qui pourraient exister à
19 l'égard des autochtones.

20 En février 2018, considérant l'ampleur et
21 l'importance de ses travaux, une prolongation de mandat a
22 été accordée par le Gouvernement du Québec pour prendre
23 fin en septembre 2019.

24 La mise en œuvre de cette Commission a
25 donné lieu à une importante mobilisation et collaboration

1 des différents ministères québécois interpellés par les
2 travaux au cours des deux dernières années. De nombreux
3 enjeux ont été abordés dans le cadre des deux commissions
4 d'enquête.

5 Les audiences avaient lieu souvent
6 simultanément et plusieurs témoins ont livré leur histoire
7 et leur message auprès des deux commissions d'enquête à la
8 fois. Considérant la tenue simultanée des deux importantes
9 commissions d'enquête, la présentation d'aujourd'hui
10 s'inscrit dans un esprit de complétion plutôt que dans un
11 regroupement de sujets. Nous aborderons donc
12 principalement les sujets plus étroitement liés à la
13 vulnérabilité des femmes et des filles autochtones.

14 Pour une description plus détaillée du
15 contexte particulier du Québec et des autres enjeux
16 soulevés en cours d'audience de l'ENFFADA, par exemple la
17 question de la surjuridiciarisation des autochtones, nous
18 vous invitons à vous référer au mémoire du Gouvernement du
19 Québec déposé à la CERP le 30 novembre, qui est intitulé
20 *Vivre ensemble, faire ensemble* et qui est d'ailleurs
21 disponible en français et en anglais. Nous souhaiterons le
22 déposer ultérieurement, dès qu'il aura été présenté devant
23 la CERP ce mercredi.

24 Je débiterai par une brève présentation du
25 contexte propre au Québec, afin d'apporter des précisions

1 sur les particularités qui doivent être prises en compte
2 dans l'analyse que vous ferez des enjeux mis en lumière de
3 vous, de ceux qui concernent l'ensemble du pays ou le
4 Québec en particulier.

5 Par la suite, j'aborderai des enjeux
6 spécifiques que sont la violence conjugale et familiale,
7 les agressions sexuelles, les services policiers et la
8 protection de la jeunesse. Pour répondre à ces importants
9 enjeux, le Gouvernement du Québec compte sur la mise en
10 place d'une diversité de mesures prévues notamment dans le
11 *Plan pour le développement social et culturel des*
12 *Premières Nations et Inuits, 2017-2018 : Faire plus, faire*
13 *mieux*, appuyé par des investissements de plus de
14 150 millions de dollars. Ce plan vous a été déposé lors
15 des auditions à Regina sous l'exhibit 40, à mon souvenir.

16 De même que sur le *Plan d'action en matière*
17 *de violence conjugale 2018-2023* auquel sont rattachées des
18 mesures consacrées aux besoins propres des Premières
19 Nations et des Inuits en matière de violence, violence
20 conjugale et familiale, soutenues par un financement de
21 14,4 millions de dollars.

22 Quelques mots, en premier lieu, sur le
23 contexte québécois. La population autochtone du Québec est
24 estimée à 104 633 personnes et comporte 11 nations
25 réparties en 41 communautés regroupant des Premières

1 Nations et 14 villages inuits qui vivent des réalités très
2 différentes les unes des autres. La majorité des
3 communautés autochtones se situent en milieu relativement
4 éloigné des centres urbains. Contrairement à la situation
5 qui prévaut dans de nombreuses provinces canadiennes, au
6 Québec, environ la moitié de la population autochtone vit
7 en communauté, mais un phénomène d'urbanisation est en
8 accélération.

9 En milieu urbain, certaines villes telles
10 que Val-d'Or, Maniwaki et La Tuque ont une forte
11 population autochtone. Bien que les villes de Québec,
12 Trois-Rivières ou Joliette soient d'importantes villes
13 d'accueil pour les autochtones quittant leur communauté,
14 il demeure que Montréal est la ville accueillant le plus
15 grand nombre d'autochtones en transit et de façon
16 permanente.

17 Bien en qu'en termes statistiques, certains
18 problèmes sociaux chez les autochtones au Québec n'aient
19 pas la même prévalence que dans les autres provinces ou
20 territoires du Canada, les écarts de ces données par
21 rapport à celles qui concernent l'ensemble de la
22 population du Québec demeurent importants et l'indice de
23 bien-être à la collectivité de ceux-ci demeure inférieur à
24 celui de l'ensemble des concitoyens du Québec

25 Au Québec, sans que ce soit exclu, les

1 données ne nous permettent pas, à première vue, d'affirmer
2 que les femmes autochtones sont surreprésentées parmi les
3 victimes d'homicides, dont les homicides conjugaux et
4 familiaux. Il en est de même pour les disparitions de
5 personnes au Québec.

6 La Commission sur les relations avec les
7 citoyens de l'Assemblée Nationale, consciente de la
8 vulnérabilité particulière des femmes autochtones face à
9 différentes formes de violence, a été saisie en 2015 d'un
10 mandat d'initiative sur les conditions de vie des femmes
11 autochtones en lien avec les agressions sexuelles et la
12 violence conjugale et familiale. Le rapport documentait
13 des facteurs qui aggravent les risques de violence pour
14 les femmes, dont les conditions socioéconomiques
15 défavorables.

16 Le rôle du Québec pour contribuer à
17 l'amélioration de ces facteurs s'est accru
18 considérablement au fil des années. Il est important de
19 souligner comment les relations avec le Gouvernement du
20 Québec et les Premières Nations et les Inuits se sont
21 structurées uniquement qu'à compter de la deuxième partie
22 du siècle dernier, alors que les relations étaient plutôt
23 limitées avant, les événements ayant mené à la signature
24 de la Convention de la Baie James et du Nord québécois.

25 Aujourd'hui, ces relations couvrent tous

1 les domaines d'intervention du Gouvernement du Québec. En
2 termes de prestation de services, le Gouvernement du
3 Québec finance les secteurs de la santé et des services
4 sociaux, de la justice ainsi que de l'éducation pour les
5 communautés signataires des conventions nordiques. C'est
6 la responsabilité des institutions inuits, crie et
7 naskapies, intégrées dans le système québécois.

8 En ce qui concerne les autres communautés
9 autochtones, en raison du partage de compétences, c'est
10 par le biais du gouvernement fédéral, principalement par
11 les Services autochtones Canada, que les services sont
12 déployés. Nous aborderons plus loin la spécificité des
13 services policiers.

14 En dépit de ce contexte de prestation de
15 services imbriqué dans la Constitution, les lois ou les
16 ententes de règlements sur les revendications
17 particulières, le Gouvernement du Québec est conscient du
18 rôle qu'il doit jouer pour aider à résoudre les défis
19 sociaux auxquels font face les communautés autochtones et
20 les autochtones vivant en milieu urbain. Les
21 investissements du Québec ont été accrus de façon
22 prononcée à partir des années 1990, et ce, ce qui a permis
23 notamment l'essor et le renforcement des capacités de
24 plusieurs organisations clés autochtones, qui sont
25 devenues d'importants acteurs au Québec en matière de

1 recherche et de plaidoyers sur les différents enjeux en
2 développement socioéconomique.

3 Quelques mots maintenant sur le *Plan*
4 *d'action sur le développement social et culturel des*
5 *Premières Nations et Inuits 2017-2022 : Faire plus, faire*
6 *mieux*. Ce plan est le résultat d'une réflexion qui s'est
7 déroulé sur plusieurs années et appuyé de discussions qui
8 ont eu lieu avec de nombreuses organisations autochtones.
9 Il propose autour de 199 mesures et est doté d'une
10 enveloppe de plus de 150 millions de dollars sur cinq ans.
11 Il s'agit du premier plan rassemblant les actions
12 concertées des différents ministères et organismes. Il
13 propose une vision d'ensemble pour répondre aux différents
14 défis en matière de lutte contre la discrimination, de
15 sécurisation culturelle dans la prestation de services, la
16 prévention et intervention en matière de violence,
17 d'adaptation du système de justice et du système
18 correctionnel.

19 Le *Plan d'action* constitue une démarche
20 évolutive. Il prévoit l'intégration de mesures que les
21 ministères ou organismes n'auront pas pu intégrer dès son
22 lancement. Cela signifie que ce *Plan d'action* reste ouvert
23 aux initiatives qui pourraient être conçues
24 ultérieurement, dont celles qui sont en lien avec les
25 recommandations qui seront formulées par les commissions

1 d'enquête en cours.

2 Parmi les principales orientations qui ont
3 guidé la définition des mesures dans le *Plan d'action*,
4 soulignons la prise en compte des enjeux vécus par les
5 femmes autochtones et inuites. Le *Plan d'action* comprend
6 actuellement 26 mesures consacrées aux femmes et aux
7 filles autochtones. Ces mesures visent différents
8 objectifs, incluant la lutte aux violences sexuelles,
9 conjugales et familiales, l'atteinte de l'égalité entre
10 les hommes et les femmes, notamment. Elles sont
11 construites par la double perspective de lutter contre les
12 facteurs de vulnérabilité spécifiques aux femmes et de
13 renforcer leur capacité d'agir au sein de la société, de
14 leur communauté ou des organisations.

15 Le *Plan d'action* s'inscrit dans une volonté
16 ferme et définitive du Gouvernement du Québec à ce que les
17 différents ministères et organismes travaillent davantage
18 en concertation à la recherche de solutions. Cette
19 nouvelle façon de faire est porteuse, non seulement pour
20 l'optimisation des ressources et de l'expertise, mais
21 également pour s'assurer d'aborder les enjeux d'une
22 perspective globale et multisectorielle.

23 La deuxième partie de ma présentation, je
24 vais aborder les différents enjeux plus spécifiques au
25 Québec, notamment, pour commencer, le soutien aux

1 victimes.

2 Plusieurs témoins, au cours des audiences
3 qui se sont tenues au Québec, ont fait état de détresse
4 vécue par les femmes autochtones victimes de violence,
5 notamment en raison du manque d'information sur les
6 ressources qui existent, les recours, l'accès aux services
7 d'aide aux victimes ou à des ressources spécialisées au
8 sein des communautés. Différentes ressources et
9 initiatives sont mises en place pour soutenir davantage
10 les victimes autochtones, telles que le financement de
11 maisons d'hébergement, des mesures spécifiques prises par
12 les centres d'aide aux victimes d'actes criminels, les
13 CAVAC ainsi que des outils d'information spécifiques au
14 soutien des organisations.

15 Dans les communautés, les problèmes liés au
16 manque de maisons d'hébergement pour les familles, les
17 femmes prises dans une situation de violence conjugale et
18 familiale afin de s'en sortir temporairement, ont été
19 soulignés par les témoins. Le réseau des maisons
20 d'hébergement des communautés autochtones est financé par
21 le gouvernement fédéral dans le cadre du Programme de
22 prévention de la violence familiale de Services
23 autochtones Canada.

24 Hors communauté, le Ministère de la Santé
25 et des Services sociaux finance une centaine de maisons

1 d'hébergement, dont une dizaine accueille des femmes
2 autochtones en raison de leur situation géographique. Il
3 finance également quatre maisons d'hébergement au Nunavik
4 ainsi que deux dans les territoires Eeyou Istchee Baie-
5 James. Toutefois, selon certains témoins en cours
6 d'audience, le nombre de maisons en communauté serait
7 insuffisant pour répondre aux besoins des victimes de
8 violence conjugale.

9 Également, selon certains témoins, il est
10 du souhait de certaines communautés de prévoir des maisons
11 desservant des hommes qui sont majoritairement à l'origine
12 de gestes violents. De cette façon, les femmes n'auraient
13 pas à quitter leur domicile avec les enfants et
14 permettrait à un homme d'y trouver des ressources pour sa
15 guérison.

16 Des témoignages ont aussi été rendus à
17 l'effet que certains services d'aide et d'indemnisation
18 aux personnes victimes, tels que les CAVAC ou le Régime
19 d'indemnisation aux victimes d'actes criminels, étaient
20 peu connus ou utilisés par les femmes autochtones. Devant
21 ces enjeux, de nombreux efforts ont été consentis. Il
22 existe présentement 40 centres de CAVAC qui desservent des
23 victimes autochtones sur 185 points de service. Les
24 intervenants qui y œuvrent ont été sensibilisés aux
25 réalités autochtones. Les nations Crie et Inuite gèrent

1 les services au sein de leurs communautés et des points de
2 service permanents sont présents dans six de ces
3 communautés.

4 Enfin, dans l'optique de favoriser les
5 services de la CAVAC, plusieurs ententes de référencement
6 ont été convenues entre celles-ci et les corps de police.
7 Quant au régime de l'IVAC, des démarches ont été
8 entreprises afin de renforcer le partenariat entre la
9 direction de l'IVAC et les organismes venant en aide aux
10 femmes pour mieux connaître les services offerts par
11 celui-ci auprès des communautés autochtones.

12 Par ailleurs, notons qu'une réflexion est
13 actuellement en cours à la direction de l'IVAC afin de
14 déterminer la manière d'offrir des services adaptés à la
15 clientèle autochtone.

16 Les témoignages ont su mettre en lumière
17 les difficultés inhérentes à la dénonciation par les
18 femmes autochtones des violences conjugales, familiales et
19 sexuelles. Certains ont parlé d'une normalisation de la
20 violence et d'autres, de méconnaissance des victimes quant
21 à leurs droits et aux recours disponibles ainsi qu'au
22 processus judiciaire.

23 Améliorer la diffusion de l'information en
24 cette matière, on y travaille. Le Ministère de la Justice
25 du Québec a contribué financièrement à l'élaboration

1 d'outils par le Regroupement des centres d'amitié
2 autochtones du Québec, s'adressant aux victimes d'actes
3 criminels pour les informer en ces matières.

4 Enfin, dans le but de tenir compte des
5 besoins particuliers du Nunavik en matière d'information
6 juridique, un centre de justice de proximité a récemment
7 été mis sur pied sous la responsabilité de la Société
8 Makivik.

9 Quant aux victimes d'agression sexuelle, le
10 Gouvernement du Québec, par les services de quatre de ses
11 ministères, a offert son soutien à Femmes autochtones du
12 Québec et à la Commission de la santé et des services
13 sociaux des Premières Nations du Québec et du Labrador
14 pour l'organisation du premier Forum des Premières Nations
15 sur les agressions sexuelles, qui a eu lieu en mars
16 dernier, à Québec.

17 Suivant ce forum auquel ont pris part des
18 représentants auprès de nombreuses communautés
19 autochtones, un plan d'action a été adopté et soumis aux
20 communautés et organisations autochtones pour que celles-
21 ci l'utilisent comme canevas pour développer leurs propres
22 mesures. Le Gouvernement du Québec est en attente des
23 mesures qui sont proposées dans ce cadre. Je souligne par
24 ailleurs que plusieurs mesures du *Plan d'action*
25 *gouvernemental pour le développement social et culturel*

1 ciblent spécifiquement ces enjeux.

2 Enfin, de nombreux témoins ont exposé des
3 enjeux relatifs au manque de ressources disponibles : des
4 psychologues, travailleurs sociaux, thérapeutes de
5 couples, permettant d'assurer un suivi constant auprès des
6 victimes en communauté. Cette situation peut être
7 attribuable à un manque de financement, mais elle est
8 parfois principalement liée aux difficultés d'embauche et
9 de rétention des ressources humaines. Il s'agit d'un défi
10 de taille qui ne peut être dissocié de ceux qui concernent
11 l'éducation postsecondaire des autochtones.

12 Enfin, nous constatons que malgré les
13 différentes mesures prises par les ministères et
14 organismes concernés, la portée de celles-ci peut être
15 limitée sans la mise en place de liens de collaboration et
16 de complémentarité avec les services de proximité au sein
17 des communautés autochtones.

18 Plusieurs témoignages ont fait état de la
19 dynamique particulière de la violence conjugale en milieu
20 autochtone, notamment de sa dimension familiale. Certains
21 ont ainsi fait valoir que les solutions doivent tenir
22 compte de l'implication de la famille, incluant l'impact
23 sur les témoins directs de ces violences.

24 Sous la coordination du Secrétariat de la
25 Condition féminine, quatre plans d'action gouvernementaux

1 en matière de violence conjugale ont été adoptés depuis
2 son lancement, en 1995, de la Politique d'intervention en
3 matière de violence conjugale. Le troisième de ces plans
4 d'action, le *Plan d'action gouvernemental 2012-2017 en*
5 *matière de violence conjugale*, comportait pour la première
6 fois un volet de 35 mesures spécifiquement consacrées aux
7 autochtones sur une totalité de 135 engagements.

8 En 2018, le Gouvernement du Québec a lancé
9 le *Plan d'action gouvernemental en matière de violence*
10 *conjugale 2018-2023*, dont le volet autochtone sera
11 ultérieurement intégré au Plan d'action gouvernemental.
12 Conformément à la volonté du Gouvernement du Québec de
13 travailler conjointement avec les milieux autochtones, les
14 organisations, les représentants et représentantes
15 autochtones, une démarche particulière est présentement en
16 cours pour élaborer, en collaboration avec les partenaires
17 autochtones, des mesures répondant aux besoins propres des
18 Premières Nations et aux Inuits en matière de violence
19 conjugale et familiale. Je vous réfèrerais au témoignage
20 devant la CRP de la Condition féminine en octobre 2018
21 pour plus de détails.

22 Parallèlement, les ministères concernés
23 élaborent des mesures qui pourront être mises en place dès
24 l'année en cours. Tel que spécifié précédemment, une somme
25 de 14,4 millions de dollars sur cinq ans a été annoncée à

1 conjugale ainsi que les dépendances. Le Gouvernement du
2 Québec est conscient que l'amélioration des ressources
3 pour le traitement des dépendances adaptées aux
4 autochtones fait partie des moyens qui doivent être mis en
5 place. À ce sujet, le Ministère de la Santé et des
6 Services sociaux travaille entre autres à rendre
7 accessible des formations en soutien aux intervenants des
8 communautés et des organisations autochtones en matière de
9 dépendances. Il travaille également à s'assurer de la
10 continuité et de la complémentarité des services sur
11 communauté et hors communauté. Un *Plan d'action*
12 *interministériel en dépendances 2018-2028* prévoit neuf
13 mesures spécifiques visant les Premières Nations et les
14 Inuits.

15 Maintenant, passons aux services policiers.
16 La prestation des services policiers auprès des
17 autochtones fait partie des enjeux abordés par plusieurs
18 témoins au cours des audiences publiques. Un manque de
19 connaissances et de sensibilité aux réalités autochtones
20 chez les policiers allochtones a notamment été dénoncé.
21 Certains témoins ont également allégué différentes formes
22 de discrimination et de profilage racial.

23 Il semble que ces éléments ont en trame de
24 fond un problème de confiance des autochtones envers les
25 services policiers. En ce qui a trait spécifiquement au

1 corps de police autochtone, certains ont fait état d'un
2 sous-financement de ces corps de police et de la
3 difficulté de recrutement dans les corps de police
4 autochtones.

5 Précisons que les corps de police
6 autochtones sont financés à la hauteur de 52 pourcent par
7 le Gouvernement du Canada et 48 pourcent par le
8 Gouvernement du Québec.

9 Il s'agit de corps de police au sens de la
10 *Loi sur la police québécoise* et ils sont soumis aux normes
11 provinciales applicables.

12 La Sûreté du Québec assure la dessert des
13 communautés qui ne disposent pas de leur propre corps de
14 police et en assume l'entièreté des coûts, malgré les
15 revendications sur le partage des coûts avec le
16 Gouvernement Fédéral.

17 Le Québec privilégie depuis longtemps les
18 services culturellement adaptés dans le respect de
19 l'autonomie des communautés autochtones.

20 Vingt-deux (22) corps de police autochtones
21 desservent 44 communautés autochtones ou villages
22 nordiques. Ainsi environ 90 pourcent de la population
23 résidant dans les communautés autochtones sont desservis
24 par un corps de police autochtone.

25 La Sûreté du Québec assure la desserte de

1 11 autres... des 11 autres communautés.

2 À la suite des évènements de Val-d'Or en
3 2015, différentes initiatives ont été mises en œuvre afin
4 de rétablir la confiance entre la police et les citoyens.

5 D'abord mentionnons le transfert des
6 enquêtes visant les policiers du service de... des policiers
7 au service de police de la Ville de Montréal, ainsi que la
8 nomination d'une observatrice indépendante, Maître Fanny
9 Lafontaine.

10 Son mandat consistait à évaluer l'intégrité
11 et l'impartialité des enquêtes menées par le SPVM et dont
12 l'enquête nationale a admis le rapport en preuve. Ensuite
13 un poste de police communautaire mixte autochtone a aussi
14 été créé en mars 2017 à Val-d'Or.

15 Guidé par les principes de transparence et
16 d'impartialité, le Ministère de la sécurité public a
17 annoncé la création d'une unité d'enquête spéciale au sein
18 du Bureau des enquêtes indépendantes.

19 Ce bureau est chargé depuis le 17 septembre
20 2018 d'enquêter les allégations d'infractions criminelles
21 commises par des policiers et dont la victime alléguée ou
22 le plaignant est autochtone.

23 Des mesures particulières ont aussi été
24 prises pour assurer l'accompagnement des victimes
25 plaignantes, par des agents de liaison et de soutien

1 autochtones et pour s'assurer du développement de
2 l'expertise au sein du BEI.

3 Au-delà de ces initiatives, rétablir la
4 confiance passe avant tout par la sensibilisation des
5 policiers allochtones aux réalités autochtones en vue de
6 l'adaptation des pratiques.

7 Au cours des dernières années, une session
8 de sensibilisation aux réalités autochtones a été offerte
9 aux agents de la Sûreté du Québec.

10 Cette formation qui avait à l'origine une
11 approche anthropologique, a été revue pour une plus grande
12 emphase sur les aspects psychosociaux et culturels, afin
13 de mieux outiller les policiers dans leurs interventions
14 au quotidien.

15 Par ailleurs, la SQ a aussi augmenté la
16 cadence de formation pour ses policiers depuis 2015. Elle
17 a également développée une formation à l'intention de ses
18 membres que sera mise en ligne à l'hiver 2019.

19 En fin, l'École nationale de police, de son
20 côté a également intégré un volet sur les réalités
21 autochtones à son programme de formation initiale en
22 patrouille et gendarmerie.

23 La création et le maintien entre la SQ et
24 les communautés autochtones sont considérés comme un
25 élément essentiel pour le rétablissement de la confiance.

1 La création en 2016 du Bureau des affaires
2 autochtones de la SQ représente un changement structurel à
3 cet effet. Ce bureau a pour mandat l'établissement et le
4 maintien d'un partenariat durable entre les communautés
5 autochtones et la SQ.

6 Chaque nation dispose maintenant d'un agent
7 de liaison autochtone responsable des relations avec les
8 communautés autochtones.

9 En termes d'adaptation des pratiques,
10 certaines initiatives ont eu lieu au cours des dernières
11 années. Je souligne la création en 2015 de l'équipe mixte
12 en itinérance de Val-d'Or, policiers et intervenants
13 communautaires, en collaboration avec le Centre intégré de
14 services et de... de santé et de services sociaux de
15 L'Abitibi Témiscamingue.

16 Cette équipe comprend des professionnels de
17 différents horizons pour s'assurer des interventions
18 multisectorielles auprès des personnes en situation
19 d'itinérance.

20 Fort de son expérience de Val-d'Or, la SQ a
21 récemment mise en place une équipe semblable à Sept-Îles
22 en collaboration avec le Service de police de Washak
23 Manotéam(phon.). D'autres initiatives similaires
24 pourraient voir le jour dans les prochaines années.

25 En ce qui concerne les enjeux particuliers

1 aux corps de police autochtones, le Québec est conscient
2 que la sécurité des autochtones et des femmes en
3 particulier passe par la consolidation des corps de police
4 autochtones.

5 La bonification du financement dans
6 l'encadre des ententes tripartites récemment conclues
7 assurera le Gouvernement du Québec en est convaincu, de la
8 pérennité de ses organisations.

9 Les services policiers autochtones se sont
10 par ailleurs significativement développés et
11 professionnalisés au cours des dernières années.

12 Certains aspects de la formation et du
13 recrutement demeurent cependant un défi et c'est pourquoi
14 le Ministère de la sécurité public a créé un comité sur la
15 formation des futurs policiers et policières autochtones
16 ainsi que des policiers et policières œuvrant dans les
17 communautés autochtones.

18 Son mandat sera notamment d'aborder les
19 questions d'accès à la formation pour les communautés de
20 langue anglaise, ainsi que la formation sur la conduite
21 d'enquête.

22 Au cours des dernières années le
23 Gouvernement du Québec a déployé différentes initiatives
24 pour mieux répondre au cas des disparitions pour
25 l'ensemble de la population, y compris les communautés

1 autochtones.

2 D'abord le Comité stratégique sur les
3 disparitions et enlèvements au Québec a été créé en 2009.
4 Ce comité a comme mandat consultatif et de recommandation
5 sur les pratiques et les mécanismes à privilégier.

6 En 2013, la Sûreté du Québec a aussi pris
7 le leadership en matière de disparitions et d'enlèvements
8 en mettant en place une coordination provinciale au
9 Québec.

10 Depuis avril 2014, un répondant en matière
11 de disparitions et d'enlèvements est désigné dans chacune
12 des organisations policières, incluant chacun des corps de
13 police autochtones, pour agir comme personnes ressources
14 en la matière.

15 Certains de ces répondants participent sur
16 le Comité opérationnel des disparitions et enlèvements
17 présidé par la Sûreté du Québec.

18 Enfin un mot sur la protection de la
19 jeunesse. Une certaine sous-représentation des enfants
20 des Premières Nations et des Inuits est observée à toutes
21 les étapes du processus d'intervention et en protection de
22 la jeunesse.

23 Conscient de cet enjeu, le Ministère de la
24 santé et des services sociaux, responsable des réseaux...
25 des directions de la protection de la jeunesse, a

1 identifié parmi les priorités d'action l'adaptation des
2 services de protection de la jeunesse aux enfants et aux
3 familles autochtones, en favorisant la prise en charge de
4 ces services par les communautés elles-mêmes et en mettant
5 en place des mécanismes permettant la préservation de
6 l'identité culturelle des enfants autochtones devant
7 quitter leurs communautés.

8 L'adoption de la loi modifiant la *Loi sur*
9 *la protection de la jeunesse* et de d'autres dispositions
10 le 4 octobre 2017, est le reflet de cette volonté de
11 répondre aux réalités autochtones.

12 En vertu de cette nouvelle loi, les
13 services de protection de la jeunesse ont l'obligation de
14 prendre en compte et de considérer primordialement la
15 préservation de l'identité culturelle dans l'intérêt d'un
16 enfant autochtone.

17 La modification de la *Loi sur la protection*
18 *de la jeunesse* permet aussi la conclusion d'entente visant
19 l'établissement d'un régime particulier de protection de
20 la jeunesse au sein des communautés et des nations
21 autochtones.

22 Ainsi une telle entente a été convenue avec
23 le Conseil de la Nation Atikamekw et des négociations dans
24 le même cadre sont en cours avec le Conseil Mohawk de
25 Kahnawake.

1 Un autre moyen que s'est donné le
2 Gouvernement du Québec pour favoriser le maintien des
3 enfants autochtones au sein des communautés est la
4 reconnaissance des effets de l'adoption coutumière.

5 Par des modifications du Code Civil du
6 Québec et de la *Loi sur la protection de la jeunesse*, les
7 modifications obligent notamment le DPJ à considérer
8 l'adoption coutumière s'ils estiment qu'il s'agit d'une
9 mesure susceptible d'assurer... de s'assurer de l'intérêt de
10 l'enfant et du respect de ses droits.

11 Le plan d'action prévoit des sommes pour la
12 mise en place des autorités compétentes au sein des
13 communautés autochtones pour la reconnaissance des effets
14 de l'adoption coutumière.

15 En conclusion, les audiences de l'ENFADA
16 ont permis de sensibiliser la population comme jamais
17 auparavant à la vulnérabilité particulière des femmes et
18 des filles autochtones devant les différentes formes de
19 violence.

20 Différents témoignages ont exposé en
21 profondeur les facteurs historiques, politiques et
22 socioéconomiques qui peuvent être en lien avec cette
23 vulnérabilité accrue, dont l'insuffisance ou
24 l'inadéquation de certaines ressources, les enjeux
25 relatifs à la dénonciation de la violence par les

1 victimes, les effets de l'isolement de nombreuses
2 communautés autochtones, mais aussi de certaines
3 dynamiques de pouvoir interne pouvant exister au sein des
4 communautés autochtones.

5 Le Gouvernement du Québec est conscient que
6 des efforts soutenus doivent être consentis pour
7 l'amélioration des conditions qui rendent les femmes
8 autochtones d'avantage exposées à la violence sous toutes
9 ses formes, qu'elles soient physiques ou psychologiques,
10 qu'elles aient lieu dans un contexte conjugal ou familial,
11 communautaire ou institutionnel et en milieu urbain.

12 C'est notamment dans cet optique que le
13 Québec soutien depuis de nombreuses années les
14 organisations de femmes autochtones, telles que Femmes
15 autochtones du Québec, l'Association des femmes Inuites du
16 Nunavik Saturviik et l'Association des femmes Cries de
17 Eeyou Istchee.

18 Celles-ci sont considérées par le
19 Gouvernement du Québec comme des porte-voix des femmes
20 autochtones et des partenaires clé dans la compréhension
21 des enjeux et à la recherche de solutions durables.

22 Sur la base des différents témoignages
23 entendus, le Gouvernement du Québec est en mesure de faire
24 différents constats et de s'interroger sur les actions
25 entreprises et celles qui seront nécessaires à prendre

1 dans un avenir rapproché.

2 L'un de ces constats est l'existence d'une
3 certaine méfiance des femmes autochtones victimes de
4 violence à faire appel aux ressources et aux services
5 existent pour l'ensemble de la population.

6 Que ce soit en raison de la méconnaissance
7 des ressources, des droits et recours existants ou encore
8 du manque d'adaptabilité des services dans le contexte
9 autonome... autochtone, des efforts doivent être consentis
10 pour déployer une approche de sécurisation culturelle au
11 sein des différents services offerts et de mieux
12 promouvoir ceux-ci auprès des utilisateurs autochtones.

13 Il va de soi que la première étape en vue
14 de toute initiative, est de sensibiliser et former les
15 employés du secteur public et parapublic aux réalités
16 autochtones.

17 Un projet de formation approfondi en ligne,
18 obligatoire pour les intervenants qui seront appelés à
19 travailler de près ou de loin avec les usagers
20 autochtones, est présentement en développement.

21 Un autre constat concerne la nécessité
22 d'améliorer les services spécifiques aux autochtones dont
23 ceux au sein des communautés.

24 Cela nécessite avant tout que le
25 Gouvernement Fédéral et le Gouvernement Provincial du

1 Québec arriment leurs actions dans le respect des
2 responsabilités qui leurs sont propres.

3 Le Gouvernement du Québec est pleinement
4 conscient de l'importance d'appuyer son action sur la
5 concertation des milieux autochtones, ainsi qu'avec
6 l'ensemble des ministères et organismes interpellés par
7 une problématique.

8 La recherche d'une solution doit à chaque
9 fois tenir compte de l'ensemble des dimensions et être
10 encrée dans le milieu d'accueil pour être garante du
11 succès.

12 Différentes initiatives ont été mis sur
13 pieds au cours des dernières années dans cet esprit. Par
14 exemple, le forum socio-judiciaire ou encore les tables
15 d'accessibilité des services aux autochtones en milieu
16 urbain.

17 Le Gouvernement du Québec est convaincu que
18 ces lieux de concertation assurent la prise en compte de
19 toutes les dimensions des enjeux traités et favorisent
20 l'optimisation des ressources et de l'expertise pour des
21 solutions culturellement plus pertinentes, sécurisantes et
22 efficaces.

23 Le Gouvernement du Québec a collaboré
24 pleinement dans les travaux des deux commissions d'enquête
25 et continuera à le faire jusqu'à la fin de leurs mandats

1 respectifs. Il considèrera avec attention chacune des
2 recommandations qui lui seront soumises relativement à ces
3 enjeux.

4 Il en demeure le souhait du Gouvernement du
5 Québec que les travaux de la Commission québécoise soient
6 pris en compte par l'enquête nationale dans l'élaboration
7 de ses recommandations qui toucheront de façon plus
8 particulière le Québec.

9 Le Gouvernement du Québec profite du moment
10 pour souhaiter souligner en fait le courage, la
11 détermination et la résilience dont ont fait preuve
12 l'ensemble des témoins, femmes, hommes et organisations
13 qui ont été entendues au cours des audiences.

14 Au-delà des situations spécifiques et des
15 situations tragiques qui ont fait... dont ils ont fait état,
16 ils sont parvenus à sensibiliser le grand public et de
17 nombreux intervenants gouvernementaux aux réalités, au
18 contexte, aux dynamiques particulières vécues par un grand
19 nombre de femmes et de filles autochtones.

20 En ce sens, l'impact de leur témoignage est
21 majeur. Derrière la majorité de ces témoignages se situe
22 la perte d'un être cher et le Québec souhaite souligner de
23 façon particulière les deuils vécus par ces familles.

24 Nous souhaitons profiter de cette occasion
25 pour souligner l'important travail effectué par l'Unité

1 québécoise de liaison pour l'information à l'intention des
2 victimes, l'UQLIF, rattaché au Bureau d'aide aux victimes
3 d'actes criminels du ministère de la justice.

4 L'UQLIF a comparé de nombreuses familles
5 ayant perdues un être cher dans leurs recherches de
6 ressources et d'information depuis sa création. Le mandat
7 de l'UQLIF se poursuivra jusqu'en 2022.

8 En terminant, le Gouvernement du Québec
9 souhaite remercier les commissaires, les procureurs et
10 toute l'équipe de l'enquête nationale pour leurs travaux
11 et reconnaître l'énorme déficit dans lequel ils se trouvent
12 afin de formuler des recommandations relativement aux
13 enjeux aussi nombreux et complexes, que différents d'un
14 territoire ou d'une province à l'autre, d'une nation à une
15 autre et d'une communauté à une autre.

16 Enfin, le Gouvernement du Québec remercie
17 également les autres parties ayant qualité pour agir et
18 salut l'importance du travail que chacune d'elles
19 effectuent pour accroître la sécurité des femmes et des
20 filles autochtones.

21 Ça va conclure ma présentation.

22 **MS. MEREDITH PORTER:** Thank you. Thank
23 you, Ms. Boucher.

24 **CHIEF COMMISSIONER MARION BULLER:** Is
25 Commissioner Audette available?

1 **COMMISSIONER MICHÈLE AUDETTE:** Oui, je suis
2 ici.

3 **CHIEF COMMISSIONER MARION BULLER:** Oh,
4 thank you.

5 **COMMISSIONER MICHÈLE AUDETTE:** Merci
6 beaucoup. C'est moi qui commence?

7 **CHIEF COMMISSIONER MARION BULLER:** Yes,
8 you are.

9 **COMMISSIONER MICHÈLE AUDETTE:** Merci,
10 Commissaire en-chef. Alors tout d'abord je tiens à vous
11 dire un gros merci-là d'avoir présenté au nom du
12 Gouvernement du Québec. Et je veux être sincère, ça fait
13 du bien aussi d'entendre des témoignages et des
14 présentations en français, pour avoir vécu à cette belle
15 expérience en anglais depuis les débuts.

16 Alors je serai très brève en vous disant
17 que... souvenez-vous du mémoire de Maître Sioui au nom de
18 l'APNQL. Lorsqu'elle est venue nous voir aux dernières
19 audiences à Calgary, elle a fait état à quelques reprises
20 du rapport de Maître Lafontaine qui disait qu'il existait
21 encore un racisme systémique au sein de... ici au Québec.

22 Alors... et elle proposait que oui le racisme
23 systémique est présent au sein des corps policiers de
24 différentes institutions, mais il faut aller aussi au
25 niveau du changement des mentalités.

1 Ça me fait chaud au cœur, je vais être
2 sincère avec vous, Marie-Paule, quand j'entends que vous
3 allez regarder attentivement nos recommandations, de voir
4 en sorte comment le Gouvernement du Québec pourra mettre
5 en œuvre et appliquer ces recommandations-là. Et vous me
6 connaissez, je vais m'assurer que le mémoire de femmes
7 autochtones du Québec, celle de l'Assemblée des Chefs et
8 des familles qu'on a entendu au Québec, puisse
9 transparaître ou être au sein de la partie-là Québécoise
10 de notre rapport national.

11 Et en espérant qu'y'aura une belle
12 collaboration avec votre gouvernement, en espérant qu'on
13 va pouvoir faire en sorte que vous et moi, mais pleins
14 d'autres gens, s'y mettent-là sincèrement pour que les
15 statistiques changent, le racisme disparaisse et ainsi de
16 suite.

17 J'aimerais ça aussi vous dire pour
18 terminer, que dans le processus de guérison... et ça je vous
19 dis ça en toute sincérité pour l'avoir vécue
20 personnellement, quand une personne ou une institution
21 reconnait ses torts et quand une personne ou une
22 institution fait des excuses et propose des pistes de
23 solutions avec la personne ou les groupes affectés par une
24 situation ou plusieurs situations, je vous garantis que ça
25 peut juste être du positif.

1 Alors en espérant, je pense que vous me
2 comprenez, que vous pouvez ramener au sein de votre
3 gouvernement que la partie excuse, reconnaissance et
4 action est un processus incontournable. Je vous remercie.

5 **COMMISSIONER QAJAQ ROBINSON:** Merci. I'm
6 going to have to ask the question in English.

7 Thank you for your presentation speaking of
8 the unique situation in Quebec and the efforts of the
9 Quebec Government.

10 One of the things - and we heard it earlier
11 today from the Institute for the Advancement of Aboriginal
12 Women - a reference to our finding in the interim report
13 that the root cause of violence against Indigenous women
14 is colonization and the continuation of colonial
15 oppression.

16 We made that finding based on a number of
17 previous reports that our terms of reference allowed us to
18 accept and basically take judicial notice of.

19 We've heard it from a number of witnesses,
20 including Ellen Gabriel speaking of the realities in
21 Quebec that without a shift in the relationship between
22 the state and Indigenous peoples, and predominately, a
23 shift in the power balance. Colonization is an assertion
24 of sovereignty over lands and peoples based on racial
25 ideas rooted in racial superiority.

1 I would like to know if your client agrees
2 with the finding of those previous reports, specifically
3 the Aboriginal Justice Inquiry of Manitoba, the Royal
4 Commission on Aboriginal Peoples, and the Truth and
5 Reconciliation, as well as our interim report, that
6 colonization and the continued legacy of that is the root
7 cause of the violence against Indigenous women and girls
8 in this country?

9 **Me MARIE-PAULE BOUCHER:** Je vais noter
10 votre question. Je ne pourrai malheureusement pas vous
11 donner une réponse aujourd'hui, mais je vais faire le
12 suivi auprès de mes autorités. Mais à la base, le plan
13 d'action dont je vous ai parlé, le plan d'action sociale
14 qu'on a mis en place représente l'esprit de la Commission
15 vérité et réconciliation. Mais je ne pourrais pas aller
16 plus loin dans mes représentations sur la question, mais
17 je vais faire le relais avec mes autorités.

18 **COMMISSIONER QAJAQ ROBINSON:** Thank you.

19 **COMMISSIONER BRIAN EYOLFSON:** I don't have
20 any further questions. Thank you, Ms. Boucher, for your
21 submissions.

22 **MS. MARIE-PAULE BOUCHER:** Thank you.

23 **CHIEF COMMISSIONER MARION BULLER:** I don't
24 have any questions either, but I want to thank you, Ms.
25 Boucher, for your unfailing professionalism during all of

1 the times you've been with us. Thank you very much.

2 **MS. MARIE-PAULE BOUCHER:** Thank you.

3 **(APPLAUSE/APPLAUDISSEMENTS)**

4 **MS. MEREDITH PORTER:** Chief Commissioner
5 and Commissioners, I'll seek your direction on adjourning
6 the submissions portion of the day and suggest that we now
7 -- I guess we're done hearing from the parties that were
8 scheduled to make their submissions. I would suggest that
9 we adjourn to our closing for the day and reconvene
10 tomorrow morning at 9:00 a.m.

11 **CHIEF COMMISSIONER MARION BULLER:** I think
12 our opening tomorrow is at 8:30.

13 **MS. MEREDITH PORTER:** Opening remarks at
14 8:30 and then our first submissions are schedule for 9:00
15 a.m., yeah.

16 **CHIEF COMMISSIONER MARION BULLER:** Okay.
17 So for the purposes of our record, we're adjourned to 8:30
18 tomorrow morning.

19 **MS. MEREDITH PORTER:** Okay, thank you.

20 **MS. CHRISTINE SIMARD-CHICAGO:** So good
21 afternoon. I hope everyone had a wonderful afternoon
22 listening to testimonies and stories that were presented
23 here throughout the day.

24 Right now, we're going to do something with
25 commitment sticks. And this was raised by Commissioner

1 Audette and her granny, Bernie Poitras. So I'm going to
2 hand over the mic to Bernie for now and she could start
3 the process with the Commissioners assisting her.

4 **M. CHRISTIAN ROCK:** Merci. On va
5 maintenant procéder avec la remise de bâtons qui
6 représente des bâtons d'engagement. Donc, les bâtons
7 d'engagement vont être transmis par notre aîné, Mme Bernie
8 Williams.

9 **MS. BERNIE POITRAS:** I would just like to
10 say (Native word). My traditional name is (Native name)
11 which means Golden Spruce Woman.

12 On behalf of our Commissioner Michèle
13 Audette and the rest of the Commissioners, we thought it
14 would be really appropriate to do the commitment sticks.

15 This -- is Elder Fred John from -- or Elder
16 Fred Johnson from Alkali Lake which is mid-northern B.C.,
17 central, designed these commitment sticks to signify that
18 the sacred responsibilities we have for the health and
19 safety of all of our Indigenous women and girls, as well
20 as to remind us of their infinite value.

21 The act of picking up a commitment stick
22 symbolizes a personal and professional commitment of the
23 time to help eliminate violence against Indigenous women
24 and girls.

25 A lot of prayers and ceremonies has gone

1 into the creation of these commitment sticks. They are
2 also meant to help us to cleanse our minds, bodies, and
3 our spirits of any violence we have perpetuated or
4 perpetrated against Indigenous women and girls.

5 And the meaning behind this design, the
6 colours of these commitment sticks represents the need for
7 the four races to work together to stop the violence
8 against Indigenous women and girls with an understanding
9 that we are equally valuable. With the red, we honour and
10 we mourn our murdered and missing Indigenous women. With
11 the yellow, we honour our breath of life. With the black,
12 we honour our body. And with the white, is we honour the
13 knowledge and the wisdom of our elders.

14 There was 120 chiefs back in B.C. who had
15 joined in this initiative. This started back in 2015 and
16 it was supported by Chief Charlene Beaulieu. And this was
17 brought to Quebec City and also to Calgary.

18 And I would like to ask the Commissioners
19 if they would be so kind to come up. We're going to read
20 the names out.

21 We're going to do this every day for the
22 people who are presenting with standing on the day. So
23 today, we would like to invite the Parties with Standing
24 for the Congress of Aboriginal People with Robert
25 Bertrand. If there is anybody here from the Congress of

1 Aboriginal People, we'd like to have the Commissioners
2 please come up to -- yeah.

3 And we'd also like to invite the Manitoba
4 Women's Coalition, the MMMIWG, Catherine L. Dunn. If
5 there is any of them here with the parties, please come
6 up.

7 Don't all rush us. Yes, don't try this at
8 home.

9 And if we could have the parties stand over
10 here. They'd do an honour song for you too. Please don't
11 sit down.

12 We'd also like to honour the Native Women's
13 Association of Quebec, is may -- Rainbow Miller, if any
14 one of your party is here, if you're here, to please come
15 up.

16 And we'd like to invite and to also honour
17 the Families for justice, Suzan Fraser. One for Bridget
18 too. And we'd also like to honour the Institute for the
19 Advancement of Aboriginal Women, Lisa Weber. And Party,
20 if you are here, please come up. I think she has left.

21 And the Commissioners would also like to
22 honour the Assemblies of the Manitoba Chief, if Grand
23 Chief Arlan Dumas or anybody from there? They've gone.

24 And the Commissioners would also like to
25 honour at the Treaty Alliance Northern Ontario-Nishnawbe

1 Aski Nation and the Grand Council Treaty 3 to please come
2 up. Yeah, so that's Krystyn.

3 And we'd like to also -- the Commissioners
4 would like to honour at the Government of Quebec, Marie-
5 Paule Boucher to please come up.

6 We'd also like to acknowledge the elders
7 that are in here to please come up. You know who you are.
8 I can see you, I just don't know your names -- to please
9 come up. We'd like to also honour you.

10 We'd like to, you know -- because I know
11 for myself with Michèle Audette, you know, without any one
12 of you here, this work couldn't be done. And I just want
13 to say (Native word) because this has been a very long
14 journey for all of you and I just say (Native word) to you
15 for all your work. We'd like to also give you a
16 commitment stick too, please.

17 Leslie, why are you sitting there? I can
18 see you. You could run from me, but you can't hide. I
19 know where you're at.

20 Leslie, where -- yeah, the stick for
21 Leslie. She's right there. Are they going to do an
22 honour song?

23 On behalf of the Commissioners and the
24 family Enfac (phonetic), we'd like to do an honour song
25 for you here, say (Native word) to you guys.

1 **(DRUM/TAMBOUR) (SONG/CHANT)**

2 **(APPLAUSE/APPLAUDISSEMENTS)**

3 **MS. CHRISTINE SIMARD-CHICAGO:** *Miigwech* for
4 that. So now I'd like to call up Vince and Elaine and
5 Elder Reta Gordon to come do some -- do our closing
6 prayers for the day.

7 **M. CHRISTIAN ROCK:** Merci aux joueurs de
8 tambours.

9 Maintenant je voudrais inviter les aînés,
10 Vincent et Elaine à se joindre à nous pour la pière de
11 fermeture.

12 **ELDER ELAINE KICKNOSWAY:** Hello. (Speaking
13 in Indigenous language).

14 **(CLOSING PRAYER/PRIÈRE DE FERMETURE)**

15 **ELDER ELAINE KICKNOSWAY:** We give thanks
16 for this day. We give thanks in the words that were
17 spoken. We give thanks for the breath of life. We give
18 thanks for bringing that voice forward for the ones that
19 aren't here, for the missing and the murdered and also
20 that place of love and kindness, what they call lateral
21 kindness and lateral love towards one another.

22 Today, I took a moment of silence at the
23 rise of the day and I remembered back 12 years ago. And
24 there was young lady who had been found in the early
25 morning. And her name was spoken again today and the many

1 names that were spoken today of their names. And I
2 couldn't help but think of the other names that aren't
3 being spoken and that loving place that we offer them in
4 kindness, the kindness back to ourselves, that breath of
5 life that we carry. We give thanks for their memory.
6 Give thanks for the singers to ground us, to bring that
7 medicine back to us. And we give thanks just to keep
8 going, standing tall, and we keep going.

9 And we'll be back here tomorrow as we greet
10 the day, and we keep seeing each other in a good way.

11 I'll pass it to you now.

12 **MS. RETA GORDON:** I offer these words to
13 this young lady here, the young ladies, the mothers, the
14 grandmothers, the keeper of the water.

15 When the Creator was creating mothers and
16 women and was in his days of overtime the Great Eagle
17 appeared and said "You're doing a lot of fiddling around
18 this one." The Creator said "Have you read the special
19 order? She must be completely washable but not plastic.
20 She must run on black coffee and leftovers. She must have
21 a lap that disappears when she stands up, a kiss that can
22 cure anything from a broken arm to a disappointed love
23 affair, and six pairs of hands."

24 Great Eagle shook her head and said "Six
25 pairs of hands, no way." "It's not the hands that are

1 causing me problems" said the Creator, "It's the three
2 pairs of eyes that mothers have to have." "That's on a
3 standard model" the Great Eagle asked. The Creator
4 nodded. "One pair that sees through doors when she asks
5 what are you kids doing in there when she already knows,
6 another here in the back of her head that sees what she
7 shouldn't but what she has to know, and of course the ones
8 here in front so she can look at a child when he goofs off
9 and says I understand and I love you."

10 Without so much as uttering a word
11 "Creator" the Great Eagle said, touching his sleeve
12 gently, "Come to bed. Continue tomorrow." "I can't" said
13 the Creator "I'm too close to creating something so close
14 to myself. Already I have one that heals herself when
15 she's sick, can feed a family of six on one pound of moose
16 meat." The Creator looked somber. Sorry, I missed one
17 thing. "And get a nine year old to stand under a shower."

18 Great Eagle circled the model of a mother
19 and it said "It's too soft" "But tough" said the Creator
20 excitedly. "You cannot imagine what this mother can do or
21 endure." "Can it think?" "Not only think but it can
22 reason and compromise" said the Creator.

23 Finally Great Eagle bent over and ran her
24 feathered wing across the cheek. "Here's a leak" she
25 pronounced. I told you you were trying to put too much

1 into this model." "It's not a leak" said the Creator
2 "It's a tear." "What's it for?" "It's for joy, sadness,
3 disappointment, pain, loneliness, and pride." "You're a
4 genius" said the Great Eagle. The Creator looked somber
5 and said "I didn't put it there."

6 Miigwech to all of you and may the Creator
7 bless all of you, all my relations.

8 This is a keeper of the water.

9 At this time Creator I ask you to dry the
10 tears of all the people that are suffering here and
11 throughout Canada. Let them bring back their sisters and
12 mothers and loved ones who have gone missing. Let them
13 bring back whole or even their bones so that they can be
14 buried next to them, so they can stop crying. They've
15 been crying for years. Please stop the tears. Amen.

16 Miigwech. Thank you.

17 **MS. CHRISTINE SIMARD-CHICAGO:** Miigwech.

18 So now we'll go to our drum group, Eagle
19 River Drummers, for a closing song.

20 **M. CHRISTIAN ROCK:** Maintenant, nous allons
21 nous tourner à nouveau vers les joueurs de tambour de
22 Eagle River pour la chanson de fermeture.

23 **(CLOSING SONG/CHANSON DE FERMETURE)**

24 **MS. CHRISTINE SIMARD-CHICAGO:** Miigwech.

25 Now we'll go to Eelee for extinguishing of

1 our qulliq.

2 **M. CHRISTIAN ROCK:** On va maintenant
3 procéder avec l'extinction du qulliq. La Commissaire
4 Robinson va avoir la gentillesse de traduire de
5 l'inuktitut à l'anglais.

6 **MS. EELEE HIGGINS:** Let's say a prayer, and
7 I'll do that in Inuktitut. Then I'll start putting out
8 the fire. Let's bow our head.

9 **(CLOSING PRAYER/PRIÈRE DE FERMETURE)**

10 **MS. EELEE HIGGINS:** (Speaking Inuktitut)

11 **COMMISSIONER QAJAQ ROBINSON:** (Translates)

12 I will now extinguish the qulliq that's
13 been lit all day. I will light it again tomorrow.

14 **MS. EELEE HIGGINS:** (Speaking Inuktitut)

15 **COMMISSIONER QAJAQ ROBINSON:** (Translates)

16 The wick we were running low earlier but we
17 received some more and this is a very strong one. Someone
18 knew something or knew it was needed.

19 Thank you. See you tomorrow.

20 **MS. CHRISTINE SIMARD-CHICAGO:** So just a
21 quick reminder, opening ceremonies start at 8:30 tomorrow
22 with a pipe ceremony at 7:00 a.m. in the Quebec room.

23 Have a good evening.

24 **M. CHRISTIAN ROCK:** Merci à tout le monde.

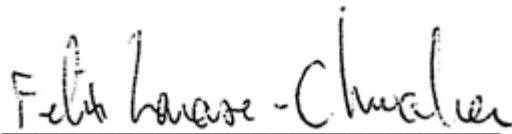
25 Vous êtes conviés à revenir demain matin à partir de 7h00

1 du matin pour la cérémonie de la pipe et puis les
2 audiences recommenceront à 8h30.

3 --- Upon adjourning at 5:47 p.m./L'audience est ajournée à
4 17h47

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6
7
8 LEGAL DICTA-TYPIST'S CERTIFICATE

9
10 I, Félix Larose-Chevalier, Court Transcriber, hereby
11 certify that I have transcribed the foregoing and it is a
12 true and accurate transcript of the digital audio provided
13 in this matter.

14
15
16 
17

18 Félix Larose-Chevalier

19 Dec 10, 2018
20