

Missing and Murdered Indigenous Women and Girls – Manitoba Coalition  
WRITTEN SUBMISSION PRESENTED BY THE MISSING AND  
MURDERED INDIGENOUS WOMEN AND GIRLS (MMIWG) –  
MANITOBA COALITION TO THE NATIONAL INQUIRY INTO  
MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

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WRITTEN SUBMISSION OF THE MISSING AND MURDERED INDIGENOUS WOMEN  
AND GIRLS (MMIWG) – MANITOBA COALITION TO THE NATIONAL INQUIRY INTO  
MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS:

TABLE OF CONTENTS

	Page
Introduction	3
The Politics of Doublespeak	5
Knowledge Gaps in the Inquiry Process	6
Manitoba Best Practices in the Area of Sexual Exploitation	11
Racism: Beyond Reason and Beyond Doubt	13
Racism in Child Welfare: “A National Disgrace”	15
Importance of Self-Determination	16
Police Racism: Trust me, I’m a Police Officer	17
The Impact of Colonialism and Land Loss	19
Recommendations of the MMIWG - Manitoba Coalition to the Inquiry	20
Executive Summary	25
Appendix A – UN Special Repporteur on Violence Against Women; Its Causes and Consequences in Canada	

## **INTRODUCTION:**

1. What is political will? How does one harness this? If the state has a statutory duty to recognize Indigenous self determination what happens if that duty is breached? Do non-Indigenous Canadians believe that Indigenous self determination is irrelevant to their everyday life even though millions of tax dollars are spent by the federal, provincial and territorial governments? And why with every election does the state continuously reset the stage for Indigenous peoples in a never ending Groundhog Day funding scenario? Why does Canada use the language of “doublespeak” as a political weapon against Indigenous women, girls and LGBTQ2S? Why does the state give a perception of power to Indigenous peoples while at the same time taking it back; announcing support for Indigenous self determination but providing insufficient supports to achieve that goal? Why is government funding provided on a largely limited term basis needing regular and highly bureaucratic justification rather than as part of comprehensive budgets that support Indigenous-led knowledge in the areas of land tenure, language, culture, education, justice, and child welfare? The patriarchy of the 1876 Indian Act sadly still continues.

2. Without the appropriate truthful historical knowledge it is difficult for non-Indigenous Canadians to appreciate the complexity and origin of the suppression of Indigenous land and natural resources rights, culture, language, and the right to self determination. Until recently, Canada’s educational institutions have rarely touched on these themes or how colonialism, Indian Residential Schools, the 60’s scoop, and child welfare have impacted the daily lives of Indigenous communities in their country.

3. Non-Indigenous Canadians little comprehend the concept of self determination and even less how colonialism has affected their relationship with Indigenous peoples. They do not comprehend how institutionalized systemic racism continues to exist and to oppress Indigenous people today. Had the Chief Commissioner Buller’s request to extend the time frame of the National Inquiry been granted, such overarching questions might have been addressed. Unfortunately, the minimal extension granted by the Federal Government gave only the appearance of appeasement rather than actual action. The Missing and Murdered Indigenous Women and Girls Coalition - Manitoba is disappointed but not surprised.

4. In its Interim Report, the Commissioners hoped to connect with Canadians:

We hope that Canadians will engage with us and with each other as we seek to end systemic violence, racism, and discrimination, and protect the rights of Indigenous women, girls, and LGBTQ2S people. However, we must do even more. Canadians must learn to value these lives and their rich contributions. All Canadians must stand together with Indigenous Peoples if we want to find truth, healing and justice.<sup>1</sup>

5. Ellen Gabriel, an Indigenous political and grassroots activist, was more assertive: “(w)e need Canada to let go...It must be done by Indigenous people for Indigenous people (and)...not for the Government and the Provinces.”<sup>2</sup> She states further that “so, it is about political will as well. And, if the leaders of this nation are only looking at the next election, then we will once again be on the bottom of their priorities...”<sup>3</sup>In her view, the only way to obtain compliance by the Federal Government is to seek relief at the international level, at the United Nations<sup>4</sup> “...if government is going to continue not to hear us, then we have to find another audience and I think the other one is the international level which has been very supportive to us.”<sup>5</sup>

6. In its Interim Report, the Commissioners noted that there are hundreds of studies that demonstrate that Indigenous rights are not in fact supported by the Government of Canada and its provinces and territories. Here the high language of government pays only lip service. The Interim Report notes:

There have been multiple inquiries, inquests, commissions, human rights complaints, and independent reports that have dealt directly or peripherally with systemic causes of violence against Indigenous women and girls in Canada. These studies have revealed multiple and compounding social, economic, cultural, institutional and historical

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<sup>1</sup> the Interim Report - <http://www.mmiwg-ffada.ca/wp-content/uploads/2018/03/ni-mmiwg-interim-report.pdf>; page 82

<sup>2</sup> Transcript Evidence Ellen Gabriel, Quebec City, Panel V: “Indigenous rights and Grassroots Activism” Public Transcript Parts II-III Volume IX, Exhibit code: P02-03P02P0501, Friday, September 21, 2018 at Page 34, lines 4-9

<sup>3</sup> Transcript Evidence Ellen Gabriel, Quebec City, Panel V: “Indigenous rights and Grassroots Activism” Public Transcript Parts II-III Volume IX, Exhibit code: P02-03P02P0501, Friday, September 21, 2018 at Page 103, lines 11-14

<sup>4</sup> United Nations Declaration Rights on Indigenous Peoples (UNDRIP)

<sup>5</sup> Transcript Evidence Ellen Gabriel, Quebec City, Panel V: “Indigenous rights and Grassroots Activism” Public Transcript Parts II-III Volume IX, Exhibit code: P02-03P02P0501, Friday, September 21, 2018 at Page 126, lines 19-22

causes that keep Indigenous women and girls vulnerable to generations of violence.<sup>6</sup>

### **THE POLITICS OF DOUBLESPEAK:**

7. It is important to insert into the public record specific examples of political language that says one thing and political conduct that does another. The media has been too tepid in its response and its analyses of government doublespeak.

In 2018, examples of doublespeak are reported in the media, but rarely examined:

A. On February 1, 2018, the Canadian Human Rights Tribunal Commission (CHRTC), for the fifth time, found Canada to be racially discriminatory in its treatment of Indigenous peoples.<sup>7</sup> This groundbreaking decision has garnered lukewarm journalistic response.

B. On February 8, 2018, the Federal Government once again endorsed the United Nations Declaration on the Rights on Indigenous Peoples (UNDRIP), to which Canada is a signatory. Environment Minister Catherine McKenna, sanctioned Indigenous peoples' right to consultation stating "(t)hat is the expectation of Canadian Law; we are going to try very hard".<sup>8</sup> In Manitoba, Cora Morgan, testified that her role as First Nation Children's Advocate was in essence to protect Indigenous children in Manitoba from the child welfare system.<sup>9</sup> According to the evidence of Cora Morgan and Dr. Janet Smylie, an internationally known public health expert, newborn Indigenous children are being apprehended at the rate of one per day in Winnipeg. As of October, 2018, the Manitoba Government has claimed that this practice has been, or will be, discontinued. The media has not followed up.

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<sup>6</sup> See Footnote no.1 supra

<sup>7</sup> Transcript Evidence Dr. Cindy Blackstock, Panel IV: "Racism Against Indigenous Children and Youth", Public transcript Part III Volume X, Exhibit code: P03P03P0301, Exhibit 65(d): Canadian Human Rights Tribunal Ruling, Citation: 2018 CHRT 4, February 1, 2018 (File # T1340/7008, 96 pages)

<sup>8</sup> Indigenous Rights Question Remains in Ottawa's Planned Environmental Assessment Overhaul  
<https://www.cbc.ca/news/indigenous/indigenous-rights-consultation-environment-assessment-1.4527355>

<sup>9</sup> Transcript Evidence Cora Morgan, Panel I: Public transcript Mixed Parts II & III, Volume XI, Tuesday, October 2, 2018, pages 129, lines 17-25 and 130, lines 1-16

C. On February 14, 2018, Prime Minister Justin Trudeau promised a new legal framework for Indigenous Peoples so that they are “in control of their own destiny”.<sup>10</sup> This year the Supreme Court of Canada will consider an unparalleled act of dehumanization by the justice system in which the state chose to exhibit the pelvis of a viciously murdered Indigenous woman as “best evidence”.<sup>11</sup>

D. As of October, 2018, there are over 11,000 Manitoba children in care of Child and Family Services, 90% of whom are Indigenous. Many of these children are either newborns or young adults who have become institutionalized after a lifetime in foster care only to be aged out by the system at age 18.<sup>12</sup>

### **KNOWLEDGE GAPS IN THE INQUIRY PROCESS:**

8. Of monumental significance, the National Inquiry has created a public record which is current, historical, wide in scope, and probative. The evidence is pervasive, a shotgun blast of truth for the non-Indigenous Canadian. It proves beyond a reasonable doubt the premise implicit in the National Inquiry’s Interim Report: self determination has been studied to death but has not been ceded by the federal, provincial or territorial governments to Indigenous peoples. Through patriarchy, poverty, racism, oppression, judicial omission, and the abduction and incarceration of children by child welfare, governments implicitly permit violence against Indigenous women and girls, as well as the LGBTQ2S community.

9. Despite the breadth and depth of the evidence, both oral and written, there have been gaps in the Inquiry process in the procedure used and the evidence gathered. The following suggestions are offered:

A. The lack of Ministerial leadership at the Inquiry, Federal, Provincial or Territorial is concerning. Of the dozens of witnesses called, there was only one Senior Assistant Deputy Minister called as a witness on behalf of the Federal Government.<sup>13</sup>

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<sup>10</sup> Trudeau promises new legal framework for Indigenous people <https://www.cbc.ca/news/politics/trudeau-speech-indigenous-rights-1.4534679>

<sup>11</sup> R v Barton, 2015 ABQB 159 (CanLII), <<http://canlii.ca/t/gj0x3>>, R. v. Barton, 2016 ABCA 68 (CanLII), <http://canlii.ca/t/gnmjw> and R v Barton, 2017 ABCA 216 (CanLII), <<http://canlii.ca/t/h4i20>>

<sup>12</sup> Transcript Evidence of Cora Morgan October 1, 2018, Public Transcript Parts II-III Volume X Exhibit code: P02-03P03P0101

<sup>13</sup> Valerie Gideon – Senior Assistant Deputy Minister, First Nations and Inuit Health Branch

Change requires leadership; the failure of Government to physically attend the National Inquiry hearings and engage in a dialogue with the Commissioners and with the Canadian public, listening live stream, speaks volumes.

B. Ministers are responsible for their actions. As was noted by Federal-Provincial Cabinets Relations Expert, Dr. Christopher Dunn, “Ministers are responsible for the proper leadership of a governmental department...The minister bears full political and legal responsibility for officials’ of ethics or a serious mistake in policy...”<sup>14</sup>

C. Ironically, although no senior ministers attended the Inquiry, the governments sent its lawyers who, for the most part, were there on a watching brief.<sup>15</sup> The sound of their collective silence, whether federal, provincial or territorial and whether positive or negative, was significant.

D. It is respectfully submitted that the Commissioners would have benefited from hearing the evidence of Indigenous political scientists and academics on the issue of Indigenous Sovereignty. For example, Dr. Kiera L. Ladner is an Associate Professor and Canada Research Chair in Indigenous Politics and Governance in the Department of Political Studies at the University of Manitoba.<sup>16</sup> She is a leading scholar in the field of Indigenous politics and is widely published in Canada, Australia, the United States and Mexico. She has written extensively on Constitutional Law and Politics, Treaties, Indigenous Sovereignty, Missing and Murdered Indigenous Women, Public Opinion and the Political Marginalization of Women, and has recently written *Surviving Canada: Indigenous Peoples Celebrate 150 Years of Betrayal*.<sup>17</sup> Sylvia McAdam, Co-founder of the “Idle No More” movement would be another resource.

E. There is debate on whether public policy creates change or whether it is government that nudges public policy. How Indigenous politics interacts between the two concepts, provides leadership to the Privy Council Office and strategic planning to

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<sup>14</sup> The Handbook of Canadian Public Administration, Edited by Christopher Dunn 2018 Oxford University Press Canada, Chapter 6, the Central Executive in Canadian Government: Searching for the Holy Grail

<sup>15</sup> There are exceptions. See objection made on behalf of Directeur des poursuites criminelles et penales (Quebec), Anny Bernier (Legal Counsel); and of course Anne Turley on behalf of the Federal Government directed the evidence of Federal Government witnesses, “Police Policies & Practices” Regina, Saskatchewan, Part II Volume VII, Tuesday, June 26, 2018

<sup>16</sup> [http://umanitoba.ca/faculties/arts/departments/political\\_studies/faculty/3707.html](http://umanitoba.ca/faculties/arts/departments/political_studies/faculty/3707.html)

<sup>17</sup> [https://books.google.ca/books/about/Surviving\\_Canada.html?id=CDCDvgAACAAJ&redir\\_esc=y](https://books.google.ca/books/about/Surviving_Canada.html?id=CDCDvgAACAAJ&redir_esc=y)

the provinces who do not have the same resources is complex and worth exploring. Public opinion is often affected by some focusing public event.<sup>18</sup> The Missing and Murdered Indigenous Women and Girls Coalition – Manitoba hopes that the National Inquiry will be that focusing event.

F. At the Inquiry, the relevance and interpretation of international, national, and provincial laws were regularly referred to by systems experts and knowledge keepers. Most witnesses were not legal academics, with some exceptions.<sup>19</sup> This is not to suggest that the witnesses who spoke on legal issues were not informed and thoughtful. However, because this is a National Inquiry, from which will be produced a public record it would have been helpful to seek answers with respect to constitutional and legal issues such as whether international legislation such as UNDRIP, The Canadian Charter of Rights and Freedoms and Canada’s Constitution Act (1982) provide adequate legal framework for Indigenous equality in the areas of criminal law, child welfare law, and human rights laws.

G. Missing from the Inquiry evidence was any discussion with respect to the social media as a tool of social change. Facebook is the go-to communication tool of the North; it is inexpensive and generally accessible in Northern communities. Social and political movements such as “Idle No More” use social media to organize grassroots advocacy and garner public support for Indigenous led political change. One need only look to the pervasive effect of the #Me Too movement which has changed the attitude of Canadians with respect to sexual assault, sexual harassment, and sexual misconduct in *inter alia* the workplace to understand how powerful a tool social media has become. It is submitted that the Inquiry would have benefited from some witnesses who are expert in this area and to provide guidance and direction on social change tools.

H. Media coverage of the Inquiry evidence seldom captured the significance of evidence, with little analysis or comment notwithstanding compelling evidence of

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<sup>18</sup> C. Alcantara – Associate Professor Department of Political Science, University of Western Ontario (Western University), Personal Communication November 1, 2018, email communication to Catherine Dunn and A. Marland – Associate Professor Department of Political Science, MUN University NL, email communication November 1, 2018 to Catherine Dunn

<sup>19</sup> The Honourable Kim Beaudin is an exception, Transcript Evidence of the Honourable Kim Beaudin, Panel II: Criminal Justice Oversight and Alternative Programs, Mixed Part II&III, Volume VI, Tuesday, Day 2 - September 18, 2018, Exhibit code: P02-03P02P0201



historic and current findings of government indifference. This of course was outside the control of the National Inquiry and the media did not address the Commissioners' recommendations for more relevant coverage.

I. Both the process and the procedures utilized at the National Inquiry were challenging. Many, if not all of the parties with standing, including the MMIWG - Manitoba Coalition, applied for standing in April/May, 2017. Funding for legal representatives was not approved until days before the start of the Institution and Knowledge Keeper hearings in May, 2018. This prevented parties with standing at the Inquiry from taking anything other than a passive approach to both the procedural process and the evidence put before the Inquiry. The dissemination of exhibits, often concurrent with their filing, was such that the parties with standing were unprepared in any substantive way to participate in the Inquiry.

J. The MMIWG – Manitoba Coalition in particular is disappointed by the notable absence of a Manitoba Commissioner on the panel of Commissioners at the National Inquiry and who would represent their specific interests. Commissioner Robinson, for example, is a strong advocate for the Inuit people and for her territory. Manitobans did not have this advantage.

K. The Missing and Murdered Indigenous Women and Girls – Manitoba Coalition has a compelling history of advocacy and community activism born of the murders and disappearances of their grandmothers, mothers, daughters, and sisters. They demand to have their voices heard:

- (i) Manitoba is ground zero for MMIWG. The murder of 19 year old Helen Betty Osborne in 1971<sup>20</sup> and subsequent Inquiry (1991) on the cover-up of her murder by the RCMP and the Town of The Pas, Manitoba, was a seminal report on the racist treatment of Indigenous people by the justice system.

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<sup>20</sup>Manitoba, Public Inquiry into the Administration of Justice and Aboriginal People (AJI), *Report of the Aboriginal Justice Inquiry of Manitoba: Volume 1, The Justice System and Aboriginal People* (Winnipeg: Public Inquiry into the Administration of Justice and Aboriginal People, 1991), "Chapter 1: The Inquiry and the Issues." Access July 21, 2014. <http://www.ajic.mb.ca/volume1/chapter1>, html. The full report can be found here: <http://www.ajic.mb.ca/volume/toc.html>

(ii) Sadly, during the October, 2018 National Inquiry hearings in Winnipeg, a vigil was held in Winnipeg as a result of yet another wrongful death of a young woman from Northern Manitoba and whose body was discovered at a Winnipeg recycling facility.<sup>21</sup>

(iii) Manitoba is the epicentre for the over representation of Indigenous children held captive by the child welfare system. In 2014, the Phoenix Sinclair Inquiry made 62 Recommendations to reform child welfare in Manitoba and to reduce the then 10,000 children in care.<sup>22</sup> Government supported these recommendations. Ironically, there are now 11,000 children in care.

(iv) Manitoba has exceptionally strong Indigenous leaders, including First Nations and Métis, from both northern and southern Manitoba. As well, Manitoba's Indigenous women, a community of political and grassroots leaders have advocated strongly on the issue of murdered and missing women and girls.<sup>23</sup>

(v) The Manitoba Indigenous population is over-represented, and undervalued, in the criminal justice system, child welfare system and the health care system. In 1985, Manitoba Provincial Judge Kimelman was the first justice official to use the term “cultural genocide” when referencing Manitoba Indigenous children in care.<sup>24</sup> In 1971, Helen Betty Osborne was murdered simply because she was an Indigenous woman. On February 22, 2018, Raymond Cormier was acquitted of the murder of Tina Fontaine, a 15 year old sexually exploited child AWOL from child and family services. Her killer has never been found. Brian Sinclair died in a Winnipeg emergency room waiting for medical treatment he should have received.

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<sup>21</sup> Vigil for woman found in recycling depot draws hundreds <https://www.cbc.ca/news/canada/manitoba/vigil-mary-yellowback-1.4848268>

<sup>22</sup> <https://policyfix.ca/2016/11/29/62-recommendations-and-the-legacy-of-phoenix-sinclair/>

<sup>23</sup> Leslie Spillett - Ka Ni Kanichihk Inc., Hilda Anderson-Pyrz - FILU Support Manager MKO, Sandra DeLaronde – Indigenous Womens Leadership Institute, Consultant, Diane Redsky - Executive Director Ma Mawi Chi Itata Inc., Tina Keeper - Director, Alyshia McIvor – LGBTQ2S Social Advocate, Thelma Morrisseau, Nahanni Fontaine – MLA, Bernadette Smith, MLA

<sup>24</sup> The Birth of a Family – The Sixties Scoop Explained <https://www.cbc.ca/cbcdocspov/features/the-sixties-scoop-explained>

L. Funding availability for non-legal advocates was uneven, disorganized and frustrating. Some parties with standing as non-legal advocates were personally responsible for their own up-front travel and accommodations expenses.

M. The late dissemination of written material, intended to be exhibits, to the parties with standing resulted in confusion and often formal protest. This lack of fairness in the delivery of important evidence strikes to the heart of “fairness and natural justice”. Hundreds of pages of written material were provided to the parties with standing for review. It was assumed quite incorrectly that parties with standing would be able to read, absorb and provide advice and direction to their counsel with respect to the evidence. Formal objections were dismissed.<sup>25</sup>

### **MANITOBA BEST PRACTICES IN THE AREA OF SEXUAL EXPLOITATION**

10. Manitoba provided evidence on what best practices looked like. Successful services must be led by Indigenous community based organizations. On May 30, 2018, in Calgary, Jackie Anderson, a Métis mother of three and a speaker on behalf of Ma Mawi Wi Chi Itata Inc., described herself as “a survivor, a warrior, and someone with lived experience.”<sup>26</sup> Ms. Anderson works with sexually exploited youths in one of two six-bed safe homes located in Winnipeg and rural Manitoba for sexually exploited youths between the ages of 13 and 17, and which is funded by the Child Protection Branch as Tracia’s Trust: Manitoba Sexual Exploitation Strategy, Government of Manitoba, Sexual Exploitation Unit.<sup>27</sup>

11. This community based initiative came about as a result of the suicide of Tracia Owen, a 15 year old Indigenous child in care, who took her own life as a result of sexual exploitation. In the aftermath of her death, a sexually exploited youth community coalition, comprised of fifty different organizations, was started in the early 2000’s and has maintained monthly community meetings to assess the needs of sexually exploited youths. Manitoba is the first collaborative strategy in Canada to team Indigenous led based organizations with police and survivors of sexual exploitation and sex trafficking. Political will has made this collaborative approach a

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<sup>25</sup> See Suzan Fraser, Justice for Families Motion for Disclosure

<sup>26</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 78-79; pages 79 lines 21-25; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

<sup>27</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 83 lines 2-16; Exhibit code: P02P01P0301, Day 3 – May 30, 2018, Exhibit 33

success. There is opportunity for this strategy to be linked with a Federal National Action Plan to combat human trafficking. This would require additional funding resources and community feedback.

12. The urban safe house and rural healing lodge, funded by Tracia’s Trust, are comprised of 100% Indigenous workers and encourages staff with lived experience. The organization uses embedded cultural values and traditions as opposed to rules and regulations to ensure youth are “supported, loved and nurtured”.<sup>28</sup> Staff with lived experience create awareness and educate their “little brothers and sisters” that they are victims of sexual exploitation, not ‘prostitutes’.<sup>29</sup> Using the medicine wheel, sexually exploited youth are encouraged “to move themselves along [from] survivor to warrior to teacher” and eventually mentor to other sexually exploited youth.<sup>30</sup>

13. Borrowing from Maori teachings, the organization promotes family group conferencing, initiating approximately 15 Indigenous led family group conferences per year, helping families to rebuild and reunite. Using this Indigenous led culturally appropriate approach, seventy-three youths have returned home as of 2018.<sup>31</sup> The number of returns speak to the success of the reunifications. As noted by a former graduate “programs don’t change people. Relationships do.”<sup>32</sup> Ms. Christine Dumaine, a witness and graduate of the program, was described by Ms. Anderson as a “very resilient young woman who knows what she wanted, and once she let her walls down and allowed us to love her – she grew”.<sup>33</sup> Ms. Dumaine, testified that Indigenous staff “helped me to connect with my spirit through teaching and ceremonies, and this is something that I am still proud of today.”<sup>34</sup>

14. Barriers to the success of this Indigenous led collective include a shortage of sustainable wraparound funding. Although funded for twelve beds, Ms. Anderson stated that sexually

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<sup>28</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 89 line 21, page 101 lines 21-25; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

<sup>29</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 92 lines 23-25; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

<sup>30</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 108 lines 20-24; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

<sup>31</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 113; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

<sup>32</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 126 lines 23-24; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

<sup>33</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 260 lines 8-11; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

<sup>34</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 139 lines 19-23; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

exploited youth in Manitoba number in the hundreds.<sup>35</sup> Youth must to be placed in “protective care”, a strong barrier for family reunification. In order to access the service, parents must voluntarily agree to turn over guardianship of their youth to Child and Family Services, therefore relinquishing custody.<sup>36</sup> She also noted “so when we have these pilot projects for one, two, three years, this doesn’t help...[because] survival is forever.”<sup>37</sup> Ms. Anderson is a strong proponent of “sustainable funding to Indigenous led organizations” that “incorporate...the value of hiring those with lived experience.”<sup>38</sup> She expressed frustration in having to find money for off the desk expenses which permit family oriented experiences for youth and for which there is no budget line.

15. The National Inquiry is referred to the evidence of Diane Redsky and their reports in their entirety.<sup>39</sup>

### **RACISM: BEYOND REASON AND BEYOND DOUBT**

16. Dr. Barry Lavallee is a University of Manitoba trained First Nations physician and educator specializing in Indigenous health. On June 12, 2018, he testified that racism impacts the delivery of health services to Manitoba Indigenous patients. Between 2004 and 2016 he researched the concept of racism and Indigenous health, finding that “an Indigenous person cannot enter a health care system except in stereotype”.<sup>40</sup> He spoke poignantly about the death of Mr. Brian Sinclair, an Indigenous man, who died at the Winnipeg Health Science Centre Emergency, one of western Canada’s busiest emergency rooms. Mr. Sinclair attended emergency with a simple and treatable bladder infection. Inexplicably he was not attended to

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<sup>35</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 259; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

<sup>36</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 91 lines 21-25; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

<sup>37</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 100 lines 1-20; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

<sup>38</sup> Transcript Evidence Jackie Anderson, Calgary, Panel II: “Health Services” Public Part II Transcript Volume III, page 100 lines 16-20; Exhibit code: P02P01P0301, Day 3 – May 30, 2018

<sup>39</sup> <https://www.amnesty.ca/sites/amnesty/files/amr200032004enstolensisters.pdf>

<sup>40</sup> Transcript Evidence Dr. Barry Lavallee, Toronto, Panel II: Perspectives Panel on Racism in Institutions, Public Transcript Part III Volume IX, Exhibit code: P03P03P0201, page 38 lines 18-22

by medical staff. “Instead he was found dead with rigor mortis 34 hours later having been seen only in stereotype at the Health Sciences Centre Emergency room.”<sup>41</sup>

17. Dr. Lavallee was a witness at the subsequent Inquest into Mr. Sinclair’s death. No culpability, either civil or criminal, was considered by the Manitoba Court with respect to the cruel treatment that Mr. Sinclair received at the hands of the health care system. Dr. Lavallee testified that Mr. Sinclair’s death was a “death by racism.”<sup>42</sup> Mr. Sinclair entered the emergency room in a wheelchair seeking medical attention; one hundred and fifty people were processed after him. Not a single member of the health facility medically assisted him while he was alive. Members of the public who saw Mr. Sinclair was in medical distress, sought assistance from the medical staff but to no avail. Dr. Lavallee was asked:

Question: Why do you think that the medical people did not see the distress that the public did?”

Answer, “I believe that the community of people in there, medical or not, only saw Mr. Sinclair with a lens of stereotype. That’s all they could see in us.”<sup>43</sup>

18. Despite the failure of the medical system to provide Mr. Sinclair with the necessities of life related to his medical treatment, the Court did not consider the issue of civil or criminal wrongdoing. Other than a letter received from the nursing college, “not a single medical person, be it doctor, nurse, aide, whatever, was disciplined, reprimanded or otherwise dealt with in a punitive way for the death of Mr. Sinclair.”<sup>44</sup> It is important to note that the request for an inquest came not from the medical community nor the police services, but from his family.<sup>45</sup>

19. Dr. Lavallee has spent much of his career exploring the need for accountability. “We know that the Indigenous body is proxy to our land and that the killing of our land is like the

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<sup>41</sup> Transcript Evidence Dr. Barry Lavallee, Toronto, Panel II: Perspectives Panel on Racism in Institutions, Public Transcript Part III Volume IX, Exhibit code: P03P03P0201, page 39 lines 22-25. See also Mary Jane Logan McCallum and Adele Perry, *Structures of Indifference: An Indigenous Life and Death in a Canadian City* (Winnipeg: University of Manitoba Press, 2018).

<sup>42</sup> Transcript Evidence Dr. Barry Lavallee, Toronto, Panel II: Perspectives Panel on Racism in Institutions, Public Transcript Part III Volume IX, Exhibit code: P03P03P0201, page 215 lines 4-5

<sup>43</sup> Transcript Evidence Dr. Barry Lavallee, Toronto, Panel II: Perspectives Panel on Racism in Institutions, Public Transcript Part III Volume IX, Exhibit code: P03P03P0201, page 217 lines 16-25

<sup>44</sup> Transcript Evidence Dr. Barry Lavallee, Toronto, Panel II: Perspectives Panel on Racism in Institutions, Public Transcript Part III Volume IX, Exhibit code: P03P03P0201, page 219 lines 20-25

<sup>45</sup> Transcript Evidence Dr. Barry Lavallee, Toronto, Panel II: Perspectives Panel on Racism in Institutions, Public Transcript Part III Volume IX, Exhibit code: P03P03P0201, page 219 lines 16-18

killing of a body of Indigenous people.”<sup>46</sup> As a first step, Dr. Lavallee has asked the University of Manitoba to provide 100 years of free education for all First Nations people applying to the university as part of the reconciliation process.<sup>47</sup> Dr. Lavallee noted that “we need education about colonialism.”<sup>48</sup> Medical learners attend university with comprehensive science knowledge but almost no knowledge of the Indigenous culture, notwithstanding that 40% [of the medical students]...will train on the bodies of Indigenous peoples to become doctors and yet you don’t even know who these people are.”<sup>49</sup>

20. Dr. Lavallee emphasized the need for “traditional knowledge and traditional practices in the context of health outcomes and health support for Indigenous peoples, suggesting that the Winnipeg Regional Health Association (WRHA) should have access to 10 to 15 traditional healers on a 24/7 basis.”<sup>50</sup>

### **RACISM IN CHILD WELFARE: “A NATIONAL DISGRACE”**

21. Dr. Cindy Blackstock is the Executive Director of the First Nation Children and Family Care Society.<sup>51</sup> Dr. Blackstock artfully deconstructed the trajectory of racism by Canada in the treatment of First Nation children between 1895 and 2018. Research originally conducted in 1907 by Dr. P.H. Bryce, Canada’s first Public Health Officer, confirmed that First Nations children placed in Indian Residential Schools were dying at an alarming rate and directly as a result of underfunded services provided by the Federal Government. Subsequent studies throughout the 20<sup>th</sup> and 21<sup>st</sup> centuries have confirmed that funding inequities has never been rectified.

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<sup>46</sup> Transcript Evidence Dr. Barry Lavallee, Toronto, Panel II: Perspectives Panel on Racism in Institutions, Public Transcript Part III Volume IX, Exhibit code: P03P03P0201, page 63 lines 17-20

<sup>47</sup> Transcript Evidence Dr. Barry Lavallee, Toronto, Panel II: Perspectives Panel on Racism in Institutions, Public Transcript Part III Volume IX, Exhibit code: P03P03P0201, page 64 line 4

<sup>48</sup> Transcript Evidence Dr. Barry Lavallee, Toronto, Panel II: Perspectives Panel on Racism in Institutions, Public Transcript Part III Volume IX, Exhibit code: P03P03P0201, page 64 lines 16-17

<sup>49</sup> Transcript Evidence Dr. Barry Lavallee, Toronto, Panel II: Perspectives Panel on Racism in Institutions, Public Transcript Part III Volume IX, Exhibit code: P03P03P0201, page 65 lines 1-4

<sup>50</sup> Transcript Evidence Dr. Barry Lavallee, Toronto, Panel II: Perspectives Panel on Racism in Institutions, Public Transcript Part III Volume IX, Exhibit code: P03P03P0201, page 71 lines 13-16

<sup>51</sup> Transcript Evidence Dr. Cindy Blackstock, Toronto, Panel IV: “Racism Against Indigenous Children and Youth”, Public Transcript Part III, Volume X, Exhibit code: P03P03P0301, Exhibit 49

22. The Federal Government initiated a number of studies including the Caldwell Report (1967),<sup>52</sup> the Sim Report (1967),<sup>53</sup> the Wen-De Reports prepared by the First Nations Caring Society 2005,<sup>54</sup> two Auditor General Reports in 2008<sup>55</sup> and 2011,<sup>56</sup> and a parliamentary review by the Federal Government on its own conduct with respect to First Nation's children in care.<sup>57</sup> The evidence found that First Nations children receive 70% of the funding services afforded to non-Indigenous children in Canada.

23. Armed with this evidence, Dr. Blackstock and the First Nations Caring Society made a formal and successful complaint to the Human Rights Tribunal Commission which found Canada to be racist in the treatment of First Nations children, and ordered Canada to comply with international law (UNDRIP). As of February 1, 2018, Canada has been found to be in breach of the CHRTC for the fifth time.<sup>58</sup>

### **IMPORTANCE OF SELF-DETERMINATION**

24. Dr. Blackstock discussed “the importance of self determination and the relationship to the care of one’s children...the dream that your respective ancestors would have had for your kids.”<sup>59</sup> Dr. Blackstock felt that Indigenous health determinants should include the concept of

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<sup>52</sup> Transcript Evidence Dr. Cindy Blackstock, Toronto, Panel IV: Racism Against Indigenous Children and Youth”, Public Transcript Part III, Volume X. Exhibit code: P03P03P0301, Exhibit 52 “Indian Residential Schools: A research study of the child care programs of nine residential schools in Saskatchewan, prepared for the Department of Indian Affairs and Northern Development, project director George Cardwell, January 31, 1967 (202 pages)

<sup>53</sup> Transcript Evidence Dr. Cindy Blackstock, Toronto, Panel IV: Racism Against Indigenous Children and Youth”, Public Transcript Part III, Volume X. Exhibit code: P03P03P0301, Exhibit 53 “The Education of Indians In Ontario: A Report to the Provincial Committee on Aims and Objectives of Education in the Schools of Ontario,” by Alex Sim, April 1967 (106 pages)

<sup>54</sup> Transcript Evidence Dr. Cindy Blackstock, Toronto, Panel IV: Racism Against Indigenous Children and Youth”, Public Transcript Part III, Volume X. Exhibit code: P03P03P0301, Exhibit 55(a): “Wen-De, The Journey Continues,” The National Policy Review on First Nations Child and Family Services Research Project: Phase Three, First Edition, by J. Loxley, L. DeRiveiere, T. Prakash, C. Blackstock, F. Wien & S. Thomas Prokop, 2005, ISBN: 0-9732858-3-4 (193) pages and Exhibit 55(b): “Wen-De, We are Coming to the Light of Day,” First Nations Child and Family Caring Society of Canada, 2005 (226 pages)

<sup>55</sup> Transcript Evidence Dr. Cindy Blackstock, Toronto, Panel IV: Racism Against Indigenous Children and Youth”, Public Transcript Part III, Volume X. Exhibit code: P03P03P0301, Exhibit 56: 2008 Report of the Auditor General of Canada to the House of Commons, Chapter 4: First nations Child and Family Services Program – Indian and Northern Affairs Canada (35 pages)

<sup>56</sup> Transcript Evidence Dr. Cindy Blackstock, Toronto, Panel IV: Racism Against Indigenous Children and Youth”, Public Transcript Part III, Volume X. Exhibit code: P03P03P0301, Exhibit 57: 2011 June Status Report of the Auditor General of Canada, Chapter 4 – Programs for First Nations on Reserves (40 pages)

<sup>57</sup> Transcript Evidence Dr. Cindy Blackstock, Toronto, Panel IV: Racism Against Indigenous Children and Youth”, Public Transcript Part III, Volume X. Exhibit code: P03P03P0301, Exhibit 58: Report of the Standing Committee on Public Accounts, Chapter 4: First Nations Child and Family Services Program – Indian and Northern Affairs Canada of the May 2008 Report of the Auditor General, March 2009, 40<sup>th</sup> Parliament, 2<sup>nd</sup> Session (17 pages)

<sup>58</sup> See Footnote no. 55; supra

<sup>59</sup> Transcript Evidence Dr. Cindy Blackstock, Panel II, Public Transcript Part II-III Volume XII, Exhibit code: P02-03P03P0301, Day 3 – October 3, 2018, page 13 lines 6-14



land and spirituality as a determinant of health. She states “And, a land itself [provides]...a spiritual and cultural service, an identified service and an essential part of living a dignified life for Indigenous peoples...”<sup>60</sup> She provided a list of eight recommendations<sup>61</sup>.

25. She demands the government be held to a higher standard of responsibility to children in care rather than a minimum one. She calls for community based plans “that allow communities to do that collective reclaiming of what a healthy child is and develop holistic of healthy children. Not just child welfare visions, but things that would touch on child and maternal health, that touch on addictions, that touch on juvenile justice, that touch on culture and language and education. A very holistic vision.”<sup>62</sup>

26. Dr. Blackstock provided overwhelming evidence “that governments can afford to end [inequalities] and that they have the solutions to end them. They have just chosen not to. They have chosen to put other priorities ahead of the children.”<sup>63</sup> Dr. Blackstock noted that international recognition of Canada’s racial inequality to Indigenous people has not led to change. She notes:

It took five non-compliance orders and the tribunal still has jurisdiction over the complaint, so further orders may follow, for Canada to begin to come into compliance. And, in those five non-compliance orders, there are at least 14 occasions where the tribunal references what it calls the old mindset. And so, what Canada was doing was proclaiming itself reformed without having done the work to actually reform itself; right? It needs to have that independent view.”<sup>64</sup>

### **POLICE RACISM: TRUST ME, I’M A POLICE OFFICER**

27. Newly appointed Commissioner RCMP Brenda Lucki, formally apologized to Indigenous peoples on June 25, 2018 for the role that the RCMP played in creating injustice.<sup>65</sup>

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<sup>60</sup> Transcript Evidence Dr. Cindy Blackstock, Panel II, Public Transcript Part II-III Volume XII, Exhibit code: P02-03P03P0301, Day 3 – October 3, 2018, page 14 lines 7-11

<sup>61</sup> Transcript Evidence Dr. Cindy Blackstock, Panel II, Public Transcript Part II-III Volume XII, Exhibit code: P02-03P03P0301, Day 3 – October 3, 2018, Exhibit 27, page 28 lines 21-25

<sup>62</sup> Transcript Evidence Dr. Cindy Blackstock, Panel II, Public Transcript Part II-III Volume XII, Exhibit code: P02-03P03P0301, Day 3 – October 3, 2018, page 31 lines 4-12

<sup>63</sup> Transcript Evidence Dr. Cindy Blackstock, Panel II, Public Transcript Part II-III Volume XII, Exhibit code: P02-03P03P0301, Day 3 – October 3, 2018, page 31 lines 19-25

<sup>64</sup> Transcript Evidence Dr. Cindy Blackstock, Panel II, Public Transcript Part II-III Volume XII, Exhibit code: P02-03P03P0301, Day 3 – October 3, 2018, page 36 lines 4-12

<sup>65</sup> Transcript Evidence of Brenda Lucki, Panel 1: “Recruitment, Training & Policing in Indigenous Communities”, Day 1 – Monday June 25, 2018, Public Transcript Part II Volume VI Exhibit code: P02P02P0101, at pages 26-34

Commissioner Lucki noted that it is never too late to do the right thing and her apology was intended to show the RCMP's commitment to reconciliation.<sup>66</sup>

28. Commissioner Lucki stated she is the first commissioner of the RCMP, founded in 1873, to be mandated by the Government of Canada to ensure cooperation and partnership with the 600 Indigenous communities in which they work.<sup>67</sup> The MMIWG – Manitoba Coalition wonders why after over 145 years of service this mandate is only now being articulated. Further, does the commitment of the RCMP to behave properly need to be mandated at all?

29. The Commissioners are invited to read the MMIWG – Manitoba Coalition's cross examination of Commissioner Lucki in its entirety in order to determine whether the apology is credible and consistent.<sup>68</sup> While Commissioner Lucki endorsed the policy of bias free policing, she refused to admit that the policy itself was a direct result of actual police bias: ("I can't say why the policy was brought. I didn't bring the policy in.")<sup>69</sup> She also strongly supported the newly endorsed protocol and its precedent form (Exhibit 105), produced to prove that the RCMP were committed to improving communication with the families and survivors of missing and murdered Indigenous women and girls. She deferred the Commissioners to the evidence of Deputy Commissioner Brenda Butterworth-Carr.<sup>70</sup>

30. Unfortunately Deputy Commissioner Brenda Butterworth-Carr, in speaking about the new protocol to increase trust and improve communication between family and survivors, could not explain why embedded in the precedent form was the word "**secret**".<sup>71</sup> It is submitted that this secret form, buried in the RCMP avalanche of late document disclosure, is an overwhelming indication that the RCMP remains a closed and secret society.

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<sup>66</sup> Transcript Evidence of Brenda Lucki, Panel 1: "Recruitment, Training & Policing in Indigenous Communities", Day 1 – Monday June 25, 2018, Public Transcript Part II Volume VI Exhibit code: P02P02P0101, at page 34 lines 18-20

<sup>67</sup> Transcript Evidence of Brenda Lucki, Panel 1: "Recruitment, Training & Policing in Indigenous Communities", Day 1 – Monday June 25, 2018, Public Transcript Part II Volume VI Exhibit code: P02P02P0101, Exhibit 3: Commissioner Mandate Letter addressed to Brenda Lucki by the Honourable Ralph Goodale, date modified 2018-05-07

<sup>68</sup> Transcript Evidence of Brenda Lucki, Panel 1: "Recruitment, Training & Policing in Indigenous Communities", Day 1 – Monday June 25, 2018, Public Transcript Part II Volume VI Exhibit code: P02P02P0101, at pages 234-243

<sup>69</sup> Transcript Evidence of Brenda Lucki, Panel 1: "Recruitment, Training & Policing in Indigenous Communities", Day 1 – Monday June 25, 2018, Public Transcript Part II Volume VI Exhibit code: P02P02P0101, at pages 237, lines 9-10

<sup>70</sup> Transcript Evidence of Brenda Lucki, Panel 1: "Recruitment, Training & Policing in Indigenous Communities", Day 1 – Monday June 25, 2018, Public Transcript Part II Volume VI Exhibit code: P02P02P0101, at pages 242 lines 19-25

<sup>71</sup> Transcript Evidence of Deputy Commissioner Brenda Butterworth-Carr, Commanding Officer of the British Columbia RCMP ("E" Division), Panel II: "Developing and fostering Relationships with Indigenous Communities, Families and Survivors of Violence" (continued), Day 4 – Thursday June 28, 2018, Public Transcript Part II Volume IX, Exhibit code: P02P02P0401, Exhibit 105: RCMP Complainant/Family Communication Schedule, Form 6519e 2018-06

31. In addition, Commissioner Lucki also was unaware of the details of a law suit instituted by former RCMP members alleging bullying and harassment by their colleagues. MMIWG – Manitoba Coalition asks: If the RCMP is unable to refrain from bullying and harassing each other, while at the same time having jurisdiction over 600 Indigenous communities, how are the Indigenous peoples of Canada to feel safe and protected in their homes and in their communities?”

32. Based on the above, the MMIWG – Manitoba Coalition is unable to point to any best practices by the RCMP in Manitoba. Project Devote, a collaborative effort between the Winnipeg Police Services and the RCMP, is only as successful as its leadership. Although Winnipeg Police Chief Danny Smythe testified that he is a strong advocate for change, he cannot change the regressive and secretive attitude of the RCMP leadership. Further, the families and survivors of missing and murdered Indigenous women and girls in Manitoba have experienced and continue to experience a lack of respect and understanding from police.

### **THE IMPACT OF COLONIALISM AND LAND LOSS**

33. Woven throughout the evidence of the National Inquiry was the concurring theme that the loss of land by the Indigenous peoples of Canada resulted in additional losses of language, culture, family integration, and self determination. This view has been expressed by many witnesses including Ellen Gabriel, Dr. Cindy Blackstock, Dr. Barry Lavallee, and Dr. McNeil Seymour, among many others.

34. Dr. Jeffrey McNeil Seymour, a social work professor and two spirited advocate, confirmed that former Prime Minister Stephen Harper’s apology in 2008 was a colonial tactic intended to ease “feelings of guilt and shame”. In reality the construct of colonialism is a policy that is ongoing and intentional which requires the true consent of the state to change its political will.<sup>72</sup>

35. The physical loss of Indigenous land and the concurrent loss of Indigenous language culture and dignity, the ability to have a home in the spiritual and physical sense, continues with the physical loss of Indigenous children to child welfare and other systems.

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<sup>72</sup> Transcript Evidence Jeffrey McNeil-Seymour, Iqaluit, Panel III: Decolonizing Practices, Day 3 – September 12, 2018, Public Transcript Parts II-III Volume III Exhibit code: P02-03P01P0301, pages 150-154

## **MMIWG - MANITOBA COALITION RECOMMENDATIONS TO THE NATIONAL INQUIRY**

36. The National Inquiry has provided a Master List of previous recommendations prepared by the Research Team.<sup>73</sup> The National Inquiry is directed to the evidence and recommendations of the families and survivors that are already included in the record under Part 1 of the Inquiry Evidence. These painful stories were told for a reason:

I'm the sister of – of Dawn. I'm the second-youngest in the family. My sister Dawn was the youngest, and I just wanted to share a little bit of, like, who I am. I'm a very strong Indigenous woman, and I work hard at trying to change the pathway for us. I come from a very strong family who is deeply rooted in their culture and their language. It's very difficult for us to share our truth, but it's also important for us to share our truth. We come from a family of 11, and now we have 10 after losing my sister. We're very protective of one another in our family, and we're also very supportive, and we grew up a lot – we grew up most of our childhoods living off the land. My father was a commercial fisherman and a trapper, and I feel, you know, this has really grounded us in who we are as Indigenous people and as a family., and it has taught us survival, and I feel, you know, when we're gathered here today, we're gathered her in strength for one another, and also, you know, to create a pathway for change for Indigenous women and girls across this country...<sup>74</sup>

37. The MMIWG – Manitoba Coalition refer the Commissioners to Appendix A of this written submission which sets out recommendations to the UN Special Rapporteur on Violence Against Women; Its Causes and Consequences in Canada.

38. The MMIWG – Manitoba Coalition met on September 24, 2018 and November 6, 2018 with families and survivors in order to obtain from them directly their final recommendations to the Inquiry. These recommendations are now placed on the record, and are as follows:

- i. It has been difficult for families and survivors to follow Inquiry process. Families and survivors feel left out. It has been difficult to receive or to share information with the National Inquiry. When staff were contacted directly, they were often rude and unhelpful. Many found the interactions between the National Inquiry and

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<sup>73</sup> [http://www.mmiwg-ffada.ca/wp-content/uploads/2018/06/Interim\\_Report\\_Master\\_List\\_of\\_Previous\\_Recommendations\\_Organized\\_By\\_Theme-FINAL.pdf](http://www.mmiwg-ffada.ca/wp-content/uploads/2018/06/Interim_Report_Master_List_of_Previous_Recommendations_Organized_By_Theme-FINAL.pdf)

<sup>74</sup> Transcript Evidence Hilda Anderson-Pyrz, Tuesday, March 20, 2018, Public Volume 72, page 2

the families to be frustrating. Information sent to the National Inquiry by or on behalf of families has been lost.

ii. Families and survivors need financial assistance to deal with trauma before, during and after National Inquiry. The \$3,500.00 stipend promised for healing has not been provided. The families feel pressured to justify their healing journeys which are intended to be trauma informed. This has resulted in many families and survivors being unable to access the therapy or programs they require to heal. In addition, they have not been provided with any information regarding deadlines, if any, to obtain trauma informed healing.

iii. The National Inquiry has created jobs for others but not for the families and survivors. Although millions of dollars have been spent to reconfirm facts that have been available to the Federal Government for many decades, there are no concrete plans identified to help the families of missing and murdered Indigenous women and girls.

iv. The costs of addictions treatment is out of reach for many Manitoba families and survivors of missing and murdered Indigenous women and girls. This leaves families feeling scared and hurt and they have no way to help those that need it.

v. The families and survivors seek a safe house for women travelling from the north to Winnipeg and more safe places for the sexually exploited. There needs to be a better reporting system available. The families and survivors report that there are “trap houses” in Winnipeg which confine sexually exploited women and girls. This needs to be followed up.

vi. What does healing look like? How can victims of sexual trafficking access appropriate counselling? There are Indigenous centres such as Thunderbird House in Winnipeg that could be used as a counselling resource, but funding tends to go to non-Indigenous organizations.

vii. The MMIWG – Manitoba Coalition is willing and available to help the National Inquiry. They are prepared to collate data on an ongoing basis to ensure that a record exists.

- viii. The Coalition reminds the Province of Manitoba that the 62 Recommendations of the Phoenix Sinclair Inquiry have not been implemented. The Coalition approves new legislation passed by the Province of Manitoba ensuring that children in Manitoba are not apprehended on the basis of poverty.
- ix. The Coalition supports Indigenous led best practices such as Ka Ni Kanichihk’s Medicine Bear Counselling Circle, aimed at reducing violence against Indigenous women and girls by increasing the knowledge and tools that promote the health and strength of the family unit.<sup>75</sup>
- x. The Manitoba Coalition wishes to work with the Human Trafficking National Coordination Unit (RCMP).
- xi. The Coalition needs to ensure that systems are held accountable, and support a separate and specific body similar in structure to the National Centre for TRC with sustainable funding and support. An annual report card should be available to the Coalition.
- xii. The Coalition is seeking a formal apology by the government and National Inquiry and Manitoba for its failure to act on and implement its 1200 recommendations referenced in the Interim Report. The Coalition is seeking an implementation plan by the National Inquiry as early as November, 2018.
- xiii. The Coalition notes that Manitoba does not have a policy dealing specifically with Indigenous women’s rights. This gap should be addressed. Manitoba should institute an Office for Indigenous Women’s Advocate responsible for designing and developing strength based policies to increase Indigenous women’s autonomy, and implemented by government, agencies, boards and commissions.
- xiv. The Coalition seeks to stop the claw back of the Child Tax Benefits by Manitoba Child and Family Services and redirect benefits to families seeking help with reunification seeking help with reunification with their children.

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<sup>75</sup> <http://www.kanikanichihk.ca/programs/medicine-bear-counselling-support-elder-services/>

- xv. The Coalition is seeking a national plan of action with a joint contribution by the provinces which will dramatically reduce missing and murdered Indigenous women and girls.
- xvi. How does political will work? How can we engage effectively with politicians to act on the recommendations that are already before them?
- xvii. The Coalition emphasises that Indigenous peoples are not wards of the state. They want to live their lives fully and without government interference. They want to empower families and remove barriers to self determination. Child welfare creates trauma and is a gateway to crime and incarceration.
- xviii. The Coalition supports spirituality and recognizes the importance of both traditional and Christian beliefs.
- xix. The Coalition strongly supports Indigenous LGBTQ2S who are included in the MMIWG –Manitoba Coalition and are particularly vulnerable to violence and sexual exploitation. The Coalition does not support the glamorization of sexual exploitation.
- xx. The Manitoba Coalition seeks policing reforms. Policing on Manitoba First Nations such as those provided by DOPS First Nations Police Services and Garden Hill should be expanded to all Manitoba First Nations communities. Indigenous peoples want violence between each other to end. Laws must recognize that punishment, including incarceration, is appropriate. Families and survivors are concerned that some offenders may be treated too leniently by the Courts. They fear that restorative justice Courts may be biased, prioritizing the needs of the offender over that of the victim.
- xxi. Education needs to be supported in order to reduce MMIWG2S. Sexual exploitation in Manitoba targets younger and younger children. It is important that these children are protected through education and resources.
- xxii. The Coalition continues to be concerned with ongoing police harassment and bullying. There is no trust between Indigenous complainants and police. Indigenous family members report their missing relatives as Caucasian in the hopes that the police will respond more diligently. Newcomers to Canada are often cautioned by authorities

not to interact with Indigenous peoples because they are dangerous. This results in ongoing prejudice. Police and social workers too often view Indigenous people as numbers rather than people.

xxiii. There is a need in Manitoba for more FILU workers. At present, there are only two representing both the north and the south.

xxiv. The Coalition supports the Inuit people who are seeking justice for themselves and for their communities.

xxv. The Coalition encourages all Indigenous political leaders to act as examples for their people. There are some chiefs and band members who abuse their position and power.

xxvi. Families need to move to a place of wellness. A National Summit should explore opportunities for the Manitoba Coalition to be a part of this plan. Manitoba will be the loud voice needed to make changes.

xxvii. Families and survivors have experienced conflict of interest when dealing with the justice system. One victim services worker provided services and counselling to both the murder victim's family and to her killers family. This format of victim services should be immediately discontinued.

xxviii. Other inquiries, such as the Aboriginal Justice Inquiry, have produced insufficient resolution for Indigenous peoples. It took a lot of courage and effort for families and survivors to tell their stories. They did so in the hopes that by putting their stories on the record this would help their missing and murdered family members. They wonder whether they should sue the Federal Government to get redress for their families.

xxix. The Coalition encourages the use of social media as a reporting tool to assist Winnipeg Police Services, Victim Services and the RCMP. Social media can also be used as an education resource but confidentiality of families should be respected. There continue to be missing and murdered women across the nation following the National Inquiry from city to city.



xxx. The Coalition would like to invite the Commissioners to a feast after their report is completed in order to bring closure for families and survivors.

### **EXECUTIVE SUMMARY**

39. The evidence confirms that Canada was and is a racist society, supporting racist systems designed intentionally to destroy Indigenous self determination and dignity. Canada can do better. Canada will do better. The Indigenous peoples of Canada will see to it.

40. The National Inquiry Research Team has provided a list of 98 Reports, 1200 Recommendations and 17 Themes, representing a Master List.<sup>76</sup> The parties with standing will provide more recommendations. There is over 150 years of history, treaties, laws, regulations, research, studies, reports, inquiries, reviews, inquests, commissions, parliamentary reviews, international intervention, calls to action, land claims, Charter challenges, and Supreme Court of Canada interpretation.

41. How does political will become engaged? The evidence produced at the National Inquiry suggests that information alone does not change political will. Court action, whether at the national or international level, can be an instrument to change political will. Education can be an instrument to change political will. The end of racism can be an instrument changing political will. The reform and dismantling of racist, colonial and patriarchal systems is an instrument of change. The media can be an instrument of change. Ensuring the connection both physically and spiritually of Indigenous people to the land can be an instrument of change. This Inquiry into murdered and missing Indigenous women and girls can be an instrument of change.

42. Accountability and responsibility must begin now. One more murdered and missing woman is too many. The time for recommendations is over. The time for implementation is now. The MMIWG – Manitoba Coalition is ready for the next step.

43. Let us remember the dead. Let us respect the missing. Let us honour the stolen lives gone too quickly. Let us hold close the families and survivors left behind. Let the National

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<sup>76</sup> Footnote 72 supra

Inquiry help the MMIWG – Manitoba Coalition be the instrument of change for the missing and murdered Indigenous women and girls.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.