

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 & Murdered Indigenous Women & Girls

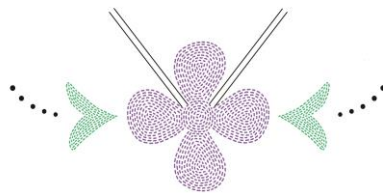
Truth-Gathering Process - Parts II & III

Institutional & Expert/Knowledge-Keeper Hearings:

“Criminal Justice Oversight and Accountability”

Hilton Hotel, Kent & Palais Rooms

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Panel V: “Indigenous Rights & Grassroot Activism”

Witness: Ellen Gabriel

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II

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Winnipeg Police Service	Sheri Bell (Representative), Kimberly D. Carswell (Legal Counsel)

V
TABLE OF CONTENTS

Truth-Gathering Process Mixed Part II & III Volume IX

Institutional & Expert / Knowledge-Keeper Hearings: "Criminal Justice Oversight and Accountability"

Panel V: "Indigenous Rights & Grassroot Activism"

Witness: Ellen Gabriel

Chair: Fanny Wylde, Commission Counsel

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

Grandmothers, Elders & Knowledge-keepers: Pamela Fillier (National Family Advisory Circle - NFAC), Pénélope Guay, Kathy Louis, Melanie Morrison (NFAC), Darlene Osborne (NFAC), Roland Sioui, Leslie Spillett, Evelyne St. Onge, Rebecca Veevee, Laureen "Blu" Waters, Bernie Williams

Clerks: Bryana Bouchir & Gladys Wraight

Registrar: Bryan Zandberg

VI
TABLE OF CONTENTS

Opening Remarks	1
<u>Panel V: "Indigenous Rights and Grassroots Activism"</u>	
IN-CHIEF EXAMINATION OF PANEL V BY COMMISSION COUNSEL	
In-Chief Examination by MS. FANNY WYLDE	6
CROSS-EXAMINATIONS OF PANEL V BY PARTIES WITH STANDING	
Cross-Examination by MS. ELIZABETH ZARPA	56
Cross-Examination by MS. CATHERINE DUNN	63
Cross-Examination by MS. JULIE MCGREGOR	68
Cross-Examination by MS. ALISA LOMBARD	75
Cross-Examination by MS. CAROLINE WAWZONEK	81
Cross-Examination by MR. JUSTIN MOHAMMED	88
Cross-Examination by MS. RAINBOW MILLER	95
Cross-Examination by MS. STACEY SOLDIER	107
Cross-Examination by MR. ROY STEWART	113
Cross-Examination by MS. KRYSYTN ORDYNIEC	124
Cross-Examination by MS. SUZAN FRASER	132
Cross-Examination by MS. CARLY TEILLET	139
Cross-Examination by MS. MICHELLE BRASS	145
Cross-Examination by MS. JESSICA BARLOW	152
Cross-Examination by MS. JOSEPHINE DE WHYTELL	159
Cross-Examination by MS. JOSEPHINE DE WHYTELL	167
CLOSING COMMENTS BY THE COMMISSIONERS	
Closing comments by COMMISSIONER BRIAN EYOLFSON	178
Closing comments by COMMISSIONER QAJAQ ROBINSON	180
Closing comments by COMMISSIONER MICHÈLE AUDETTE	182
Closing Ceremony	189

**VII
LIST OF EXHIBITS**

NO.	DESCRIPTION	PAGE
<u>Panel V: "Indigenous Rights and Grassroots Activism"</u>		
Witness: Ellen Gabriel		
Counsel: Fanny Wylde (Commission Counsel)		
50	"The Role of Languages and Culture in the Promotion and Protection of the Rights and Identity of Indigenous Peoples: A Summary of UNESCO's Key Instruments, Programmes and Resources" 2012 (24 pages)	19
51	United Nations Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/OP.8/CAN/1, general distribution March 30, 2015 (58 pages)	24
52	Canada Stolen Sisters, "Discrimination and Violence Against Indigenous Women in Canada: A Summary of Amnesty International's Concerns," October 2004 (19 pages)	27

1 --- Upon commencing at 8:07 a.m.

2 **MS. NADINE GROS-LOUIS:** Kwe, bonjour, good
3 morning. Alors, on va entamer aujourd'hui la cinquième
4 journée des audiences institutionnelles et d'experts et de
5 gardiens du savoir sur les mécanismes de surveillance et
6 de reddition de comptes du système de justice pénale avec
7 le panel 5 sur les droits des peuples autochtones et
8 l'activisme communautaires.

9 So, we'll start Day Five on the knowledge
10 keeper, expert and institutional hearings on criminal
11 justice oversight and accountability, and we will start
12 with Panel 5 on Indigenous rights and grassroots activism.
13 Mais avant de débiter avec les procédures, on va demander
14 à notre charmante ainée, Pénélope, de nous faire... de nous
15 donner quelques belles paroles.

16 **MS. PÉNÉLOPE GUAY:** Bon matin. Bienvenue à
17 tous et toutes.

18 On va faire une prière pour aujourd'hui, la
19 cinquième journée, ça va nous demander un peu plus de
20 courage et de force. Alors, on va demander au Créateur de
21 nous donner de... d'être là avec nous puis de nous
22 supporter, de nous éclairer. Le monde des esprits qui sont
23 apaisants aussi. On va vous faire un chant, pas moi, mais
24 c'est Jenny (phon.) pour se donner de l'amour, se donner
25 le respect et travailler tous ensemble pour faire ce qu'on

1 a à faire et notre responsabilité de le faire avec
2 honnêteté.

3 Merci.

4 (MUSICAL PRESENTATION)

5 **MS. PÉNÉLOPE GUAY:** Merci, Jenny.

6 Je voulais juste finir que j'ai oublié... on
7 est un peu fébrile la cinquième journée, j'ai oublié de
8 dire merci au peuple Huron-Wendat de nous accueillir sur
9 leur territoire jamais cédé et bonne journée à tous et
10 toutes.

11 **MS. NADINE GROS-LOUIS:** *Tiawenhk*, Jenny et
12 Pénélope.

13 So, I would like to invite Elder Veevee to
14 light the qulliq.

15 **ELDER REBECCA VEEVEE:** *Ullakuut*.

16 **COMMISSIONER QAJAQ ROBINSON:** Good morning.

17 **ELDER REBECCA VEEVEE:** (Speaks in
18 Inuktitut).

19 **COMMISSIONER QAJAQ ROBINSON:** I am grateful
20 that we have gathered again here.

21 **ELDER REBECCA VEEVEE:** (Speaks in
22 Inuktitut).

23 **COMMISSIONER QAJAQ ROBINSON:** I once again
24 light the qulliq for all of us.

25 **ELDER REBECCA VEEVEE:** (Speaks in

1 Inuktitut).

2 **COMMISSIONER QAJAQ ROBINSON:** I encourage
3 and welcome you all to come and see the qulliq and receive
4 its light. It's here for all of us, and I'm grateful for
5 -- thankful for the Commissioners being here, and that
6 song -- that song was my favourite so far.

7 **ELDER REBECCA VEEVEE:** (Speaks in
8 Inuktitut).

9 **COMMISSIONER QAJAQ ROBINSON:** I express my
10 gratitude to you all, and I have been able to light my
11 qulliq for the last few days, and I believe it will be a
12 while before I will be able to do that again or do this
13 again. So, I express my love and gratitude to my qulliq.

14 **ELDER REBECCA VEEVEE:** (Speaks in
15 Inuktitut).

16 **COMMISSIONER QAJAQ ROBINSON:** I ask that
17 everyone treat each other, if we can, with love and
18 compassion and kindness, and take time to speak with each
19 other because love and kindness are the singularity. They
20 are the thing, and thank you.

21 **ELDER REBECCA VEEVEE:** (Speaks in
22 Inuktitut).

23 **COMMISSIONER QAJAQ ROBINSON:** To all of you
24 men and women in the room and listening, thank you and
25 let's have a good day.

1 **MS. NADINE GROS-LOUIS:** Nakurmiik.

2 Alors, nous allons commencer les procédures
3 à 8 h 30 avec le témoin Ellen Gabriel.

4 So, we'll start at 8:30 with Ellen Gabriel
5 as a witness.

6 Encore une fois, vous pouvez inviter vos
7 amis à écouter, à se joindre à nous via Facebook, à aller
8 visiter le site de l'enquête.

9 Merci beaucoup et à 8 h 30.

10 --- Upon recessing at 8:16

11 --- Upon resuming at 8:39

12 **MS. FANNY WYLDE:** Okay. Donc, nous allons
13 débiter. We are going to start.

14 Kwe, bon matin, good morning,
15 Commissioners, Chief Commissioner. Before I introduce you
16 to our witness of this morning, I will kindly ask Mr.
17 Zandberg to swear in the witness, Mrs. Ellen Gabriel, with
18 an eagle feather.

19 **MR. BRYAN ZANDBERG:** Good morning, Ellen
20 Gabriel. Do you promise to tell your truth in a good way
21 today?

22 **MS. ELLEN GABRIEL:** I will do my best.
23 Thank you.

24 **ELLEN GABRIEL, Affirmed:**

25 **MR. BRYAN ZANDBERG:** Thank you.

1 **--- EXAMINATION-IN-CHIEF BY MS. FANNY WYLDE:**

2 **MS. FANNY WYLDE:** Thank you, Mr. Zandberg.
3 So, good morning.

4 **MS. ELLEN GABRIEL:** Good morning.

5 **MS. FANNY WYLDE:** I am going to present a
6 motion in front of the Commissioners and Chief
7 Commissioner, and therefore I have a few questions.

8 **MS. ELLEN GABRIEL:** Okay.

9 **MS. FANNY WYLDE:** So, if you could please
10 present your name and a little bit of your background.

11 **MS. ELLEN GABRIEL:** Katsi'tsakwas (speaking
12 in Indigenous language). Ellen Gabriel, that's my English
13 name. I am Turtle Clan from the Kanien'kehá:ka Nation of
14 the Mohawk Nation and the community of Kanehsatà:ke. And,
15 I want to say this in my language first, because it is
16 protocol for us before we even begin a discussion.
17 (Speaking in Indigenous language).

18 So, in our culture, we have to, and it is a
19 very short one, greet everybody from the life forces, the
20 natural cycles, Mother Earth, everything that brings us
21 life. And, to all my relations, I greet you this morning.

22 **MS. FANNY WYLDE:** Thank you. Can you maybe
23 share a bit about what is your experience in the area of
24 grassroots activism and Indigenous rights?

25 **MS. ELLEN GABRIEL:** Well, it comes from

1 when I was much younger and interested in the environment,
2 interested in how it relates to us as human beings, and
3 then it really began in a more public way during the 1990
4 crisis, we call it the Oka Crisis, we call it a siege.
5 And, I have been doing this kind of presentations,
6 including to institutions, schools, young children as
7 well, presented to various committees since that time.
8 So, for 28 years, I have been active in this.

9 **MS. FANNY WYLDE:** Thank you. So, Chief
10 Commissioner and Commissioners, based on the knowledge,
11 practical experience as described by Mrs. Gabriel, I am
12 tendering her as a knowledge keeper with life experience
13 in grassroots activism and Indigenous rights.

14 **CHIEF COMMISSIONER MARION BULLER:** Are
15 there any objections? Certainly Ms. Gabriel is so
16 qualified. Thank you.

17 **MS. FANNY WYLDE:** Thank you, Chief
18 Commissioner. So, Ms. Gabriel, maybe you can start by --
19 I know you started by introducing the beginning of your
20 experience as an activist, so I would encourage you maybe
21 to share some of your experiences as a grassroots
22 activist.

23 **MS. ELLEN GABRIEL:** Well, as an activist --
24 I consider myself, first and foremost, a human being. As
25 we say in our culture, we are gohoen (phonetic), so that's

1 a human being. And then as a Kanien'kehá:ka citizen of
2 the Iroquois Confederacy, a follower of the Great Law. It
3 is a constitution that pre-dates European arrival. It is
4 an older democracy than is taught in the schools. And, I
5 have always been taught to be proud of myself in spite of
6 the racism I experienced in elementary and high school by
7 my teachers or peers.

8 What prompted me to continue doing this
9 after the crisis was a bit of anger, indignation and being
10 disrespected by Canada, by Quebec, by its authorities.
11 And, I was taught the traditional way, which means you
12 speak to an elder or someone who has experience and you
13 listen, and you digest what you hear, and you filter what
14 you hear. And so, a lot of my teachers were men, a lot of
15 my teachers were non-Indigenous people. It took me to the
16 United Nations, to the permanent forum on Indigenous
17 issues where it, kind of, made more sense to me of what
18 Indigenous people have been fighting for since contact
19 with Europeans.

20 Because when we talk about human rights,
21 and this is the thing that I want to stress is, this needs
22 to be based on a human rights end. And, human rights, as
23 the UN says, are universal and alienable and divisible,
24 interdependent and interrelated, it promotes equality and
25 non-discrimination, participation and inclusion,

1 accountability in the rule of law, none of which have been
2 offered up to Indigenous people.

3 We are constantly being told that we do not
4 know what is best for us, that government policies are the
5 best ones. We are constantly told that third party
6 interests to develop our lands and territories, to extract
7 resources are more important than our rights, that money
8 will soothe the pain of losing our land, which it does
9 not.

10 Since the beginning of contact, and this is
11 what I have learned over the years from elders who knew it
12 long before I was born, that this always has been, this
13 relationship, the settler and gohonen relationship, has
14 always been about economics. It has been based upon
15 economics. And, we, as Indigenous people, are an industry
16 for various departments in the Department of Indian
17 Affairs, and in Canada, and throughout its provinces and
18 territories, and even certain civil society organizations.

19 You know, for hundreds of years, and I want
20 to stress this, my experience is not unique. My
21 experience is of that from previous generations who tried,
22 who tried to create a peaceful coexistence between
23 settlers and Europeans. And, it is really important to
24 stress that we did not cede our land. The Supreme Court
25 of Canada has also stated that the Crown cannot assume

1 unilaterally sovereignty over our lands. We are people of
2 the land, no matter who we are, whether we are Mohawk,
3 Anishinaabe, Chikotan (phonetic), Dene, Navajo. No matter
4 what, we are people of the land and our languages come
5 from that land.

6 And, I am sure you have had witnesses that
7 have talked about the Indian residential school system.
8 And, I have to say that I disagree with the Supreme Court,
9 Beverley McLachlin, when she said it was cultural
10 genocide. For me, it was genocide because it fits the
11 definitions, attacking an identifiable group of people,
12 forcibly taking our children with a language, with a land
13 base, it is genocide, and that is what we have been
14 dealing with and how to combat the genocide that is
15 multigenerational.

16 And about colonization, colonization is
17 such a vast subject to be speaking on, but again, I go
18 back to listening. And after the crisis, what happened
19 was we had a sort of healing program where I learned about
20 the impacts of post-traumatic stress. Because a lot of
21 people never understood that, they looked at us as
22 objects, as stereotypes, as people without feelings, as if
23 we didn't bleed when we were cut. And they didn't
24 understand that what the Sûreté du Québec did to us, the
25 dirty work of the government of years of neglect that

1 caused the crisis, caused us to have post-traumatic stress
2 in our communities, just as the Indian residential school
3 did for the children who came home. As says -- Maria
4 Brave Heart talks about multi-generational trauma that is
5 passed on from generation to generation.

6 And the problem that we're talking about
7 today of Indigenous women being murdered, being missing
8 and discriminated against is not just -- it's not just
9 about -- it doesn't just affect the women. It affects
10 their families as Indian residential school ruptured the
11 family unit by the government not doing, by implementing a
12 national plan of action, when years ago it was told by the
13 Committee for Elimination of Discrimination Against Women
14 to do so, that we are left waiting for this inquiry to do
15 something when there should have been a national plan of
16 action simultaneously.

17 We know what the root causes are, society
18 looks at us as if we are privileged, that we get
19 everything for free. And that makes us appear to them as
20 if we are just sitting on our elbows all day, and they
21 think that we are rich. And if we have such great
22 benefits from the Indian life, then we should be the most
23 richest people in this lands, and we are not. We are the
24 most impoverished, we are the most marginalized, and I
25 don't say that with pride, I say that with sadness.

1 And the government knew what to do a long
2 time ago, before this inquiry. They knew what it takes to
3 undo genocide, they know what it takes. The holocaust
4 during World War II is a good example of people knowing
5 what to do when someone is hurt, when someone is damaged.
6 It takes love, it takes compassion, it takes an
7 understanding of why we got here, and that -- that is what
8 a trauma-informed inquiry or services should be. It's
9 about moving away from the labels, not judging, and away
10 from imposing a diagnosis. It's about understanding how
11 we got here today and what happened to get you there.
12 It's about getting away from the pathologizing of people,
13 looking at society and what influences it in the
14 mainstream and in popular culture.

15 And trauma has been described as having
16 three aspects: exposure to harmful and overwhelming
17 events or circumstances; then at the experience of these
18 events, which vary from individual to individual; and
19 affects which may be adverse and long lasting in nature.
20 And this is what we have experienced as Indigenous people
21 and continue, because it's not going away. It's not going
22 away because the Prime Minister says a few nice words.
23 It's not going away because there's a new policy and more
24 hoops for us, for our people in our communities to jump
25 through in our services, a new criteria, a new form of

1 assimilation. It's a new form of assimilation what
2 policies are doing. It's a new form of assimilation when
3 two languages, which are the languages of this country,
4 Canada's linguistic duality continue to impose upon us,
5 our children and our youth that they should know those
6 languages more than their own.

7 Our languages contain within them
8 traditional knowledge, it is embedded, we see the links to
9 our ancestors and how they thought, the cosmology, and it
10 is being treated as if it is nothing. It is once again
11 the crabs in the bucket, of where there are funding for
12 languages and culture, but there is no evidence that the
13 government is sincere about it.

14 If English or French were to become
15 endangered today, you can be sure that the people would
16 find the money to get the children speaking, to get the
17 youth speaking, to conduct all their governing structures
18 in their own languages. There are efforts, there's Bill
19 101. There is no evidence in Canada, that I see, that
20 indicates that you're on a certain Indigenous territory,
21 there is nothing.

22 This land is ancient, we didn't come here
23 from the Bering Strait. I think the Bering Strait was
24 like any road and any path that was used by the people of
25 that area. I'm going to try and find you something that -

1 - where -- I'm sorry, I didn't have enough time to just
2 sit down and talk about -- Rodolfo Stavenhagen who was the
3 first special rapporteur at the UN's Permanent Forum on
4 Indigenous issues, and he talked about over three quarters
5 of the Indigenous populations after 150 years of contact
6 with Indigenous peoples were gone, they were dead, they
7 were executed, they were treated as if they were hunting
8 meat, they were eaten by the Spaniards, we were killed as
9 if we were game. And knowing this -- I think knowing this
10 is part of the sadness that we carry as Indigenous people,
11 because we don't see any efforts by Canada or its
12 provinces to teach its children and youth its real
13 colonial history.

14 We are the ones that always bring it up.
15 We are the ones who always remind Canada that it is not a
16 perfect country. We are the ones who have talked about
17 the environment and have talked about if you poison your
18 rivers and lakes and you eat the fish and the food and the
19 moose that drink from it, do you think you will a healthy
20 population?

21 We are living in a society that is topsy-
22 turvy everywhere we look, where human rights
23 accomplishments are really just on paper, where the *UN*
24 *Declaration on the Rights of Indigenous People* is viewed
25 as aspirational, and that they will only -- the government

1 has said in its Rights and Recognition Papers, it will
2 take articles instead of implementing the whole of that
3 declaration. Just as the *Universal Declaration of Human*
4 *Rights* has become the bedrock for a lot of human rights
5 acts in Canada, whether it's the *Canadian Human Rights*
6 *Act*, whether it's Quebec, because you cannot discriminate,
7 you have to treat people as equals.

8 And we, as sovereign independent nations,
9 continue to have to push back against government policies
10 and laws that push us to the point where in acting our
11 sovereignty and protecting our lands, we are forced in the
12 frontlines of blockades, we are forced in the frontlines
13 to deal with police. Police who say, "The time for
14 politics is not now, we are here to do a job", but they
15 are doing their jobs illegally. They are not following
16 the rule of law, because the justice system is controlled
17 by the perpetrators themselves. We saw that in Gonesadaga
18 (phonetic), we saw that in Ipperwash, Gustafsen Lake, we
19 see that right across Canada. And we saw that in Val-d'Or
20 when 35 Indigenous women made complaints against the
21 Sûreté du Québec, and not a single police officer was
22 found guilty, because it's always our word is of less
23 value, our word does not mean anything in the justice
24 system. Whether it's land claims -- and again, I have to
25 stress we're not claiming any land that is not ours, a

1 process whereby we have to prove occupancy from time
2 immemorial but these newcomers can declare sovereignty on
3 our lands.

4 It's a very hypocritical system that we are
5 working in. It's a very dysfunctional system and as an
6 activist and many other people who are traditional or who
7 don't believe in the Band Council system, a structure that
8 was created by Indian and Northern Affairs Canada to
9 replace the Indian Agent, I can tell you that democracy
10 does not exist in our communities. Having a right to vote
11 does not mean there is a democratic process for decision-
12 making.

13 Canada chooses an elite few to make
14 decisions on our behalf. Canada continues to insist that
15 they are the ones who will choose the authorities. In my
16 culture, it's the women that hold title to the land. It's
17 the women who pass on the clans to the children. It's the
18 women that pass on the language. And yet today, the
19 Government of Canada continues in most recent times of
20 this year to say that we don't have rights, that we have
21 to go to the Mohawk Council, that they will not meet with
22 us.

23 They could have resolved this issue 28
24 years ago and instead they shot more garbage on it, and
25 I'm sure there are other communities dealing with the same

1 thing. Our traditional territories are occupied. This is
2 an occupied state and I'm sure that a lot of people don't
3 understand what this has to or don't make the links of
4 this terrible problem that exists in Canada and the U.S.
5 about Indigenous women being victims of violence.

6 If you take away the identity of a people,
7 if you make them feel that it's less valued, if you make
8 them feel that every single aspect of their being is wrong
9 and you create this atmosphere that we are non-issues,
10 that we are non-existent, if you look at the elections,
11 people don't talk about well what are you doing? Do you
12 hear the Québécois talking about what about Indigenous
13 peoples? What about the lands and resources? What are
14 you doing to implement the U.N. Declaration on the Rights
15 of Indigenous Peoples?

16 That's a non-issue in these elections.
17 It's about energy security. It's about economics but it
18 comes from our land, unceded land, and we don't have the
19 resources to go through the processes and hoops of going
20 to all the courts and the supreme courts to prove that.

21 At one point, Canada made it illegal for an
22 Indigenous community to fundraise for its legal defence.
23 It's not that long ago. And not that long ago, Canada was
24 still taking children and assimilating them into the
25 Canadian society to get rid of the Indian problem, as Sir

1 John A. Macdonald and Duncan Campbell Scott said. Their
2 words resonate in our ears every day as we look out, when
3 we walk the streets, and if I were to put a confederacy
4 flag around me or a warrior flag around me, you can be
5 sure that I will be attacked.

6 So we're made to feel less proud of who we
7 are and we only feel that comfort amongst other Oguaoaha
8 (phon.) people and we only feel that comfort to be who we
9 are amongst situations where we know there is a welcoming
10 crowd because the issue of racism in Quebec, the issue of
11 racism in Canada is part of the problem.

12 Last year, a woman died -- I think it was
13 in Thunder Bay -- when someone threw a trailer hitch at
14 her. Was the man charged for murder? Was there an outcry
15 from the Canadian public that they did this because she
16 was an Aboriginal woman?

17 When we first brought up this issue and
18 Beverley Jacobs was the President of Native Women's
19 Association of Canada and I was the President of Quebec
20 Native Women, our own leadership, if we can call it that,
21 said that they wouldn't cherry-pick the issues, that there
22 were a lot other more important issues. And it was only
23 when the Native Women's Association of Canada was given \$5
24 million to do research that, oh, the Chief started getting
25 interested in this problem.

1 So every time money is thrown at an issue
2 that the government deems as important or as a priority,
3 then we can deal with it. When is this going to stop?
4 That's what I keep asking myself. Why do we need money to
5 deal with the issues?

6 We have issues in our communities that I
7 don't know how many generations it's going to take to get
8 rid of. We have more children in foster care than went to
9 the Indian residential school system. And we have a
10 beautiful woman, Cindy Blackstock, who took Canada to the
11 Human Rights Tribunal, who went three times, and Canada
12 refuses to comply. So what does it take for Canada to
13 actually be honourable and uphold the honour of the Crown?
14 I wonder.

15 I wonder if anybody even in Canada, in
16 Justice Canada or in Justice Quebec really understands
17 what that is because Quebec is a Crown actor too. I have
18 met with discrimination and racism in my life but I remain
19 focused on what the real issue is and that is justice for
20 our people, justice for all our people, not just one
21 group.

22 We have tons and tons of research. We have
23 documents. We have everything that you need to deal with
24 this problem, to help families. Yes, domestic violence is
25 an issue but that is not the cause of what this issue is

1 going on.

2 Why do we need more studies? Why do we
3 need an inquiry to do this? Because nobody is listening
4 and I hope you do listen to what everybody has had to say.

5 I want to go back to language and culture
6 and UNESCO has a report, "The role of languages and
7 culture in the promotion and protection of the rights and
8 identity of Indigenous peoples". It's a summary of
9 UNESCO's key instruments, programs and resources.

10 **MS. FANNY WYLDE:** Just for the better
11 understanding of Commissioners and Chief Commissioner,
12 it's the document called "The role of languages and
13 culture in the promotion and protection of the rights and
14 identity of Indigenous peoples", and I would request it to
15 have it entered as the next exhibit, please.

16 **CHIEF COMMISSIONER MARION BULLER:**
17 Certainly. Exhibit 50 will be "The role of languages and
18 culture in the promotion and protection of the rights and
19 identity of Indigenous peoples - A summary of UNESCO's key
20 instruments, programs and resources", 2012.

21 **--- EXHIBIT 50:**

22 "The Role of Languages and Culture in
23 the Promotion and Protection of the
24 Rights and Identity of Indigenous
25 Peoples: A Summary of UNESCO's Key

1 Instruments, Programs and Resources"
2 2012 (24 pages)

3 **MS. FANNY WYLDE:** Thank you.

4 **MS. ELLEN GABRIEL:** I'm still learning your
5 process here, so I won't make -- sort of scattered here.
6 I work in language and culture. I've
7 worked since 1991 in language and culture and one of the
8 things that I think makes me proud is the fact that this
9 was the strength of our people. This is one of the
10 foundational pillars and you cannot take away the identity
11 of Indigenous people without that. You cannot say that we
12 don't have an identity when it's still there.

13 But I want to quote something from page 3
14 and they talk about, you know, how people are relating to
15 the physical environment and things like that. So it's,
16 "Thus, the UN World Commission on Culture and Development
17 (1985) was asked to 'give culture a permanent place in
18 development thinking' and emphasized that 'development
19 divorced from its human or cultural context is growth
20 without a soul'."

21 I think that those are beautiful words to
22 talk about the importance of language and culture and that
23 to stress to everyone that our cultures are not static.
24 We're not talking about living in longhouses or teepees or
25 anything like that and the law, the customary law that I

1 come from that was called Hanging on the Rafters, and we
2 use wampum. Whether you come back, you kind of accept
3 these laws and you touch the wampum.

4 And, the people come together and they
5 decide and they discuss, and then they come to a consensus
6 that we will add to the rafters, because long ago, we did
7 have rafters in the longhouse. And so, as you add to the
8 rafters, that means you are adding things to the law that
9 meets the needs and reflects the life, the lives of the
10 times that people are living in.

11 A lot of people think that we are static,
12 that we are trying to live in the past but we're not. We
13 had today elders with a smudge bowl. We never saw that.
14 You know, we never saw anything like that in a meeting
15 like this 10, 15 years ago. And, I thank the elders for
16 doing that for me this morning.

17 But, one of the things that I think is
18 really important is that when we express ourselves, and
19 people say talk about a good mind and talk about a good
20 way to do things, I think what the government does in the
21 policies and the legislation that it comes up with is that
22 it tries to challenge us not to have a good mind in some
23 ways, because we are so frustrated.

24 And, I've been to many meetings which were
25 not consultations but, in fact, are engagement sessions

1 because in engagement sessions, the government does not
2 have to accommodate our concerns. So, they refuse to call
3 them consultations. And, sometimes half the people in the
4 room are government bureaucrats taking notes, listening to
5 us. We ask questions, they don't answer, because they
6 don't have the authority to do so. So, we're sitting
7 there talking to ourselves.

8 And, in our culture, when someone asks you
9 a question, you are obliged to answer; right? So, the
10 government again, at another level, is saying that our
11 voices are not important, and they come with documents
12 that say, "This is what we heard"; right? They always do
13 that. "This is what we heard. This is what we think you
14 said."

15 And, this dysfunction of colonization that
16 constantly tells us, "We, as the government, we're going
17 to recognize you. We will decide what we're going to
18 recognize." Well, if Section 35 was an empty box in 1982,
19 according to people, so what is inherent right, then, if
20 it was an empty box?

21 Our inherent rights don't come from the
22 recognition of Canada; it comes from our sovereignty that
23 has never been broken, never been ceded to any colonial
24 government or level. And, as I said, this is an occupied
25 state, and as long as government continues to say that

1 they do not recognize us as having any relevance or that
2 they know what is best, we will not progress.

3 But, I know that in this Inquiry, when it
4 first was announced and I talked to some of the people who
5 have family members who went lost or missing, there's a
6 lot of hope. There's a lot of hope about what's going on,
7 and I've been to -- I think I might have missed one. I've
8 been to all the vigils in Montreal.

9 And, I know their anxiety about this, and I
10 have heard the anxiety, the frustration, the grief of
11 family members who feel frustrated that their voice is
12 silenced or not heard by policing authorities who run with
13 a stereotype that we are all alcoholics or druggers, drug
14 abusers.

15 I remember one of the first vigils, I heard
16 an elder, a real elder talk, and she humanized this issue.
17 She said, "You know, maybe our sister didn't have a good
18 way of life, but she was somebody's mother. She was
19 somebody's sister, somebody's auntie, somebody's
20 grandmother." And, that is how we have to look at this.

21 And, when I talked about human rights being
22 universal and inalienable, equality, non-discrimination,
23 it applies to any woman who goes murdered and missing.
24 We're not supposed to discriminate because someone is
25 something we feel is lesser than ourselves. And, there

1 are many, many plans of actions, public inquiry, that
2 CEDAW has made various recommendations, and they talk
3 about ensuring that all cases of missing and murdered
4 Indigenous women are duly investigated and prosecuted.

5 How does that happen in an inquiry if an
6 inquiry is very limited in its scope as only so far that
7 it can do in the legalities of what it is mandated to do?

8 **MS. FANNY WYLDE:** Are you referring to this
9 document?

10 **MS. ELLEN GABRIEL:** Yes.

11 **MS. FANNY WYLDE:** Chief Commissioner,
12 Commissioners, Mrs. Gabriel is referring to the Convention
13 on the Elimination of All Forms of Discrimination Against
14 Women. I will ask to have it entered as the next exhibit,
15 please?

16 **CHIEF COMMISSIONER MARION BULLER:** Exhibit
17 51 is the Convention on the Elimination of All Forms of
18 Discrimination Against Women from the United Nations. I
19 have a date of March 30th, 2015.

20 **--- Exhibit 51:**

21 Convention on the Elimination of All
22 Forms of Discrimination Against Women
23 from the United Nations - March 30,
24 2015

25 Witness: Ellen Gabriel - Femmes

1 autochtones du Québec
2 Submitted by Fanny Wylde, Commission
3 Counsel

4 **MS. FANNY WYLDE:** Correct. Thank you.

5 **MS. ELLEN GABRIEL:** And, I know these are
6 out -- seem outdated, but they're still as relevant as
7 they were yesterday, and it's really to depict that, you
8 know, at the international level, not just at the
9 Permanent Forum on Indigenous Issues, but other human
10 rights bodies, treaty bodies, have been telling Canada
11 what to do in addressing this issue.

12 But, if I can go back, one of the things
13 that I think is also -- would help in the solution is in
14 (B), and this is page 54, to significantly increase
15 awareness-raising campaigns to ensure that members of the
16 Aboriginal community are aware of relevant procedures for
17 reporting missing persons, including the absence of a
18 waiting period before a person can be reported missing,
19 and that all police agencies follow standardized and
20 mandatory protocols on how to respond to cases of missing
21 and murdered Aboriginal women, and there are things that
22 include jurisdictions and how police communicate with each
23 other. Establishing a monitoring mechanism for the
24 implementation of the above-mentioned protocols, and to
25 provide sanctions for instances in which they are not

1 being applied.

2 And, I remember in 2006, the police chiefs
3 -- chiefs of police had a meeting, their general assembly,
4 and one of the recommendations, and I'm sorry, I don't
5 have that paper for reference, one of the resolutions from
6 that meeting was that all the policing authorities in
7 Canada would develop a protocol in dealing with murdered
8 and missing Indigenous women. I think we're still waiting
9 for them to move on that.

10 And, I want to refer to now, to
11 Amnesty International's Stolen Sisters - Discrimination
12 and Violence Against Indigenous Women in Canada, which
13 came out in 2004.

14 **MS. FANNY WYLDE:** Yes. So, Chief
15 Commissioner, Commissioners, the full report was put into
16 exhibit on Tuesday of this week through Jacqueline Hansen.
17 It was entered as Exhibit 18. I am requesting, however,
18 that this also be entered as an exhibit because this is
19 the summary.

20 **CHIEF COMMISSIONER MARION BULLER:**
21 Certainly. Exhibit 52 is Stolen Sisters - Discrimination
22 and Violence Against Indigenous Women in Canada, a summary
23 of Amnesty International's concerns. Exhibit 52. Thanks.

24 **MS. FANNY WYLDE:** Thank you.

25 **--- Exhibit 52:**

1 Canada Stolen Sisters, "Discrimination
2 and Violence Against Indigenous Women
3 in Canada: A Summary of Amnesty
4 International's Concerns," October
5 2004 (19 pages)

6 **MS. ELLEN GABRIEL:** I think this is an
7 important document, and I'm glad that its entirety has
8 been already deposited for your attention.

9 When you put children in the care of the
10 state rather than leaving them with their families, this
11 is the problem that we have had. Personally, I attended
12 day school in the first two years of my education, and
13 then I went to a school with non-Indigenous children from
14 my own entry in high school, and we were called savages
15 and we were called all kinds of things.

16 And it's part of the reason for me
17 personally -- and I don't know if other Indigenous women
18 or men feel the same way -- I like to read; I like to
19 learn, and I'm curious, but I don't like the education
20 system. It never worked for me. I have a different way
21 of learning, and that way of learning wasn't really
22 conducive with the education system, the public education
23 system of when I was growing up. But I passed. I have my
24 high school and I have a Bachelor of Fine Arts from
25 Concordia University.

1 But I understand what it means, and I
2 remember my mother talked about -- they called it boarding
3 school. My parents -- I think my father quit when he was
4 in Grade 4. It was a country school that went up to Grade
5 7, so my mother did it twice. Their option was go to a
6 residential school if they wanted high school. And their
7 parents did not think that that would be good for them
8 because they heard stories of what was going on.

9 And so part of the impact of Indian
10 residential schools is poverty. Why would you want to go
11 to school? Why would you want to do something like that
12 when you have such a bad experience in school? I mean,
13 it's changing for sure. It's changing.

14 And then there's the issue of family
15 violence, and as Amnesty says, that problem persists
16 today. All the while, the land and resource base
17 essential to the viability of Indigenous economics and
18 ways of living has been dramatically eroded by the failure
19 of governments to consistently recognize and uphold
20 Indigenous title.

21 When I heard about the women from Val d'Or
22 who went to their councils to ask for help, to say,
23 "Listen, I was raped by an SQ officer; please help me" and
24 they refused -- because in colonization, I mean, one of
25 the things of trauma is don't feel, don't speak, don't

1 trust. So it's not just Indigenous women that feel it.
2 That is part of the trauma that we, as a peoples, are
3 experiencing. We don't trust each other. We don't like
4 conflict. Nobody likes conflict. And we don't trust each
5 other.

6 You just have to look at the Assembly of
7 First Nations live streaming, their meetings, to see how
8 much we don't trust each other. Because people are
9 thinking that if we do not make waves, the government will
10 not see us; we can just duck through the radar and we
11 won't have any conflict. So let's take those third-party
12 resources' money and we'll share it a little bit with our
13 communities, because poverty has always been part of our
14 daily lives for generations, my parents' generation, my
15 grandparents' generation. Everything about poverty is
16 colonial-rooted. It's not a choice to be living in
17 poverty. It's not really a choice, but this is part of
18 the reasons why people leave the communities.

19 But in Quebec there's another layer. If
20 you don't speak French or you're a Mohawk, you don't get a
21 job. As a Mohawk, I can speak French, and maybe it's not
22 perfect, but I have had friends who do speak better French
23 than I go through a whole interview with someone and then
24 they realize, "Oh, you're Mohawk. Well, your French is
25 not really that good anyways." So there's subtle ways.

1 Even in the healthcare system, the doctors
2 and the nurses, for some reason, won't speak English. And
3 the Mohawks, the Mi'kmaq, Cree, Naskapi -- you know, this
4 goes back to the historical stuff of allies -- we were
5 educated in English and there's a lot of friction
6 sometimes with the French. And so if you don't give us
7 our health services in a language that we understand, how
8 are we supposed to know what you want us to do, right?

9 So I had an injury, a knee injury. The
10 doctor first spoke to me in English. When I went back
11 after my x-rays, I had to try and ask her, because she was
12 only speaking in French to me, "Is this what you mean? I
13 don't know the terminology in French." And I found out
14 later it was not a sprain. I had torn my ACL. I was
15 given no crutches. I was given three Naproxen and I had
16 to hobble on my arms because I couldn't stand, because it
17 was found out I was Mohawk. The lightbulb goes on.

18 And so in the society that we live in, you
19 know, we try to do our best to be neighbourly, but when it
20 comes to your health, when it comes to being able to say,
21 "I am a proud Indigenous person," it's a little bit more
22 challenging in this province.

23 I mean, to me, Quebec is like the spoiled
24 brat of Canada. If Quebec doesn't like something and
25 stomps its feet, Canada will quickly like, "Okay, let's

1 talk about this.”

2 And, you know, Claude Ryan, back in 1991
3 had said “Any group of people who stand in the way of
4 Quebec’s sovereignty and wellbeing is dispensable.” And
5 this is the attitude that we face as Indigenous peoples in
6 Canada. We are dispensable. If it comes to energy
7 security or economic security for Canada, we are
8 dispensable. Yes, let them go out and protest. Let them
9 go out and do whatever it is that they think they can do
10 because it’s a democracy, but at the end of the day, we
11 lose again. And it doesn’t matter how educated we get, in
12 this colonial structure that is the Band Council, you
13 don’t have to be educated. It’s just a popularity
14 contest. So we are losing all those people who are
15 educated to organizations, to the rural areas, to the
16 cities, to academia, when they should be home helping us
17 rebuild our nations.

18 I’ve seen the Government of Canada talk
19 about “There’s money for rebuilding Indigenous nations.”
20 How do you rebuild a nation? It takes generations and it
21 takes all those pillars. It takes changing the attitude
22 of the way our families are viewed, changing the way that
23 Indigenous women are viewed, that we be respected, that we
24 have the kind of authority that our customary laws have.
25 We are equal to everybody. We are not just there to get

1 coffee for the men in the meetings. We are not there just
2 to cook for the men in the meetings, that actually our
3 voices are an integral part of the decision-making process
4 that affects us as rights holders, because we are rights
5 holders. Nobody has a right to take away my right.

6 And I think that that's exactly what has
7 been going is we've been trying to have our voices
8 silenced for such a long time, even by a Minister of
9 Indian Affairs who says she's a feminist. Because then,
10 if that were so, then the Haudenosaunee people would be at
11 the table of any kind of discussions on land management
12 and resources.

13 So I want to do one more quote from the
14 same page of Amnesty International's Stolen Sisters
15 Report, and it says:

16 "The legacy of these policies has been the erosion of
17 culture, the uprooting of generations of Indigenous women,
18 the separation of children from their parents and a cycle
19 of impoverishment, despair and broken self-esteem that
20 continues to grip many Indigenous families."

21 And they quote RCAP:

22 "Repeated assaults on the culture and collective identity
23 of Aboriginal peoples have weakened the foundations of
24 Aboriginal society and contributed to the alienation that
25 drives some to self-destruction and antisocial behaviour.

1 Social problems among Aboriginal people are, in large
2 measure, a legacy of history."

3 We have to deal with sexist stereotypes,
4 racism and, you know, it's enough for -- to give money to
5 a health centre and they're going to pass out pamphlets to
6 the community. You need to have a discussion. You need
7 to get people involved. People need to feel like they are
8 involved in any part of the decision making and we're not,
9 because we are crabs in a bucket.

10 And, one of the things that Canada
11 continues to say is that -- and they continue to base
12 their sovereignty on are legal fallacies, the doctrine of
13 discovery, terra nullius, which have been repudiated by
14 the United Nations. And, it is in the fourth preamble of
15 the U.N. Declaration on the Rights of Indigenous People.
16 If you want to shorten it, call it the U.N. DRIP, not the
17 UNDRIP.

18 This is affirming that all doctrines,
19 policies and practices based on or advocating superiority
20 of peoples or individuals on the basis of national origin
21 or racial, religious, ethnic or cultural differences are
22 racist, scientifically false, legally invalid, morally
23 condemnable and socially unjust.

24 If there was actual reconciliation, there
25 needs to be reparations, and what are the reparations that

1 are for Indigenous women and our families? Because we are
2 one of the foundations of the nation. What is Canada
3 doing to help to release its control over our destiny? We
4 need Canada to let go, but we also need to have those
5 structures in place to help us get to the point where we
6 are actual healthy functioning nations. It's not going to
7 happen overnight, but it must be done by Indigenous people
8 for Indigenous people, not for the neighbouring
9 municipalities, not for the governments and the provinces.
10 It must be done for our people.

11 We are constantly being told we need to fit
12 into a box. That's assimilation. That our children have
13 to graduate at a certain level of French, a certain level
14 of English and, yes, okay, maybe you can have your
15 language as a third language. I don't think that people
16 understand how instrumental the United Nations Declaration
17 on the Rights of Indigenous People is to that framework,
18 or what it means. It encompasses all human rights. It
19 encompasses language. It encompasses media. It
20 encompasses education, and it is comprised of various
21 legal human rights instruments, other legal human rights
22 instruments that Canada has an obligation to.

23 The U.N. Declaration of Human Rights, the
24 Committee for the Convention on the Elimination of
25 Discrimination Against Women, the Convention on Socio

1 Economic rights, there's a host of them that are comprised
2 of this U.N. Declaration, and of which are legally
3 mandatory and obligatory to Canada.

4 As an activist, I am not an academic, and I
5 am not as organized. I'm an artist first. And so, when I
6 present, it's kind of like my palette. Here's my blues,
7 here's my reds, here's my yellows, so I apologize for not
8 being as organized as some people.

9 But, if we cannot trust the policing
10 authorities, if we don't trust the Government of Canada to
11 do the right thing because they've had a chance to do the
12 right thing; right? They've had decades to do the right
13 thing. How are we supposed to have faith that this
14 Inquiry will do the right thing? How are we -- we want
15 to, and I pray for your success because the families are
16 depending on you.

17 There's another report which I think is
18 interesting for you to see, but it's in the U.S. Amnesty
19 International. It's called the Maze of Justice. I didn't
20 submit it to legal counsel, but I think it's an
21 interesting correlation and parallel to what's going on in
22 the U.S. where policing authorities are not speaking to
23 each other and a serial killer is loose; right? Or, men
24 come to the reservation and rape a woman, and as soon as
25 they're outside the boundaries of the reservation, aside

1 of the FBI or other legal -- so the policing, the local
2 policing cannot arrest those men. Maze of Justice, I
3 think it was released in -- maybe 2010, 2009, somewhere
4 around there.

5 I'm not sure how long I'm supposed to be
6 speaking here, but -- I don't know if you have any
7 questions right now, but there is another coalition that I
8 was a part of regarding the women in Val D'Or, and I
9 think, if it's possible, I'd like to ask if I could submit
10 the recommendations after? Because there were some
11 recommendations about how it should have been dealt with
12 to provide victims of abuse, especially police abuse, the
13 opportunity to have a trauma-informed complaint process,
14 to always have someone accompany them, but also to change
15 in how investigations of police corruption are done.

16 Now, we know from our experience, at least
17 I can speak from my experience during the crisis is that
18 this particular police force, and I don't know about the
19 other provinces and territories, but this particular
20 police force in Quebec, and I say this with knowing that
21 there's -- I've had repercussions all my life since that
22 time, but this particular police force seems to be a law
23 unto themselves. If the state cannot control its policing
24 authorities, then what is the point of the policing
25 authority? It means there's another level of government

1 that a) is not elected, and b) is a threat to the
2 security, health and wellbeing of the public.

3 And so, there needs to be further
4 investigation of the complaints of Indigenous women abused
5 in Val D'Or by the Sûreté du Québec. It needs to be
6 reopened. I can't imagine what it must be like for them,
7 and I think the police have a racist attitude towards them
8 and towards all of us. And, I can't tell you how many
9 times we were stopped after the crisis. I went through
10 five years of legal proceedings post-'90, facing five
11 lawyers from the Sûreté du Québec -- I had no lawyer --
12 and questioned for three days. And then a Coroner's
13 Inquest, and then the insurance company that insured the
14 golf club in Oka.

15 So, I've had my share of experiencing the
16 injustices that occur with being an Indigenous person, and
17 how we are not valued until a settler says we are, until
18 the government or policing authority says we are. And, I
19 don't want to say that all Sûreté du Québec officers are
20 like that, but I see that there is a problem in the
21 system. I mean, they're -- and I'm not trying to take
22 back my words. I know there's some SQ that have been
23 helpful. But, I think the system as a whole is
24 dysfunctional, and there is corruption that exists in it.

25 And, to have abuse committed against women

1 without any repercussions, I think, to me, is a reflection
2 of society of the government. And, the Viens Commission
3 will not -- I mean, the Viens Commission has limited
4 authority as well. So, we need to find out how we can
5 change this, because we have enough people missing. If we
6 are a growing population as statistics say we are, that
7 means more and more of our women will go missing.

8 What does that say for the future? What
9 does that say for rebuilding our nations if we cannot rely
10 on the policing authorities? And, it's no wonder that
11 people are thinking of reviving those warrior societies
12 that protect the community, because we do not feel safe on
13 our own homelands in our own country.

14 And, my country is the traditional
15 territory of the Iroquois Confederacy. I'm not talking
16 about Quebec; I'm not talking about Canada. My country
17 are those traditional territories, and I don't feel safe
18 in it.

19 As a woman in general it's difficult. You
20 have to impose a curfew on yourself, in essence; right?
21 We can hear about Take Back the Night, about the vigils.
22 As a woman, it's difficult, because popular culture has
23 still commodified women but, in particular, Indigenous
24 women. In that -- in Amnesty's report, it talked about
25 Helen Betty Osborne. You know, her killers -- she was 19

1 years old and she wanted to become a teacher. She had
2 high hopes for her life. She was just starting her life,
3 and she was attacked because she was an Indigenous woman
4 and people who killed her knew that there would be no
5 repercussions. And, the RCMP knew who her killers were
6 and they did nothing.

7 That sends a strong message to Indigenous
8 women. It sends a strong message to sexual perpetrators.
9 It sends a strong message to those who commit acts of
10 racism against innocent people.

11 Last weekend, Lamut was kicked out of
12 Ganasavagan (phonetic). They are a white supremacy group.
13 What does that mean for our community, another white
14 supremacist group on top of a police force that doesn't
15 like us?

16 And, if we do have rights, why is Canada
17 and its police forces not respecting it? Do they not know
18 about human rights? Because the *Criminal Code* is there to
19 help them when someone commits a crime, but what about the
20 human rights aspect? Why are they not upholding human
21 rights? Why do they not understand that human rights
22 means the freedom from violence, the right to peace, the
23 right to dignity, the right to have respect? Why do the
24 policing authorities not know that? Why are they allowed
25 to be brutal against people who are demonstrating and who

1 have a right to demonstrate?

2 **MS. FANNY WYLDE:** I have one question,
3 Ellen. You mentioned that there's a lot of reports, a lot
4 of inquiries that have been done in the past. Canada
5 knows what it takes. I would like to ask you, can you
6 elaborate more on that? What do you think needs to happen
7 for this situation to change, concrete changes?

8 **MS. ELLEN GABRIEL:** Well, I think part of
9 it is recognizing what the problem is. And so, how do you
10 deal with a problem? How do you deal with something --
11 how do you deal with racism? And, it is possible, but
12 it's through education; right? I think for too long,
13 Canadians have been told when they see the budget come
14 out, X billion is going to Indigenous communities, and not
15 realizing that perhaps 64, 67 percent of that is going to
16 the bureaucracy of Canada and its provinces; right? And
17 then the little pieces go to us.

18 And so, there's a lot of anger that I hear
19 coming out from Canadians saying, "Well, they don't pay
20 taxes. They get free education," and it promotes that
21 atmosphere of racism and thinking that we are privileged
22 on the tiny postage stamp size lands that have been
23 reserved for from Queen Victoria's day, which have shrunk.

24 Education at the elementary school level,
25 education at the high school level, and as the TRC's calls

1 to action state, education right across the board for
2 policing, judges, social workers, it doesn't matter in
3 society in general, because I can see people, when they
4 see something about -- when an Indigenous issue comes up,
5 you know, it's time to flip the channel.

6 But, to help us, you know, we don't have
7 the kind of resources that we need to be able to, say,
8 create townhalls online, live stream. You know, if we
9 partner with a university, perhaps it's possible. If we
10 partner with someone who gives -- who is very generous and
11 decides that they want to help us, but it's education.
12 It's telling Canadians about their colonial history and
13 their colonial past, and not to get stuck in the guilt but
14 to move beyond the guilt into today and say, okay, I may
15 not be perfect, but I still have rights and I still want
16 to be a person that contributes to society. It's very
17 easy to pull back.

18 And, the other thing is people wait for
19 government to provide money for this. How much does it
20 cost for us to sit down and talk? You know, let's go for
21 a coffee. Schools should be inviting Indigenous peoples
22 with knowledge into their schools to talk to their
23 children so that the next generation is not going to make
24 the same mistake as the previous one.

25 I think government is looking at changing

1 the laws that promote racism and discrimination. That's
2 one thing. But, there is a recommendation which perhaps I
3 will have to try and find a little bit later, and I
4 believe it's from CEDAW that it needs to be done in
5 collaboration with Indigenous peoples. Not by the elite
6 groups of Indigenous peoples, but with all Indigenous
7 peoples because if we're not participating in the
8 solutions, then it's still going to be out there, and
9 we're not going to even look at it. It needs to be
10 something that is -- involves the entire country, and
11 needs to involve educators, and we have to.

12 You know, we in the communities are just
13 struggling to survive. We are just struggling to survive,
14 whether it's finding a job, putting food on the table,
15 paying our expenses. We're just making it. We're just
16 making it, and we need to come up with those solutions,
17 and it needs to be done, not by an organization. The
18 organization can help set it up, but we need
19 reconciliation amongst ourselves, too. That's one of the
20 biggest challenges, is that we are our own worst enemy.

21 And so, education needs to be really deeply
22 embedded, whether it's talking about the U.N. Declaration,
23 understanding international human rights, and
24 understanding their customary laws, and bringing women
25 back up. You know, raising women back up to the places

1 that they had and hold today, in today's society, that we
2 shouldn't be just relegated with domestic affairs. We
3 know stuff; right? We know stuff. And, to have those
4 elders come in and to really, really make a strong
5 concerted effort to support those who have been working on
6 Indigenous languages all these times, because as I said,
7 the language and culture is one of those pillars.

8 And, I would like to see reparations done
9 for our lands, and to recognize, and I'm sure a lot of
10 Indigenous people don't know that the Crown sovereignty is
11 an assumed, illegal sovereignty. It's really about trust.
12 It's about respect. It's about honesty. As long as we
13 pretend that those issues don't matter, or those things
14 are irrelevant and that, you know, if Canada is to remain
15 competitive in this world that we're going to have to
16 focus on economics and energy security, and you guys go in
17 a corner and you talk about language and culture ...you
18 can talk about reconciliation, we will meet you, you know,
19 in a few hundred years. It is not going to work either.

20 Because the youth of today are more vocal,
21 they understand things more -- a lot quicker than we did,
22 you know, their brains are wired differently than my
23 generation that had to type or write our papers, and I do
24 not think they will be as patient as us. And so, we need
25 to include them, but to be mentored with the people who

1 have that knowledge, to be mentored with those who have
2 experience, because one of the things that I hear a lot of
3 people -- well, maybe teenagers say, I know. I know.
4 And, they do not.

5 It is like when we go in the longhouse, we
6 talk. It is about talking, it is about building those
7 relationships. Not based on a policy or legislation, but
8 our laws, our values, our languages and determining what
9 we as a nation want, being allowed to have that freedom to
10 decide what we, as nations, want. Not what the government
11 of Canada and its bureaucratic culture wants us to have,
12 but we as human beings think is going to be good for now
13 and for the future, and knowing what our past mistakes
14 have been. If we do not know those mistakes, if we do not
15 know that history, we are going to continue to create the
16 same mistakes. So, I will end there.

17 **MS. FANNY WYLDE:** And, following your
18 experience on the frontline, dealing with policing or
19 different institutions, can you maybe elaborate more on
20 that? What were the barriers, the challenges? Or being
21 on the frontline as an activist, did you see any changes
22 throughout the years or some improvement?

23 **MS. ELLEN GABRIEL:** When you were asking me
24 that question, I was thinking of -- first thing I thought
25 of was, on July 11th in 1990, when the women went to the

1 front to meet the paramilitary force, they had weapons
2 pointing at us, pointing at our hearts and our head, and
3 we had nothing. That was my first experience with police.
4 Now, it is one that is going to remain with me for the
5 rest of my life.

6 And then listening to how people were being
7 treated, you know, men being beaten and tortured, and
8 having cigarette burns on their bodies by the certates
9 (phonetic) Quebec, and seeing that not a single human
10 rights abuse of that summer was addressed. Nobody was
11 held accountable because we could not access human rights.
12 And, seeing how now we can access human rights mechanisms,
13 seeing now where the UN Declaration, which was worked on
14 for 20 years in collaboration with Indigenous peoples from
15 around the world, I see that things are changing. And,
16 they are not changing quick enough for us to be able to,
17 perhaps, feel the effects of those changes, because I do
18 not feel those effects. But, I think what that did, that
19 summer of 1990 did, was it woke up Indigenous people, it
20 woke up Canadians, because a lot of people thought we did
21 not exist. They thought that they could find us in a
22 museum and that was it.

23 And, now, we are there. I mean, perhaps we
24 are not at the level that we would like to see in, but it
25 is progressing. As anything else, change takes time. I

1 see the youth more interested in -- you know, there is
2 more interest in the culture, in the songs, in the
3 ceremonies. There is a greater understanding of the land,
4 although we have a lot of work to do on that, because
5 assimilation, colonization, and with all due respect to
6 the Christians, religion did a real number on our psyche.
7 It did a real number on us in saying that all those
8 ceremonies and songs were not -- were paganism, they were
9 heathenism. You go to a pow wow, you are going to burn in
10 hell. And, that is still happening today.

11 So, you know, there is a little -- I find
12 sometimes we go one step forward, maybe two steps back
13 sometimes. But, I see the greatest changes at the
14 international level, although sometimes I see it as
15 another way to re-colonize Indigenous peoples because we
16 are not all the same. But, I do see that -- I see that
17 some people are listening. I see a lot of resistance by
18 government, for example to change the curriculum in the
19 schools, and that, you know, the history that is being
20 taught -- you know, I graduated high school in 1976, I do
21 not think it has really changed all that much in the
22 majority of schools across Canada, so -- but it is there.
23 Again, it is not at the level we would like.

24 But, for this issue -- you know, Stolen
25 Sisters came out in 2004, because previously women had

1 seen it. You know, Terry Brown was the president of the
2 Native Women's Association of Canada, and Bev was working
3 on that report with Craig Benjamin from Amnesty. It was
4 kind of like, well, that's a domestic issue. And, I
5 remember the premier of Quebec, Mr. Charest, he said,
6 well, I am not going to tell an Aboriginal man what to do
7 in his home. And, I said, well, that is not what this is
8 about. For sure domestic violence needs to be addressed,
9 but what we need to do is look at society as a whole.

10 You have the starlight tours in
11 Saskatchewan, both men and women being taken to the edges
12 of the city with no coat, some freezing to death. Those
13 kind of stories perhaps are still happening, but those
14 kind of stories were not being told. And, it is the story
15 telling, it is the experience of people telling their
16 truth that I think is really what is important. But, we
17 can do much better. We can do much better and it should
18 not take money to do it. I mean, I think as activists,
19 like myself, you have a day job, you need to pay the
20 bills, but my passion is still there to have some form of
21 justice, so I do this outside of my work.

22 And, you know, I have travelled across
23 Canada, I have travelled many places and I see the changes
24 coming, but I see there is a lot of resistance to the
25 actual change of getting out of the colonial structures

1 that have bound us and have oppressed us for so long.
2 There are exceptions to great leadership within those
3 systems, but the system is designed to continue to oppress
4 us and it paints this glossy picture that X amount of
5 monies is being paid for education, but yet Indigenous
6 students still get 30 percent less than the average
7 student to go. They have not changed the bursary since I
8 went to university.

9 And so, the progress is really incremental.
10 I mean, I think it is wonderful that there is an Inquiry,
11 but at the same time, where is the national plan of
12 action? I think the National Aboriginal Circle Against
13 Family Violence came up with a national plan of action.
14 It starts at the home. It starts at the home. And, I
15 think we as a society, when we look at popular culture, we
16 need to understand that that is what the youth are looking
17 at and that is what they aspire to be. And so, when we
18 let our young women go out at night, we need to also have
19 that precaution and safety for them, so that they can
20 enjoy being teenagers, so that they can enjoy being youth
21 without what we see is happening, which is vulnerable
22 women who had every right to safety and that being taken
23 away from them.

24 And, to have those healing systems, those
25 trauma-informed systems, and to bring more people trained

1 in those trauma-informed systems. Not in the social work
2 sense, but in the sense of a human sense. And,
3 understanding that if you do X, this is what is going to
4 happen, this is the consequence. There are consequences
5 for everything. And, I think that is something that
6 people do not understand, is that when you have laws and
7 you have a police force that continues to be allowed to do
8 whatever it wants -- you have created a monster, so how do
9 you undo that? And, that is the reality that we are
10 facing.

11 **MS. FANNY WYLDE:** Thank you, Ellen. You
12 mentioned that you had recommendations to provide to the
13 Commissioners? I would invite you to provide your
14 recommendations.

15 **MS. ELLEN GABRIEL:** Well, some of the
16 documents that I submitted, whether it is CEDAW, I
17 wholeheartedly support Amnesty's recommendations, but with
18 all due respect, and it is not a reflection on this
19 Inquiry at all, but I would like to say an international
20 independent inquiry on the issue of murdered and missing
21 Indigenous women seeking out the root causes.

22 I would like to see for this Commission to
23 utilize in its entirety, in its spirit, in its intent the
24 UN Declaration on the rights of Indigenous peoples as a
25 framework of solutions. I would like to see human rights

1 be taught as a compulsory course at all levels of
2 education, from elementary to post-secondary. And, all
3 professionals, especially those who work with Indigenous
4 communities, to understand Indigenous customary law,
5 colonization and a decolonization. And, perhaps it is
6 beyond the scope of this Commission, but I would like to
7 see a decolonization commission.

8 I would like to see an institution created
9 as Sherman Alexie said -- and I know Sherman Alexie is a
10 controversial issue at this time. But, he had talked
11 about a genocide museum of the Americas, for people to see
12 because sometimes people are very visual. That we would
13 have to, kind of, work out though, because the visual part
14 would be -- may be disturbing, but something that is --
15 and a trauma-informed approach in dealing with all
16 problems.

17 For policing also to have a trauma-informed
18 approach. For all bureaucrats to have -- government
19 bureaucrats to have a trauma-informed approach. For
20 there to be special guidance in services which are
21 Indigenous, to help victims of abuse and violence,
22 families to be given the kind of care they need in a
23 trauma-informed approach.

24 And, that they be solutions, that
25 Indigenous women be the leader for those solutions. And,

1 all the women that you have heard, not just the ones that
2 are organizations, but Indigenous women. And, for a real
3 understanding of our human rights, be they social,
4 economic, cultural, linguistic, spiritual, health,
5 traditional governance, et cetera, that those be
6 understood by all levels of government, federal,
7 provincial, municipal and Indigenous. That that is part
8 of the education component.

9 A national plan of action. I mean, we do
10 not need to reinvent the wheel here, but a national plan
11 of action be implemented immediately to include
12 traditional elders and knowledge keepers, as well as
13 Indigenous academics working in the field of violence
14 against Indigenous women.

15 The OAS had submitted some recommendations
16 about safety on public transportation. I know in Prince
17 George, there is Highway 16, they mentioned that safe
18 public transport. Mandatory training for police officers,
19 prosecutors, judges and court personnel in the causes and
20 consequences of gender based violence. And, to prosecute
21 and punish the perpetrators of violence against Indigenous
22 women and their disappearances. Provide redress to
23 Aboriginal women and their families.

24 And, that reconciliation be mentioned and
25 reparation. What Canada is doing today in regards to its

1 rights recognition is not reconciliation, it is the
2 municipalization of our people and our communities. Self-
3 determination, as someone put it, without land is re-
4 colonization, not reconciliation.

5 We want to be able to, I think, have
6 control over our own destinies and to be able to see what
7 you are thinking as Commissioners. You have listened, you
8 have heard a lot of recommendations. And, I think for me,
9 I am anxious to know what you are thinking, I would like
10 to know what it is that you see going forward today. And,
11 I know that it is probably not possible because you have
12 legal counsel, but I have none and I think we want
13 something, you know?

14 As people who are listening, as people who
15 have heard the stories, I think the families need to hear
16 something from you. Not just because you are going to
17 have a report and you are going to have a press conference
18 and divulge it, but what is a recommendation to Canada and
19 how can you oblige them to implement those
20 recommendations? Because I am not sure your
21 recommendations are obligatory. It would be sad to see
22 it, like the Royal Commission on Aboriginal Peoples, sit
23 on a shelf somewhere.

24 In the meantime, land is possession,
25 violence against Indigenous women, more children being

1 taken out of care, more loss of languages, more
2 assimilation is happening. How do we stop this huge
3 machine that is empire building, that uses assimilation,
4 colonization to continue to oppress Indigenous people into
5 thinking, yes, maybe you are right? You know, my
6 language, yes, we can record it but -- you know, I have
7 been working in language and culture all these years, for
8 decades, it was my first language, and I see such
9 brilliance in the language and what it means. My
10 language, Kanien'kéha -- Kanien'kéha is the language,
11 Kanien'kéha:ka is the people. It is 80 percent verbs. It
12 is really complicated. It would take you at least five
13 years to become a fluent language speaker, hearing it
14 every day.

15 I would hate to see that -- you know, when
16 we lose our languages, we lose a piece of ourselves and I
17 think that is what is happening. We lose a piece of our
18 identity because we have been told this is what our
19 identity is. Under the Indian Act, this, this and this is
20 who you are as a status Indian. And, we say "Indian"
21 because that is the legal term. Indian Act. I have an
22 Indian band card. This is my number.

23 And, I know you were talking about policing
24 recently. And, for me, it is a very difficult subject
25 because I live in a community that has -- had to endure

1 violations of our privacy, whether it is our mail or
2 telephone conversations. But, police should be there for
3 the right reasons. And, if I could recommend something
4 about the police which I have not already mentioned, is
5 that they understand who we are as Indigenous people, and
6 that when we demonstrate, they can be there for our safety
7 against the racists and not the other way around. That
8 they do actually uphold a rule of law that includes human
9 rights.

10 The Supreme Court of Canada ruled that, at
11 the high end of consultation spectrum, the Crown's duty to
12 consult would require the full consent of Aboriginal
13 people on serious issues. I think this is a very serious
14 issue. The cases of Val d'Or, the cases of murdered and
15 missing Indigenous women, we need to have a really close
16 examination. And, the perpetrators, be they police or a
17 member of society need to be prosecuted. You know, we are
18 kind of living in an Orwellian state and it is scary.
19 But, they do not need -- they do not need to have
20 wiretaps, they can just listen to our cell phone
21 conversations now, they can just look at our e-mails.
22 And, we have no individuality in that.

23 But, I will go back to the Declaration, it
24 has something for the collective and individual rights.
25 And, we are here, I think, hoping that Canada wakes up,

1 that it takes the cloud on its eyes off, that it takes
2 away the impediments of it hearing. And then we take away
3 that guilt, that ball in their throat and give them water
4 to drink. You can say from our taps, if we want. So,
5 they can swallow that guilt and clear the obstructions so
6 that they can breathe, breathe freely. That is a
7 condolence. That is what we call a condolence ceremony in
8 our culture when you are grieving.

9 I do not think Indigenous people are the
10 only ones grieving. I think Canada is grieving and it
11 cannot hear us. It is too busy thinking about money, it
12 is too busy thinking about what it can do and show itself
13 its muscle in the world. Just focus on one thing at a
14 time.

15 So, it is a great honour to be here and to
16 have been asked. I hope that it helped in some way. And,
17 it is a great honour to be here amongst the people.

18 **MS. FANNY WYLDE:** Thank you. I do not have
19 any more questions. I just wanted to -- I understand that
20 you do not feel comfortable to be answering questions
21 specifically in relation to the Oka Crisis; am I correct?

22 **MS. ELLEN GABRIEL:** It depends on the
23 question.

24 **MS. FANNY WYLDE:** Okay.

25 **MS. ELLEN GABRIEL:** Yes.

1 **MS. FANNY WYLDE:** So, can we have it on
2 record that if any questions specifically related to the
3 Oka Crisis, that makes Ms. Gabriel uncomfortable, that she
4 is not going to answer?

5 **CHIEF COMMISSIONER MARION BULLER:** Of
6 course.

7 **MS. FANNY WYLDE:** Thank you. So, Chief
8 Commissioner, I am asking for a recess of 25 to 30
9 minutes, because we have to verify things for the cross-
10 examination period for the parties with standing. So, we
11 need enough time for it, so I will request kindly a 25 to
12 30 minutes recess. And, also, I need to announce to the
13 standing parties to, at the beginning of the break, please
14 go to the Dufferin room for cross verification. Thank
15 you.

16 **CHIEF COMMISSIONER MARION BULLER:** Sure.
17 We will take a 30 minute break, please.

18 **MS. FANNY WYLDE:** Thank you.

19 --- Upon recessing at 10:12

20 --- Upon resuming at 10:49

21 **MS. FANNY WYLDE:** So, the first party to
22 ask question is the Inuit Tapiriit Kanatami, Elizabeth
23 Zarpa, for 10.5 minutes.

24 --- CROSS-EXAMINATION BY MS. ELIZABETH ZARPA:

25 **MS. ELIZABETH ZARPA:** Ula kuut (phonetic),

1 good morning. Can I call you Gabriel -- I mean ---

2 **MS. ELLEN GABRIEL:** No.

3 **MS. ELIZABETH ZARPA:** --- Ellen or Ms.
4 Gabriel, which one would you prefer?

5 **MS. ELLEN GABRIEL:** Ellen. You can just
6 call me Ellen.

7 **MS. ELIZABETH ZARPA:** Okay. My name is
8 Elizabeth Zarpa and I am legal counsel representing Inuit
9 Tapiriit Kanatami. And, I want to say, first and
10 foremost, thank you for coming here this morning.

11 The testimony we have heard over the past
12 two weeks -- we have heard last week the testimony of
13 Inuit women from Iqaluit and their experiences, and also
14 their ideas around the forced relocation of entire
15 families throughout the mid 1900s, and about the inquiry
16 into the slaughtering of Inuit sled dogs by authority
17 figures without any consultation or even explanation or
18 apology up until today. We heard from young activists
19 about their experiences and ideas around the importance of
20 safe spaces and spaces for youth to share their voice in
21 community and their agency.

22 And, this week, we heard about the
23 experiences of NAPS, police that serve and protect the NAN
24 territory, but are underfunded and understaffed, and that
25 kept up with minimum standards of policing within the

1 province. And, Mr. Metatawabin who gave testimony that
2 day said that it was like an atomic bomb hitting
3 Indigenous communities, that there were bombs dropped and
4 people were coming out disfigured. And, he gave that in
5 relation to the experience that the NAN territory is going
6 through right now with the opioid crisis, he highlighted
7 that in his testimony.

8 And, we also heard in the past few days
9 from different witnesses about the systematic
10 overrepresentation of Indigenous women within Canada's
11 federal system, the prison system, the penitentiary
12 systems, and how the abolition of that system and several
13 other systems has to occur because it is not working.

14 You are pillar of strength, and I am
15 privileged to be in your presence and to hear you speak
16 this morning. I show my sincere respect for you to come
17 here today and share your truth as a Mohawk woman.

18 I am Inuit. The place where I come from is
19 very different in many ways. And, Inuit are not governed
20 under the Indian Act because of a 1939 re Eskimo case and
21 Section 4(1) of the Indian Act. Inuit have their own
22 regional land claim agreements, and there are four of them
23 in the north, Inuvialuit, Nunavut, Nunavik and
24 Nunatsiavut. Each unique in their agreement, in their
25 terms, and each ratified at different times in history.

1 In legal terms, they are considered modern day treaties.

2 And, ITK seeks to represent each of those
3 regional areas. Over 65,000 Inuit, with a majority of
4 Inuit living above the arctic circle and more moving down
5 south to Southern Canada either by choice or because they
6 have to, to access essential services like health care, or
7 education or other reasons.

8 I was not sure how to approach this
9 conversation or this cross-examination because we come
10 from such different places, but we are both Indigenous.
11 And, I wanted to highlight and speak to you a little bit
12 about the importance of history, culture and also
13 language. From my experience, I see that living in the
14 south, in say Montreal, is very different from living in
15 places like Happy Valley Goose Bay, Kujawiak or Iqaluit.
16 And, many youth are hungry to learn their language, to
17 understand their histories, to know their Inuit legal
18 orders, and there are programs that are out there which
19 are seeking to address the aspect of being Inuit within a
20 modern context, like the program called Nunavut
21 Sivuniksavut. I'm not sure whether you're familiar with
22 that program?

23 **MS. ELLEN GABRIEL:** No.

24 **MS. ELIZABETH ZARPA:** It's a two-year
25 program where youth learn about the Nunavut land claims

1 and also about their history, culture and language in a
2 Nunavut-specific context. And it has been so successful
3 and a pillar of strength that Nunavik, its neighbouring
4 territory, decided to start a program called Nunavut
5 Sivuniksavut, which is similar.

6 So these programs are in place. They're
7 growing and continuing to unfold. And I wanted to somehow
8 tie in what you see as important as language, culture,
9 history with an Inuit-specific context and ask you whether
10 you would support this as an Indigenous woman, that all
11 provinces and territories fully fund Inuit-specific
12 educational programs that highlight their specific land
13 claim region, their language, their cultures and their
14 histories? That's my question.

15 **MS. ELLEN GABRIEL:** (Speaking in Aboriginal
16 language) Thank you for your important question and for
17 telling me a little bit about yourself.

18 I had gone to Iqaluit a few years back with
19 the women's shelter up that way, and I learned a little
20 bit about your history, just a small teeny tiny bit. But
21 I think your question has to do with self-determination.
22 It has to take -- it's about controlling your own destiny.
23 And if we're in that spirit of reconciliation and
24 reparations, if we're going to be nation-building,
25 according to Inuit-specific education, then yes, the

1 provinces and territories should contribute to your nation
2 building, to your self-determination because of the
3 damages that have been done.

4 We tend to look at the federal government
5 as being the only perpetrator in all this genocide, but
6 the provinces and territories have been allowed to also do
7 whatever they want, carte blanche. And I think that with
8 all the problems that I was talking about, that they're
9 rooted in colonialism, if there is a way that would help
10 the Inuit youth learn about their history and culture and
11 language, then I think that's a really positive thing and
12 the provinces and territories should be compelled not just
13 morally but legally to contribute to your health and
14 wellbeing and a better quality of life, which means for
15 us, as a Mohawk, we have tonnes and tonnes of words for
16 your mind. So when we come together we say (speaking in
17 Mohawk language). So we bring our minds together. We
18 speak as one. We bring our minds together.

19 And if this helps your people bring their
20 minds together, especially for that next generation, then
21 I would agree.

22 **MS. ELIZABETH ZARPA:** And to bring that
23 further, to understand your idea around implementing
24 specific Indigenous educational institutions for youth
25 that are trauma-informed, do you see that as a step

1 towards addressing the sort of importance of culture
2 identity and history, and that that process be informed by
3 the specific nations that are involved within the
4 curriculum and the structure? Do you see that as
5 something that's important, having conversations around
6 that?

7 **MS. ELLEN GABRIEL:** I think it's all
8 relevant. I think if we look through the trauma-informed
9 lens, it's a holistic lens and it's not casting judgment.
10 It's not labelling individuals, but it's really looking
11 at, you know, what was our journey, what brought us to the
12 point where we are today, what makes us who we are, flaws
13 and all. You know, to me, in some ways you're fortunate
14 because you're not so consumed.

15 Where I come from, it's a beautiful area.
16 It's the oldest Mohawk community in existence because it
17 existed before European arrival, but we are surrounded by
18 settlers who say they're afraid of us if we fly the
19 Confederacy flag. You have your homeland. You have that
20 opportunity to do that, and your language is much stronger
21 than my language right now. So I think you need to take
22 that opportunity to be able to contribute to that legacy.
23 What kind of legacy do you want?

24 **MS. ELIZABETH ZARPA:** Thank you.

25 **MS. FANNY WYLDE:** The next person to be

1 asking questions will be MMIWG Coalition of Manitoba,
2 counsel Catherine Dunn for 10.5 minutes.

3 **--- CROSS-EXAMINATION BY MS. CATHERINE DUNN:**

4 **MS. CATHERINE DUNN:** Ms. Gabriel, you have
5 spoken with great eloquence about the rule of law that
6 police are supposed to be subject to in this country.
7 Your experience has been on a personal level, as well as a
8 political activist that the police in this country do not
9 conform with the rule of law.

10 **MS. ELLEN GABRIEL:** M'hm.

11 **MS. CATHERINE DUNN:** And you would agree
12 that as an Indigenous person, encountering the police in
13 this country, or if we want to narrow it down to an
14 example, an Indigenous person in the Province of Manitoba
15 dealing with a police person, your first point of contact
16 with them may be as someone who has been hurt either
17 physically, sexually or emotionally?

18 **MS. ELLEN GABRIEL:** M'hm.

19 **MS. CATHERINE DUNN:** And their first point
20 of contact, if that is with a police officer who is not
21 trauma informed, that can, in addition to the incident
22 that brought you to the police, have lifelong effects.
23 What I mean by that is an Indigenous woman who has come to
24 the police because, for example, she has been raped and
25 how she is dealt with by the police who she is telling to

1 help her, the combination of those two things can last
2 forever?

3 **MS. ELLEN GABRIEL:** That's what a trauma-
4 informed lens does, is it doesn't re-victimize ---

5 **MS. CATHERINE DUNN:** That's right.

6 **MS. ELLEN GABRIEL:** --- a victim.

7 **MS. CATHERINE DUNN:** That doesn't happen at
8 this point in today; is that fair to say, with the police?

9 **MS. ELLEN GABRIEL:** I would say so, yes.

10 **MS. CATHERINE DUNN:** Yes. And is it fair to
11 say that most Indigenous people, when they encounter the
12 state, they are alone in terms of when they are questioned
13 or arrested?

14 **MS. ELLEN GABRIEL:** I'm really not an
15 expert to say that, but from my experience, alone if
16 they've been charged personally or ---

17 **MS. CATHERINE DUNN:** Yes.

18 **MS. ELLEN GABRIEL:** --- alone ---

19 **MS. CATHERINE DUNN:** They're generally
20 arrested as individuals as opposed to groups of people?

21 **MS. ELLEN GABRIEL:** It depends if there's a
22 protest and they're arrested as a group because they're
23 protesting.

24 **MS. CATHERINE DUNN:** Right.

25 **MS. ELLEN GABRIEL:** That's a different

1 story. There's different levels. It's not a black and
2 white situation.

3 **MS. CATHERINE DUNN:** Okay. I was not
4 talking about political activism, which obviously involves
5 groups of people such as yourself and what you've
6 experienced, but individuals who have encounters with
7 police outside the political context?

8 **MS. ELLEN GABRIEL:** From what I know of,
9 from where I come from, family is really important, so
10 they would probably be accompanied by family. They would
11 have family with them.

12 **MS. CATHERINE DUNN:** All right.

13 And is it true to say that in your
14 experience, Indigenous people are not treated very well by
15 the police?

16 **MS. ELLEN GABRIEL:** In my experience, I
17 would say it's not a black and white thing, that it's not
18 always ---

19 **MS. CATHERINE DUNN:** That's fair enough.

20 **MS. ELLEN GABRIEL:** --- the case, but it
21 happens quite often, too often. It should not even be
22 happening.

23 **MS. CATHERINE DUNN:** And when you are
24 detained by the police, it's they who ask the questions,
25 not you who ask the questions.

1 **MS. ELLEN GABRIEL:** I have never been
2 detained. Knock on wood.

3 **MS. CATHERINE DUNN:** Okay. Well, that's --
4 all right. Thank you. In terms of your evidence on
5 culture, would it be fair to say that culture starts in
6 the womb, when the baby is not even born yet by the safety
7 of the mother who is carrying that child?

8 **MS. ELLEN GABRIEL:** Well, I have heard of
9 stories of women, when there is drums beating, the
10 ceremonial dreams, you know, they feel the baby moving
11 more and we -- you know, we jokingly refer to it as the
12 babies dancing to the songs.

13 **MS. CATHERINE DUNN:** And, the ability for
14 the mother to have safety, and to have culture, and to
15 have country food and to feel at peace is very important
16 for the baby ---

17 **MS. ELLEN GABRIEL:** For any mother.

18 **MS. CATHERINE DUNN:** --- yet to be born?

19 **MS. ELLEN GABRIEL:** For any mother, yes.

20 **MS. CATHERINE DUNN:** Yes. And, if that
21 child is born into an environment of stress and imbalance,
22 and prejudice and discrimination, that child is at a
23 disadvantage from other Canadian children?

24 **MS. ELLEN GABRIEL:** I am not sure where you
25 are going with this, but I am just going to say something

1 to you. In my experience, one of the things where
2 children were taken away and the reasons why a lot of
3 Indigenous children are taken away is because of poverty.
4 Now, if you are impoverished, of course you are stressed,
5 but I do not think it is a class issue either. I think
6 that any woman today who exists as of pregnancy is
7 stressed no matter what. I think everybody wants to have
8 the best kind of outcome for their children. As
9 Indigenous people, we cannot help by having stress in our
10 lives and perhaps, you know, on our homelands, not feel
11 secure or at peace, and there is varying degrees of that.

12 I was born and raised, you know, with my
13 parents. It was not a perfect life, but I think it is
14 something that I feel very fortunate to have had the
15 parents that I have. They experienced racism, they
16 experienced pain from that racism. We would go shopping
17 in the Village of Oka and, you know, a lot of the people
18 of my mother and parents' generation whispered in their
19 language because the French people would laugh at them.

20 So, yes, there are varying degrees of
21 stress, but I do not think that I grew up impoverished. I
22 do not feel that I grew up with disadvantages. Perhaps it
23 made me a stronger person, I do not know. I can only
24 speak from my experience.

25 **MS. CATHERINE DUNN:** I think I am just

1 going to leave it there. Thank you very much.

2 **MS. ELLEN GABRIEL:** Thank you.

3 **MS. FANNY WYLDE:** Thank you, Ms. Dunn.

4 Next is Assembly of First Nations, Julie McGregor, for
5 13.5 minutes.

6 **--- CROSS-EXAMINATION BY MS. JULIE MCGREGOR:**

7 **MS. JULIE MCGREGOR:** Good morning, panel
8 members and Commissioners. My name is Julie McGregor and
9 I am the counsel for the Assembly of First Nations.

10 Ms. Gabriel -- can I call you "Ellen"?

11 **MS. ELLEN GABRIEL:** Yes.

12 **MS. JULIE MCGREGOR:** Okay. I want to start
13 off my questions by going into some of the international
14 principles you discussed in your evidence, and then talk a
15 little bit more about the specific issues you raise within
16 the context of Quebec.

17 You stated that the UN Declaration is a
18 powerful tool and that people do not realize that. The
19 federal government has committed to implementing the UN
20 Declaration, but as an activist, do you see that occurring
21 on the ground?

22 **MS. ELLEN GABRIEL:** No.

23 **MS. JULIE MCGREGOR:** Article 22 of the UN
24 Declaration states that, "State shall take measures in
25 conjunction with Indigenous peoples to ensure that

1 Indigenous women and children enjoy the full protection
2 and guarantees against all forms of violence.”

3 Within the context of policing oversight in
4 Quebec, what are some of the measures that you think could
5 be taken to implement Article 22 immediately?

6 **MS. ELLEN GABRIEL:** Well, I do not think we
7 should -- if we are going to talk about implementation of
8 the Declaration, citing certain articles that address the
9 issue, say Article 22 in regards to the violence and
10 protection, you have to look at the whole essence of the
11 UN Declaration because violence comes in various forms.
12 And, if the state is still stealing our land, if the state
13 is still stealing our children, if the state is still
14 imposing assimilation policies, it is a form of violence.
15 It is a form of disrespect and violation of our human
16 rights.

17 If we are talking about a national plan of
18 action, again it needs to have that holistic lens of
19 social, economic, cultural, linguistic, education -- all
20 those kinds of rights. If we are to take a human person's
21 body and one part of it is broken, the whole body feels
22 it, your mind is thinking about it. It is no different
23 when it comes to the universality and indivisibility of
24 human rights. It is not just about violence, it is about
25 how it is affecting them spiritually, psychologically,

1 physically. I do not have access to the medicines and the
2 forest, because there is a park there and I cannot go in
3 unless I have my status card. And, if I feel like -- that
4 there is racism involved in the discrimination against me,
5 then that affects all of the enjoyment of my rights.

6 I think with the implementation of this, it
7 goes back to things that I am talking about previously in
8 regards to education and in the customary laws of our
9 people, where we are talking about the mind, what is -- is
10 it a disease of the mind, racism? Is it something that we
11 can change? If a lot of the problems are rooted in
12 colonialism and colonial created poverty, how are we going
13 to have reconciliation and reparation if the state is just
14 going to say these nice flowery words, if they are going
15 to say that, you know, we are going to take certain
16 articles of the Declaration to implement. You have to
17 implement the whole thing.

18 And so, for Article 22, as you stated in
19 its entirety, that would help the situation of Indigenous
20 women, along with our customary laws, and changing the
21 attitude, changing the way people view Indigenous women.

22 **MS. JULIE MCGREGOR:** Thank you. In 2017,
23 the International Convention on the Elimination of All
24 Forms of Racial Discriminations Committee on the
25 elimination of all forms of racial discrimination, or

1 ICERD for short, noted the growing concern regarding the
2 alarming rates of missing and murdered Indigenous women
3 and girls, and they recommended that Canada establish an
4 independent review mechanism for unsolved cases of missing
5 and murdered Indigenous women, where evidence of bias or
6 error -- where there was evidence of bias or error in the
7 investigation. Would you recommend to the Commissioners
8 that they adopt this recommendation as well?

9 **MS. ELLEN GABRIEL:** Absolutely.

10 **MS. JULIE MCGREGOR:** I am going to move on
11 with my questions now. So, in listening to your evidence,
12 I should state for some from Kitigan Zibi, so I can very
13 much relate to your evidence about growing up in a
14 community where there is a challenge about being First
15 Nations in Quebec, and especially if you are an Anglophone
16 in Quebec and First Nation. And, it has been a serious
17 problem for me my whole life as well because, you know, I
18 do not speak French at all and we do not want to speak
19 French for historical reasons, you know?

20 **MS. ELLEN GABRIEL:** Yes, I understand.

21 **MS. JULIE MCGREGOR:** And, you stated in
22 your evidence that Quebec is the spoiled brat of Canada.

23 **MS. ELLEN GABRIEL:** Mm-hmm.

24 **MS. JULIE MCGREGOR:** And, I want to unpack
25 that, because I think it is an important statement and I

1 do not want people to get the impression, the
2 Commissioners, or the public or even, you know, the
3 government of Quebec or whatever, to think that that is
4 somehow a flippant remark because it underlies some
5 serious problems within the relationship of First Nations
6 in Quebec. And, I was hoping that maybe you could expand
7 a bit on the difficulties of being First Nations in Quebec
8 with the recognition of our inherent rights and
9 sovereignty when you have a situation where Quebec has its
10 own views regarding itself as a distinct society.

11 And, I know you talked about the day-to-day
12 thing, like the pharmacist will not talk to me in English
13 because, you know, we are in Quebec, but -- and you talked
14 about your own personal day-to-day discrimination on that
15 basis, where you cannot speak your language because they
16 laugh at you. Or in my case, you know, my family's case,
17 we got thrown rocks at, you know?

18 So, while you talked about the everyday
19 discrimination I wanted to maybe talk about the higher
20 level 1, because there's a lack of recognition of rights
21 and title as well. And, language rights, of course, are
22 an extremely difficult topic in terms of Indigenous
23 languages in Québec, and I was hoping maybe you could just
24 expand on that?

25 **MS. ELLEN GABRIEL:** Yes. I mean, there's a

1 long history of -- because in the sense that if there is a
2 threat for Canada to separate from -- I mean, Québec to
3 separate from Canada -- Canada separate from Québec,
4 that's interesting -- the issue of sovereignty for sure
5 rears up.

6 And, just like the Meech Lake Accord, which
7 was stopped by an Indigenous man, Elijah Harper, the late
8 Elijah Harper, Canada for sure wants to stay united, and
9 if Québec is unhappy about something, they always
10 acquiesce to their demands, and this includes, you know --
11 we have the Planor (phonetic). You know, the Assembly of
12 First Nations of Québec and Labrador opposed it, but we
13 are still stuck with a government that very lightly talks
14 about international human rights.

15 Like the U.N. Declaration on the Rights of
16 Indigenous Peoples doesn't our respect our rights to the
17 land. The issue of language is definitely a challenge for
18 a lot of Anglophone Indigenous peoples. I speak French.
19 Perhaps it's not perfect, but I speak French. I grew up
20 hearing three languages when I was a child and a teenager,
21 and I think it enriches us.

22 Historically, though, it's the French and
23 English kind of allyship that we see. So, a lot of youth
24 refuse to speak French in our communities as well, but
25 that's -- you know, that's something that is ingrained in

1 our culture for some reason. It's not a healthy thing,
2 but that's the way it is.

3 I think we're trying to focus -- because
4 everything we do has to do -- has to be expressed in a
5 colonial language, as each generation comes up, we see
6 that they're using it more. We see that in order to be
7 successful, you have to be fluent in one of those colonial
8 languages. And so, it is marginalizing our languages and
9 it's keeping -- you know, it's nice when a government
10 says, "Well, we have some money for language classes."
11 Well, there needs to be consistency. There needs to be
12 continuity of the languages, and the people themselves
13 need to embrace the value and cherish the preciousness of
14 our language.

15 We know that institutionalized racism is a
16 challenge and a problem. Québec is just as guilty as the
17 federal government for doing it, because what always
18 happens is they are willing to provide X amount of funds
19 for a certain project, especially in their new cultural
20 policy, but the underlying current for some of them is,
21 you know, the French language has to be promoted. The
22 Government of Québec has to be congratulated for promoting
23 these projects.

24 You know, we've very much getting away from
25 the nationhood, the sovereignty. We're becoming

1 corporations, and the governing structures are all
2 according to legal legislation for incorporation. So,
3 we're not really -- we're not really using the kinds of
4 self-determination that we should be. I'm not sure if I'm
5 getting away from your question.

6 **MS. JULIE MCGREGOR:** I don't have any other
7 questions, so I think that that's good. Thank you so
8 much.

9 **MS. FANNY WYLDE:** Thank you. Next is
10 Congress of Aboriginal Peoples, Melissa Cernigoy -- I'm
11 sorry if I mispronounced your name -- for 10.5 minutes.

12 **--- CROSS-EXAMINATION BY MS. ALISA LOMBARD:**

13 **MS. ALISA LOMBARD:** Thank you. Actually,
14 my name is Alisa Lombard. Melissa left the day before
15 yesterday.

16 Thank you kindly for so generously sharing
17 your knowledge today. I can say that your strength,
18 knowledge and courage have nurtured many from a very young
19 age, including myself. And so, much gratitude to you for
20 that priceless gift.

21 In 2008, the then Prime Minister said in
22 his public apology to survivors of residential schools
23 that, and I quote, "There is no place in Canada for the
24 attitudes that created the residential school system to
25 prevail in Canada ever again."

1 Ten years later, I want to address where
2 those attitudes reside through the lens of accountability
3 with the square view to the critical importance of 80
4 percent verbs. Would you agree that your testimony today
5 describes attitudes and conditions that give rise to
6 systemic incentives that result in the dehumanization of
7 Indigenous women?

8 **MS. ELLEN GABRIEL:** I would say those
9 attitudes are historical. They come from centuries of
10 dehumanization, and it's just been kind of reigned in a
11 little bit in more recent times, but those attitudes of
12 racism and dehumanization still prevail, yes.

13 **MS. ALISA LOMBARD:** Thank you. Would you
14 agree that these attitudes are at least in part due to the
15 state's failure to jointly design and diligently implement
16 processes and preventative measures further to Section 27
17 of the U.N. DRIP that empower the agency, dignity and
18 health of Indigenous women?

19 **MS. ELLEN GABRIEL:** Oh, for sure. I mean,
20 I don't think anyone is getting off scot-free on their
21 contribution or their lack of implementing more healthy
22 and a better understanding of what human rights are. I
23 think it's really important to say that, you know, the
24 justice system has a place, but it's difficult for us when
25 we see the justice system is controlled by the

1 perpetrators themselves. So, if there was -- you know,
2 I've seen all kinds of, in my lifetime, programs that last
3 for a year or two that talk about anti-racism, but there
4 is never really a deep understanding or continuity of
5 those programs.

6 So, we continue to see a new group, a new
7 generation of people coming up with the same attitudes, so
8 it has to go back to education and dialogue and for the
9 truth to be told.

10 **MS. ALISA LOMBARD:** Thank you. Under the
11 United Nations Declaration at Article 27, it says that
12 states shall establish and implement in conjunction with
13 Indigenous peoples' concern fair, independent, impartial,
14 open and transparent process, giving due recognition to
15 Indigenous peoples' laws, traditions, customs and land
16 tenure systems to recognize and adjudicate the rights of
17 Indigenous peoples pertaining to their lands, territories
18 and resources, including those which are traditionally
19 owned or otherwise occupied or used. Indigenous peoples
20 have the right to participate in this process.

21 And so, would you say that the state must
22 jointly design and diligently implement practical measures
23 that actively work against the disproportionate and
24 pervasive violence against Indigenous women, failing which
25 these systemic incentives prevail, and that Article 27 of

1 the United Nations in the broader context of a holistic
2 implementation of it might contribute in the transition
3 period towards achieving that?

4 **MS. ELLEN GABRIEL:** I'm trying to keep up
5 with your question. If I misunderstand you, please
6 correct me. I think the processes that are currently
7 labelled as partnerships, or in conjunction with, are
8 deeply flawed. And, if people don't participate and have
9 -- and feel that they're participating in something that
10 will actually provide solutions, there will be no
11 solutions. It's something I mentioned before.

12 The state does have legal obligations to
13 uphold the highest standard, not just the minimum
14 standards, you know? We're talking about -- people talk
15 about the minimum standards, but I think Canada should be
16 aiming for the highest standards, because the minimum
17 standards, Canada is not even meeting. And, when
18 consultations, actual consultations come about, that
19 includes the rights holders.

20 As I said, we're dealt with as if we're
21 corporations. The Assembly of First Nations has said time
22 and time again it is not a government, but that is who the
23 government seems to contend with, as far as what's
24 labelled First Nations' rights are. And, not to say that
25 it is quite a daunting task to consult with Indigenous

1 peoples, but if we were to say, you know, all the people
2 will be involved, and I go back -- I can reference only
3 from my culture's point of view in the longhouses that an
4 issue as brought up, people discuss it until they
5 understand it, and that's what should be done; discussed
6 ...until people understand it and for those who do
7 understand it, to help spread it, you know.

8 I think that's part of the challenge and
9 part of the problems that we see is it's an elite that are
10 actually partners, so-called partners in this process.
11 And if we are to look at all the other human rights
12 instruments that the declaration is a part of, that
13 comprised this declaration, I think we will see some more
14 things come to light and to take these articles altogether
15 and to make it alive.

16 Right now, they're just words on paper but
17 it has to come to light. It has to -- it has to be
18 understood by all those, including, you know, Canada and
19 Quebec.

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

21 Just shifting into another type of
22 question, yesterday's witness described the role of
23 silence as a contributor to the reasons we are all here
24 today. And if this question touches on anything you do
25 not want to answer, please let me know.

1 Can you describe your experience as an
2 activist and how your strong voice, the polar opposite of
3 silence, was treated by authorities? And how did those in
4 a position to prevent the violence against Indigenous
5 women listen to your truth, to your knowledge? How do
6 they react to your truth today from your perspective?

7 **MS. ELLEN GABRIEL:** Well, I think it's kind
8 of like any person within the confines of a colonial
9 structure. What happens is like... you know, I'm going to
10 make a generalization and it's perhaps maybe a flawed
11 generalization but what my experience has been is the
12 government is looking for -- to hear the words, the
13 semantics, the vocabulary that they want to hear all the
14 time.

15 If they're not hearing it, then they'll
16 exclude you from it. They refuse to deal with you and
17 it's kind of -- and again, I have to reference the
18 colonial state as being a perpetrator with the violation
19 of our human rights. So when that perpetrator hears the
20 truth, they don't want it to be known. They don't want to
21 change because change is too difficult.

22 And if we look at what changes need to be
23 made, they require not just the truth and honesty and an
24 examination, a self-reflection, it requires money. And I
25 remember when NWAC received the \$5 million for five years

1 to do research on murdered and missing Indigenous women, I
2 think it as the Treasury Board that said, "Well, how does
3 this benefit the Indigenous women economically?"

4 So it always goes back to the economics of
5 how to deal with a problem and the minimum amount that
6 they can spend on a problem or an issue is something that
7 government seems most likely to. And I don't really blame
8 the politicians. I think there's a bureaucratic culture
9 within this colonial state that continues to work against
10 the promotion and protection and respect of Indigenous
11 peoples' human rights.

12 **MS. ALISA LOMBARD:** Thank you. Those are
13 my questions.

14 **MS. ELLEN GABRIEL:** Thank you.

15 **MS. FANNY WYLDE:** Thank you.

16 Next is Native Women's Association of the
17 NWT. Ten minutes.

18 **--- CROSS-EXAMINATION BY MS. CAROLINE WAWZONEK:**

19 **MS. CAROLINE WAWZONEK:** Counsel, I'm not
20 sure. Is it 10 minutes or is it 10.5 as the base time?
21 For whatever the 30 seconds will get me.

22 **MS. FANNY WYLDE:** It's not written,
23 Christa. It's 10.5 minutes. Thank you.

24 **MS. CAROLINE WAWZONEK:** Thank you.

25 And good morning. My gratitude for the

1 continuing welcome we are receiving here on the Huron-
2 Wendat territory.

3 I am here on behalf to he Native Women's
4 Association of Northwest Territories. They represent
5 Indigenous women across what is the Canadian political
6 territory of the Northwest Territories. And for the
7 record, my name is Caroline Wawzonek.

8 I want to ask some questions focussed
9 particularly on language. In the Northwest Territories,
10 there are 11 official languages, nine of which are
11 Indigenous languages. So the people of the territories
12 have a right to government services in one of those 11
13 languages. And of course, the access to those services is
14 not always the same but I acknowledge the progress that
15 we're making that we do have official languages.

16 Your evidence talked a lot about language
17 as a tool of exclusion on a very large scale but I was
18 hoping to get some comments from you and some reactions
19 from you on some further specific examples of how language
20 is being used with reference to our theme around justice
21 accountability.

22 In the Northwest Territories, we don't have
23 9-1-1 services but if you have an emergency and you need
24 help and you need help from the police, the call that is
25 made from a small Indigenous community goes first to the

1 detachment. And if there's an officer there, they answer
2 your call but to my knowledge, there are no officers in
3 anywhere in the territories -- and I hope I'm wrong but I
4 don't think I am -- who speak an Indigenous language. The
5 call goes to Yellowknife.

6 Similarly, I don't think the call operators
7 there speak any of the nine Indigenous languages and so
8 there's a roster of translators who are deployed. Of
9 course, all of this takes time.

10 And there was an incident not very long ago
11 where an elder was calling to seek assistance for a young
12 woman and in the course of the 30 minutes it took to get
13 assistance within a very small community, the young woman
14 was killed.

15 If you could speak a bit to or just -- even
16 just perhaps agree, if you would agree with me, that lack
17 of language services at the point of an emergency is a
18 barrier to having accountability over those services.

19 **MS. ELLEN GABRIEL:** Thank you for sharing
20 that and my condolences to the family in your loss.

21 **MS. CAROLINE WAWZONEK:** Thank you.

22 **MS. ELLEN GABRIEL:** For sure language is
23 something that I think -- and maybe I didn't convey my --
24 or express myself properly that language is a rich part of
25 who we are and one of the solutions, one of the things

1 it's not just a pillar but it's one of the things that
2 strengthens identity.

3 And I remember the longitudinal survey that
4 the National Aboriginal Health Organization did I think
5 back in 2006 or something like that, they had surveyed
6 youth on what is your -- what is the list of your
7 priorities. Number one was language to help them with
8 their identity.

9 If there's an official -- if there's nine
10 official languages, then all the services need to provide
11 that. Otherwise, what's the sense? And I agree that
12 those -- the situation that all our communities face today
13 is that the first language speakers are passing away every
14 year. We lose them and with them that knowledge. And
15 it's not enough to provide classes in the evening for
16 people to promote their languages. They need to be paid
17 to be able to go back to school, just as immigrants are
18 paid to speak French when they come here.

19 **MS. CAROLINE WAWZONEK:** Would you agree
20 then with a recommendation that there need to be adequate
21 resources to encourage the linkages between essential
22 services and Indigenous languages?

23 **MS. ELLEN GABRIEL:** For sure and there has
24 to be Indigenous people at the forefront. I think it's --
25 I think we tread very delicately on this particular issue

1 because so much of our Indigenous knowledge in more
2 contemporary times has been taken and it's been taken by
3 non-Indigenous people, whether it's cultural
4 sensitization, and now one of the most precious things we
5 have is our language. That's something that is ours.
6 That is something that is ancient.

7 And the services, if there's any, there
8 should be training for the Indigenous people of that area
9 to know because we know what our community people are
10 like. We know that and I can remember times when Elders
11 had to be accompanied to go to the hospital or doctor
12 because they didn't speak English or French. The times
13 are changing but there are still people that is their
14 first language and I think that we need to accommodate
15 them.

16 As I said, human rights are universal.
17 They're inalienable and we need to respect all those
18 because we are the first peoples of this land. We are
19 from this land and we need to have that kind of justice
20 for everybody.

21 **MS. CAROLINE WAWZONEK:** Thank you.

22 In our criminal justice system, defence
23 counsel have a positive obligation to ask their clients in
24 what language they want their services and that is a small
25 thing but it's maybe not -- it's still in some ways a very

1 big thing. And I was wondering if you would agree with
2 the recommendation to have that positive obligation
3 extended to counsel across the country in different
4 provinces and territories, but also extend it to the Crown
5 to the extent that the Crown also has a positive
6 obligation to engage with the community before they stand
7 up and speak for the public interest?

8 **MS. ELLEN GABRIEL:** Yeah, I think we need
9 to decolonize the whole system. So yeah, I would agree
10 with that.

11 **MS. CAROLINE WAWZONEK:** Thank you.

12 If I could also ask you a question about
13 aftercare? And again, it's quite a specific thing.
14 Because so many of our communities are only a few hundred
15 people, when there's been a serious incident and a trial
16 that happens in the community and a sentencing that
17 happens in a community, many people are touched in the
18 community by the events and by the outcomes.

19 Should communities have a better
20 opportunity to use their traditional knowledge to engage
21 in a healing process after that and should there be
22 government resources directed to that?

23 **MS. ELLEN GABRIEL:** I'm not sure I quite
24 understand. If you mean that people who have the
25 knowledge, they're the ones who are giving the aftercare

1 ---

2 **MS. CAROLINE WAWZO:** Yes.

3 **MS. ELLEN GABRIEL:** --- and that they be
4 paid as anybody who is an after-trauma worker?

5 **MS. CAROLINE WAWZO:** That's right.

6 **MS. ELLEN GABRIEL:** Yes, for sure.

7 **MS. CAROLINE WAWZO:** And is that likely,
8 from your experience, to give better outcomes?

9 **MS. ELLEN GABRIEL:** I think so. I think it
10 means that you're valuing that person as an Indigenous
11 person, but as a human being because you're respecting who
12 they are and where they come from.

13 **MS. CAROLINE WAWZO:** Just one last area --
14 sorry, I meant to go there earlier in terms of chronology
15 -- the investigation process that the RCMP or police
16 forces would go through, you had mentioned earlier having
17 a trauma-informed process. Should that also include the
18 local languages, whether it means someone attends with a
19 witness, someone attends with a complainant, a victim, but
20 that there an opportunity for someone who speaks the local
21 language to attend and be part of the investigation
22 process?

23 **MS. ELLEN GABRIEL:** Yeah, I think it's up
24 to the nation to decide what their protocol is in regards
25 to that. It's varying, but I think it's up to the nation,

1 because if you're going to be using something that touches
2 on customary law and who is a legitimate knowledge holder
3 that goes back to the nation, not just communities but the
4 nation, but I think it would be part and it would be
5 important in this process of decolonization.

6 **MS. CAROLINE WAWZO:** And so then, would it
7 be a recommendation out of that being that there be
8 meaningful engagement with the knowledge keepers in the
9 communities as to how they want to be part or if they want
10 to be part of it?

11 **MS. ELLEN GABRIEL:** I worry about the
12 semantics of what meaningful engagement means, and I think
13 it means -- it should be absolutely translated from the
14 Indigenous language to English. Find what is the right
15 term. When you're saying meaningful engagement, there has
16 to be a better term within the Indigenous knowledge and
17 within the languages so that it is based on your customary
18 law, because when you try and translate that, what does
19 that mean? You know, what does that imply? What are
20 those -- what is that word connected to? So it should go
21 from the Indigenous languages first and then translated.

22 **MS. CAROLINE WAWZO:** Thank you very much.
23 Maseecho.

24 **MS. FANNY WYLDE:** Thank you.

25 Next is Amnesty International Canada, Mr.

1 Justin Mohammed for 10.5 minutes.

2 **--- CROSS-EXAMINATION BY MR. JUSTIN MOHAMMED:**

3 **MR. JUSTIN MOHAMED:** Hello. Thank you. My
4 name is Justin Mohammed. I'm here today representing
5 Amnesty International Canada.

6 Commissioners, Chief Commissioner, I'd like
7 to acknowledge all the Elders in the room, all of the
8 people who are watching in points beyond, all of the
9 parties with standing for participating in this important
10 process.

11 Ms. Gabriel, thank you for your testimony
12 today. I want to convey also my thanks on behalf of
13 Amnesty International for working with us to produce the
14 research that we had entered as an exhibit today. That
15 comes from my colleagues when you produce this research; I
16 was still in high school. But I know that they appreciate
17 it, so thank you.

18 If I could get you to turn to that
19 research, if you have it in front of you, one of the
20 recommendations that's listed on page 15 of the Executive
21 Summary. I'm going to read it in any event.

22 The first one is:

23 "To identify and implement appropriate and effective
24 protocols for action on missing persons cases consistent
25 with specific risks to Indigenous women and girls."

1 A few days ago we had some testimony from
2 Ms. Connie Greyeyes who spoke a little bit about an
3 Indigenous-led process that's happening in her community
4 for that.

5 And what I would to know if this is still a
6 recommendation that you would bring forward? Have you
7 seen this happening in any communities? Do you have any
8 knowledge of it being done by any actors, whether they be
9 community-led or within police organizations themselves?

10 **MS. ELLEN GABRIEL:** None in my community.
11 I think it depends on how far along in decolonizing the
12 community is. I think it's a good idea. I think the
13 Manitoba Justice Inquiry talked about Indigenous justice,
14 reparations. For sure I think that there's -- you know,
15 we don't need to go into the statistics or the research
16 that talk about incarcerations, over-incarceration of
17 Indigenous peoples, so there has to be an alternative to
18 how justice is implemented against Indigenous people or
19 for Indigenous people.

20 **MR. JUSTIN MOHAMMED:** Thank you.

21 If I might, I'd like to take you to another
22 one of those recommendations.

23 **MS. ELLEN GABRIEL:** M'hm.

24 **MR. JUSTIN MOHAMMED:** It's Number 5:
25 "Increase recruitment of Indigenous police officers,

1 particularly Indigenous women. As well, ensure adequate
2 training for all police, prosecutors, judges on issues of
3 violence against Indigenous women, including settings of
4 family violence."

5 Earlier in the testimony this week, we
6 heard about the notion that it's possible that the entire
7 structures need to be broken down and recreated, that the
8 simple addition of police officers, for example, or
9 putting on a police officer uniform will not change the
10 fact that that is still a police officer and that violence
11 can be done as a result.

12 And I would like, just for the benefit of
13 the Commissioners, to hear your point of view on that. Is
14 this a recommendation that still makes sense and how does
15 it intersect with the potential recreation of those
16 systems?

17 **MS. ELLEN GABRIEL:** Well, I don't think
18 that if you increase recruitment of Indigenous women or
19 police officers it's going to change a system that's
20 already dysfunctional and corrupt. You're just going into
21 a, you know, you clean yourself and you're putting on
22 dirty clothes. I think that it does need to be -- I think
23 the justice system, which would include the authorities,
24 need to really re-examine how they're implementing
25 justice, because we know that people do need protection of

1 some sort, and they are looked to as the authorities to
2 help whenever you're in crisis.

3 But we know from many testimonies that it's
4 flawed, that Indigenous people don't trust it, and when
5 people do call the police, it's under duress. You know,
6 we don't want to call the police, a foreign body that
7 doesn't think much of us when something is happening in
8 our communities, but sometimes we have no choice.
9 Bringing in more Indigenous people is not going to change
10 it.

11 I think this recommendation had good
12 intent, and the world is full of good intentions, but I
13 think we need to -- in hindsight, I think what we need to
14 do now is really look at how policing is done and what we
15 talked about earlier, which is training, human rights
16 training.

17 I know Quebec Native Women, we used to do
18 training for new recruits. I'm not sure what the effects
19 were. I don't know if we've ever done any -- you know,
20 gone back and seen has it helped them when they're
21 policing Indigenous communities, because we have to look
22 at Indigenous communities as a whole when we're talking
23 about policing. We are all branded as troublemakers or
24 lawlessness because one or two people are like that. They
25 have criminal intents. And for us it's a challenge.

1 So we have to change from the very basic
2 education of racism, antiracism, because this is not going
3 to resolve the issue.

4 It's nice to see somebody -- if you have
5 your own police force, that's one thing, and I'm sure it's
6 tough for them, but you're implementing colonial laws in a
7 way that has hurt our people historically. So we need to
8 perhaps not totally reinvent the wheel, but we need to add
9 some new rafters to it.

10 **MR. JUSTIN MOHAMMED:** Thank you.

11 My final question deals with the United
12 Nations Declaration on the Rights of Indigenous People.

13 **MS. ELLEN GABRIEL:** M'hm.

14 **MR. JUSTICE MOHAMMED:** And I'm not sure,
15 actually, that I can do any better than my colleague from
16 the AFN did to elucidate some of the reasons that you
17 might feel it's important that a piecemeal approach to the
18 implementation of that declaration is not done in Canada,
19 but I do have the balance of four minutes, and I would
20 like to know if there was anything else that you would
21 like to add on that point in explaining to the
22 Commissioners why a recommendation about the full
23 implementation of that internationally-based instrument
24 which contains principles that are directly related to
25 Canadian international law obligations, why that's

1 important?

2 **MS. ELLEN GABRIEL:** Well, I think like
3 anything, if you were to take a piece of something, like
4 an Article from the Declaration, and say, "We're going to
5 implement this one," well, what does it say for the rest
6 of it? Because if we go back to my previous statement of
7 it's universal, it's inalienable, it's interdependent,
8 it's like it's a body.

9 Any kind of documentation or declaration
10 that's written on paper needs to come to life. If you
11 only take what you think is the best or what you -- you
12 know, like what government is doing is they are going to
13 decide which ones they accept. This is the only
14 international human rights instrument that Canada is doing
15 that with in regards to Indigenous people; our human
16 rights. It has not done that with CEDAW. It hasn't done
17 that with the CERD, but it seems quite comfortable in
18 saying, "I'm going to take bits and pieces of the U.N.
19 Declaration and implement them."

20 Well, that's unacceptable because as a
21 whole document, this is what this is about. It's like a
22 report. It's like something that provides you a
23 framework. It's a framework, and if you only take a piece
24 of that frame, your structure is going to fall. And so,
25 this is why it's so important, because what we're talking

1 about involves -- it involves a symptom of the worst of
2 colonization, if there's such a thing as the best. I
3 don't think so.

4 But, everything about land is possession,
5 genocide, assimilation, all of those things are condemned
6 by the U.N., and these are the things that are affecting
7 Indigenous peoples' and Indigenous women in particular,
8 our safety, our health, our wellbeing. And so, you cannot
9 just take piecemeal of the Declaration to use it. You
10 have to use it in its entirety, and I would request that
11 you use this as a framework for all the solutions that we
12 are talking about.

13 **MR. JUSTIN MOHAMMED:** Thank you.

14 **MS. FANNY WYLDE:** Thank you. Next is
15 Femmes autochtones du Quebec, Rainbow Miller; 13.5
16 minutes for Ms. Miller. Thank you.

17 **--- CROSS-EXAMINATION BY MS. RAINBOW MILLER:**

18 **MS. RAINBOW MILLER:** Good day,
19 Commissioners. I would like to say that I'm very happy to
20 be here, and I'm very honoured to be asking you some
21 questions, Madame Gabriel. I would also like to
22 acknowledge the elders in this room, and to acknowledge
23 that we are on the Huron-Wendat territory.

24 Madame Gabriel, I have a few questions. My
25 first one will be about police accountability. I would

1 just like to put into context some evidence that was heard
2 in this Inquiry.

3 Last June in Regina, the topic of the elder
4 woman came into the subject, and one of the witness, Jean
5 Vicante (phonetic) testified that a highly ranked SQ
6 officer of the Abitibi region was advised in 2013, which
7 that some First Nations women were being sexually abused
8 by Val D'Or SQ police. And so, that was two years before
9 the women started to make this denunciation on TV.

10 As an activist, how do you think we can
11 make the SQ accountable for their inactions, you know, in
12 face of such crimes?

13 **MS. ELLEN GABRIEL:** I think a lot of it has
14 been spoken already in regards to having an independent
15 body that oversees complaints against authorities like the
16 SQ. I think there's not enough training on human rights,
17 not enough training on Indigenous rights, not enough
18 training on colonial history as to, you know -- in
19 essence, that journey that we've taken over the last few
20 hundred years as peoples in a relationship has been very
21 unbalanced.

22 And, you know, some will say, well, we
23 don't want to go back to the past. We don't want to --
24 you know, what does the past have to do with today? Well,
25 the past has everything to do with today if you have a

1 state like Canada, a province like Quebec that base their
2 jurisdiction and authority over the land and its peoples
3 on legal fictions.

4 And so, we need to help them understand.
5 But, as well, I mean, I'm not an expert on policing, but I
6 do think that there needs to be help for the victims, the
7 trauma-informed process for them. There has to be
8 something that condemns that from the government. The
9 government needs to have a more stronger message in
10 regards to how policing is done, especially if there is
11 abuse of complaints. I think 35 women speaks volumes, and
12 for it to be dismissed, I think, is another example of how
13 justice has not been served to Indigenous women.

14 **MS. RAINBOW MILLER:** Because here in
15 Quebec, the Ontological (phonetic) Board Review, the
16 prescription is one year for a person to make a complaint.
17 What do you think about that in the situation of, you
18 know, the Val D'Or women for which, you know, most of
19 them, it was already prescribed when they made a
20 complaint?

21 **MS. ELLEN GABRIEL:** Well, I think there
22 should be no time limit when it comes to police abuse. I
23 think it's a very serious crime. It's an abuse of their
24 power and authority when their mission is to protect the
25 public and they've abused that.

1 So, I think in those instances, perhaps
2 they should be working on how to change that, because as I
3 mentioned, when you come from the kinds of historical and
4 contemporary experience we as Indigenous people feel, and
5 it's not to make an excuse, but if you are told, you know,
6 don't tell, don't speak, you know, don't trust, if that is
7 something that is prevalent in our communities, for sure
8 people are not going to say anything. They're just going
9 to give up.

10 But, with support, those women came
11 forward. You know, you had the Native Friendship Centre
12 in Val D'Or, Édith Cloutier and the Cree nation, they came
13 and they supported those women and they felt more stronger
14 to make their voices heard. And, that's what we need to
15 have, because if we're going to remain silent on a lot of
16 issues, we are not going to address it. If there are tons
17 more that are going on that Sûreté du Québec is committing
18 violations of human rights, then it needs to be done
19 because if they're doing it to Indigenous women, you know,
20 they're doing it to other women who are not Indigenous,
21 and that's something that I think the question should be
22 asked. How many non-Indigenous women are feeling that as
23 well?

24 **MS. RAINBOW MILLER:** And, with the evidence
25 that the SQ knew in 2013, that means it's two years before

1 the women started, you know, talking on TV. And, we have
2 no evidence, you know, that there was action on the part
3 of the SQ to tackle the issue. Wouldn't you have to say
4 that it seems that the government will only react when the
5 media become interested?

6 **MS. ELLEN GABRIEL:** The media are really
7 important in this. I think that they have a really huge
8 role and responsibility in telling these stories and
9 helping us tell the truth.

10 I think it's another -- this kind of
11 situation is another example of the fact that all the
12 great reports, all the great studies, both domestically
13 and internationally and academia, services like this are
14 totally unaware that there is anything outside their
15 bubble.

16 But, they are also -- they, as citizens of
17 their state, are also to be held accountable for what they
18 do. They do not have carte blanche to do whatever they
19 like to anyone, and this is a real symptom, it's a big
20 symptom of the disease that is prevalent in society. You
21 know, either people turning a blind eye because they have
22 this police brotherhood and nobody squeals on another cop,
23 that everyone is to have the same kind of attitude towards
24 brown people, and especially Indigenous women. You know,
25 that is an old, arcane way of seeing today's society. I

1 get frustrated with thinking of how little policing
2 services are aware of things that are relevant to their
3 work, that have been done and affect their work, but yet
4 they do not incorporate or implement it in their day-to-
5 day providing of services, like human rights.

6 **MS. RAINBOW MILLER:** Thank you. Do you
7 think also that the media has a responsibility in not
8 perpetuating the stigma, you know, that have been there
9 for First Nations women, and their responsibility to
10 perpetuate a strong image of First Nations women and how
11 that could change, you know, the perception?

12 **MS. ELLEN GABRIEL:** Well, you know, as a
13 Mohawk living in the province of Quebec, I know that there
14 are certain media outlets that like to villainize us and
15 they do nothing to promote solutions. I will not name
16 them, but I think the media has a great responsibility to
17 uphold the truth to -- because what they do influences the
18 public opinion. And so, that is a great -- that is a huge
19 power that they have, you know, whether it is with the
20 stroke of the pen in the old days or it is the typing on
21 the keyboard.

22 They have a great responsibility to uphold
23 the truth. And, not to make it sensational. I mean, it
24 is a business and people are competing for who is going to
25 watch which media outlet. But, when it comes to something

1 that affects a person's health and well-being and human
2 rights, I think there is no excuses for trying to
3 sensationalize something that is happening.

4 And, you know, the only thing that I can
5 say to the media is that, pretty soon it is going to
6 become a dinosaur with all the cell phones and all the
7 things that we have in computers. So, they need to start
8 addressing the truth, they need to speak with us and they
9 need to be able to understand everything that we have
10 talked about today, colonial history, what does it mean to
11 decolonize, and in a way that is respectful, because what
12 their stories does affect the lives of other human beings.
13 So, I respect them, I am sure it is not an easy job, but
14 they do have a lot of power in public opinion and in the
15 lives of people like us.

16 **MS. RAINBOW MILLER:** Thank you. You also
17 testified, you know, that there have been so many reports
18 and recommendations that have been put on the shelf. As
19 an activist, you know, how do we make the government move
20 on those issues?

21 **MS. ELLEN GABRIEL:** You take them to court.
22 That is the only thing that I can think of. This -- you
23 know, I have been doing this for 28 years, I have sat and
24 listened in many meetings, I have looked eagerly for
25 reports that support the rights of Indigenous people, that

1 promotes it and respects it. And, the bureaucratic
2 culture within the governments, whether it is provincial,
3 federal or even municipal, totally ignore it or they have
4 spin doctors that try and manipulate the information so
5 that they can still justify their land disposition, they
6 can still justify providing meager funds for Indigenous
7 people to overcome the effects of colonization and
8 genocide.

9 And, I feel very frustrated a lot of times,
10 because I am looking at what people are doing, and it is
11 great work, it is relevant to some of the solutions,
12 whether it is here or, you know, internationally, and
13 there is always the bottom line, which is economics. How
14 much is it going to cost? How much is it going to cost us
15 to educate people? How much is it going to cost us for
16 policing and protecting Indigenous women? How much is it
17 going to cost us to sensitize policing authorities and
18 judges? This is basically about nations being attacked.

19 You know, they like to categorize us all as
20 Indigenous people, but we are nations within our own
21 right, within our own territories. And, we have lost
22 control over our jurisdictions and our authority over the
23 land, and this is what it is all about. We talk about
24 this issue of violence against Indigenous women as if it
25 is separate from everything that is about colonization and

1 imperial building -- you know, this empire building. It
2 is part and parcel of how to oppress a people.

3 They knew in the Indian Act, when they
4 created it, to target Indigenous women, to get them out of
5 their communities, to destroy their continuity of culture,
6 language and everything else. By making the minimum
7 standards of addressing this issue, this problem still
8 sees more Indigenous young women and girls go missing and
9 murdered when something could have been done long ago.

10 So, it is about political will as well.
11 And, if the leaders of this nation are only looking at the
12 next election, then we will once again be on the bottom of
13 their priorities, and that is what I see continues and
14 remains within the society.

15 **MS. RAINBOW MILLER:** And, that brings me to
16 my next question. You said earlier that, yes, the
17 Canadian government is responsible, but also provincial
18 governments. And, what are your comments on the fact that
19 the government of Quebec has still not responded to the
20 different calls of First Nations to incorporate the
21 (indiscernible) rights into provincial laws? And, we are
22 not even two weeks from the elections and it has not been
23 -- like, First Nations have not been discussed.

24 **MS. ELLEN GABRIEL:** Why should they? They
25 are still taking our land and we cannot do anything about

1 it. Why should they? Because, you know, we are so
2 privileged. That is the attitude. That is the racist
3 attitude that is prevalent, not just in Quebec, but
4 throughout -- I mean, if you -- there is a federal
5 election next year. What is going to be the likelihood
6 that the implementation of the Declaration, not just
7 articles of it, but the full implementation that
8 recognizes our right to self-determination will be
9 acknowledged, that there is political will to implement
10 the Declaration fully, not articles, that it is not
11 government who is deciding what our self-determination is?

12 This is the struggle that we have had,
13 especially in this province, with a provincial government
14 that pulls out sovereignty every once in a while when it
15 wants to manipulate Canada into doing something. They
16 still like to think that this is their land, that they
17 have won and they have conquered us, but they have not
18 conquered our spirits, they have not conquered who we are
19 as a peoples. And, as long as they continue to go against
20 the rule of law, this is what we are going to be doing and
21 we are going to continue to discuss.

22 And, I think their children are the ones
23 who are going to be making the changes because the people
24 who are in power right now see only money. They only see
25 power. The next election, they do not see us as human

1 beings, they do not see us as having human rights, they
2 see us as having economic rights, and rights to the land
3 and our territories and our resources. That is what they
4 want. And, as long as they can continue to divide
5 us, as long as they can say, here is the band council,
6 here is traditional council, here are the people in
7 between, you have to speak with one voice or we are not
8 going to listen to you, then they do not want anything to
9 do with us. But, Canada, Quebecois do not speak with one
10 voice either, but yet they have more rights than we do.
11 There is a hypocrisy in this society and it is something
12 that I think has been so blatant for so long to us that it
13 is very difficult for self-reflection of this Quebecois
14 society or Canadian society to see how hypocritical they
15 are.

16 It is okay to help people in other
17 countries and give them tons of money, it is okay to buy
18 lots of tanks to become part of the UN Security mission.
19 But, when it comes to actually reparations and
20 reconciliation for Indigenous people, and the harms and
21 the genocide done to us, well, let us wait until the next
22 election and then we will see.

23 We are nations. This is our country. And,
24 the people who are living here are here because our
25 ancestors helped their ancestors survive on our country.

1 And, until people recognize that and realize that, we are
2 going to continue to have conflicting points of view, and
3 we will continue to struggle and continue to fight. And,
4 we are just pawns in this great nation building -- empire
5 building of corporate controlled governments in the
6 Americas. Yes, so -- I am an activist, I have to do these
7 rants sometimes.

8 **MS. RAINBOW MILLER:** Thank you so much, Ms.
9 Gabriel. My time is way over. I had more questions for
10 you, but that's it. Thank you so much.

11 **MS. ELLEN GABRIEL:** I appreciate them.
12 Thank you.

13 **MS. FANNY WYLDE:** Thank you, Ms. Miller.
14 Chief Commissioner, I would suggest we take 45 minutes for
15 a lunch break. We have nine remaining standing parties
16 for questions.

17 **CHIEF COMMISSIONER MARION BULLER:** We will
18 reconvene at 1:00.

19 **MS. FANNY WYLDE:** Okay, thank you.

20 --- Upon recessing at 12:06

21 --- Upon resuming at 13:07

22 **MS. FANNY WYLDE:** Alors, nous allons
23 débiter la deuxième partie. We will recommence. I would
24 like to call the Assembly of Manitoba Chiefs, Ms. Stacey
25 Soldier, and she has 10.5 minutes.

1 --- CROSS-EXAMINATION BY MS. STACEY SOLDIER:

2 **MS. STACEY SOLDIER:** Good afternoon,
3 everyone. Good afternoon, mademoiselle. Madame Gabriel,
4 may I call you Ellen?

5 **MS. ELLEN GABRIEL:** Please.

6 **MS. STACEY SOLDIER:** Thank you. I first
7 want to start by thanking you for sharing your knowledge
8 today. And, really, as I was sitting here listening this
9 morning, I was struck by your courage that you have shown,
10 because you have blazed a path for all of us women sitting
11 here and listening to you today, so thank you so much for
12 that.

13 As said, my name is Stacey Soldier, and I
14 am here representing Assembly of Manitoba Chiefs. I am
15 Anishinaabekwe from Swan Lake First Nation in Manitoba. I
16 give thanks to the Huron-Wendat Nation for the continuing
17 welcome to their territory. And, thank you to the elders
18 and the grandmothers who are present for your comfort and
19 your prayers. And, I want to acknowledge the sacred
20 objects that are in the room. Chi-meegwetch to the
21 survivors and the families who are here and are watching,
22 as well as to the Commissioners. I know it has been a
23 long, and thank you for your continued attention.

24 Ellen, as you were talking this morning,
25 you were talking about the continued dehumanization of

1 Indigenous women and the always present threat of
2 violence. And, that had me thinking as you were talking
3 about my mindset since I have arrived even in just Québec
4 City. And, I was thinking of the ways that me, as a
5 person, unconsciously, was always -- always braces for the
6 possibility of attack.

7 And, when I think about it, since I came
8 here, if I leave the hotel room, I am looking around, I am
9 checking for paths of escape. I am making sure if I am
10 out with a group that we are all staying together. If a
11 passerby comes, I am looking at how tall they are, how
12 strong they might be, where is there weapon hidden? And,
13 I exhale when they go by us, but then take a look to make
14 sure they are not coming back.

15 And, even in the hotel room with the doors
16 that are locked, I lock both of them. I go look in the
17 bathroom, go look at the closet. The first night, I
18 looked under the bed, no, a little kid might be able to
19 fit under there, but not an adult. And, I am not sure if
20 it is possible for the larger public or men to understand
21 that persistent fear that women carry with them, because a
22 lot of this is unconscious, and I was only thinking of it
23 this morning, all the things that I do in case the worst
24 happens

25 And, I am thinking of a friend of mine who

1 had to deal with a comment of the #NotAllMen, because we
2 know that. We know that. And so, that was the one thing
3 that I wanted to share with you, in that it doesn't
4 matter, socioeconomical background. It doesn't matter,
5 race, gender, in terms of the women, although Indigenous
6 women are victims more to -- more -- the possibility is
7 there far more for Indigenous women, because of the
8 devaluation of who we are as people.

9 And, that leads me to wanting to talk about
10 your comment, your strong comment that -- talking about
11 the justice system, and the need to decolonize the whole
12 system and have Indigenous voices lead the way, in terms
13 of referring to the court system. Because, I will tell
14 you, in Manitoba, management of Crown's office, police,
15 they are engaging, and they are working, and they are
16 talking and they are listening to Indigenous people, but
17 it seems as though the message isn't getting through to
18 the worker bees or the bureaucrats. I wonder if you can
19 comment on that.

20 **MS. ELLEN GABRIEL:** No, it is a good point
21 that when you sit in a room full of bureaucrats they seem
22 to get it, because they have had the reports, they are
23 able to read all the documents relevant to the discussion
24 of the day. And, I think it is something I referenced
25 this morning in regards to how we sensitize -- or how the

1 public is sensitized or not sensitized. That is part of
2 the challenge we have in the decolonization process of the
3 justice system, specifically, and how do we get all the
4 workers who are supposedly working on justice, supposedly
5 able to understand what human rights are, and they should
6 know, you know, at least, the *Canadian Human Rights Act*,
7 how do we get them to be informed?

8 I think the criteria we have or job
9 descriptions is one; right? If our job description is
10 very vague, then anybody who has some semblance of human
11 rights work is able to get in. But, again, I think it
12 goes back to people who are knowledgeable about how can we
13 change society in a way that is more kinder, more gentler
14 but also, at the same time, provide structure?

15 It is kind of like new governments. When
16 they are elected, you got to start all over again and
17 start from square one, whether it is provincial or
18 federal, to talk to them about what our issues are, what
19 our realities are. I think certain parties are stepping
20 up to the plate, but there is still a lot of work to go on
21 within the party itself. It is more individualistic.
22 And, I think that is one thing we have to cite as a
23 problem, that there are individuals who seem to be
24 enlightened. But, the system, as a whole, still remains
25 unchanged.

1 **MS. STACEY SOLDIER:** And, I think you hit
2 the nail on the head right there, and that is what I am
3 saying. There are people in management who seem to
4 understand and they are engaged, but you go -- for someone
5 like me who goes into court, sometimes I am dealing with
6 somebody who doesn't understand the principles behind
7 Gladue or Ipeelee, and so I think that is a very important
8 point.

9 One of the comments that you just made was
10 with respect to job descriptions. And, just standing
11 here, in my mind, I thought, okay, a job description call
12 for applications for a position at Legal Aid or Crown
13 Attorney's office, demonstrate your knowledge of the
14 various Indigenous people, communities and culture in the
15 Province of Manitoba. And so, perhaps that is something
16 written in the cover letter or on the résumé.

17 But, then when they go for the interview
18 and have those grandmothers sitting there to be able to
19 assess them, to be able to ask questions -- because it is
20 easy to write on there, "Yes, of course I know all about
21 63 First Nations, 64 First Nations and the different
22 groups." But, to have to stand there and be accountable
23 for your words, I think, would be very important. Would
24 you agree with that? That that may be one way to go in
25 terms of the job descriptions?

1 **MS. ELLEN GABRIEL:** No, I think it is -- we
2 have to be aware that cutting and pasting from a website
3 is very easy to do, even for someone who is not
4 technologically inclined like myself. No, I think it is,
5 like, again, good intentions. We see on paper things that
6 look good but, in actuality, they are -- people are just
7 going through the motions. And, it is, again, going back
8 to -- it is like the declaration, how do you make it a
9 living document? How do you make it alive? And, it is
10 the people that make it alive and how they live; right?

11 So, if there are problems, how do we get
12 people to go beyond just their job description and see the
13 person that they are providing the service to as a human
14 being, and that -- you know, how do you have a trauma-
15 informed person that is dealing with whatever crisis or
16 whatever problem or with someone asking for help? It is
17 not easy and it is something that you learn. And, I think
18 the elders, be they men or women. I think there should be
19 gender equity and gender balance in all these processes,
20 because we are dealing with both men and women, and
21 transgender and, you know, all the other genders.

22 So, as life goes on and progresses, it gets
23 more complicated. But, what we are talking about is
24 actually something that people should actually know and be
25 using in their workplace.

1 **MS. STACEY SOLDIER:** Absolutely. Thank you
2 so much again.

3 **MS. ELLEN GABRIEL:** Thank you.

4 **MS. FANNY WYLDE:** Thank you. Next is
5 NunatuKavut Community Council, Mr. Roy Stewart, for 19.5
6 minutes.

7 **--- CROSS-EXAMINATION BY MR. ROY STEWART:**

8 **MR. ROY STEWART:** Good afternoon, everyone.
9 Good afternoon to our elders, Elder Phoebe, Commissioners,
10 all the families. And, Ms. Gabriel, good afternoon and
11 thank you for being here. My name is Roy Stewart, I am
12 Mi'kmaw, grew up on Wulista (phonetic) territory, living
13 back in Mi'kmaw territory, here on behalf of a client in
14 Labrador.

15 The previous speaker explained her daily
16 life as a woman and always having to second guess or look
17 at her surroundings, to question the people walking by
18 her. And, I will never be able to relate to that feeling,
19 I will never know what it is like. I am a man, and with
20 that comes some, I guess, a factor -- some layer of
21 protection. I am somewhat aware of that, but I am proud
22 to be here today to attempt to bring the voice of the
23 Inuit women from these communities and try to get them on
24 a platform to be heard. And, I am here representing the
25 NunatuKavut Community Council, which is the representative

1 organization for the Inuit of southern and central
2 Labrador.

3 This morning, Ms. Gabriel, you said that,
4 first and foremost, we all must be considered and treated
5 as human beings, and that all these issues before us
6 today, before this Inquiry, these all need to be addressed
7 through a human rights lens.

8 Now, the women I just referenced, the
9 government recognizes the Inuit of NunataKavut, these
10 communities, as being Indigenous, yet women in these
11 communities have been denied access to numerous federal
12 programs and services, including essential health
13 services. Compounding this, there are no culturally
14 relevant women shelters, no safe spaces, no crisis
15 intervention services to turn to, unless the woman wants
16 to travel far outside of her community. Some of these
17 fly-in communities have never had access to adequate
18 drinking water, to running water. And so, if we are
19 viewing the Inuit in these communities as being human
20 beings, then all of these failures would be violation of
21 their human rights, would you agree with that?

22 **MS. ELLEN GABRIEL:** Yes.

23 **MR. ROY STEWART:** And, on the topic of -- I
24 just want to switch to language which -- I loved what you
25 shared with us today. You stated that our language

1 contains our traditions and our culture. And, that if it
2 were English or French that was on the decline or facing
3 an extinction, that money would surely magically appear
4 and that issue would be addressed.

5 On the topic of funding, the 2017 federal
6 budget proposed a total investment of \$89.9 million over
7 the following three years to -- in support of Indigenous
8 language and culture. And, you explained how much of the
9 funding that is often cited is not what is actually the
10 reality.

11 And so, I was doing a bit of reading on
12 that and of that 89.9, 14.9 million is to the Library and
13 Archives of Canada, 6 million to the National Research
14 Council. Now, I could not find any rationale behind, you
15 know, these dollar figures or the limited overall amount,
16 perhaps it is -- I don't know. Perhaps just because the
17 federal government views the well-being of Indigenous
18 peoples as being less important than securing a pipeline
19 maybe. And, it is unclear of how much that total pot of
20 funding actually gets directed to Indigenous people.

21 But, one part of that program or funding is
22 language legislation, which I am sure you are probably
23 familiar with or have heard of, where the federal
24 government made a commitment to enact Indigenous language
25 or an Indigenous Languages Act. And, this is to be co-

1 developed with Indigenous peoples, a collaborative
2 arrangement between Canadian Heritage and three national
3 Indigenous organizations.

4 And, this morning, you said that people
5 need to be a part of the decision making process,
6 Indigenous peoples need to be part of the decision making
7 process and they need to be made to feel that they are
8 actually a part of the process. And, the government
9 website, sort of, hints that they agree with you. It
10 says, "All languages and age groups are equally important.
11 No language and no demographic can be left behind."

12 Well, NunatuKavut has not been invited to
13 participate in this language revitalization process, they
14 have not been invited to take part of any legislative
15 review, any consultation. And, it is not surprising,
16 because this is usually what happens when certain
17 processes get funneled through national Indigenous
18 organizations of which NunatuKavut is not affiliated with
19 or represented by.

20 Now, I would say that if you are not from
21 an Indigenous group or an Indigenous nation, I guess
22 whichever language you want to use, then you cannot and
23 should not speak for the communities in that nation with
24 respect to their needs and their culture. Is that
25 something you would agree with?

1 **MS. ELLEN GABRIEL:** Mm-hmm.

2 **MR. ROY STEWART:** So, yesterday, there was
3 some tense discussion on the topic of research conducted
4 on Indigenous communities. And, we heard how many
5 Indigenous peoples are tired of being study and researched
6 from an outsider's perspective.

7 So, with respect to the research on the
8 lives and the needs of Indigenous women, do you agree that
9 unless it is the women from the Indigenous community
10 leading the research directed at their own lived
11 realities, that any research risk being flawed or
12 inaccurate?

13 **MS. ELLEN GABRIEL:** Well, if we look at the
14 patterns of research, the old ways, yes. I think there is
15 a lot of very intelligent Indigenous women, academics,
16 social workers, traditional knowledge keepers that can
17 help in making the research.

18 And, you did not say specifically what the
19 outcome of that research was you wanted to have, but I
20 will go back to the human being part. We all have the
21 same needs regardless of race or whatever. And, I think
22 that the movement away from traditional academia, of going
23 in to research people under a microscope is something that
24 is being torn down or being dismantled, although it still
25 exists. Partnerships are very loosely based.

1 And so, for example, there is OCAP,
2 Ownership Control Access and Possession, that NAHO created
3 in 2006 I think. If we look at all those kinds of things,
4 those models of research that could help Indigenous women,
5 yes, let's look at those models. Let's not look at the
6 models of the past, where we feel like we are just objects
7 under a microscope. We know that policy is informed by
8 research. It's informed by reports. And, I think given
9 the urgency of the situation, the decolonization process
10 will not be there to save the lives of Indigenous women
11 for the future. So, we have to figure out a way where
12 Indigenous protocols are implemented, and Indigenous women
13 do, indeed, lead the way.

14 But, I think we're looking in a -- you
15 referenced something about everyone being involved. So,
16 the families need to be involved, whether it's the
17 fathers, the brothers, the uncles, cousins, children,
18 elders; we are
19 families and it should be family led as well of the people
20 who are affected.

21 And, I want to reference something you said
22 before. If Inuit women are not being -- provided
23 services, I think in this country, and someone can correct
24 me if I'm wrong, it is illegal to discriminate based on
25 race. And so, if the government is in a reconciliation

1 mode and is willing to decolonize, why are these women
2 being refused services?

3 So, the human rights complaint can be made.
4 Again, there's a process of complaints that needs to be
5 addressed, but I think it's illegal what is happening to
6 them, and it should be made public.

7 As for the languages, I know part of the
8 money is going through every single heritage museum; post-
9 secondary institution interested in working on languages
10 also takes another slice of that pie. So, we have many
11 challenges and knowing how much it takes and how precious
12 the first-language speakers are as a resource, that needs
13 to change. It needs to become something a little bit more
14 significant than, you know, chopping up to Canadian
15 institutions that will take the chunk for Indigenous
16 languages.

17 **MR. ROY STEWART:** Thank you. I just have
18 two other quick questions related to the topic of, I
19 guess, protesting or resisting, I guess, the colonial
20 structures. You said that the justice system is
21 controlled by perpetrators, and we sort of heard some
22 testimony, you know, akin to that language earlier this
23 week where we were provided with information about the
24 arresting, convicting and imposing heavy sentences on
25 Indigenous leaders and activists when they resist court

1 orders to respect corporations' rights on Indigenous land.

2 So, I guess one of my questions, do you
3 agree that the criminalization of women activists
4 increases the vulnerability or risk of Indigenous women
5 and their children to violence, both institutionally such
6 as, you know, child welfare or the removal of children,
7 and physical forms of violence that are being addressed at
8 this Inquiry?

9 **MS. ELLEN GABRIEL:** There's also lateral
10 violence. As people who have been oppressed for multi-
11 generations, we are indeed those crabs in a bucket, and I
12 think that goes back to not speaking about the conflict.
13 It goes back to what people were taught in the Indian
14 residential schools of remaining silent.

15 And, it's easier to tear down your own
16 people than to address the aggressor, to address the
17 perpetrator. And, perhaps perpetrator is more of a word
18 that I would use to emphasize a situation, to emphasize
19 the severity of which we see the justice system taking its
20 toll on our people. It's not to justify criminal acts,
21 it's not to justify or excuse people, but it is, indeed,
22 to emphasize to the Canadian public and to this Inquiry
23 the degree and extent of harm that has been caused to
24 Indigenous people, particularly activists and land
25 defenders.

1 There is, in the U.N., a special rapporteur
2 on land defenders. There are resolutions from the U.N.
3 that support protests, peaceful protests. And, since we
4 are discussing, you know, land dispossession as being one
5 of the root causes of violence against Indigenous women,
6 we need to also remember that this -- the authority that
7 the police take, the space that they take in regards to us
8 defending our land is based on legal fictions, but is
9 going to the court system that we see is a little bit more
10 costly, it's time consuming, and you have to raise money,
11 you know, because lawyers need to eat too. You pay their
12 bills.

13 So, we're caught in a system that
14 constantly drags us down, and that's the reason why I use
15 that term. But, again, we need to understand we're in a
16 reality not of our choosing. We're in a reality in what
17 we're living today, what happened in multi-generations.
18 It's not yesterday that this kind of situation we find
19 ourselves in, where we are criminalized, happened. This
20 has been going on for generations. And, today, we are
21 fortunate to have things like social media where we can
22 expose the kinds of corrupt decisions that are made
23 against Indigenous peoples.

24 So, as we grow as a society, and as we grow
25 as a peoples, we have to be mindful of the fact that there

1 is a long list, millions and millions of Indigenous people
2 who have died because of this, and that the work that
3 we're doing, the work that I'm doing is standing on the
4 shoulders of those people.

5 We are today, if you can call it that,
6 benefitting from their work and their hardship. I have
7 nothing new to say. It's not unique, what I say, and the
8 courage I get is in my DNA and my spirituality. You know,
9 Mohawks are very stubborn people. You just ask anybody
10 who lives around us.

11 So, it's -- you know, there's so many
12 things that we have as a richness in our culture, and I
13 think that, you know, when we can't find a way, we try to
14 find a way. And, if this is an avenue where we need to
15 find a way, then so be it.

16 **MR. ROY STEWART:** Thank you. Just one more
17 quick question on -- because you referenced sort of just
18 us having to work with or live within the broken structure
19 that we currently have, you talked earlier about Val D'Or
20 and the police violence on Indigenous women. And, I was
21 just wondering what your thoughts were on whether there's
22 a need or how it would operate to have some form of
23 Indigenous civilian oversight body of police services to
24 better ensure complaints by Indigenous peoples are given
25 the proper weight are actually, you know, considered?

1 **MS. ELLEN GABRIEL:** I think that if there
2 is an Indigenous body created, that it needs to have
3 authority. It needs to have something more than just a
4 token voice in the process, which is what is happening.

5 For sure, like, in Québec, it's called
6 d'anthologie. It's been very biased. It's been very
7 exclusive, and it has not allowed Indigenous people like
8 the women in Val D'Or to speak out or to feel like they
9 have the security to speak up, because you need to feel
10 strong when you make an accusation against a huge
11 institution like the police.

12 And so, we need to have those kinds of
13 processes or that support to victims of institutions like
14 that, to come forward, to speak out, because it will
15 benefit society as a whole. But, our culture, our
16 language, our land, it has enriched Canadian society, and
17 we have to be able to, as ourselves, you know, continue to
18 transmit that knowledge that helped our ancestors survive
19 for millennia, and yes, that's all I have to say.

20 **MR. ROY STEWART:** Those are my questions
21 and thank you very much for being here today.

22 **MS. ELLEN GABRIEL:** Thank you.

23 **MS. FANNY WYLDE:** Thank you, Mr. Stewart.
24 Next is Treaty Alliance Northern Ontario, Nishnawbe Aksi
25 Nation and Grand Council/Treat 3, Krystyn Ordyniec for

1 10.5 minutes.

2 **--- CROSS-EXAMINATION BY MS. KRISTYN ORDYNIEC:**

3 **MS. KRISTYN ORDYNIEC:** Thank you. Good
4 afternoon, Chief Commissioner, Commissioners. I'd like to
5 start by giving thanks to the Huron-Wendat Nation for
6 having us here this week, for the sacred items in the
7 room, for the prayers, the Elders and the Grandmothers who
8 have lifted us up this week especially during this hard
9 week, and a personal thank you to Elder Veevee. Your
10 presence is a source of lights and strength for me and for
11 everybody here.

12 I represent Nishnawbe Aski Nation and Grand
13 Council Treaty 3, which is 77 communities in remote
14 northern Ontario as well as eastern Manitoba.

15 Ms. Gabriel, I want to begin by saying
16 thank you on behalf of our clients for your strength and
17 leadership.

18 The first thing I wanted to speak about
19 with you today is you mentioned Ms. Kentner who passed
20 away in Thunder Bay. Thunder Bay is where the office of
21 Nishnawbe Aski Nation is and I wanted to say thank you for
22 recognizing that tragedy.

23 One of the things after Ms. Kentner's death
24 was the perpetuation of rumours about her criminal past on
25 a Facebook group. Those rumours were shared and shared

1 and shared again. One woman went to the media and said
2 she felt "bothered" by those rumours.

3 And I wonder if you could speak about, from
4 your perspective, how one bothered voice becomes a
5 collective voice where maybe somebody feels like just
6 their one voice isn't enough?

7 **MS. ELLEN GABRIEL:** Well, it only takes one
8 pebble to make a ripple and I think, you know, social
9 media is very problematic because you do have a lot of --
10 it's difficult to have a discussion with someone online
11 and I make it a personal policy not to get into arguments
12 online. You can't see the person. You don't know who
13 they are and I think Facebook needs to do something a
14 little bit more -- they need to be more diligent
15 especially in regards to how Indigenous people are spoken
16 of.

17 I think CBC had to take down their comments
18 section on their website when it had to do -- anything to
19 do with Indigenous issues because of the racism that is
20 exposed. I think CTV as well.

21 But the -- I lost my train of thought here.
22 So it's very daunting and it's very scary to speak out
23 against the status quo, to swim against the currents of
24 popular opinion, but I was taught that any kind of
25 injustice needs to be exposed and sometimes it starts out

1 as a ripple and then it becomes a wave. And I think
2 people should understand that if they strongly believe in
3 something that is right, that they aren't doing something
4 that is further harming, then they need to speak out and
5 it's difficult.

6 As I explained before, because we've
7 suffered multigenerational trauma that causes us to be
8 silent, that finding our voices in this crazy world,
9 although daunting, we need to have it heard and we need to
10 do it in a way that people can hear us and sometimes, you
11 know, we're all not perfect. Sometimes we let our
12 emotions get the best of us and it depends on the
13 situation.

14 But, you know, our ancestors' voices were
15 not heard but yet they were speaking out. They were
16 saying what we are saying and they kept at it. And I know
17 that we're not where we should be but there is a place
18 where we could be and so we need to continue to speak out.
19 And if government is going to continue not to hear us,
20 then we have to find another audience and I think the
21 other one is the international level which has been very
22 supportive of us.

23 **MS. KRISTYN ORDYNIEC:** Thank you and I hope
24 everyone in Canada finds strength from your words today to
25 speak out against those injustices.

1 I'd like to move on to education. You said
2 you believed since 1976 the education system has not
3 changed very much. Is that accurate?

4 **MS. ELLEN GABRIEL:** Yes, since I graduated
5 high school, yeah.

6 **MS. KRISTYN ORDYNIEC:** CBC reported today
7 that the Alberta Education minister had to apologize after
8 a test asked students about the positive effects of
9 residential schools, today. The choices were children
10 were away from home, children learned to read, children
11 were taught manners, and children became civilized.

12 **MS. ELLEN GABRIEL:** Wow.

13 **MS. KRISTYN ORDYNIEC:** Today. Another
14 example, Ontario cancelled the curriculum rewrite that was
15 supposed to occur in schools and NAN Elders, NAN youth,
16 NAN knowledge-keepers were part of that program. They
17 were scheduled to go to Toronto and participate in this
18 curriculum and the Friday before the Monday, it was
19 cancelled.

20 And I wondered your opinion on how deeply
21 that would affect the participants, as well as what a loss
22 it is to the public to not have that?

23 **MS. ELLEN GABRIEL:** The knee-jerk reaction
24 that I have to hearing that is that, okay, the monies come
25 in, so let's -- we don't need them anymore, right? Check

1 the box. We consulted with NAN, we consulted with
2 Indigenous people, so we don't need them anymore. We can
3 go ahead and write what we want because we're the ones who
4 have the contribution agreement.

5 And there was a lot of resistance I
6 remember back in the day I had talked to the provincial
7 minister of Indian Affairs to talk about changing
8 curriculum and telling the truth. And I said we have a
9 lot of Indigenous academics who can contribute to the
10 education and creating -- creating maybe not more
11 interesting but -- but creating a curriculum that is based
12 on the truth and colonization and what it's done to
13 Indigenous people. Because what you're talking about
14 sounds like Senator Lynn something ---

15 **MS. KRISTYN ORDYNIEC:** Senator Beyak.

16 **MS. ELLEN GABRIEL:** Yes. It sounds like
17 they were listening to her and because she is a senator
18 and in government that it must be true, right? And this
19 is the danger of having titles imposed upon people.

20 There's a lot of resistance and what I was
21 -- the response to me was, "Well, we have our own
22 academics and they'll work on it."

23 Well, we've been waiting all this time.
24 This is like over 12 years ago and we still haven't seen
25 much change and the thing, you know, Indian residential

1 schools, children had an education.

2 Well, my father's mother, my grandmother
3 went to Shingwauk Industrial School. That's what it was
4 called, an industrial school. They had half a day where
5 they would be working, half a day of maybe education.
6 They were fed watery, watery stew. They were given lard
7 to put on their bones and we know that there have been
8 nutritional experiments that were done on the children in
9 Indian residential schools. So why aren't they talking
10 about that? Those things are being exposed now.

11 And I find the more we learn about what
12 really happened in Indian residential schools, the more --
13 the more ministers of Education want to suppress that
14 truth and you talked about having that voice, well we
15 should be writing our own curriculum.

16 We do that in our language immersion
17 schools. We teach legends. We teach cultural values but
18 one of the things that we get restricted and hit a wall is
19 when it comes to the historical aspect, that there is
20 still we need to use the minister of Education's
21 curriculum outline.

22 And I think if we're going to decolonize
23 any system, it has to be the educational system as well
24 because we are looking at formulating ideas from very
25 young impressionable minds. They're being fed the garbage

1 that we were fed when we were in school so that we would
2 feel ashamed of who we were and that's the experience I
3 had sitting in history class to say that the Iroquois were
4 the most warlike. Well, what does that mean?

5 I never saw anybody go around killing
6 anybody. You know, and I think it's an injustice to this
7 present generation that they are being denied the truth.

8 **MS. KRISTYN ORDYNIEC:** Thank you for that.

9 My last question, and I'll try to keep it
10 as short as I can, last fall, the Independent Police
11 Review Director Gerry McNeilly came to Thunder Bay and
12 held a townhall meeting on the systemic review that would
13 be happening with respect to the Thunder Bay Police
14 Service he was hoping to hear from the general public, the
15 grassroots, on recommendations on the relationship between
16 communities and the police whose role it is to serve the
17 communities. And, I was at that meeting. And, I -- there
18 was no representation from homeless population, there was
19 no representation from shelters. And, like this Inquiry,
20 how do we actually respect and include the voices of those
21 people that actually are being harmed by these systems on
22 a daily basis?

23 **MS. ELLEN GABRIEL:** Well, I am not -- I
24 don't know how it works where you are from. I know that
25 there are some programs in the City of Montréal that help

1 homeless people. They speak to them, and they -- you
2 know, like I said, there is -- you know, poverty is not a
3 choice.

4 If the statistics are true in Canada that 1
5 in 3 people has a mental illness in Canada, and they are
6 not talking about Indigenous people, they are talking
7 about society as a whole, well what does that mean about
8 the quality of services everyone is getting? Well, there
9 is -- at some point, someone has depression, and there are
10 the varying degrees. But, at the end of the day, we are
11 all human. And, that trauma-informed lens would provide,
12 like how did that person get there? Why are they there?

13 We know that Indian residential school
14 impacted our people. But, if the police don't know about
15 that, they don't care about that, they will be less
16 compassionate to deal with a person -- a street person.
17 And, there needs to be safety all around, for sure, for
18 the police, for the homeless person. I think that is
19 something your nation needs to decide and all our nations
20 need to decide because, as I said before, I think even
21 amongst ourselves as (indiscernible) people, we need to
22 have reconciliation amongst ourselves, and we needed to do
23 it yesterday.

24 **MS. KRISTYN ORDYNIEC:** Thank you, again.

25 **MS. FANNY WYLDE:** Thank you. Next is

1 Families for Justice, Suzan Fraser, for 10.5 minutes.

2 **--- CROSS-EXAMINATION BY MS. SUZAN FRASER:**

3 **MS. SUZAN FRASER:** Thank you very much.
4 Commissioners, I continue to be grateful for all of the
5 room that has offered us this week.

6 Ms. Gabriel, I represent 20 families who
7 have lost loved ones. And, I wouldn't normally do this,
8 but because you asked for it, and we may not see each
9 other again, I acknowledge, over 250 years ago, my
10 family's ancestors, on my mother's side, received great
11 assistance from the Mohawk people. It ensured the
12 survival of our family not only because it gave us great
13 land from which we left during the Revolutionary War, but
14 also because when they settled in Upper Canada, the Mohawk
15 people returned to the Upstate of New York, as it was, to
16 rescue family members.

17 So, because you asked to acknowledge that
18 we would not be here without Indigenous people, I thank
19 your people and I acknowledge that I would not be here
20 today without your people. So, I hope that is a start. I
21 know it is not enough, it is too late, it is too little,
22 and I promise to you that I will continue to work to pay
23 that debt.

24 I want to ask you a little bit about
25 families. I want -- because just in terms of what you

1 have spoken about, about what families need, in terms of
2 that families that you know, and I take it that you know
3 many families who have lost loved ones, they are either
4 missing or murdered, those people from -- that you know
5 from this Inquiry, they want answers; is that fair?

6 **MS. ELLEN GABRIEL:** Yes.

7 **MS. SUZAN FRASER:** They want action; is
8 that fair?

9 **MS. ELLEN GABRIEL:** Yes.

10 **MS. SUZAN FRASER:** They want to make sure
11 that their loved one did not die in vain if they lost a
12 loved one?

13 **MS. ELLEN GABRIEL:** Yes.

14 **MS. SUZAN FRASER:** They want the state to
15 acknowledge its failings; is that fair?

16 **MS. ELLEN GABRIEL:** Yes.

17 **MS. SUZAN FRASER:** They want an end to the
18 oppressive structures?

19 **MS. ELLEN GABRIEL:** Yes.

20 **MS. SUZAN FRASER:** They want security in
21 their communities?

22 **MS. ELLEN GABRIEL:** Yes.

23 **MS. SUZAN FRASER:** They want freedom from
24 oppression from outside people in their communities?

25 **MS. ELLEN GABRIEL:** And within.

1 **MS. SUZAN FRASER:** And within.

2 **MS. ELLEN GABRIEL:** Yes.

3 **MS. SUZAN FRASER:** And, they want their
4 women, and girls, and children and men to be safe?

5 **MS. ELLEN GABRIEL:** Yes.

6 **MS. SUZAN FRASER:** And so, given what you
7 have told us about the need, both from the Amnesty Report
8 and from where you sit about the need for a National
9 Action Plan, if somebody were to come to you to say, "Ms.
10 Gabriel, we need your support and we would like you to
11 help us understand how to get there," in the way that you
12 described where there is community understanding, where --
13 like coming back to the longhouse, how can we support
14 Indigenous people to create a National Action Plan? How
15 would that -- how do you see it working and what would
16 "good" look like to you?

17 **MS. ELLEN GABRIEL:** Well, I think it is a
18 big question. It is a tall order as well. And, knowing
19 the situations in our communities and the challenges that
20 we face, it -- like I don't have the answers. I could
21 just tell you what I think.

22 **MS. SUZAN FRASER:** I would like to hear
23 that, thank you.

24 **MS. ELLEN GABRIEL:** If I look at what we
25 have lost, and I looked at the attacks and how we are

1 going to rebuild our nations from that, having a justice
2 system that is based upon custom is one thing, but also
3 having an awareness of where we have come from, where we
4 are going, what do we want? What is it that we actually
5 want? I would be proud and happy to support anybody that
6 wants that, but I have to honestly say that, in my own
7 community, that is a big challenge for me.

8 Particularly because in the Mohawk Nation,
9 you know, we like to have debate. As I said, we are very
10 stubborn people, and -- which reminds me, I thank you for
11 acknowledgment of our ancestral ties. I appreciate that
12 story, and I have heard others talk about that not from
13 your -- directly from someone like yourself, but I think
14 it is appreciated that we have those kinds of
15 acknowledgments, and it is a start towards the right
16 direction.

17 But, the solutions we need to discuss as a
18 people, the solutions we need to find ways -- what does it
19 mean to have peace? What does it mean to have security?
20 What does it mean to be able to have freedom? What does
21 that mean? For me, it is being able to provide -- you
22 know, to be able to walk without fear, to be able to walk
23 in the forest that we protected 28 years ago without fear,
24 to be able to know that that forest, that very forest,
25 which will grow, and change, and evolve, will also be

1 enjoyed by future generations and by those who are babies
2 right now. What is it that we need to be able to provide
3 the security and to stop murdered and missing Indigenous
4 women? What do we need?

5 Well, we live in a global society that has
6 gone nuts, so we can only take care of where we are. We
7 have to look inward to see what it is is the challenges
8 preventing us providing the safety and care that we need
9 for our nations to feel secure. And then we need to look
10 at the federal government, and provincial governments and
11 the policing authorities of how they threaten our lives
12 and our securities, how they violate our human rights, but
13 also how they violate our self-determination.

14 And, if we were to, again, I am going to
15 sound like a broken record, go back to the UN Declaration
16 on the Rights of Indigenous Peoples, which are comprised -
17 - which is comprised of various human rights instruments
18 which are obligatory. We are living in a day and age where
19 our so-called nations are corporations, incorporated.
20 They're not based on Indigenous law, and if the rights
21 recognition goes through, which this is another piece of
22 legislation that is supposed to be introduced by the
23 federal government, we will all be corporations.

24 So, what does that mean to us in our
25 security and our ability to provide safety for our own

1 people? I think one of the -- if you can call it that,
2 one of the benefits of living on a reserve is that there
3 are boundaries. This is the only benefit. And, in those
4 boundaries, we can allow people to come in and come out,
5 in a hypothetical situation. We have to look at those
6 tiny postage-stamp sized pieces of land that we're living
7 on and say, "How do we protect our people here?" Because
8 we're talking about today.

9 **MS. SUZAN FRASER:** And, if I understood you
10 correctly before, one of the starting points is to respect
11 the U.N. Declaration?

12 **MS. ELLEN GABRIEL:** To understand it,
13 implement it and -- it's exactly talking about what our
14 ancestors were talking about before they made treaties,
15 way before they made treaties when they're talking about
16 we have to protect the land, the rivers, the waters, and
17 all of the creation that we depend upon for life.

18 It is our customary law. It's not just
19 about the rights of human beings; it's about all of the
20 relations, and that's something that we keep forgetting as
21 human beings, that we can have all the rights we want, but
22 if we can't drink the water, if we have no food to eat,
23 all the money in the world won't resolve anything. And
24 so, we need to remind ourselves constantly as our
25 ancestors told us that those things are just as important

1 as we are.

2 **MS. SUZAN FRASER:** I don't want to cut you
3 off, but I have one question before my time runs out,
4 which is we heard from an officer from the Sûreté du
5 Québec when we were in Regina about bracelets that men
6 wore that were red, that had the number 144 on them. Are
7 you familiar with those bracelets?

8 **MS. ELLEN GABRIEL:** Yes, I am.

9 **MS. SUZAN FRASER:** And, can you just tell
10 me about the impact on you, if you're able to, and people
11 in the community about those officers in the Sûreté du
12 Québec wearing those bracelets?

13 **MS. ELLEN GABRIEL:** It's like a punch in
14 the stomach. It's scary. It's scary to think that they
15 feel that they're above the law, that they are entitled to
16 do whatever they like when they are wearing their uniform
17 and even when they're not. It's scary to think that we're
18 living in a society that does not condemn it, and that
19 they think that this police brotherhood, this so-called
20 brotherhood that they talk about, is really more of a
21 mafia than anything. That's what it means to me.

22 **MS. SUZAN FRASER:** Thank you very much for
23 today and all that you've done for the time that you've
24 been in my consciousness and since I first saw you on
25 television. Thank you very much.

1 **MS. FANNY WYLDE:** Thank you, Ms. Fraser.
2 Next is Vancouver Sex Workers Rights Collective, Ms. Carly
3 Teillet, for 10.5 minutes.

4 **--- CROSS-EXAMINATION BY MS. CARLY TEILLET:**

5 **MS. CARLY TEILLET:** Tashi, bonjour and good
6 afternoon. I'd like to start by thanking the Huron-Wendat
7 people for welcoming us for another day's work in their
8 territory, and I would like to acknowledge the survivors,
9 the families, the elders and the medicines, the sacred
10 objects that are here with us so we can do our work in a
11 good way.

12 As mentioned, my name is Carly Teillet, and
13 I am the great-granddaughter of Sara Riel, who is the
14 niece of Louis Riel. I am Métis from the Red River
15 community, and I have the honour of being here today as
16 counsel for a collective of Indigenous women and LGBTQ2S
17 individuals who engage in sex work and trade in
18 Vancouver's Downtown Eastside.

19 Thank you so much for your testimony this
20 morning, for your strength and for the power of your
21 words, and it has been energizing as we move through this
22 last day of what's been a difficult week. Words matter.
23 Voices matter, and we can't unhear what you have said, and
24 I'd like to think that we're all better for it. So, thank
25 you.

1 We are here this week to discuss criminal
2 justice oversight and accountability. And, what has come
3 forward is the lack of that, the lack of accountability
4 for perpetrators of violence committed against Indigenous
5 women and girls, and the lack of accountability for the
6 police for their actions and their inactions. And, what I
7 don't believe we've heard is a full discussion of an
8 oversight or accountability that actually works.

9 Now, my clients, the Indigenous women and
10 the LGBTQ and two-spirit individuals who engage in sex
11 work and trade in Vancouver's Downtown Eastside, we talked
12 about what does oversight and accountability mean? And,
13 they shared that over and over again, the issues that the
14 women are coming forward with are police; police issues.
15 They talk about the police before they talk about housing.
16 They talk about the police before they talk about poverty.
17 They talk about issues with the police before they talk
18 about their children. And, because for these women, it is
19 like that atomic bomb that goes off. An interaction with
20 the police can mean losing everything. One of the women
21 said, "I don't get to call the police. I don't get to
22 have security."

23 We had a discussion about what systems
24 exist right now for them to hold those police officers
25 accountable in the Downtown Eastside. We talked about

1 outcomes of those systems, and we talked about what they
2 would like to see changed.

3 We talked about the only two options they
4 have, file a police complaint within a year or sue the
5 police, both options that privilege the power of the
6 police department, the police unions, and options that
7 disadvantage and reinforce the inappropriate stereotypes
8 of Indigenous women, and in particular, sex workers.
9 These are not processes, the civil litigation and the
10 police complaint process, that Indigenous women had a
11 voice in creating.

12 They talked about paid leave for officers
13 during an investigation, and no support provided to the
14 person who was wronged. They talked about that imbalance
15 and the message that sends about the value of their lives.
16 They talked about how there was no teeth in these two
17 options and that they didn't see police complaints or
18 suing the police as real options, that nothing ever
19 changes.

20 And then they talked about a new way. They
21 talked about a new way to hold police accountable, and
22 they said that that process needed to have Indigenous
23 women and their community as part of creating it, that
24 they needed to come from a place -- to start from a place
25 of recognizing the right to be free from violence, not a

1 justification of reasonable violence, and that this
2 process had to have real outcomes.

3 Today, you've shared just a tiny little
4 fragment of your knowledge and your expertise from a
5 lifetime of work, upholding and advocating for Indigenous
6 and human rights. And so, I'm going to ask you to turn
7 your mind to imagining. I'd like to ask you to imagine
8 what will that independent process look like? If you
9 imagine an independent process for police accountability,
10 where do we start?

11 **MS. ELLEN GABRIEL:** Where do we start? I
12 think if you go by what everything I've said so far and
13 build on that. You need to have people who are informed.
14 You need to have people understand the situation without
15 judgment, and that if they are, indeed, following the rule
16 of law, which ones did they break as police officers?

17 If they are indeed upholding the rule of
18 law, why have previous commissions that investigate police
19 corruption? I don't think anyone has ever found any of
20 them guilty, at least in Québec. And, again, I have to
21 stress, I'm not an expert on this. I just know that we
22 need to have change, and we need to be able to relate this
23 to every single aspect of our identity, and that link to
24 the land, and that link to ourselves as people who are
25 given a gift, this body with a soul, with a spirit, and

1 how we take care of it, and look at traditional ways of
2 seeing, because we are dealing with a monstrosity of
3 bureaucracy that is not willing to let go of the reigns.
4 And so, there needs to be something that they are happy
5 with, but also it needs to be led by the families of those
6 victims, who understand what it is like to feel oppressed
7 within that system.

8 Accountability, what does that look like;
9 right? Does anyone understand what accountability is?
10 Equality? Participatory processes? Inclusion? And, some
11 people can opt out. They can say, well, you deal with it
12 and let us know. But, you know, the choices that we make
13 as human beings, we need to be accountable for them. And,
14 the choices we make today or tomorrow will have an impact.

15 And, as long as people remain silent and do
16 not feel comfortable to complain, the problem will remain,
17 and that is part of what we see as the dysfunction of
18 colonialism. Our communities have been hard hit. And, as
19 one elder said after the Indian residential school
20 apology, it took us this long to get to this point, where
21 our languages are -- in the world, Indigenous languages
22 are most threatened in Canada. Now, we are not talking
23 about Americas, but in the world. The entire world,
24 Indigenous languages are most threatened.

25 It may take another hundred years for us to

1 get to that point that is ideal, but we need to put the
2 groundwork in today. The people that you represent must
3 have ideas. It needs to be accountable and transparent,
4 and it needs to respect human rights, it needs to be able
5 to be -- you know, everything is hidden; right? Whether
6 it is negotiations, whether it is discussions on rights.
7 We heard earlier about sections that have been excluded
8 from the Indigenous languages legislation, and this is how
9 colonialism works and this is how it succeeds, is that it
10 can say on paper, and when it goes to present its report
11 to the United Nations, it can tick off that box.

12 So, the voices that you are talking about
13 need to be heard and that is what they need to do, is that
14 step one. Because if we do not know what their realities
15 are, that they are facing -- we, as Indigenous people,
16 know what it is like when you encounter a police officer.
17 We know that. They view us all the same it seems. But,
18 as Indigenous people, we also have a responsibility to
19 fight for the little ones and for future generations,
20 because if not, we are not doing justice to them.

21 **MS. CARLY TEILLET:** Thank you. Merci.
22 Meegwetch.

23 **MS. FANNY WYLDE:** Thank you. Next is
24 Canadian Association of Police Governance and First
25 Nations Police Governance Council, Michelle Brass, for

1 10.5 minutes.

2 **--- CROSS-EXAMINATION BY MS. MICHELLE BRASS:**

3 **MS. MICHELLE BRASS:** Good afternoon,
4 Commissioners. Good afternoon, elders. Good afternoon,
5 Ms. Gabriel. May I call you "Ellen"?

6 **MS. ELLEN GABRIEL:** Ellen, yes.

7 **MS. MICHELLE BRASS:** As was indicated, my
8 name is Michelle Brass, I am representing the Canadian
9 Association of Police Governance and First Nations Police
10 Governance Council. I am from Saskatchewan of the
11 Peepeekisis First Nations of the Treaty 4 territory and I
12 am -- we call ourselves Saulteauxs, also known as Ojibwes.

13 You talked about the crabs in the bucket.
14 Growing up, my mushum or my grandfather, and my kokum, my
15 grandmother, and my dad, we used to call it lobsters in
16 the bucket. I am not quite sure why some are crabs and
17 some are lobsters. It might be because my grandparents'
18 oldest daughter moved to PEI when she was 19, she is now
19 81 still in PEI, still eating lobster.

20 But, the joke went, and I am not sure if
21 everyone is familiar with "crabs in the bucket" or
22 "lobster in the pail", is that -- the story went was,
23 there was a fisherman walking down the beach with two
24 pails, and one has a lid on it and the other one does not.
25 And, someone stops him and asks, how come only one of your

1 pails have a lid on it? And, he says, oh, well, I am
2 picking -- I guess it would be crabs, but in this case it
3 was lobsters. These are a pail of lobsters. And if I
4 took the lid off, once one crab tries to get out, the
5 others push him out and help him out and they all get out.
6 But, this other pail, these are a pail of Indian crabs, or
7 lobsters, and as soon as one tries to get out, the rest
8 just pull him down. They are never going to get anywhere.
9 Is that what you mean by "crabs in a pail"?

10 **MS. ELLEN GABRIEL:** Pretty much, yes.
11 Because it does not seem that we are able to -- you know,
12 I have talked to some community people. And, I said, why
13 is that? You know, we were all supposed to be equal;
14 right? Nobody is above the other one. Everybody has the
15 same rights, everybody has the same authority and voice.
16 And, what colonization did was it created that kind of
17 jealousy, so that if someone appears like they are doing
18 good and they are getting ahead because they are working
19 hard, well, we have to say something that will bring them
20 down, and there is that lateral violence; right?

21 **MS. MICHELLE BRASS:** Mm-hmm.

22 **MS. ELLEN GABRIEL:** So, yes. The ones with
23 the lid on it.

24 **MS. MICHELLE BRASS:** Okay. Without the
25 lid.

1 **MS. ELLEN GABRIEL:** Without the lid, yes.

2 **MS. MICHELLE BRASS:** We do not need the lid
3 apparently. The other thing my mushum used to talk about
4 is pendulums, where groups of people are, like, on a
5 pendulum, where you have extremes. On the one hand, you
6 have extreme -- some people who always -- I guess the more
7 radical types, who were always saying we need to do
8 something, we need to change. And then on the other hand,
9 you have people who do not want to do anything at all.
10 But, on that pendulum, the vast majority of us are in the
11 middle and we need both sides, we need the ones on this
12 hand to remind us that something needs to be done. We
13 need the other group to remind us that we have to, that
14 something is not enough.

15 **MS. ELLEN GABRIEL:** Mm-hmm.

16 **MS. MICHELLE BRASS:** And, for those of us
17 who are more in the middle though, even though we may work
18 for the government or we may work for "the man" or
19 whatever, there is still a role for those people. And, we
20 want to avoid being the lobster or the crab and not
21 bringing people down, and wherever they might be on that
22 pendulum. Would you agree with that?

23 **MS. ELLEN GABRIEL:** To a certain degree,
24 yes.

25 **MS. MICHELLE BRASS:** Yes, okay. I wanted

1 to talk about the protocols that you mentioned. In your
2 community, you mentioned the warrior society, are those
3 the, sort of, police within your community?

4 **MS. ELLEN GABRIEL:** No.

5 **MS. MICHELLE BRASS:** No. I am trying to
6 understand what ---

7 **MS. ELLEN GABRIEL:** No. There is a long
8 history. I do not know if we have time for the history of
9 the warrior society. But, traditionally, it was the men
10 that took care of the people. That is why the women are
11 title holders of the land, because we are like Mother
12 Earth, we give birth and things like that.

13 But, they were trained in lacrosse, the
14 game of lacrosse was the exercise for the warriors to be
15 trained. And, today, people put on a t-shirt to say that
16 they are warriors. So, they are not really warriors.

17 **MS. MICHELLE BRASS:** Oh, okay.

18 **MS. ELLEN GABRIEL:** But, I think within our
19 nation, the Mohawk nation, and indeed a lot of the other
20 Iroquois Confederacy nations, there are people who do not
21 need to put on a t-shirt, who are actually warriors and
22 will protect the people, and there are some. But, it is
23 difficult, as you know, living in a community, especially
24 since we all know each other, we all know our families, we
25 are related to a lot of the people in our communities, it

1 is very difficult to enforce things. But, I find if we go
2 back to the crisis, it brought out the best in some of the
3 people you would never have expected, because we were all
4 united in the attack, we were all being attacked, and we
5 all understood that we were being -- all of us were being
6 attacked. And, I think that is where we need to
7 understand.

8 If there is going to be, as you say,
9 policing protocols to be developed, that we need to
10 understand, that we all should be treated equally, that we
11 cannot entrust our full -- our lives completely to police
12 forces who have shown time and time again that they are
13 not there for us. I think in communities, it is a little
14 bit different, but on the outside, like the Sa-tuu-sk
15 (phonetic) Québec, there is not a lot of trust by
16 community members.

17 **MS. MICHELLE BRASS:** Okay. So, when you
18 say "protocols", can you define the word "protocol" for
19 us?

20 **MS. ELLEN GABRIEL:** I think it is a matter
21 of action and how you react that is consistent. So, if an
22 Indigenous family calls up a police institution and says,
23 you know, "My daughter has been missing," that they will
24 not assume that they were out partying, or drunk, or
25 assume the racial stereotype, that the protocol will help

1 the families and be trauma-informed, that they will take
2 it seriously when families report a missing loved one or a
3 murdered loved one.

4 **MS. MICHELLE BRASS:** Okay. I was intrigued
5 when you said this morning that you are still waiting for
6 protocols to come from the police forces across the
7 country. And so, I quickly emailed my client. I said,
8 "Are there any protocols in place?" And, they said,
9 "Well, if you're talking about operational protocols, like
10 methodologies and how to assist families with missing or
11 perhaps murdered women," that there were a number of,
12 actually, police organizations that do have what --
13 protocols now. So, I was informed that the RCMP, the
14 Saskatoon Police, the Regina Police, and I thought maybe
15 the Vancouver Police as well have certain protocols. So,
16 I thought maybe there was just a difference on the
17 definition of protocols that we were talking about in
18 trying to understand or drill down to what this meant by
19 "protocol".

20 **MS. ELLEN GABRIEL:** So, the -- federally,
21 it is kind of included in the National Plan of Action.
22 What is the protocol when it is an Indigenous woman? Is
23 it the same as any person who goes lost or missing? As we
24 see AMBER Alerts for children that go missing or people
25 that go missing, but are there AMBER Alerts when it is an

1 Indigenous woman? Yes, occasionally, but not all the
2 time, because there are assumptions that are made about
3 that individual, because they are Indigenous.

4 **MS. MICHELLE BRASS:** Right.

5 **MS. ELLEN GABRIEL:** And, that is what I am
6 talking about, protocols, that they treat everybody
7 equally and the same.

8 **MS. MICHELLE BRASS:** Okay. Well, my
9 client, who again is the Canadian Association of Police
10 Governance and First Nations Police Governance, they have
11 -- the boards have directed their police organizations to
12 develop protocols. I am just hoping that there is a
13 connection with in terms of what do we mean by protocols.
14 And so, maybe that is just a matter of more communication
15 is needed. So...

16 **MS. ELLEN GABRIEL:** I don't know of one in
17 Québec, especially if we look at the cases of the women in
18 Val-d'Or. So, if we are talking about the chiefs that --
19 the Association of Chiefs of Police, I am assuming it is a
20 national organization. So, nationally, is there a
21 protocol that the government's supports that deals with
22 Indigenous women going murdered and missing? You are
23 talking about a specific area, which I wish other areas
24 would embrace.

25 **MS. MICHELLE BRASS:** Okay. And, maybe that

1 is the point that we need to identify where and can, say,
2 Québec be more...

3 **MS. ELLEN GABRIEL:** I understand your
4 client's around the defensive and I get it, but they
5 should be answerable. I mean, if there is a brotherhood
6 that extends nationally, then that brotherhood should also
7 be able to implement stuff that are good practices; right?

8 **MS. MICHELLE BRASS:** Yes. I don't think
9 they are being defensive. I think they are trying to say
10 that we are trying to help in the situation, and...

11 **MS. ELLEN GABRIEL:** And, that is great.

12 **MS. MICHELLE BRASS:** Yes. And, that
13 they ---

14 **MS. FANNY WYLDE:** Ms. Brass, your time is
15 up now.

16 **MS. MICHELLE BRASS:** Oh, sorry.

17 **MS. FANNY WYLDE:** Thank you.

18 **MS. MICHELLE BRASS:** Thank you.

19 **MS. FANNY WYLDE:** Next is Manitoba
20 Keewatinowi Okimakanak. Ms. Jessica Barlow, 10-and-a-half
21 minutes.

22 **--- CROSS-EXAMINATION BY MS. JESSICA BARLOW:**

23 **MS. JESSICA BARLOW:** Good afternoon. I
24 would like to start by acknowledging the elders and the
25 grandmothers, the singers for the song today, the sacred

1 items in the room, the families and survivors, the Huron-
2 Wendat for welcoming us here, the Commissioners, as
3 always, thank you. Ms. Gabriel, thank you so much for
4 sharing with us today. And, I would also like to thank my
5 friends for asking the tough questions.

6 My name is Jessica Barlow, and I am legal
7 counsel on behalf of MKO. And, MKO is an advocacy
8 organization for numerous First Sovereign -- First Nations
9 in Northern Manitoba. And, today, I want to start talking
10 to you about industry, and I promise I will make the
11 connection back to the criminal justice oversight and
12 accountability, so just bear with me.

13 So, in Northern Manitoba, there are a lot
14 of industry. And so, we also hear the term, and I am
15 going to use this very lightly, the term "development",
16 and that is a very loaded word in many contexts. And so,
17 earlier, you gave a quote. It was in a different context,
18 but I believe that it might be wholly applicable to this.
19 And, you said it is at Exhibit 50. It is on page 3 of the
20 Study on Languages. And, you said, "Development divorced
21 from its human or cultural context is growth without a
22 soul." And, would you agree that this is applicable to
23 development or industry taking place on traditional
24 territories and that it cannot be divorced from human and
25 cultural contexts?

1 **MS. ELLEN GABRIEL:** You will have to expand
2 on that.

3 **MS. JESSICA BARLOW:** So, when industry is
4 going on, it can't be focused solely on the industry
5 alone, on either the resource that is being extracted or -
6 - it has to involve the human and cultural contexts in the
7 area that the development is taking place; would you agree
8 with that? That you can't divorce the development itself,
9 the physical development from the human context and its
10 after effects?

11 **MS. ELLEN GABRIEL:** That sounds like a
12 loaded question, so I think I want you to expand more.

13 **MS. JESSICA BARLOW:** Sure. So, I am
14 wondering -- I guess the point that I am trying to make is
15 that development itself -- you know, development ---

16 **MS. ELLEN GABRIEL:** Are you talking about
17 human development, sustainable development, resource
18 development...

19 **MS. JESSICA BARLOW:** Resource -- like
20 industry. Industry projects, specifically.

21 **MS. ELLEN GABRIEL:** Yes, I am not -- you
22 will have to do some explaining when you say those things,
23 because I am not -- I don't ---

24 **MS. JESSICA BARLOW:** Certainly. So, I
25 guess the point that I am trying to make is that we tend

1 to isolate these projects so much that it is not taking
2 into context any sort of cultural violence or human
3 violence that is taking place in these development
4 projects. It is focused specifically on either the
5 resource or the land, and it is not taking into
6 consideration any human or cultural contexts that may be
7 affected.

8 **MS. ELLEN GABRIEL:** Yes, that is correct.

9 **MS. JESSICA BARLOW:** Wonderful, thank you.
10 And, I am wondering too, you spoke about earlier, you had
11 said, "When it comes to industry and energy, Indigenous
12 peoples are dispensable." And, I am wondering if you can
13 expand on that for us, please.

14 **MS. ELLEN GABRIEL:** I think I was talking
15 about Claude Ryan, who was the Minister of -- I think he
16 was Public Security or -- anyways, he was with the
17 Government of Québec during the crisis, and it was in 1991
18 that he said that, that anyone who stands in the way of
19 Québec sovereignty and prosperity was dispensable.

20 **MS. JESSICA BARLOW:** Okay, thank you. And
21 so, we are here talking about criminal justice, and
22 accountability and oversight. And, we have heard in these
23 and in previous hearings about the issues. And, I am
24 wondering if you would agree with me that we can't look at
25 these issues in isolation, because Western ideologies love

1 to silo, or categorize or compartmentalize issues without
2 looking any -- at any broader context. And, I am
3 wondering if you would agree that we can't look at these
4 in isolation.

5 **MS. ELLEN GABRIEL:** I think that is what I
6 have been expressing all today.

7 **MS. JESSICA BARLOW:** Thank you. And, you
8 actually referred to this sort of compartmentalization or
9 putting it into a box as a further assimilationist model.
10 Would you say that that is wholly applicable to putting
11 criminal justice alone? And, looking at just policing, or
12 accountability or oversight issues, would you say that we
13 can't put it in a box?

14 **MS. ELLEN GABRIEL:** It has its own box,
15 yes.

16 **MS. JESSICA BARLOW:** Thank you. And so, if
17 we can't divorce these issues that are so interconnected
18 and important, in the context of policing and criminal
19 justice, would you also consider that we should have to --
20 would you also say that we have to consider industry in
21 the context of violence against our land, culture and
22 people?

23 **MS. ELLEN GABRIEL:** Yes. I think there's
24 valid research out there that talks about man camps and
25 how they endanger the safety and well being of women in

1 general, but in particular, Indigenous women because they
2 are usually so close to our communities. And, you know,
3 they contaminate our waters, they contaminate the land so
4 that it can't be used for, you know, multi-generations
5 from now. Yes, I would agree.

6 **MS. JESSICA BARLOW:** Thank you. And so, as
7 you just said, we know that industry affects rates of
8 violence against Indigenous women, and this is the case in
9 northern Manitoba, and we know that police resources or
10 other mechanisms to promote safety in the communities are
11 stretched thin, and they're often not accessible in terms
12 of actual physical accessibility, but also in terms of
13 trust.

14 And so, I'm wondering if you could speak
15 more about not divorcing these issues, not looking at them
16 in isolation, and provide to the Commission today further
17 recommendations on keeping our women safe, our communities
18 safe, our culture safe, and our land safe?

19 **MS. ELLEN GABRIEL:** The police are only
20 doing the dirty work of the government and the politicians
21 who work for third-party interests. If we look at some of
22 the things Stephen Harper did under his reign, you know,
23 he brought in a kind of agreement that Chinese companies
24 could sue anybody who prevents them from extracting the
25 resources that they've gotten permits for.

1 If we look at the pipeline issue, for the
2 Government of Canada to buy that, in spite of the that,
3 you know, Indigenous peoples in that territory have
4 consistently said no to it, and they can find a few
5 exceptions who want the money for it, to know that the
6 government is just solely interested in creating a name
7 for itself internationally, that Canadian is a serious
8 player in the global world of economics at the expense of
9 Indigenous people and the environment, then we see the
10 evidence of hundreds of years of exploitation of
11 Indigenous people on our lands. There's the evidence now
12 because of what we have today, the technology of today.

13 But, this has been going on for a long
14 time, and while we have statistics from the RCMP and the
15 Native Women's Association of Canada of how many women
16 have gone missing or murdered, I would have to say that
17 it's in the millions if we look at the historical context
18 and how colonization and the acts of genocide committed
19 against us all in the name of claiming the land for
20 themselves, assumed sovereignty.

21 **MS. JESSICA BARLOW:** Wonderful. Well,
22 thank you so very much. Thank you.

23 **MS. FANNY WYLDE:** Thank you. Next is
24 Independent First Nations, Josephine de Whytell, Daniel
25 McCrorry (phonetic), 10.5 minutes. Ms. de Whytell is

1 representing two standing parties, so the first 10.5
2 minutes is for Independent First Nations.

3 **--- CROSS-EXAMINATION BY JOSEPHINE DE WHYTELL:**

4 **MS. JOSEPHINE DE WHYTELL:** All right.
5 Thank you very much. Good afternoon, Commissioners,
6 elders, Ms. Gabriel. I would like to begin by recognizing
7 the territory of the Huron-Wendat and thank them for
8 hosting us throughout this entire week. I would also like
9 to recognize the sacred items in the room, and thank the
10 elders for their opening ceremony, and for situating us on
11 how we've talked about these issues this week.

12 And, thank you, Ms. Gabriel specifically
13 for your evidence this morning, which is very powerful.
14 May I call you Ellen?

15 **MS. ELLEN GABRIEL:** Yes.

16 **MS. JOSEPHINE DE WHYTELL:** Thank you.
17 Ellen, you spoke about genocide, and particularly, you
18 didn't agree with the former Chief Justice McLachlin's
19 definition limiting it to cultural genocide; is that
20 correct?

21 **MS. ELLEN GABRIEL:** Yes.

22 **MS. JOSEPHINE DE WHYTELL:** The United
23 Nations Declaration on the Rights of Indigenous Peoples
24 sets out at Article 7 that Indigenous peoples have a
25 collective right to live in freedom, peace and security as

1 distinct peoples, and shall not be subjected to any act of
2 genocide or any other act of violence, including forcibly
3 removing children of the group to another group.

4 And, Canada also ratified the United
5 Nations convention on the prevention and punishment of the
6 crime of genocide, would you agree?

7 **MS. ELLEN GABRIEL:** It's a fact.

8 **MS. JOSEPHINE DE WHYTELL:** Thank you. And,
9 there's also Article 8 of the United Nations Declaration
10 on the Rights of Indigenous Peoples, which provides that
11 Indigenous peoples shall have a right not to be subjected
12 to the forced assimilation or destruction of their
13 culture, yes?

14 **MS. ELLEN GABRIEL:** I embrace it.

15 **MS. JOSEPHINE DE WHYTELL:** Thank you.
16 Professor Raphael Lemkin, who developed the term
17 "genocide" from his own experience with Nazi Germany,
18 found there to be eight dimensions to this concept:
19 political, social, cultural, religious, moral, economic,
20 biological and physical genocide. Would you agree that it
21 is necessary to address all these components of genocide
22 as areas of forced assimilation when we talk about
23 reconciliation?

24 **MS. ELLEN GABRIEL:** Yes.

25 **MS. JOSEPHINE DE WHYTELL:** Crimes against

1 humanity means murder, extermination, enslavement,
2 deportation, imprisonment, torture, sexual violence,
3 persecution, or any other inhumane act or omission that is
4 committed against any civilian population, or any
5 identifiable group, and that the time and the place of its
6 commission constitutes a crime against humanity, according
7 to customary international law or conventional law, or by
8 virtue of it being criminal, according to general
9 principles of law, recognized by the community of nations,
10 whether or not it constitutes a contravention of the law
11 and in the place of its commission.

12 Are you aware of this definition in the
13 context of your work, and can you unpack for us whether
14 and to what extent this might apply to any of the issues
15 faced by your community?

16 **MS. ELLEN GABRIEL:** Yes. A while back, I
17 read of this definition, but if we're talking about self-
18 determination, if we go more on the positive light, all of
19 those things as definitions have been attacked, our very
20 identity, our very essence has been attacked as a people.

21 We have been -- you know, I think genocide
22 is a word that people tend to go away from, but the elders
23 that taught me, taught me that it was genocide that
24 happened, and I was really surprised. And then TRC and
25 former Justice Beverly McLachlin to say it was cultural

1 genocide, it felt like a deflated experience of Indigenous
2 people throughout all this time, especially if we look at
3 Rudolph Osteven Hagan's (phonetic) research that's saying
4 over half of the Indigenous population were gone within a
5 century-and-a-half of contact, and I imagine about all
6 that knowledge that was lost. What would have changed?
7 What would be different today if that didn't happen?

8 And, you know, I've talked with a lot of
9 activists about putting the Government of Canada on trial,
10 which means all the Prime Ministers, all the bureaucrats
11 who have created these policies that continue to deny us
12 equality and enjoyment of our fundamental human rights.

13 Assimilation continues. Colonization
14 continues. And, when you resist, you are ostracized.
15 When you resist, you're a trouble maker. But, when you
16 resist, it makes you a person that has the values that our
17 ancestors wanted us to have. We have not tried to take
18 anything from the settlers. We didn't say, "You have to
19 speak our language." You could learn our language. We
20 didn't say, "You have to put up street signs in our
21 language on your houses." We didn't say we wanted the
22 keys to your homes. But, that's what was taken from us.
23 Our children were taken from us. There's how many
24 thousands of Indigenous children in unmarked graves in
25 Indian residential schools that were taken from us? You

1 cannot put a dollar match to that.

2 So, as I said previously this morning,
3 Canadians have to move beyond the guilt, acknowledge and
4 respect the past, and help us progress, because we are
5 spinning our wheels in the mud with the repackaging of
6 colonization.

7 **MS. JOSEPHINE DE WHYTELL:** Thank you for
8 that answer. Are you aware of the crimes against humanity
9 and War Crimes Act which makes genocide an indictable
10 crime in Canada?

11 **MS. ELLEN GABRIEL:** I am vaguely aware of
12 it, yes.

13 **MS. JOSEPHINE DE WHYTELL:** Are you also
14 aware of the TRC Calls to Action, specifically Call to
15 Action 25, which calls upon the federal government to re-
16 affirm in written policy the independence of the RCMP to
17 investigate crimes in which Canada has a potential or real
18 interest?

19 **MS. ELLEN GABRIEL:** To re-affirm you said?

20 **MS. JOSEPHINE DE WHYTELL:** Mm-hmm.

21 **MS. ELLEN GABRIEL:** Yes, I have read the
22 TRC's Calls to Action a while back. I cannot say I
23 memorized them, but I am aware of them, yes.

24 **MS. JOSEPHINE DE WHYTELL:** Now, we have
25 heard evidence from yourself and from other witnesses in

1 these proceedings that we do not necessarily need more
2 reports and more recommendations, because we know what to
3 do, but it is not being done, is that fair to say?

4 **MS. ELLEN GABRIEL:** Mm-hmm.

5 **MS. JOSEPHINE DE WHYTELL:** You would agree
6 with me, I take it, that the health of Canada as a whole
7 is dependent on the health of all the people sharing this
8 land?

9 **MS. ELLEN GABRIEL:** I would agree.

10 **MS. JOSEPHINE DE WHYTELL:** Would you agree
11 that fixing the relationship between Indigenous and non-
12 Indigenous people living on this land is a very important
13 element to strengthening communities and ending violence
14 against Indigenous women and girls?

15 **MS. ELLEN GABRIEL:** Yes, but that is not
16 the only solution.

17 **MS. JOSEPHINE DE WHYTELL:** Absolutely.
18 And, you have anticipated my next question. You spoke
19 about the honour of the Crown earlier, and the inadequate
20 measures of political will to ensure that this honour is
21 upheld, did I understand that correctly?

22 **MS. ELLEN GABRIEL:** Mm-hmm.

23 **MS. JOSEPHINE DE WHYTELL:** You also spoke
24 about having appropriate Indigenous oversight to ensure
25 implementation of decolonization, and you called upon the

1 Commission to recommend a decolonization commission, and
2 that seems like a fantastic idea, but I am wondering
3 whether it is your experience that the Crown tends not to
4 take action until it is under threat of liability.

5 **MS. ELLEN GABRIEL:** It seems to be their
6 pattern.

7 **MS. JOSEPHINE DE WHYTELL:** Given the lack
8 of accountability and failure to implement recommendations
9 from multiple inquiries, what if any benefit do you see
10 from attempting to use more forceful legal measures
11 against individuals who take as soon as practical -- oh,
12 sorry. Who fail to take as soon as practical all
13 necessary and reasonable measures within their power to
14 prevent or oppress the commission of genocide or crimes
15 against humanity?

16 **MS. ELLEN GABRIEL:** Can you reword that?

17 **MS. JOSEPHINE DE WHYTELL:** Certainly.
18 Given the lack of accountability and failure to implement
19 recommendations from the multiple lines of inquiry, I am
20 wondering what benefit you might see from using more
21 forceful measures such as the crimes against humanity and
22 Warm Crimes Act to pursue accountability.

23 **MS. ELLEN GABRIEL:** I have thought about it
24 over the years, yes, I think it would be. But, you know,
25 I think we go back again to the resources that we have as

1 nations, as Indigenous peoples. I think absolutely they
2 should be put on that, but who are we going to charge;
3 right? A lot of them have passed away or -- it is framing
4 it in such a way where -- and I think there is something
5 in the law, and I am not a lawyer, where you know that a
6 crime has been committed, it goes against your ethics as a
7 professional, as a lawyer, which I think most prime
8 ministers and premiers are, continue to do the opposite of
9 what your legal obligations are, then you are just as
10 guilty in remaining silent or if not, perpetuating those
11 crimes. That, I think, is a criminal act.

12 And, because most of the prime ministers
13 have legal counsels and they were lawyers themselves, that
14 they are just as guilty as those who, over a century ago,
15 created such a racist act as the Indian Act and continued
16 to perpetuate and implement colonial oppressive policies
17 and legislation.

18 **MS. JOSEPHINE DE WHYTELL:** You spoke
19 earlier ---

20 **MS. FANNY WYLDE:** Time is up, Mrs. de
21 Whytell.

22 **MS. JOSEPHINE DE WHYTELL:** Thank you.

23 **MS. FANNY WYLDE:** So, the last party is
24 Association of Native Child and Family Services, counsel
25 Josephine de Whytell for 10.5 minutes, please, on the

1 clock. Thank you.

2 **--- CROSS-EXAMINATION BY MS. JOSEPHINE DE WHYTELL:**

3 **MS. JOSEPHINE DE WHYTELL:** Thank you. So,
4 on behalf of the Association of Native Child and Family
5 Service Agencies of Ontario, my questions are more focused
6 towards the impact on children.

7 You spoke earlier about how there are more
8 children in foster care now than there were at the height
9 of residential schools. Do I understand that correctly?
10 And, is it your experience that children caught up in the
11 foster care system often become dislocated from their
12 communities, cultures and access to language?

13 **MS. ELLEN GABRIEL:** Well, if they are not
14 being housed in a home that is in their nation, yes.

15 **MS. JOSEPHINE DE WHYTELL:** So, when these
16 sorts of arguments about dislocation from the community
17 are being raised when a child is being removed from a
18 home, something that we often hear from the courts is, the
19 courts are not the place to right these historical wrongs
20 ---

21 **MS. ELLEN GABRIEL:** Why not?

22 **MS. JOSEPHINE DE WHYTELL:** Well, that is
23 what they say. They say that a child is not a symbolic
24 figurehead for reconciliation, but a real little child,
25 and that was from a B.C. Court of Appeal case. Given that

1 the courts have inherent authority to ensure justice in
2 what legal term is *parens patriae* jurisdiction, I was
3 wondering what your response is to that issue. And, I
4 guess you have partially answered me that, why not, but
5 could you unpack that a little bit further?

6 **MS. ELLEN GABRIEL:** Well, I think, who
7 gives the court the inherent; right? It is definitely not
8 Indigenous nations, not Indigenous peoples. It is that
9 Canada has assumed sovereignty over us. So, we know that
10 even in Supreme Court decisions, they view our rights in a
11 narrow box, a narrow definition of what our rights are.
12 And, children are part of the nation.

13 I am pretty sure that most judges and
14 lawyers are aware of the Indian residential school and
15 what it caused, and it is not a matter of using children
16 to fight, it is a matter of how do we rebuild our nations,
17 how do we keep our children -- this is forced
18 assimilation. This is not acknowledging responsibility,
19 accountability for the Indian residential school impacts.

20 And, I think it is ridiculous for a lawyer,
21 as I have previously said, who should know the law, who
22 should know Canada's colonial history, who indeed even the
23 Supreme Court of Canada has said, Canada has assumed
24 sovereignty over Indigenous land, is not valid. So, why
25 are we constantly forced into the court system which has

1 proven that it does not uphold or promote our rights to a
2 certain degree? Especially in certain cases. I mean, I
3 think Chocolten (phonetic) was an exception to the rule,
4 but in -- even then, it needs more.

5 So, we are dealing with a whole systemic
6 system that does not recognize our ability to be able to
7 take care of ourselves, our ability to be able to keep our
8 children. And, you know, years ago, when I was with
9 Quebec Native Women, we started a task force, a provincial
10 task force on how to keep the children in the communities,
11 or at least in their nation, so that they would have a
12 language basis, they would have that foundational basis of
13 their culture. And, it took some doing, because I think
14 social workers tend to look at us as dysfunctional and,
15 how can you even take care of children, you know?

16 And, it is a matter of changing the
17 attitudes, and of course it is a matter of changing the
18 courts' attitude, and it goes back to the TRC's Calls to
19 Action of sensitizing judges and lawyers. They should not
20 be the ones to make the decisions if they are not informed
21 about real laws that they profess to uphold.

22 **MS. JOSEPHINE DE WHYTELL:** Thank you. So,
23 also, when it comes to protecting children's rights that
24 are recognized and affirmed by Section 35 of the
25 Constitution Act 1982, child and family services

1 legislation tends to prioritize the concept of the nuclear
2 family and the forever home as opposed to reunification
3 with family over periods of time.

4 The B.C. Court of Appeal even went as far
5 as to say that the culture of the Indigenous child is not
6 limited to the Indigenous community into which the child
7 was born. And, I was wondering whether you would agree
8 with me that a child, an Indigenous child, has a
9 particular unique right to the culture and language of the
10 child's biological family, and community and territory.

11 **MS. ELLEN GABRIEL:** Well, again, I will go
12 back to the discussion we had about traditional adoption,
13 which was not unknown and which was practiced quite
14 strongly in previous generations of either the grandmother
15 or the aunts, somewhere in the maternal family, that the
16 child be raised if the mother wasn't able to. And, that
17 kind of agreement to be able to raise a child, to have
18 access to their languages and to their culture, I think,
19 is something that was agreed upon.

20 We know that we are flawed, we know that we
21 have some challenges, but so do Canadians, so do
22 Québécois; you know? I think that we are being
23 specifically targeted within a system that has no clue
24 about who we are, that has no clue about its colonial
25 history and that will continue to decide, unless we

1 resist, of what is best for us, and it is supported by the
2 government.

3 And, I remember a 13-year-old girl, I think
4 she was in Saskatchewan, who had been raped by three men.
5 A 13-year-old girl, I think, or 16. And, I wrote a letter
6 to the Minister of Justice Irwin Cotler at the time. And,
7 I said that the Manitoba -- I think it was in Manitoba,
8 that this was not right. This is the rights of a child.
9 And, the answer was, "We do not interfere with provincial
10 jurisdiction, and the decision is made at the provincial
11 level."

12 So, that means the rights of a child are
13 not protected at the federal level. That is the signal
14 that is sent to me. And, I found it ridiculous that a
15 country that professes to uphold the rights of a child,
16 uphold human rights and it was even a signatory to the
17 rights of the child would ignore this child of adult men
18 who knew better. And, it is another example of why we
19 don't trust. I mean, if the system wants us to work with
20 it and to trust us, it needs to change dramatically.

21 **MS. JOSEPHINE DE WHYTELL:** Would you
22 recommend that one of those changes -- or would you agree
23 that Indigenous families facing removal of their children
24 would benefit from having similar rights as those set out
25 to protect an accused facing removal at the hands of the

1 state?

2 **MS. ELLEN GABRIEL:** You are equating a
3 family with an accused criminal record?

4 **MS. JOSEPHINE DE WHYTELL:** No, I am
5 suggesting that perhaps the charter rights that are
6 available for an accused ought to also be extended and
7 available in a similar context to people facing removal of
8 their children by -- at the hands of social services.
9 Would you agree with that?

10 **MS. ELLEN GABRIEL:** No. I think -- I don't
11 think I understand your question right, because we are
12 talking about families. And, we know that, in at least
13 this province, families are given less time to get their
14 affairs in order so they can have the child back, they are
15 given less resources to be able to do that. Poverty is
16 always a reason for taking children away. It is not just
17 about -- you know, it is not always about a parent who
18 cannot take care of their child because they are drinking
19 or whatever.

20 I have heard of stories of women telling
21 me, "My child was taken away because I took them hunting,
22 I took them goose hunting, because we live a traditional
23 way." "My family -- my child was taken away because the
24 social worker said I was an alcoholic, because she asked
25 me, do I drink, and I said yes." But, that didn't mean

1 she was in excess of alcohol. It was just assumed that
2 she was an alcoholic because she was an Indigenous woman.

3 **MS. JOSEPHINE DE WHYTELL:** May I clarify a
4 little bit? What I am wondering is maybe if you would
5 agree that parents who are being faced with potential
6 apprehension of their children should have an automatic to
7 legal counsel before they even sign a voluntary services
8 agreement?

9 **MS. ELLEN GABRIEL:** I think if parents
10 don't understand the system and don't understand the
11 process, they should be granted legal counsel. So, that
12 is what you meant; right?

13 **MS. JOSEPHINE DE WHYTELL:** Thank you.

14 **MS. ELLEN GABRIEL:** It didn't sound like
15 that to me, so ---

16 **MS. JOSEPHINE DE WHYTELL:** I apologize ---

17 **MS. ELLEN GABRIEL:** --- I apologize.

18 **MS. JOSEPHINE DE WHYTELL:** --- for my --
19 the lack of clarity there. I am wondering, you spoke
20 earlier about the Action Plan and how Canada has refused
21 to develop an Action Plan, per se, because, as I
22 understand from the documents that you submitted, the
23 CEDAW exhibit, that the money would better be spent just
24 taking action rather than developing an Action Plan.

25 I was wondering, would you agree that that

1 approach is a little bit short-sighted? And, would you go
2 further to suggest that one recommendation for this
3 Commission might be to develop a proposed Action Plan for
4 the government and for First Nations to consult over?

5 **MS. ELLEN GABRIEL:** I don't think you
6 understood me correctly then, because what I said that
7 there were -- there was a National Plan of Action
8 developed by the National Aboriginal Circle Against Family
9 Violence. They have not come up with their own National
10 Plan of Action. The Inquiry has come first. But, I don't
11 think it is short-sighted to insist that they come up with
12 one, but there is -- there has been.

13 And, if we -- you know, it is not a black
14 and white issue. It is complex, and there are many grey
15 areas that perhaps some of us have not thought about.
16 But, I think that a National Plan of Action definitely
17 needs to be implemented yesterday, that there does exist
18 action plans that have been developed over the years, and
19 Indigenous women have been a part of that. I think it is
20 a choice that the government has made in not to listen to
21 that.

22 **MS. JOSEPHINE DE WHYTELL:** Okay, thank you
23 very much for your answers today. Thank you,
24 Commissioners.

25 **MS. FANNY WYLDE:** Thank you to all the

1 standing parties. Thank you, Ellen. For the re-exam
2 period, I don't have any questions. I will now seek
3 directions from you if we shall take a break before your
4 period of questions or you rather take your period of
5 questions right now.

6 **CHIEF COMMISSIONER MARION BULLER:** Ten-
7 minute break. Ten minutes, please.

8 **MS. FANNY WYLDE:** Recess of 10 minutes.
9 Thank you.

10 --- Upon recessing at 14:53

11 --- Upon resuming at 15:08

12 **MS. CHRISTA BIG CANOE:** I just wanted to
13 give everyone just a moment's warning. We are going to
14 get started again, so I am kindly going to ask everyone to
15 get a seat.

16 Commissioners, it is usually at this point
17 that we turn to you and ask if you have any questions or
18 comments for the witness that has presented. So, at this
19 point, I would like to offer the opportunity for you to do
20 that.

21 **CHIEF COMMISSIONER MARION BULLER:**
22 Ordinarily, we would ask questions. And, Ms. Gabriel, I
23 understand that you are under some time constraints and
24 other pressures, so we will, through Commission counsel,
25 send our questions to you in writing ---

1 **MS. ELLEN GABRIEL:** Okay.

2 **CHIEF COMMISSIONER MARION BULLER:** --- if
3 you would be so gracious to accept them? And, we will of
4 course distribute your answers and our questions to all of
5 the parties with standing. And, we will do this through
6 Commission counsel, if that is agreeable to you.

7 **MS. ELLEN GABRIEL:** Yes, I agree. Thank
8 you.

9 **CHIEF COMMISSIONER MARION BULLER:** Okay,
10 thank you.

11 **MS. ELLEN GABRIEL:** Thank you for your
12 understanding.

13 **CHIEF COMMISSIONER MARION BULLER:** No
14 problem. I know what it is like to be in the hot seat.
15 Having said that, now it is time to say good bye and thank
16 you.

17 We are all very grateful for you being with
18 us today, for sharing your knowledge, your expertise, your
19 time, your patience with us. You have given us much to
20 think about and we are very grateful. What you have said
21 today has made a difference to our work and how we were
22 proceeding, and we are grateful for your assistance.

23 Because you have given us so many gifts
24 today, we have only a small gift to give you in return,
25 and that is an eagle feather. I don't need to explain

1 that to you, but hopefully on days when you need to be
2 lifted up, the eagle feather will lift you to where you
3 have to go.

4 **MS. ELLEN GABRIEL:** Thank you.

5 **CHIEF COMMISSIONER MARION BULLER:** We are
6 very grateful for your generosity, spirit, and time and
7 knowledge. Thank you very much.

8 **MS. ELLEN GABRIEL:** It is a great honour,
9 and it is a great honour to receive an eagle gift -- an
10 eagle feather gift. There was one that was sitting beside
11 me this whole time. And, I am glad to hear that you -- it
12 will help the work that you are all doing. Hopefully, it
13 will bring us the kind of justice that this Inquiry is
14 hopeful of getting for all the families and all our
15 sisters who have gone before us. So, (speaking in
16 Indigenous language).

17 **CHIEF COMMISSIONER MARION BULLER:** Thank
18 you. We are adjourned. We will reconvene in Winnipeg.
19 We will take a short break to get organized for our
20 closing.

21 --- Upon recessing at 15:11

22 --- Upon resuming at 15:18

23 **MS. NADINE GROS-LOUIS:** Alors, avant de
24 procéder à la prière de fermeture, on va demander à nos
25 commissaires de nous faire part de leurs derniers

1 commentaires avant de clore l'audience sur le système de
2 justice pénale.

3 So, I will invite now Commissioner Eyolfson
4 to give us some last words.

5 **--- CLOSING REMARKS BY COMMISSIONER BRIAN EYOLFSON:**

6 **COMMISSIONER BRIAN EYOLFSON:** Merci.
7 Tiawenhk. Thank you. What a busy week we had, a very
8 full schedule. I want to thank everybody for
9 participating with us. Unfortunately, Chief Commissioner
10 Buller had to leave to get to the airport, so she wanted
11 to -- she asked me to extend some thank yous on her
12 behalf.

13 So, I want to thank on behalf of both the
14 Chief Commissioner and myself, I want to acknowledge and
15 thank the Huron-Wendat people for welcoming us to their
16 beautiful territory throughout this week and being such
17 awesome -- such great hosts.

18 I would also like to acknowledge the
19 support and guidance provided to us throughout the week by
20 our elders, Roland Sioui, Pénélope Guay and Rebecca Veevee
21 for their prayers and for the lighting of the qulliq. I
22 would also like to thank our special grandmothers who have
23 been here with us this week, for their support and
24 guidance, and also to members of our National Family
25 Advisory Circle, Melanie Morrison, Pamela Fillier and

1 Darlene Osborne who have been here with us this week and
2 have supported us throughout the week. I would like to
3 also thank Nadine Gros-Louis for being a fabulous MC for
4 us this week. Thank you, Nadine.

5 And, I also want to acknowledge the
6 important contributions made by the witnesses this week,
7 who shared their knowledge and their recommendations with
8 us. This has helped us more fully understand the issues
9 and challenges concerning the safety and well-being of
10 Indigenous women, girls and 2SLGBTQ people. Especially in
11 relation to the issues we heard about this week, the
12 policing, the criminal justice system, the correctional
13 system and we have also heard solutions as well this week.
14 So, also thank you to all the parties with standing for
15 your thoughtful questions which helped us gain further
16 understanding and insight into the evidence we heard this
17 week. Thank you very much.

18 Of course as you all know, our task is to
19 inquire into and report on the systemic causes of all
20 forms of violence against Indigenous women and girls in
21 Canada, and to make recommendations on concrete actions
22 that can be taken to improve their safety. And, I think
23 the testimony we heard this week will provide us with some
24 important additional information regarding the impact of
25 the criminal justice system and we incorporate that into

1 the work of the National Inquiry as we move forward and as
2 we formulate our recommendations as we continue with our
3 work.

4 So, again, I want to thank the families and
5 the survivors, and all the witnesses who have shared their
6 truths with the National Inquiry throughout our whole
7 process. They have helped us honour our missing and
8 murdered loved ones with their presence and with their
9 knowledge. And, for those of you here, I wish you all
10 safe travels home and I look forward to seeing many of you
11 at our hearing on child welfare in Winnipeg in two weeks.
12 Thank you. Merci. Tiawenhk.

13 **MS. NADINE GROS-LOUIS:** Tiawenhk,
14 Commissioner Eyolfson.

15 J'inviterais maintenant Commissioner
16 Robinson.

17 **--- CLOSING REMARKS BY COMMISSIONER QAJAQ ROBINSON:**

18 **COMMISSIONER QAJAQ ROBINSON:** Thank you.
19 Tiawenhk. Oui. Merci. Nakurmiik. I would like to
20 acknowledge and thank our hosts, the Huron-Wendat, for
21 allowing us to be within your territory, and I thank you
22 for providing us with a good space and support of your
23 elders and your community members while we have been doing
24 this work this week.

25 I want to acknowledge Elder Roland,

1 Pénélope and Rebecca Veevee, nakurmiik for the qulliq, and
2 the laughs, and the tears and the laughs again. And, the
3 hugs. I want to thank our always grounding and
4 enlightening members of the National Family Advisory
5 Circle, for being with us, for challenging what we have
6 heard and helping us understand how we need to look at
7 things and having those conversations with us. I am
8 always grateful for your insights and your presence.

9 I want to thank the witnesses that came to
10 speak and share with us, knowledge keepers. Our MC,
11 Madame Gros-Louis, you have really helped guide us through
12 this week. Thank you.

13 As always, I want to thank our team who,
14 again, created a space in here out of four walls, a place
15 where I saw something this week that I have been seeing
16 grow and it really came out this week. And, I want to
17 thank particularly the parties with standing and those who
18 come, and have come to this hearing and the hearings
19 before. And, I think about our first hearing here in
20 Quebec City as phase 2 and 3 started, and the anxiety I
21 think we all felt engaging in a process that some of us --
22 well, one had never been done before, did not know what to
23 expect, did not know our roles in it to a degree. And, I
24 really want to thank you for being part of this and the
25 questions that you ask, and the perspectives that you

1 bring and expose us to. I also want to thank you and note
2 that I see the compassion that you are showing each other
3 and I just want to acknowledge the beauty and the power of
4 that.

5 Above all, we are all human and constantly
6 acknowledging and lifting up each of our humanity is a
7 really important thing, and I think Ms. Gabriel spoke
8 about that today, and I wanted to just acknowledge that I
9 am seeing that and I am grateful for that.

10 I am going to leave it with that. We are
11 going to see each other very soon. There is a lot that I
12 learned this week and a lot that I will continue to learn
13 as we piece the puzzles together as we connect the dots.

14 So, again, thank you to all who I have
15 mentioned, all those present, all those listening and
16 watching. And, I remain committed to this work and look
17 forward to us gathering again. Safe travels.

18 **MS. NADINE GROS-LOUIS:** Nakurmiik,
19 Commissioner Robinson. Tiawenhk.

20 Alors maintenant, je vais demander à la
21 commissaire Michèle Audette, qui est accompagnée de sa
22 maman Évelyne.

23 **--- CLOSING REMARKS BY COMMISSIONER MICHÈLE AUDETTE:**

24 **COMMISSIONER MICHÈLE AUDETTE:** <En langue
25 autochtone> Évelyne. Alors, oui, je vous vois faire de

1 l'exercice là. I see you're doing your exercise to wear
2 your ---

3 Un gros merci à M. Rolland - j'allais dire
4 « Laurent » - Rolland pour avoir ouvert ce cercle en début
5 de semaine dans votre territoire, le territoire le
6 Nionwentsio et qui a été partagé pendant des millénaires,
7 des centaines d'années et des décennies, et encore
8 aujourd'hui avec la Nation Innu, la nation de ma mère, la
9 nation que je porte, et plein d'autres nations.

10 Puis ils sont tellement généreux que
11 maintenant ils vous accueillent ça fait, quoi, trois fois
12 que vous venez ici peut-être, deux fois? Ça serait le fun
13 de vous revoir encore.

14 Merci beaucoup à nos grands-mères d'être
15 toujours, toujours là, toujours, 24 heures sur 24, des
16 femmes courageuses, des femmes qui ont l'expérience, des
17 femmes qui ont la souffrance mais la résilience, des
18 femmes qui ont la guérison, des femmes incroyables.

19 Nos familles aussi, les familles qui nous
20 soutiennent dans ce processus-là très difficile, rempli
21 d'émotions, et je vous dirais, moi, depuis l'annonce de
22 juin dernier, j'ai de la rage, mais je suis humaine.
23 C'est moi.

24 Puis toutes ces femmes-là, avec leurs
25 filles, leurs conjoints, qui viennent nous soutenir, soit

1 de façon virtuelle par Messenger ou tout simplement ici
2 avec nous. Elles espèrent beaucoup que cette enquête va
3 faire bouger les choses. Alors, j'essaie d'honorer du
4 mieux que je peux vos espoirs, qui sont aussi mes espoirs.

5 Les témoins qui ont accepté de venir ici,
6 vous le savez qu'il y a des témoins depuis les débuts qui
7 sont peut-être pas en accord avec comment on fait les
8 choses au sein de l'Enquête nationale, mais ils sont venus
9 pareil, puis leur message est important, leurs critiques,
10 leurs idées critiques constructives, peu importe. Moi je
11 pense peu importe, ça l'a sa place dans ce grand exercice-
12 là que j'espère démocratique.

13 Les qualités... ayant la qualité pour agir,
14 ça c'est un mot que j'ai appris quand j'ai commencé avec
15 vous autres, *parties with standing, easy*. En français
16 c'est un peu plus dur à dire. Vous m'avez épatée cette
17 semaine. À toutes les fois que je vous vois, je prends le
18 temps de vous dire bonjour, de vous prendre dans vos bras
19 et puis dans mes bras. Je pense pas que des enquêtes
20 normales c'est comme ça que ça se passe. Bien, je vous
21 remercie d'accepter mon petit colleux matinal. Je vous
22 remercie de défaire ce qu'on pense ça devrait être quoi
23 une enquête, une commission d'enquête. Ensemble, on fait
24 une petite histoire. Je trouve ça cute et puis je
25 trouvais ça important de le dire.

1 Et aujourd'hui, vous avez, sans ma
2 présence, sans mon influence ou mes petites fossettes ou
3 mes stepettes, vous avez changé encore une fois comment on
4 fait une commission d'enquête. Puis ça, je vous dis
5 merci. Vous être venus vivre vos émotions devant le
6 Canada. Vous êtes venu briser la perception de ce qu'on
7 peut avoir des fois des avocats ou avocates. Vous nous
8 avez partagé votre vérité. J'écoute, moi, j'observe. Et
9 vous nous avez partagé aussi, dans un jargon d'avocat, on
10 dirait, on dirait que vous avez fait une *submission*. Vous
11 êtes venus présenter les gens que vous défendez, pas comme
12 témoins mais comme représentants, comme avocats. Et puis
13 ça, je l'ai apprécié aujourd'hui. Vous l'avez fait avec
14 beaucoup de passion.

15 Il y a eu des reconnaissances importantes
16 envers Ellen Gabriel et l'histoire d'une personne. Vous
17 avez été témoin. C'était beau à voir. Puis j'espère
18 qu'on va continuer comme ça. Moi, je ne vous arrêterai
19 pas, c'est sûr.

20 Ç'a été une semaine difficile, mais on
21 s'entend tu que ça fait deux ans et quelques semaines que
22 c'est difficile? Mais à comparer à tous ce que les
23 familles et survivantes vivent, c'est rien le deux ans
24 qu'on vient de traverser et puis qu'on continue à
25 traverser. Il faut se rappeler pourquoi on fait ça,

1 pourquoi on est là.

2 Aujourd'hui, c'était le système pénal.

3 Imaginez si on avait eu le temps de bien faire les choses,
4 pas une audience *back à back*. C'est fou. C'est difficile
5 pour tout le monde. Où là les institutions fédérales,
6 provinciales, polices municipales auraient pu être
7 questionnés, auraient pu répondre, auraient pu échanger.
8 J'aurais pu être en désaccord ou en accord, mais ça c'est
9 ce qui anime ma rage. On n'a même pas le temps de faire
10 ça.

11 On n'a même pas le temps de vous donner les
12 documents comme du monde. Ça, c'est inacceptable. Je
13 vais m'excuser publiquement pour vous. Mais derrière, je
14 vois comment les gens essaient de répondre. On fait des
15 erreurs. J'ai pas peur de le dire, j'en fais. Je suis
16 pas une vraie commissaire, j'ai dit quelques commentaires
17 cette semaine, mais oui, je suis une vraie commissaire.

18 Alors, je vous le jure, je n'aime pas ça et
19 j'aimerais ça qu'on puisse vous les donner et moi aussi je
20 les reçois en même temps que vous, la plupart du temps.

21 C'est pour ça que je me disais le temps
22 était important pour qu'on puisse justement respirer,
23 prendre le temps d'analyser, de bien regarder entre les
24 lignes et puis de faire notre job d'avocat, de faire notre
25 job de commissaire, de faire notre job de grand-mère, de

1 faire notre job que les familles attendent de nous. Et
2 ça, je lâcherai pas le morceau jusqu'à la fin.

3 Le système colonialiste, on le sait, on le
4 vit à tous les jours. Hier, à Val d'Or, ici au Québec,
5 des Innus de chez nous, de Maliotenam, viennent chanter
6 sur le territoire Anishinaabe et des Inuits côtoient aussi
7 cette région-là. Ma nation est allée chanter chez eux et
8 la SQ portait les dossards. J'en revenais pas. Je me
9 disais ça se peut pas qu'en 2018, on tolère ça, un message
10 qui divise au lieu de rassembler. Je ne lâcherai pas le
11 morceau. Sûreté du Québec, enlevez le dossard.

12 Je vous dirais aussi, on a entendu beaucoup
13 de fois, et je mets ma voix à cette voix-là qui est
14 multiple et qui émane de tous bords, comment on peut créer
15 un espace pour les familles, un espace sécuritaire où nos
16 femmes... elles ne m'appartiennent pas, mais j'en fais
17 partie... nos mères, nos filles, vont sentir que la parole
18 qu'elles ont amenée ici ne dormira pas sur une tablette.
19 Ça c'est tough. À tous les jours c'est un défi pour moi.

20 Il y a des responsables qui sont ici. Il y
21 a des responsables qui nous écoutent. J'en fait partie.
22 Je suis responsable comme maman et puis grand-maman.
23 Alors, il faut absolument qu'on donne vie à ces
24 recommandations-là, et ça arrive bientôt.

25 C'est notre devoir, à vous, à moi, tout le

1 monde qui nous écoute.

2 We cannot pretend that this Inquiry -- we
3 cannot say that it will solve everything. You know that,
4 I know that, but we will bring something by your question,
5 by your cross-examination. We can use it depending who is
6 there, or dialogue, or exchange. I respect how you see
7 it, that your strength and the strength of the witnesses
8 will bring those recommendations, and everybody has to be
9 accountable. Everybody.

10 Yes, for the women and the men and the
11 girls who share their truths to us. Yes, for the
12 witnesses who came here and shared their truth. But, for
13 all Canadians. And, I have to say thank you to this woman
14 yesterday. What a courage for her to come here. It was
15 tough for her. She's a human being, too, but it comes
16 with the responsibility that she chose to take on.

17 But, the good thing, she removed some
18 devils on the shoulder of my mom. I will never forget
19 that. It was huge. But, I'm concerned she'll go back
20 home. Who's going to be there for her? She's mad, she
21 says. So, my mom is just an example of the thousands of
22 thousands of women. So, I believe that many initiatives
23 across Canada that were shared since we started way before
24 us deserves to be implemented or supported by the people
25 who have control on us. I hope my kids will have control

1 on them. So see you in two weeks, en français and in
2 English, the same thing, same hug, same smile but same
3 hope so we can change something together. Merci.

4 --- Upon adjourning at 3:37 p.m./L'audience est ajournée à
5 15h37

6 --- Upon adjourning at 16:56

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11 LEGAL DICTA-TYPIST'S CERTIFICATE

12

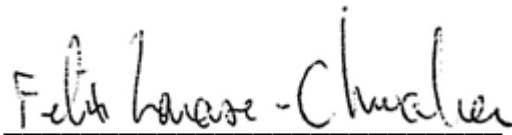
13 I, Félix Larose-Chevalier, Court Transcriber, hereby
14 certify that I have transcribed the foregoing and it is a
15 true and accurate transcript of the digital audio provided
16 in this matter.

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Félix Larose-Chevalier

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Sep 21, 2018

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