

Missing and Murdered Indigenous
Women and Girls

Justice has turned a blind eye
Blindfolded she remains
Ignorance prevails
Up and down the ladder
Of the judicial hierarchy
A practice of ignorance
A practice of doubt
Perpetuates throughout
Throughout the ranks
Throughout the nation

Each family has a story
Each family with it's own
circumstance
Each family torn
Torn inside out
The unknown hard to bear
The unknown remains
Deeply etched in our hearts
The tears continue to flow
Questions remain unanswered
The heart is shattered
Our hearts are shattered

Little lads left to wonder
Little lads left to fend for themselves
Little sisters left crying
Little daughters left aching
For the sole embrace
Of a dearly missed sister
Mother
daughter

Oh the ache is unbearable
Oh the ache lingers

Never a glowing morning sun
A sunset remains
A perpetual darkness
In the darkness
Hope lingers
A mother's love
A sisters love
Beckons for a safe return
It is all we are left
A beacon of hope shining
In the hearts of the loved ones
It's been so long little sister
It's been so long our mother
It's been so long

We have cried
Over and over
Our tears soak our pain
Our tears wash our anguish
Unknown we remain
Unknown we cry
Unseen we mourn
Our prayers be with you
Our thoughts be with you
With love and devotion
We cry
We cry forever

-NAPS Board Chair Mike Metatawabin
Family Member, and witness at Institutional
Hearing on Police & Police Practices

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PART I: OVERVIEW

The time has come to move from apology to action. From studying problems to implementing solutions. The time has come to stop being caught in the moment of reaction, and instead, to finally take up our responsibilities.

Actually, the time is past due.

As the Commission sat through weeks of expert testimony in the Part II and Part III Truth Gathering process, Indigenous women continued to go missing, continued to be murdered. Not one week went by that the pain of another life lost was not felt. Throughout Nishnawbe Aski Nation (“NAN”) and Grand Council Treaty #3 (“GCT#3”) territory, families and communities searched for and buried their mothers, sisters, daughters, aunties, and friends, as the Commission heard testimony on why this “may” be happening. But as the experts and knowledge keepers told their stories of trauma it was happening, and it continues to happen as we write these final submissions. The process of healing-through-action requires an honest acknowledgement of this national crisis.

The Commission is thus an opportunity to begin anew in confronting the national crisis into Missing and Murdered Indigenous Women and Girls LGBTQ2S in a meaningful way. The Commission’s existence and its eventual report and recommendations can provide that honest acknowledgement. In the words of a community member, “we live in the hot water so long, we can’t even identify what is normal and so we don’t register how bad our crisis is”. The testimony throughout this Inquiry has charted what we are facing: a national human rights crisis built on systemically racist, colonial and patriarchal systems. Its recommendations must now outline the

responsibilities we all bear: personal, provincial, systemic, community, institutional, crown, and treaty partner.

NAN and GCT#3 would also like to recognize the bravery and strength of the family members that provided testimony to the National Inquiry through the Part I Community Hearings. Your unwavering commitment to change, your willingness to confront the pain of losing a loved one was an act of courage. Telling the stories of those who have gone before us will make tomorrow a better day for Indigenous women and girls.

To those who continue to suffer with the pain of loss in silence, we acknowledge your quiet strength, and we are here for you when you need us.

Treaty Alliance Northern Ontario

1. NAN was established in 1973 as the Political Territorial Organization representing the political, social and economic interests of its 49 member First Nations in Ontario. These communities include four traditional language groups and seven Tribal Council Groups. There are approximately 45,000 NAN members on and off reserve in a territory of 210,000 square miles.
2. GCT#3 is the historic traditional government of the Anishnaabe Nation in Treaty #3 and the political government for 26 First Nations in Ontario, and two in Manitoba. The Anishnaabe Nation has never surrendered any rights of self-government and continues to exercise traditional government practices, protecting its rights respecting approximately 55,000 square miles of territory.
3. NAN and GCT#3 have long recognized their common interests and on December 2, 2009, declared a formal alliance,¹ with each retaining separate mandates over their respective

¹ NAN and GCT#3 Declaration of Alliance; NAN Resolution 10/01, March 31, 2010.

communities. As NAN and GCT#3 have extensive experience acting as a liaison between First Nations and various levels of government on social issues affecting the well-being of women, as well as subject matter expertise through the work of their Women’s Councils, they were granted joint standing at this Inquiry as “Treaty Alliance Northern Ontario”.

4. Treaty Alliance Northern Ontario participated fully in the Part II and Part III Hearings, including leading witnesses in the area of Indigenous Policing at the Part II Police Policies and Practices Hearing in Regina, Saskatchewan on June 25 to 29, 2018, and the Criminal Justice System – Oversight and Accountability Hearing in Quebec City on September 17 to 21, 2018.

The Unique North

“For most Ontarians, the north is an afterthought – a vast and empty wilderness of lakes, muskeg, and forest... in fact, many Ontarians use “north” as a kind of shorthand for isolated and remote country.”²

5. The Commission heard that many Indigenous communities suffer from shared causes of violence including poverty, colonialism, racism, lack of access to basic medical and support services, and the effects of the residential school era. NAN and GCT#3 communities suffer from these issues as well, but they are complicated by extreme geographic isolation and inadequate infrastructure. With insufficient government support, the provision of social services that would help to prevent the victimization of women and girls is virtually non-existent.

6. Through its right of cross examination, Treaty Alliance Northern Ontario provided context to the Commission that women and girls in NAN and GCT#3 communities often face the unconscionable choice of staying in an abusive situation due to geographic isolation, or leaving their community and families and putting themselves at a risk of violence in an urban setting where

² *ibid.* It is also sometimes called ‘new Ontario’ reflecting its post-confederation addition to ‘old Ontario’, or southern Ontario.

they may lack knowledge of local language, laws, safe areas in town, or how to access available services.

7. These are choices that no woman or girl should ever have to make. If support and basic services were available at the community level, our women and girls could make meaningful decisions about the best care for their situation. Instead they are forced into vulnerable and dangerous circumstances to access basic services, services that most Canadians find close to home, and remain safe while accessing.

8. It is also very important to understand that despite Treaty Alliance Northern Ontario's joint submission and standing, issues and solutions are unique across each of the 77 communities, and great care must be taken in addressing recommendations to consider the unique and diverse identities, cultures, traditions, languages and community perspective of each of the First Nations represented by NAN and GCT#3.

RECOMMENDATION: Commit to ensuring that remoteness, the unique geographical situation, and the history, culture, tradition, and identity of each NAN and GCT#3 community is considered in all recommendations made by the Commission.

RECOMMENDATION: Commit to ensuring predictable, stable, and needs-based funding consistent with substantive equality with the consideration of increased costs for delivery of programs and services due to location of NAN and GCT#3 communities.

PART 2: THE IMPORTANCE OF REBUILDING TRUST WITH INDIGENOUS COMMUNITIES

Concerns with the National Inquiry Process

9. As stated in our oral submissions, Treaty Alliance Northern Ontario recognizes and acknowledges the difficult and important work that this Inquiry has completed to fulfil its mandate in the extraordinarily short time frame it has been given by the federal and provincial governments.

10. Included in that acknowledgment, is the deep concern that this Inquiry has closed while failing to consider a trauma-informed approach with the families at the centre of the Inquiry.

11. Treaty Alliance Northern Ontario, individually and collectively, has supported and lobbied for a National Inquiry into Missing and Murdered Women through advocacy and participation long before the formal announcement of this Inquiry.³ It is for this reason that NAN and GCT#3 are extremely disappointed that the Commission did not hold a single hearing in any NAN or GCT#3 communities. A Part I Community Hearing was held in Thunder Bay, Ontario from December 4 to 6, 2017. However, many of our families could not participate due to high transportation costs and other factors surrounding travel to an urban centre without access to traditional and cultural supports. As a result, many were unable to share their story with the Commissioners. Further, GCT#3 representatives and Women's Council representatives were unable to attend even one Part II and Part III Hearing due to the location and scheduling of these hearings.

12. When the National Inquiry attended in Kenora to take statements from the three (3) families that it had previously identified, many families who were finally ready to tell their truth were pushed away because there just was not sufficient time. The statements were taken at the Super 8 motel, in a hotel room along the TransCanada highway. This stands in stark and alarming contrast to the roundhouse, with ceremony and traditional medicine, in the presence of elders. It was communicated to the Inquiry that the only place that community members would feel safe and supported to tell their story was the roundhouse in the community. There is simply no excuse for not following the trauma-informed approach dictated by the mandate of the National Inquiry. Our families were retraumatized in a way that is unacceptable and must be addressed.

³ GCT#3 Resolution 13-01, October 24, 2013

13. The Part II and Part III phases of the National Inquiry were rushed, and the concerns of the parties with standing are well-documented: lack of time for meaningful preparation, limited time for cross-examination, and witnesses who could not speak to legislative change or funding commitments.

14. NAN and GCT#3 continue to tirelessly advocate for First Nations women and girls in our territories. Through its respective Women's Executive Council, each organization held various gatherings in acknowledgment that a significant number of the missing and murdered women in this country come from NAN and GCT#3 territory. In February, 2016, GCT#3 held its initial MMIWG gathering at Wauzhushk Onigum First Nation, where a significant effort was made to honour the "Families First Principle" which acknowledges the primary role of the family in being advocates of the family and in sharing the story of the lost loved one.

15. The 'Families First Principle' reminds us that when the Commissioners sit down to formulate recommendations, and seek meaningful solutions to the causes of violence against Indigenous women and girls, the voice of the family is the most important: "Nothing for us, without us."

16. The GCT#3 Women's Executive Council hosted the fourth MMIWG Families Gathering in Sagkeeng, Manitoba, on September 12 to 13, 2018, where families were asked to focus on sharing recommendations which would be brought to leadership and to this Inquiry.

17. NAN held a women's gathering on December 11 to 13, 2018 in Thunder Bay where 86 women attended to discuss, amongst other important topics, how to address the crisis into Missing and Murdered Indigenous Women and Girls.

18. It is clear that the closing of this Inquiry process does not signal an immediate end to the crisis facing Missing and Murdered Indigenous Women and Girls for Treaty Alliance Northern

Ontario and the communities that it represents. Our territories continue to experience tragedy after tragedy. It is imperative that the Commission recognizes and acknowledges the importance of supporting NAN and GCT#3 community members moving forward, especially given the failure to attend in our traditional territories while the National Inquiry conducted its truth gathering processes.

RECOMMENDATION: A collective acknowledgement by the federal, provincial and territorial governments that Missing and Murdered Indigenous Women and Girls is a national crisis. The first step in addressing the crisis is a national public awareness and prevention campaign as a coordinated and fully funded action plan to address all forms of violence against Indigenous women and girls with appropriate monitoring and assessment mechanisms. The campaign should be guided and led by the voices of Indigenous women.

RECOMMENDATION: Urge national and provincial governments to communicate directly with NAN and GCT#3, with the goal of taking immediate and meaningful steps to address the systemic and root causes of violence against women and girls in our communities.

RECOMMENDATION: A fully funded National education strategy for all Canadians about the historical root causes of violence against Indigenous women and girls perpetuated by Canada.

RECOMMENDATION: To provide adequate and sustainable funding for use at the community level to support families who are grieving the loss of their loved ones as they move toward healing and closure through community-based wellness systems that invest in family relationships, knowledge translation, and community healing, including funding for land-based healing and through traditional medicine.

RECOMMENDATION: To provide an opportunity for those families from NAN and GCT#3 who could not meaningfully participate in the National Inquiry to tell their stories in a trauma-informed way with appropriate supports. Further, to consider these stories and the information received in a supplemental report with suitable recommendations and an acknowledgment of the impossibility of considering these important voices in the short time frame given to the National Inquiry to fulfil its mandate.

RECOMMENDATION: To ensure that the voices of NAN and GCT#3 families of Missing and Murdered Indigenous Women and Girls are heard and respected as the Inquiry moves to completing its final recommendations, and that findings are communicated in a trauma-informed way.

Trust as a Catalyst for Change

19. In his cross examination, Winnipeg Police Service Chief Danny Smyth agreed with the legal adage that, “justice must not only be done, but must also be seen to be done”, stating that he is always aware of the perception⁴ of the public in delivering police services.

20. RCMP Commissioner Brenda Lucki stated that, “trying to build a relationship of trust during a crisis, it’s too late. You need to build the relationship before that, so that during the time of crisis, that relationship has already been built.”⁵

21. On December 12, 2018, just two days after Treaty Alliance Northern Ontario delivered its oral closing submissions to this Inquiry, the Office of the Independent Police Review Director (“OIPRD”), delivered its report in response to a complaint received about the Thunder Bay Police Service (“TBPS”) investigation into the 2015 death of an Indigenous man from Rainy River First Nations, Stacy DeBungee, and the systemic issues suspected to underlie the shoddy investigation.

22. The OIPRD visited Thunder Bay and conducted over 80 meetings with Indigenous leaders and community members, Indigenous organizations, community organizations, service providers,

⁴ National Inquiry into Missing and Murdered Indigenous Women and Girls, Parts II & III Institutional and Expert/Knowledge Keeper Hearings: “Sexual Exploitation, Human Trafficking and Sexual Assault”, Volume XVIII at p. 201

⁵ National Inquiry into Missing and Indigenous Women and Girls, Part II Institutional and Expert/Knowledge Keeper Hearings: “Police Policies and Practices”, Volume VIII, at p. 59

and individual members of the public. Overall, the meetings “revealed nothing short of a crisis of trust afflicting the relationship between Indigenous people and TBPS.”⁶

23. Trust forms the basis for change. Without mutual trust and respect, Indigenous women and girls will continue to go missing, will continue to be murdered. It is impossible to address any meaningful change for Indigenous people without first examining that relationship of trust. Trust between Indigenous people and service providers. Trust between Indigenous people and the police. Trust between Indigenous people and other Indigenous people. As with anything that is broken, trust takes time to rebuild and these relationships will not improve without real commitment to a renewed relationship based on understanding the history of Indigenous people in Canada.

24. The first step in building trust is to ensure that Indigenous women, girls, and their families are being listened to. Not the kind of “listening” that fits into a false narrative, or can be checked off in a box, but really and truly listening to the voices of our women and girls, and respecting what they have been saying for decades.

25. The families that participated in this National Inquiry process trusted that they would be listened to. That their stories would be respected. That they would be protected. This has not happened.

26. Aftercare has been difficult to access, with families waiting months to hear back on their request for services. Families were promised information about the investigations into the death investigation of a loved one and have been met with nothing but silence.

27. These families trusted that they could finally share their truth in the hopes that tomorrow might be a safer place for Indigenous women and girls.

⁶ Broken Trust: Indigenous People and the Thunder Bay Police Service, Office of the Independent Police Review Director, December, 2018 at p. 6 - <http://oiprd.on.ca/wp-content/uploads/OIPRD-BrokenTrust-Final-Accessible-E.pdf>

28. It is only through strong recommendations with real accountability mechanisms that the broken trust between this Inquiry and our family members can be rebuilt.

29. During the Part II and Part III, parties with standing requested that witnesses provide insight into how the Commission could ensure that its final Report was not just “another book on a shelf”. Dr. Mary Ellen Turpel-Lafond stated that it is “having that point of accountability across systems”,⁷ and further, “why you really need Indigenous leadership, and Indigenous women’s leadership to be able to understand that lived experience. In terms of recommendations to change systems, they need to be powerful recommendations, and as we know with the TRC, they didn’t call them recommendations, they called them “Calls to Action” because the Commissioners felt that they were stronger than recommendation; they wanted action”⁸. She went on to say, “we may need an international rapporteur to monitor Canada’s progress on these recommendations.”⁹

30. Given Treaty Alliance Northern Ontario’s serious concern that the voices of its First Nations were not fully considered through this Inquiry process, it is especially important that the recommendations reflect the lived reality of our women and girls, and also be flexible enough to consider the unique perspective of NAN and GCT#3 families who are affected directly by this crisis. The hard work does not end with the publishing of a final report, and the recommendations should reflect the living circumstances that contribute to the causes of violence being examined through this Inquiry’s mandate.

RECOMMENDATION: To address the limited incentive for governments and institutions to implement the final recommendations and engage in a meaningful approach to implementation which should include: a) clear identification of the institution or department responsible for implementing the recommendation; b) measurable benchmarks for progress; c) reasonable time

⁷ National Inquiry into Missing and Murdered Indigenous Women and Girls, Parts II & III Institutional and Expert/Knowledge Keeper Hearings: “Child and Family Welfare, Volume XIII at p. 250

⁸ *Ibid* at p.251

⁹ *Ibid*

frames for completion; d) mechanism for reporting progress; and d) an independent monitoring body with real consequences for failure to implement.

RECOMMENDATION: To recommend and support legislative change to make recommendations from Inquests and Commissions of Inquiry binding where applicable.

RECOMMENDATION: That the recommendations made by this Inquiry allow for flexibility to consider the fluid perspective of NAN and GCT#3 communities and family members.

RECOMMENDATION: That a fully funded national table, with oversight from a Family Advisory Council, be convened to sit regularly to monitor the implementation of the final recommendations with NAN and GCT#3 granted full participation at the table as part of a nationally coordinated action plan to support implementation.

RECOMMENDATION: That Indigenous women lead and oversee the implementation plan identified by the final recommendations.

Building on What We Already Know

31. Treaty Alliance Northern Ontario submits that the root and systemic causes of violence against Indigenous women and girls are written about extensively in reports, and identified solutions are addressed through the recommendations and calls to action of countless inquests and inquiries. Further studies on the increased rates of victimization of Indigenous women and girls as related to the traumatic effects of residential schools, poverty, lack of access to basic human rights like clean water, shelter and safe spaces are simply not required. Action is required.

32. To truly begin rebuilding trust with Indigenous people, the work to date must be respected and implemented without further delay.

33. A large number of inquest verdicts and inquiry reports were tendered through witnesses throughout this Inquiry process outlining hundreds of recommendations that impact Indigenous people in Canada, and specifically in NAN and GCT#3 communities.¹⁰

34. It is enough that the men, women, children and families of our communities have experienced unthinkable tragedy and then lived through the horrors of being witnesses in these proceedings. To continue to ignore the recommendations is just further evidence that Indigenous people are not respected in this country.

RECOMMENDATION: To call for the immediate and full implementation of the recommendations made in all Coroner’s Inquest verdicts that specifically affect NAN and GCT#3 communities and Indigenous women and girls. Further, to call for the immediate and full implementation of the TRC Calls to Action.

RECOMMENDATION: To make all coroners inquest and inquiry recommendations available in a central database for families and First Nations to access and monitor.

OIPRD Report -Broken Trust: Indigenous People and the Thunder Bay Police Service

“The fact remains that Investigations were too often handled differently because the deceased was Indigenous.”¹¹

35. The OIPRD’s unprecedented review and report into the TBPS concludes that systemic racism exists in the TBPS at an institutional level.¹²

36. TBPS investigators failed on an unacceptably high number of occasions to treat or protect the deceased and his or her family equally and without discrimination because the deceased was Indigenous, they too readily presumed accident in cases of Indigenous sudden deaths, and

¹⁰ National Inquiry into Missing and Murdered Indigenous Women and Girls, Parts II and III Institutional and Expert/ Knowledge Keeper Hearing; “Criminal Justice Oversight and Accountability, Volume V, Exhibits 5, 6 & 7; and National Inquiry into Missing and Murdered Indigenous Women and Girls, Part II Institutional Hearings: “Police Polices and Practices”, Volume VIII Exhibits 88, 89, & 90.

¹¹ *Supra* note at p. 184

¹² *Ibid*

repeatedly relied on generalized notions about how Indigenous people likely came to their deaths and acted, or failed to act, based on these assumptions.¹³

37. The report's findings completely vindicates what Indigenous people in Thunder Bay have known for decades: the police service whose duty it is to protect them has failed them in every way.

38. Perhaps more broadly, the OIPRD's findings confirm that the colonial systems in this country are broken and need to be rebuilt from the bottom up with a serious commitment to change.

39. The Director acknowledged that it was beyond the scope of his mandate to address the measures needed to protect Indigenous women and girls from violence; however, he noted that "urgent action is required, and that hopefully, the National Inquiry will document the extent of the crisis nationwide and how it should be responded to."¹⁴

40. The Director offered that, "the solution must include robust, effective, bias-free and timely investigations into the disappearances and deaths of Indigenous women and girls."¹⁵ He went on to say that "TBPS has often failed to deliver effective and non-discriminatory death investigations in relation to Indigenous people, including Indigenous women."¹⁶

41. The OIPRD Report outlines 44 recommendations directed to the TBPS as related to sudden death and other investigations, the criminal investigations branch, operational areas, missing persons cases, the relationship between the police and the coroner's officer, the relationship between the police and pathologists, racism in the TBPS in respect of training and recruitment and job promotion, as well as implementation recommendations.

¹³ *Supra* note at p. 182

¹⁴ *Supra* note at p. 152

¹⁵ *Ibid*

¹⁶ *Ibid*

RECOMMENDATION: That the Commissioners support implementation of each of the 44 recommendations contained in the OIPRD Systemic Review into the TBPS and urge the TBPS to comply with all implementation recommendations without delay.

RECOMMENDATION: That the Commissioners urge every police force in Canada to implement the recommendations contained in the OIPRD Systemic Review into the TBPS as a vital step in advancing reconciliation with Indigenous people and rebuilding trust with Indigenous people.

RECOMMENDATION: That cold cases involving missing and murdered Indigenous woman and girls be reopened and reinvestigated.

RECOMMENDATION: That systemic reviews like the OIPRD's review be extended to other public institutions to determine the depth and extent of systemic issues in Canada.

RECOMMENDATION: Urge the TBPS and TBPSB, as well as the Ontario Provincial Police and other municipal police forces, to work with NAN and GCT#3 Leadership in forming appropriate working groups to ensure that the safety of Indigenous women and girls is considered a top priority when addressing organizational change, implementing new policy, and fostering accountability to Indigenous communities.

RECOMMENDATION: That all levels of government focus on systemic issues in policing legislation, policies, and programs through the lens of Missing and Murdered Indigenous Women and Girls, including addressing the harmful 'police culture' that is entrenched within the structure of all police services in this country.

RECOMMENDATION: That this Commission supports the testimony of Nishnawbe Aski Police Services ("NAPS") Board Chair Mike Metatawabin and former Chief of Police Terry Armstrong's testimony¹⁷ by urging that all levels of governments honour their funding commitments to First Nation police services across Canada, and support the promulgation of the legislation for First Nation police services to be protected under the same legislated policing standards as municipal and provincial police services, set to come into effect in early 2019.

¹⁷ National Inquiry into Missing and Murdered Indigenous Women and Girls, Parts II & III Institutional and Expert/Knowledge Keeper Hearings: "Criminal Justice Oversight and Accountability", Volume V

Thunder Bay Police Services Board Investigation: Final Report by Senator Murray Sinclair

42. Senator Murray Sinclair’s report dated November 1, 2018, and released to the public on December 14, 2018, examines the role of the Thunder Bay Police Services Board (“TBPSB”) to determine whether it performed its responsibilities in a manner consistent with its legal obligations and fairness to the citizens of Thunder Bay, its police service, and those Indigenous people within the city from time to time.¹⁸

43. Indigenous groups and individuals in Thunder Bay have publicly criticized police inaction regarding missing and murdered Indigenous women for several decades. The Thunder Bay community list includes nine (9) women murdered in the city since 1987, and numerous others prior to that time. In addition, there are records of nearly 30 missing or murdered Indigenous women since the 1960s.¹⁹

44. This Inquiry held three (3) days of hearing in Thunder Bay in December, 2017. Senator Sinclair’s report specifically references witnesses describing incidents of apparent indifference on the part of police in Thunder Bay. Delaine Copenace’s mother reported to police that she was missing and was told that she was ‘probably just drunk somewhere’. After Delaine’s body was found in Lake of the Woods, right next to the police station, the coroner determined that there was no evidence of foul play, and no inquest was held.²⁰

45. Senator Sinclair’s report also addresses that the concern of human trafficking is “particularly acute” in Thunder Bay²¹, and we heard testimony in Winnipeg, MB, that the

¹⁸ Thunder Bay Police Service Board Investigation Final Report, November 1, 2018, p. 1 - https://slasto-tsapno.gov.on.ca/ocpc-ccop/wp-content/uploads/sites/5/2018/12/TBPSB_Investigation_Final_Report_-_FINAL-1.pdf

¹⁹ *Ibid* at p. 29

²⁰ *Ibid* at p. 29

²¹ *Ibid* at p. 30

TransCanada highway route, including Kenora, is part of an extensive network for human and sex trafficking.²²

46. In finding that there is overwhelming evidence “that Indigenous peoples in Thunder Bay have been subject to different policing standards for decades”, the investigation found “no evidence that the Board took proactive steps to address these issues, to allay community fears, to build trust, or to demand answers”, even when directed to do so in response to the Seven Youth Inquest, and particularly in response to the direction to revise their Missing Person’s Policy to address the unique circumstances of temporary visiting students from northern First Nations.²³

47. Senator Sinclair concludes that, “by failing to address undisputable racism in the face of overwhelming community awareness and media coverage, the Board has failed to serve the Indigenous community and indeed the whole community of Thunder Bay ...”²⁴

48. Treaty Alliance Northern Ontario urges the Commission to consider the totality of this report’s findings in the context of its mandate and specifically as related to women and girls in urban centres from NAN and GCT#3 communities.

49. Further, Treaty Alliance Northern Ontario recommends the full implementation of Senator Sinclair’s recommendations found at pages 105-112, and specifically the following as related to the safety of Indigenous women and girls:

R. 5. That the Board establish a Governance Committee to review and propose revisions where revisions were necessary to all existing policies, including its Missing Person Policy, and to oversee the development and regular maintenance of Board policies.

R. 7. That the Board engage with First Nation organizations, including the Bear Clan and education authorities and local schools, to conduct a formal review of the Missing Persons Policy.

²² National Inquiry into Missing and Murdered Indigenous Women and Girls, Parts II & III Institutional and Expert/Knowledge Keeper Hearings: “Sexual Exploitation, Human Trafficking and Sexual Assault”, Volume XVIII

²³ *Supra* note 18 at p. 73

²⁴ *Ibid*

R. 14. It is recommended that the Board develop, in conjunction with the Chief, a plan to build partnerships with First Nations, educational facilities and other partners to encourage Indigenous recruitment into the TBPS.

R. 18. It is recommended that the Board develop and publish online an annual outreach and consultation plan, identifying:

- a) groups that it plans to consult on specific issues or general matters;
- b) First Nations affected by population flow between them and Thunder Bay; and
- c) Indigenous organizations with actual or potential linkages to TBPS programs, services and operations.

R. 20. That the TBPSB formally and explicitly adopt principles of reconciliation and recognition of Indigenous peoples in their governance and service delivery models.

R. 21. That the Board establish a specific policy with respect to both the Board and the TBPS' relationship with First Nations communities, people, governments, organizations, and service providers setting out the Board's goals, objectives, strategies, communication and consultation protocols, and other measures to facilitate more effective relationships.

R. 22. That the Board establish formal agreements with First Nations governance bodies to share information and raise cultural awareness.

R. 23. That the Board direct the TBPS to develop formal Terms of Reference for the Aboriginal Liaison Unit.

Sexual Assault and Domestic Violence in Northern Communities

*Success is measured by ... knowing she has peace when it comes to her case, and knowing that she stood up for herself and said, 'No, I'm not allowing this to happen to me anymore.'*²⁵

50. Detective Constable Alana Morrison, Abuse Issues Coordinator for NAPS gave powerful and personal testimony to this Inquiry in respect of her 16-year career as an officer, 11 of those years specializing in sex offences dealing with young women and children.²⁶

²⁵ National Inquiry into Missing and Murdered Indigenous Women and Girls, Part II Institutional Hearing: "Police Policies and Practices, Volume VII, pp. 396-397

²⁶ *Ibid* at p. 116-146

51. Detective Constable Morrison described a grave situation in NAPS communities where a victim of a sexual assault is far too often faced with an excruciatingly difficult decision to leave the community to seek help due to the lack of services in the community. After a sexual assault kit is done, the victim is allotted one week of counselling and then sent back to the community with little to no follow up.²⁷

52. When a woman comes forward to police, word in small northern communities travels quickly, and victims are far too often ostracized for “trying to do what’s right”.²⁸

53. Even as an officer who has taken hundreds of statements throughout her career, Detective Constable Morrison was astounded that a young sexual assault victim of 12 years old was put “on a low priority list with counselling 3-4 weeks away” and only one escort available to her.²⁹

54. Following the needs of the communities that she polices, as well as her passion for ensuring community-based support, Detective Constable Morrison developed a program called the Survivor Assistance Support Program which is still in the early pilot stages which addresses the early stages after a victim is assaulted to ensure that trust is built during this period of incredible vulnerability.

55. In speaking of the need for her program, which is not to replace any victim services but to enhance what is there³⁰, Detective Morrison described that:

it also has an impact on women leaving those communities and coming into the urban centres and becoming more vulnerable out in the cities... to see the difference between if a victim is supported right from the get-go all the way to court, if that makes a different impact on them testifying and being in that small community when they have the accused sitting across the room from them.³¹

²⁷ *Ibid* at p.129

²⁸ *Ibid* at p. 131

²⁹ *Ibid*

³⁰ *Ibid* at p. 139

³¹ *Ibid* at p. 129

56. Unfortunately, the Survivors Assistance Support Program³² was funded for just one short year and finding more money has been a challenge. Detective Constable Morrison and her husband, now Chief of Police of NAPS, Roland Morrison, write proposals long into the evening hours trying to scrape together funding, but there is never any government commitment that from year to year, they will be able to run these types of essential programs.³³

57. Superintendent Pritchard recognized Detective Constable Morrison's hard work and stated that,

“the situation right now with many of the self-administered police services, they're lucky if on a day-to-day basis they have officers to put in their patrol cars to answer calls for service, and these things we talk about ... they're not necessarily funded for those positions. And if you don't have an officer to put in a patrol car to answer calls for service, you can't have that officer doing programming that's going to be preventing crime.”³⁴

58. Women in northern and remote communities are still faced with “choice” that isn't much of a choice at all. Leave their family and community to get help in an unfamiliar urban centre, or stay close to the community support system and in close proximity to the perpetrator with little to no safety measures or counselling services and broken trust with families, police services, and victims support services.

59. NAPS and Treaty 3 Police Services (“T3PS”) are often the first point of contact that a woman has after experiencing a sexual assault in her community and these police services lack basic resources to provide any support whatsoever. It is essential to the safety and wellbeing of Indigenous women and girls that funding is provided to specific programs designed to ensure safety and promote trust in this traumatic time.

³² *Ibid* at Exhibit 91

³³ *Ibid* at p. 140

³⁴ National Inquiry into Missing and Murdered Indigenous Women and Girls, Part II: “Police Policies and Practices”, Volume X at p. 177

RECOMMENDATION: To provide funding, training, and capacity to administer sexual assault kits in every NAN and GCT#3 community for victims who do not wish to leave their home community in the immediate period of time following an assault.

RECOMMENDATION: To provide NAPS and T3PS the necessary resources to create a specialized sexual assault unit within each respective service and specialized training in sexual abuse and domestic violence situations.

RECOMMENDATION: To provide resources to NAPS and T3PS for community-based programming like Survivors Assistance Support Program and other similar programs that support victims and witnesses.

RECOMMENDATION: To support the recruitment, retention and promotion of Indigenous women in First Nation Police services across Canada.

RECOMMENDATION: To provide immediate counselling services in the community for any family member of the victim affected by a domestic or sexual assault and for police officers who suffer from the effects of PTSD or trauma resulting from their job.

RECOMMENDATION: To provide specialized access to mental health supports in northern communities, and in the event that it cannot be provide, appropriate compensation for having to leave the community.

PART II: IMPORTANCE OF SELF-DETERMINATION FOR FIRST NATION COMMUNITIES

Indigenous Legal Traditions

60. Following the Calls to Action by the Truth and Reconciliation Commission and the federal government's embracing of the United Nations Declaration on the Rights of Indigenous Peoples, indigenous legal traditions are recognized as holding unique remedies. We must revitalize those traditions.

61. Michael Coyle surveyed the literature on indigenous legal traditions finding four key premises to frame conversations and recommendations:

Together, though, the sources indicate that four (4) important things must be kept in mind when approaching the legal traditions of Indigenous peoples on this land. First, those traditions tend to place a central focus, not on individual “rights”, but on maintaining harmonious relationships among members of the community and between the community, the land and other life-forms. Second, a people’s language shapes their understanding of the world and the nature of their laws. Third, Indigenous legal orders come from different sources than state-based law (like spiritual teachings, traditional stories, principles drawn from observing nature, customary law, and deliberative processes for transmitting and interpreting law). Finally, for all of the writers, Indigenous legal orders continue to exist and evolve and they remain relevant to the challenges faced by Indigenous peoples.³⁵

He quotes Aaron Mills’ “Lifeworlds of Law” as it outlines the positive effect of moving away from Canadian legal hegemony: “Strengthening the ability of Indigenous peoples to use their own laws would enhance their ability not merely to govern themselves, but to do so according to principles that reflect their own values.”³⁶

RECOMMENDATION: To support communities that do wish to map, clarify, and revitalize their legal traditions. federal and provincial governments should offer funding and capacity support.

RECOMMENDATION: Universities, law schools, and research funding agencies should also support Indigenous legal knowledge projects, whether by providing funding for them or through working partnerships between communities and scholars trained in Indigenous worldviews and legal reasoning.

RECOMMENDATION: Canadian law schools and other university departments, in concert with Indigenous faculty, should continue and enhance their efforts to ensure that their students learn about the nature of Indigenous legal traditions and the distinct worldviews and social norms that underlie those traditions.

³⁵ Coyle, Michael, "Indigenous Legal Orders in Canada - a literature review" (2017). Law Publications. 92. <https://ir.lib.uwo.ca/lawpub/92>

³⁶ Coyle at iv

Child Welfare

62. The numbers of First Nation children in care today are staggering. First Nations children are failed regularly by the colonial structures designed around apprehension and ‘keeping kids in care’ instead of mechanisms and supports to keep children in their home communities. Indigenous Services Minister Dr. Jane Philpott has called the child-welfare system a “humanitarian crisis.”³⁷

63. Canadian Human Rights Tribunal rulings have once again confirmed what we already know: that Canada has been discriminating against First Nations children for decades.

64. GCT#3 declared and adopted its child care law in 2005, founded in spirituality and spiritual gifts. Traditional Anishnaabe Law recognizes that the child must live, belong and grow within an environment of human relationships rooted in the family, the clan and the community, and that these needs are essential to the best interest of every Anishnaabe child.

65. NAN is currently engaged at the federal and provincial level with respect to the need for First Nation communities and the appropriate levels of government to work together to develop a transformed, more responsive and wholistic approach to NAN child, youth, and family well-being.

66. The starting point for any discussion of child welfare legislation is that such legislation must recognize that First Nation peoples have their own legal systems, practices, and traditions governing the care and protection of their children. Federal legislation must support the exercise of the inherent rights and responsibilities of First Nation communities and members thereof to care for their children in accordance with their legal systems, practices and traditions. The legislation must recognize that Canada has acted in a violation of treaty relations, and that as a part of its responsibilities in the treaty relationship and in redress and restitution, Canada must provide

³⁷ National Inquiry into Missing and Murdered Indigenous Women and Girls, Parts II & III Institutional and Expert/Knowledge Keeper Hearings: “Child and Family Welfare” at pp. 247-249

financial resources to support the self-directed healing and the exercise of First Nations' inherent and exclusive jurisdiction over child and family well-being.

RECOMMENDATION: That the Commission supports NAN, GCT#3 and all First Nation communities in bringing back child welfare into the exclusive jurisdiction of the First Nations rooted in First Nation ways of being and knowing with appropriate government supports, funding, and recognition of this framework.

RECOMMENDATION: A federal advocate for First Nation children and youth to monitor the progress towards closing the outcome gaps between First Nation children and non-Indigenous children and to ensure substantive equality in the areas of education, health, economic well-being, and social services reporting directly to Parliament on this progress.

RECOMMENDATION: To hold third-party service providers accountable to ensure that First Nation children are safe.

RECOMMENDATION: To adopt positive statistics to measure the percentage of First Nation children returning home as a rate of success as opposed to tracking the number of children in care as a benchmark.

RECOMMENDATION: To urge Canada to immediately comply with all CHRT orders and to fully and properly implement Jordan's Principle.

RECOMMENDATION: That the practice of newborn apprehension is ended immediately with apprehension at all as the last resort.

RECOMMENDATION: To ensure that young Indigenous women are fully supported as they age out of care with respect to housing, education, basic income supplement, and counselling services to enhance their chances of success as they transition out of care.

RECOMMENDATION: To implement a system whereby youth who have transitioned out of care are supported through follow up and tracking for at least two years.

The Justice System

67. First Nations people in Ontario and Canada experience both overrepresentation and underrepresentation in the justice system. They are overrepresented as accused, as victims of crime, and within Canada's jails. They are underrepresented as judges, Crown Attorneys, and lawyers. The justice system is something that happens to First Nations people, not something that they are part of.

68. There was a pervasive sense throughout these hearings and in everyday reality for First Nations people that the criminal justice system operates as a "conveyer belt" for guilty pleas by First Nations people; that the justice system does not treat First Nations people fairly and equitably. As a result, the criminal justice system is not viewed as an institution that is worthy of the support and participation of First Nations people.

69. There are numerous systemic issues in the justice system that lend credence to this perception. In many of the remote communities, the Ontario Court of Justice attends infrequently, every 60 or 90 days. When the court does attend, it is often overwhelmed by its caseload. There is too little time to deal sensitively and appropriately with matters. People facing charges tend to plead guilty to "get it over with" and to avoid additional delays and expenses. Numerous participants described pleading guilty to charges without being properly informed as to the consequences of their guilty plea.

70. Royal Commission on Aboriginal Peoples ("RCAP") concluded at p. 309 of its Report, *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada* (1996):

The Canadian criminal justice system has failed the Aboriginal peoples of Canada — First Nations, Inuit and Métis people, on-reserve and off-reserve, urban and rural — in all territorial and governmental jurisdictions. The principle reason for this crushing failure is the fundamentally different world views of Aboriginal and non-Aboriginal people with respect

to such elemental issues as the substantive content of justice and the process of achieving justice.

71. Creating partnerships within First Nations on self governance and justice is therefore of critical importance to the health of First Nations communities on a going forward basis. First Nations participation and ownership in the justice system is the only way to bridge these differing world views.

72. First Nations people in communities across NAN and GCT#3 territory speak about the First Nations justice system, and the day their communities would have their own justice system again. True legal plurality is the explicit goal of our communities. In some communities, we hear encouraging examples of First Nations people already taking ownership over parts of the justice system.

73. The hearings and witness testimony demonstrated the compelling need for significant investments in the justice system in the Northwest, quite apart from the necessary enhancement of Restorative Justice programs. Quite simply, the justice system in NAN and GCT#3 territories is in crisis. It fails to deliver justice at the most rudimentary level, and has universally lost the trust and respect of the people that it is supposed to serve. Unless the failure of the justice system at large is addressed urgently, the crisis facing missing and murdered women and girls will continue to grow.

The Education System

74. NAN and the federal government recently renewed their nation-to-nation relationship by signing an education agreement in principle to continue negotiations for First Nations' control and law-making authority over education. The goal is to create a First Nation education system promoting Indigenous culture and language and to build a solid foundation for the First Nations of NAN to move out from under the education sections of the *Indian Act*, exercise their vision of greater self-determination and build a brighter future for their students and communities.

75. GCT#3 has also signed a Resolution directing the development of a Treaty 3 education law.

RECOMMENDATION: That this Commission supports bringing back education jurisdiction to all First Nations across Canada. In the interim, that this Commission supports funding to be provided at the Nation and community level to build Indigenous culture and identity into the education system, starting with children in daycare and extending to post-secondary students.

RECOMMENDATION: Support and funding for Indigenous language education which extends beyond the school setting, infused along the life continuum of an individual.

RECOMMENDATION: Funding for conferences such as the DeterminATION Summit which was an Indigenous-led conference for a fundamental rethink of Canada's legal framework which brought together thinkers and leaders to create a framework for decolonization and for achieving Nation-to-Nation progress.

Health Transformation

76. Changing the health delivery system is a key to addressing the protection of Indigenous women and girls. In Toronto, Dr. Barry Lavallee testified that service delivery through FNIHB was a form of systemic racism.³⁸

77. Health services must be delivered with a recognition of the inherent treaty rights of NAN and GCT#3 members to equal opportunities for health, including access to appropriate, timely, high quality health care regardless of where they live (on or off-reserve), what they have, or who they are. For true self-determination over health, resources must be allocated directly to the communities and this can only be achieved by deconstructing the current colonial system to a new system that is based on the needs and priorities identified by the community.

³⁸ National Inquiry into Missing and Murdered Indigenous Women and Girls, Part III Expert and Knowledge Keeper Hearing: "Racism: Intersections between Racism and 2SLGBTQ Issues", Volume IX at p. 199

78. It is imperative for true health transformation for First Nation people that every voice is heard at the community level and incorporated into community-based programs.

79. Jurisdictional, funding, policy, structural, and cultural barriers must be removed so that First Nations can manage and deliver their own services.

RECOMMENDATION: That this Commission support NAN and GCT#3 in their community-based and community-driven health transformation efforts by recommending required funding and commitments of support from all levels of government.

RECOMMENDATION: That all health services, including mental health services and supports be available at the community level for all First Nations people without the necessity of leaving their home.

RECOMMENDATION: That health delivery providers be directed to provide information on funding received on behalf of First Nations as related to health programming and protocols be developed to facilitate the sharing of information.

RECOMMENDATION: To fund efforts with Ontario Coroner's Office and other government entities to create toolkits to support families and facilitate understanding of reports.

PART III: PROACTIVE VERSUS REACTIVE SOLUTIONS

80. Indigenous women and girls are moving from one crisis to another in this country, without time to grieve, without time to mourn, without time to heal. In cross examination, Northern Treaty Alliance questioned Dr. Valerie Gideon about the Canadian government's practice to wait for a First Nation to declare a state of emergency before it provides support.

81. It is Treaty Alliance Northern Ontario's position that it is time to stop waiting for another suicide, another drug overdose, another child apprehension, another missing Indigenous woman. It is time to stop reacting to a crisis, and instead, take measures to proactively prevent it.

Importance of Gathering Statistics

82. It is virtually impossible to understand the gravity, severity and complexity of any issue without accurate statistics and data.

83. To begin addressing the social determinants of health and wellbeing of Indigenous women and girls, it is imperative that data be collected, and statistics be taken both on and off reserve so that the real picture can finally come into focus. It is only then that meaningful change can begin.

84. Dr. Gideon recommended collecting statistics on the tragedy of youth suicide for GCT#3 and NAN territory, with a broadened system so that it is applied nationally.³⁹

85. Josie Nepinak in her testimony in Calgary recommended funding a database system for the long-term that collects data on First Nations women using shelters across the country.⁴⁰

86. NAN began its own data review of the deaths of Indigenous people in Thunder Bay. From this review, at least 69 women and 50 men died under circumstances that could not be determined.

87. NAN also received funding to travel to 13 communities to collect data as related to homelessness. Further work in this regard is urgently required.

RECOMMENDATION: Need for funding and support to travel to each community and collect data and statistics to fully understand the social issues facing NAN and GCT#3 communities. To further support disaggregated data collection on a wider scale.

Choose Life Initiative

*“It is on the land we can hear the voice of our Creator”
-Connie Gray-McKay, Mishkeegogamang First Nation*

³⁹ National Inquiry into Missing and Murdered Indigenous Women and Girls, Part II Institutional Hearings: “Government Services” Volume III pp. 302-303

⁴⁰ National Inquiry into Missing and Murdered Indigenous Women and Girls, Part II Institutional Hearings: “Government Services” Volume III pp 202-203

88. 2017 was the worst year on record for suicides in NAN communities, and suicide crises in GCT#3 territory are unfortunately, a lived reality for communities. As the tragic deaths continue, First Nations require funding for faster responses when lives are at risk, especially in remote First Nations where services are scarce.

89. As this Inquiry heard through the testimony of Dr. Cindy Blackstock, the Choose Life funding system came out of a *Caring Society* case. Under Jordan's Principle, the CHRT decided that there needed to be fast-track funding for times when there are youth in crisis and to protect the youth who are at risk of suicide. The Choose Life Pilot Working Group, composed of representatives from NAN and Health Canada, has created a specialized, fast-track application process for communities to apply for Jordan's Principle funding. The Choose Life Pilot is designed to address the gaps in mental health services for First Nations children and youth, and allow NAN communities to begin to develop their own in-community services to prevent the loss of their youth.⁴¹

90. The suicides that have devastated NAN and GCT#3 communities, were entirely preventable. The NAN Choose Life Coordinators and representatives from 47 communities attended Choose Life Training in September 2018. During this time, the coordinators had an opportunity to share the successes and challenges of their Choose Life Projects and how the program has impacted and benefitted the children and youth at the community level including:

a. Cultural Teachings Identity & Language: since the Choose Life program came to be, there has been a difference in the interaction of the youth with one another. They are more engaged and want to learn more about their culture and language;

⁴¹ National Inquiry into Missing and Murdered Indigenous Women and Girls, Parts II & III Institutional and Expert/Knowledge Keeper Hearings; "Child and Family Welfare", Volume XII

- b. Youth Exchanges: coordinators have connected with other communities to do youth exchanges and community visits. The youth have learned how to survive off of the land, and understand the many ways of hunting, fishing, and trapping practiced by community members from other communities;
- c. Land-based Activities: with the help of Choose Life funding, coordinators are able to teach children about the land by integrating snowmobiling, canoeing, portaging, gathering of herbal medicines, learning how to identify berries for food and how to spot animal trails for survival; and
- d. Self-Development and Empowerment: the children and youth are empowered and inspired to bring out their own uniqueness through interaction with motivational speakers, workshops, and bands/musicians that share encouraging music.⁴²

91. The Choose Life Initiative is approved up to March 31, 2019. There is an urgent need for this initiative to be permanently funded in NAN territories, as well as extended to GCT#3 communities and across the country⁴³. Choose Life has had meaningful impacts on the lives of First Nations children and youth, and it represents a proactive and workable approach at the community level to combatting the crises that have stolen our children for decades.

RECOMMENDATION: To permanently fund the Choose Life initiative across NAN, GCT#3 and communities across Canada.

RECOMMENDATION: To fund a database for tracking statistics, and to coordinate and fund an implementation plan for the evaluation for the Choose Life initiative.

RECOMMENDATION: To fund and develop a database for tracking statistics on the Choose Life initiative.

⁴² NAN Choose Life Submission to the Honourable Jane Philpott, Minister of Indigenous Services pg. 12-15, October 2, 2018.

⁴³ *ibid*

RECOMMENDATION: Extend care agreements to maintain support and communication with youth who are transitioning out of care and to include more wrap around care for youth.

The Right to Housing

92. Throughout this inquiry, including the testimony of Ms. Sandra Montour of Aboriginal Shelters of Ontario, we heard that housing is one of the key social determinants of the health and wellbeing of Indigenous women and girls. In NAN and GCT#3 communities, massive housing shortfalls exist, and homes that have been built are too often inadequate for the climate, geography and culture for which they are developed.

93. In 2014, NAN Chiefs-in-Assembly declared a collective housing emergency which still remains in effect. Further, throughout this Inquiry, and more specifically at the Winnipeg Hearing, we heard there is a strong correlation between inadequate housing and child welfare involvement. One way to promote child well-being and prevent child welfare involvement necessitates prioritizing prevention services in the facilitation of children's access to safe housing that is not overcrowded.

94. Given the disproportionate impact of inadequate housing on children and youth in NAN and GCT#3 communities, the relevance of Jordan's Principle in addressing the housing crisis becomes even more relevant. Jordan's Principle is about more than gaps in services: it is about ensuring substantive equality for First Nations children.

95. Facilitating children's access to safe housing that is not overcrowded must be rightly understood as a prevention measure. Further, the psychological and mental well-being of First Nations people is inextricably linked to the right to safe and adequate housing.

96. Women are being forced to leave their communities specifically because they do not have access to housing options to keep them safe. We heard through this inquiry that women in communities stay in violent situations more often than not, simply because they have nowhere else

to go. Housing is something however, that can be immediately addressed in order to protect our women and girls from violence.

RECOMMENDATION: To immediately implement Jordan’s Principle in the context of the First Nation housing crisis to improve the social conditions of First Nations children and youth in NAN and GCT#3 territories.

RECOMMENDATION: To urge the federal government to immediately address the housing crisis in First Nation communities through the funding of the development and construction of additional housing solutions that are grounded in the everyday, real-life experiences of community members and their right to live in safe and livable communities.

RECOMMENDATION: To address access to cultural practices and services for First Nation youth off reserve in the context of youth homelessness.

Shelters and Safe Houses in NAN and GC#3 Territory

97. Ms. Montour in her answer regarding safe houses in northern communities offered, “what I do know about the north is that special attention needs to be paid to it.”⁴⁴ She described northern shelters as “lucky to be single staffed”⁴⁵, and as a result, safe places for women to go in the north is “in a crisis situation.”⁴⁶

98. Once again, in reaction to a crisis, a woman is forced to leave her community to be safe. She is forced to leave her community to access trauma counselling. Often times, this means making a choice to leave her children and family behind and travel to an urban centre.

99. Superintendent Pritchard further stated that “not having a place to go of safety is an underlying factor in underreporting.”⁴⁷

⁴⁴ *Supra* note 43 at p.

⁴⁵ *Ibid*

⁴⁶ *Ibid*

⁴⁷ *Supra* note 34 at pg. 177

100. Think for a minute however, if life for First Nation women in NAN and GCT#3 territory looked different. If there was a women's shelter in every community that not only functioned as a safe place for women but could accommodate her children as well. If "instead of spending all that money constantly flying people in and people out, flying experts in and experts out, we did something that was community-centric?"⁴⁸ These shelters could also proactively function as gathering places, as educational spaces, as somewhere to go to just celebrate life.

101. Diane Redsky, in her testimony in St. John's, described safe spaces for Indigenous women and girls as a safehouse and the hand of mother earth. She outlined that it is critical in the development of a program that voices of the survivors always be considered.⁴⁹

102. In order to truly begin to address the crisis into Missing and Murdered Indigenous Women and Girls, the answer cannot remain the same: leave the community. We must address this need at the community level for safe and culturally appropriate spaces for women that access the services and supports the needs at home.

RECOMMENDATION: That safe houses and shelters which can also act as community gathering spaces be available to support women in their home communities without the necessity of travelling to urban centres to be safe.

A New Way of Proactive Policing

103. The OPP polices 2 communities in NAN territory: Pikangikum First Nation, and North Caribou Lake First Nation. OPP Chief Superintendent Mark Pritchard spoke in detail of a renewed relationship between the OPP and Pikangikum. When asked how the historically fractured relationship was rebuilt, Mr. Pritchard answered "slowly", and that, "it's been built on through the

⁴⁸ National Inquiry into Missing and Murdered Indigenous Women and Girls, Part III Expert/Knowledge Keeper Hearings: "Racism: Media, Journalism and Film: Volume X at p. 100

⁴⁹ *Supra* note 22

community's observations of the interactions with the police and the role the police have played in [Project Journey], and seeing those [positive] interactions.⁵⁰

104. Project Journey in NAN territory (and similarly Project Sunset in GCT#3 territory):

offers police an opportunity to establish meaningful relationships with youth, their families, and the community based on principles of mutual recognition and respect. Project Journey actively involves police and other community stakeholders, such as school administrators, teachers, Elders, and other community organizations, in the development and implementation of programming. The program provides an opportunity for OPP and community stakeholders to listen to the needs of youth and their families in order to build a bridge of understanding. Furthermore, Project Journey is designed to empower youth with the skills needed to overcome challenges, such as drug use and violence, while celebrating and connecting with their culture and local traditions⁵¹.

105. Superintendent Pritchard testified that Project Journey is “the only project of its type in the world”⁵² and that, “in terms of building capacity ... it has been really significant. The youth and Project Journey, they have built a boardwalk, they have built a community pavilion, they have built a stage ... so they're learning skills right from the planning, ordering of the materials that are needed ... and then some of the jobs that have been associated to support these projects, the employment projects.⁵³” Similarly, “the uniqueness of Project Sunset is the fact that a policing agency is leading and coordinating the implementation of project deliverables.”⁵⁴

106. At the outset of Project Journey, money was flowing through the OPP because of a “capacity issue within the community of managing those funds⁵⁵”. Currently however, there is “confiden[ce] that the capacity is now there ... so ... should we be fortunate enough to secure the funds to continue it, the plan is that the funding would flow through the community and not through the police⁵⁶”.

⁵⁰ *Supra* note 34 at pp. 181-182

⁵¹ <http://www.projectjourney.ca/what-is-project-journey/>

⁵² *Supra* note 34 at p. 182

⁵³ *Ibid* p.184

⁵⁴ <http://www.projectsunset.ca/about/>

⁵⁵ *Supra* note 34 at p. 184

⁵⁶ *Ibid*

107. Project Journey and Project Sunset represent positive steps in rebuilding trusting relationships with the police for First Nations people, especially fostering a healthy relationship with the First Nations youth.

108. Despite real change in not only the relationships between community members and the police, but also through increased engagement and programming with the youth, it is most disappointing that the funding for Project Journey has ended. The community is certainly feeling the negative effects of this, and if it is not immediately put back into place, there is a real fear that all positive developments will be lost.

RECOMMENDATION: To fund and extend Project Journey and Project Sunset to all NAN and GCT#3 communities.

RECOMMENDATION: To use Project Journey as a model for police services to begin rebuilding trust with First Nation communities across the country.

RECOMMENDATION: To provide the resources to NAPS and Treaty Three Police Services to coordinate similar programs in the communities policed by these Indigenous police services.

RECOMMENDATION: To provide a dedicated officer for each community to facilitate community-based projects.

Restorative Justice

109. In Ontario, the status quo in the criminal justice system and the provincial offences system is simply about punishing offenders without taking into consideration the background of the offender, or the historical trauma that has affected an individual to the extent that they have committed a crime. Outside of Gladue principles potentially being introduced at the sentencing stage, there is little room for a holistic or humanistic approach to justice.

110. There is a tremendous opportunity to transform the justice system in a way that First Nations people could begin a path of healing by embracing and funding alternative and

community-based models. Restorative justice circles can be invaluable opportunities for people to be connected with services that can introduce them to their cultural protocols, language, traditions, perhaps for the first time.

111. In the criminal law context, diversion circles provide individuals the chance to share their life story and the reasons that brought them to this point in their lives. Circles are safe and confidential spaces where individuals can truly open up without the fear of judgment and repercussion. The elders and community members in the circle listen carefully and create healing plans tailored for the individual keeping in mind historical trauma, grief, addiction and colonial violence as well as traditions specific to the individual. Depending on the circumstances, individuals can be registered for treatment programs, anger management courses, counselling, volunteer opportunities, connection with elders, or other culturally appropriate supports. Without the opportunity to participate in a circle, the vast majority of those who are involved in the criminal justice system would not be able to access these supports.

112. The healing circle is a gift that is respected in NAN and GCT#3 communities and the recognition by the colonial justice system of its power to heal and support First Nations people, can be seen as a step towards reconciliation and further towards addressing the overrepresentation of Indigenous women and girls who are incarcerated.

RECOMMENDATION: To support funding for the establishment and implementation of Community Justice Centres in NAN and GCT#3 territory (specifically Kenora), to help improve the experience of vulnerable people within the criminal justice system by offering a holistic and culturally appropriate experience with a central focus on restorative justice.

RECOMMENDATION: To support the Choose Life funding model in the context of restorative justice to coordinate healing circles for individuals charged under community by-law infractions,

the *Provincial Offences Act*, and the *Criminal Code*. Further, to extend the model to the determination of child welfare disputes.

RECOMMENDATION: To fund men's programming to address gender violence with appropriate community mechanisms and support to address behaviour in a good way.

RECOMMENDATION: To support the development of justice programming with sustainable funding and the recognition of Indigenous laws.

Funding Models

113. It has been acknowledged extensively that First Nations and Political Territorial Organizations such as NAN and GCT#3 that receive funding from various levels of government are caught in a complex web of reporting requirements and stringent conditions for use of funds. Further, there is often long delays in receiving money after agreements are signed. The reporting requirements are rigorous and time consuming, with challenges intensified for remote communities with small populations and diminished capacity.

114. When funding is provided on an annual basis, it becomes very difficult to plan ahead, as there is a lack of confidence in the reliability and predictability of the funding, especially when the government-will changes.

115. Reporting requirements that are attached to the funding provided through these recommendations must be based on consultation with the funding recipient. Multi-year and long-term funding with minimum bureaucratic oversight must become the norm, rather than the exception to ensure that communities and organizations have more autonomy over how money is spent.

116. In her testimony, Nakuset discussed the difficulty and toll on limited human resources that submitting yearly reports has on her organization. She outlined that, “they don’t pay you unless you ask them to pay you ... so we have to remind Justice Canada to give us our next installment.”⁵⁷

RECOMMENDATION: To ensure that government funding reporting requirements need to be minimized with less bureaucratic oversight. Communities and PTOs need more autonomy and flexibility over how money is spent. Funding needs to be multi-year and long-term guaranteed.

PART IV: OUR WOMEN’S VOICES

117. In keeping with the Family First Approach advocated by Treaty Alliance Northern Ontario, it is vitally important that this Commission hears the recommendations as communicated by each respective women’s council.

It is also imperative that the Commission considers that taking the Family First Approach requires serious consideration of the role of accountability, responsibility and healing. It is not enough to simply consider men as the perpetrators of violence without the understanding of the long and complex history of First Nation people rooted in colonial violence and how that manifests itself in family interactions. Further, it is necessary to support Indigenous men insofar as they are also victims of violence and require counselling, emergency supports and shelter in the same way that these supports have been discussed for Indigenous women.

Nishnawbe Aski Nation Women’s Gathering – December 11 to 13, 2018

118. From the NAN Women’s Gathering, the following thoughts are brought to the Commissioners:

⁵⁷ National Inquiry into Missing and Murdered Indigenous Women and Girls, Part II Expert and Knowledge Keeper Hearings: Shelters, Safe Houses and Transition Housing”, Volume V pp. 148-150

Our women are sacred. They deserve to be honoured, respected and valued. The injustice is unacceptable. Immediate action needs to take place, there is no room for oppression and discrimination ... Our women's lives matter.

Diane Wesley – NAN Women's Council

We as Indigenous women in this country deserve the same rights to protection and security under settler society's laws. We are not disposable. We are not targets. We move forward with hope and strength in unity and will continue to advocate for the protection and safety of our women and girls."

Anna Betty Achneepineskum, - Director of Women and Youth Development

Grand Council Treaty #3 Executive Women's Council Recommendations

119. From the September 2018, GCT#3 Executive Women's Council gathering and summarized from the minutes taken during the gathering are the following recommendations presented to the Commission:

Support for Families and Victims

1. Families (children and grandchildren) are looking for closure and are dealing with the pain and traumas of the loss of a loved one. Families have struggled to find the words to share about their circumstances of the loss, many times this is associated with self blame. Families identify how their life has been compartmentalized, before and after the loss. In many cases, more than one family member has been lost. We also need to acknowledge the men who have also gone missing and murdered.
2. We need to look at having a second stand intergenerational facility that has family focused therapy, teaches life skills, that can be staffed with individuals trained in trauma, we need to train our own people and there is a need to encourage self care.
3. We need to teach our children how to be safe and encourage families, women and youth to reach out to ask for help.

Support and Resources for the Community

1. Work needs to be done to address the levels of violence that is occurring in the communities (i.e. victims of sexual violence) and perpetrators need to be accountable.
2. Positive changes need to occur so that communities can start the healing journey.
3. Supports are needed so that we can bring our children back home to the community.

4. Communities are looking for closure. Communities want to help their citizens heal and move forward. We need to recognize that the families are not alone in this journey and that many things need to be done to create a healthy community.
5. The communities need the resources to light up and make spaces more visible.
6. The community capacity needs to be developed further to work with our families and children. Many families have the extra responsibility of raising the children of a loved one, additional supports are needed.
7. We need to have an inquiry in the Treaty #3 territory.
8. We need to reach out to an International level, such as the Special Rapporteur of the UN through petitions. We need to bring awareness to the Calls of Action and Reconciliation Commission and Human Rights. Additionally, we also need to ensure that newcomers to Canada are being educated and informed about Indigenous people.

The Justice System

1. Families are looking for changes in the justice system to better care for the families during the investigative process. Many are still looking for the investigation to identify an offender. Families struggle if an offender is acquitted and the case becomes closed and there is no justice for the victim and the family. We need to have citizen oversight in policing and more detailed police investigations. Leadership needs to address client profiling, which could be influencing the outcome in police investigations and trials.
2. Families need to be heard when they come forward to the police. Families have often undertaken the search for the loved ones and have advocated for their loved one to be identified as missing.
3. Families have expressed fear that something could happen to children and women. A connection with the police needs to be established so that the missing and murdered ones are not forgotten or pushed under the rug.
4. Alternative restorative justice practices need to be established. Models need to be more restorative in the process and outcome. Men need to be held accountable for their actions, without sending them to jail. We need to address the laws of Canada that do not fit us.
5. Abinoojii Inakonigiwin needs to be recognized in our laws and ways of helping.
6. There needs to be better ways to reach families and to share what has happened to their family member. Families should not have to learn about what has happened through social media. The Canadian government should change the media regulations to address the way Indigenous people are covered in the news.
7. We need to address the issues in the child welfare system, the justice system and address how police treat our women and our families. A lawsuit against Canada should be launched, we do not want to be ignored.

Support for Women, Girls and Youth

1. Many women struggle in poverty and face issues of addictions, interactions with mental health, human trafficking, child welfare and justice systems. Our women and girls are vulnerable, our youth need to have self-worth and need to be uplifted. We need to establish public education and media attention on the issues of drugs, gangs and high-risk addictive behaviour.
2. We need to engage youth to take up health careers and provide them with incentives to pursue these types of helping professions.

Resources, Programs and Safe Spaces

1. Transportation needs to be addressed so that women and girls do not need to hitchhike to get to work, school or appointments.
2. I am a Kind Man, Women Empowerment activities and The National Indian Brotherhood (NIB) (to improve access to education) need to have increased funding for families and the programs.
3. We need to recognize the need for women to have an equivalent program to address their behaviour as the number of women engaging in violent behaviour is increasing.
4. Sagkeeng received a gift from Long Plains First Nation and they plan to build an arbour to commemorate and have a safe place for families to go to reflect and offer a healing space. We need to acknowledge the efforts of the families through walks and vigils.

Healing Through Traditions, Culture and Sacred Medicine

1. We need to reclaim our traditional healing ceremonies and we need to use sacred medicines to help heal and help others go on their healing journey. The healing needs to be land based.
2. Healing circles, sharing circles and sweat lodges need to be available to all because the losses are very painful and not everyone is available to share. We get our strength from the traditional healing ceremonies. We need to have more respect and forgiveness through the energy of the circle to heal.
3. The Inquiry will not be everything, it will not stop the violence; it needs to be done at the community and urban level. We need to heal ourselves by having more circles.
4. Traditional parenting and parenting skills need to be offered. We need to help people find mentors and role models who can support them in the absence of their mom, auntie, grandmother and/or sister.

Conclusion

120. The length of this submission makes it impossible to address all of the individual and collective causes of violence against Indigenous women and girls in NAN and GCT#3 territory. It is the hope of Treaty Alliance Northern Ontario that the Commissioners take into

consideration the unique perspective of our 77 communities when writing their final report and recommendations, and ensure that our people do not continue to be forgotten.

121. The lives of Indigenous women and girls are too important to stop here. The recognition and understanding of this national crisis through the work of this Inquiry is only the first step to ensuring that we move forward in a good way. In a way that respects and honours the survivors, the families, and the memories of those whom we have lost.

122. We would also take this opportunity to remind the Commissioners as they write their final recommendations that each must be community driven and community-based, policies and practices must be examined through an Indigenous and gendered-lens, funding models must be flexible and not time-limited, solutions must recognize the inherent jurisdiction of First Nations, and all solutions must consider the perspective and voice of First Nations youth.