

## **Closing Submissions**

### ***National Inquiry into Murdered and Missing Indigenous Women and Girls***

**December 15, 2018**



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**The health, safety and well being of Indigenous women and girls is inextricably linked to the sovereignty and recognition of Indigenous Peoples' Aboriginal Title and Rights, Treaty Rights, and self-determination.**



## Evidence – UBCIC Chief

A girl went missing in our community. We told the RCMP we were going out for a search every day for the next three days and asked them if they could just shine their car lights for us at night and they said they could not. They said they would not help us look for her because they were doing their own search. When we asked them what they were doing, they said it was an open investigation, so they could not tell us. We then went to the local search and rescue department and told them what we were doing and asked if they could help us, they refused because of liability.

We asked if they could shine their lights for us when we go up and down the riverbank and they said no. Every day we went looking for her. Of course we don't want to find her, because we know if we find her on the riverbank or in the back woods, it means she is dead. But we want to find her because she is our daughter. I know her father so well, we want to help him. Every time when I go back through town I go and check-in with her father because I know he is still looking for her. I want to make sure he is okay and that her sisters and brothers are okay. That's my job as a Chief, to keep them hopeful that one day they will find their daughter. It has been years now. I just keep wondering if maybe we would have found her if someone would have helped us back then. But there is no support for family and friends looking for our loved ones. She would have been 17 this year. I hope we find her.<sup>1</sup>

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<sup>1</sup> Interviews are summarized for clarity and brevity.



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## EXECUTIVE SUMMARY

1. In 2016, the Government of Canada launched the National Inquiry into Murdered and Missing Indigenous Women and Girls (Inquiry).
2. The Commissioners were directed to inquire into and report on the systemic causes of all forms of violence — including sexual violence — against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada.
3. This Inquiry came into being because of decades of advocacy by family members and loved ones of missing and murdered women, Indigenous community members, grassroots women's and Indigenous organizations, and the efforts of the UBCIC and many other Indigenous political and other organizations.
4. The Inquiry quickly began to suffer from procedural issues, which alienated the very groups that supported it. These issues include: deficient communication, no transparency, marginalizing of families and grassroots organizations, and alienating behavior. As the Inquiry limped forward, it became evident that there were substantive and deep issues with the Inquiry.
5. The UBCIC Chiefs Council passed a resolution to direct the Executive members not to participate in the Inquiry unless it was meaningful. So far, the UBCIC has only participated in the oral closing submissions, delivered by Kupki7 Judy Wilson, and by delivering these written closing submissions.
6. Many other organizations also chose not to participate in the hearings for similar practical and substantive reasons. The UBCIC and many other groups wrote direct and open letters to the Inquiry urging them to be fair, transparent, and inclusive. These letters were met with audacious silence, and issues worsened.
7. In these submissions we will canvas why the Inquiry's failings must be addressed, and how the Inquiry can salvage this Inquiry through issuing robust, bold, and fulsome recommendations to all levels of government in Canada. The UBCIC is clear that the Inquiry's final report must not replicate the disappointing



Interim Report. If the Inquiry does not change course, the Inquiry will have been a waste.

8. In writing this report, the UBCIC relied on numerous written and in-person interviews with Chiefs and member band leadership. It is the Chiefs' expert evidence, which is the focus of this submission. In drafting these submissions, special attention has been paid to the evidence of women. Indigenous women play an integral role in the UBCIC as Chiefs, Councilors and community members.
9. The report also relies heavily on UBCIC's resolutions, and research papers.
10. This submission canvasses the historical context which brought us the crisis of missing and murdered Indigenous women and girls, including colonization and the apathy to this issue from all levels of government in Canada and the general public.
11. The UBCIC then makes numerous recommendations separated into the following issues: the United Nations Declaration on the Rights of Indigenous Peoples; the Truth and Reconciliation Commission; all preceding recommendations on this issue; sovereignty; violence against women and the land; residential schools; federal act regarding violence against women; child welfare; housing; transportation; education; culture and language; women's and Indigenous peoples' support organizations; and the policing services. The recommendations are made throughout the submissions and also attached as an appendix. Also attached, as an appendix, is the questionnaire that was used to interview the Chiefs.
12. This submission calls on each of the Commissioners to speak truth to power and make recommendations to provide Canada and its people with a road map to halt the crisis of missing and murdered Indigenous women and girls. Anything less would render this Inquiry a waste. It is not enough to simply repeat our stories. We need action. With its deficient process, the Inquiry has taken something important from the families and loved ones of the missing and murdered Indigenous women and girls. If the Inquiry continues as it has, if no deep change comes from this Inquiry, the shameful legacy of Canada's treatment of



Indigenous women and girls will continue, and the responsibility will lay at the feet of the Inquiry and Canada.

## Introduction

### The Union of British Columbia Indian Chiefs

13. The UBCIC is an organization of First Nations in British Columbia dedicated to promoting and supporting the efforts of First Nations to affirm and defend Aboriginal Title and Rights and Treaty Rights. The UBCIC is led by the Executive: Grand Chief Stewart Phillip (President), Chief Robert Chamberlin (Vice-President), and Kukpi7 Judy Wilson (Secretary-Treasurer).
14. The UBCIC was formed in 1969 in response to the White Paper<sup>2</sup>, which tried to be Canada's "final" solution to the "Native Problem". The main goal of the White Paper was to establish a plan for Aboriginal Title and Rights to be extinguished, either through treaties or through governments imposing their will.
15. The Indian Homemaker's Association (IHA) of BC was instrumental in the creation of the UBCIC. The IHA was a non-profit organization of Indigenous women, who came together to improve the living conditions within First Nations communities. Eventually, the members added political activities to their agenda.
16. The Indian Homemakers' Association opposed the government's assimilation policies proposed in the White Paper. The President of the IHA, Dr. Rose Charlie, began a campaign to unite First Nations Chiefs from across BC to discuss and strategize around the implications of the White Paper. In November 1969, members from 140 BC bands met in Kamloops, and the Union of Indian Chiefs was born.
17. It is a guiding principle of the UBCIC that Aboriginal Title and Rights are inherent – a gift and responsibility given by the Creator to our Peoples, together with the laws to carry out these responsibilities.

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<sup>2</sup> Indian and Northern Affairs. "Statement of the Government of Canada on Indian Policy", (Ottawa: Department of Indian and Northern Affairs, 1969). Available online: [http://epe.lac-bac.gc.ca/100/200/301/inac-ainc/indian\\_policy-e/cp1969\\_e.pdf](http://epe.lac-bac.gc.ca/100/200/301/inac-ainc/indian_policy-e/cp1969_e.pdf)



18. The UBCIC's mandate is to work towards implementation, exercise and recognition of our inherent Title and Rights, and Treaty Rights to protect our lands and waters through the exercise and implementation of our own laws and jurisdiction.
19. The UBCIC affirms Indigenous rights to own, use, develop and control our lands, waters and resources, according to our own laws, and the requirement of states to give legal recognition and protection to these rights.
20. The UBCIC works collectively amongst Indigenous Nations in B.C. to act as an advocacy body to provide a cohesive voice (regionally, nationally and internationally) in support of Indigenous Nations and communities, and to promote and protect each Nation's exercise of Sovereignty within their traditional territories. The UBCIC also works to strengthen Indigenous Nations to help them assert and implement their Aboriginal Title, Rights, Treaty Rights and Right of Self-Determination as Peoples.
21. The UBCIC upholds the rights affirmed in the UN Declaration on the Rights of Indigenous Peoples for the establishment and maintenance of a universal framework of minimum standards for the survival, dignity, well-being and rights of Indigenous Peoples.
22. The UBCIC advocates for Indigenous Peoples' inherent right of Self-Determination.
23. The UBCIC is one of three First Nations political organizations in BC that work together as the First Nations Leadership Council, and who represent First Nations in discussions with the Government of BC to establish a new relationship between the Crown and First Nations. The other two First Nation's political organizations in BC are the First Nations Summit and the BC Assembly of First Nations.
24. The UBCIC is the only political organization of Chiefs in British Columbia with standing at this Inquiry. As such the UBCIC is the only body of British Columbia Chiefs to provide evidence and recommendations to the Inquiry from the perspective of Chiefs.





## UBCIC and Missing and Murdered Indigenous Women and Girls

25. The mandate of the UBCIC includes ensuring the safety and well being of all First Nations. Further, the UBCIC was mandated by the UBCIC Chiefs-in-Assembly, to:
  - a. Call for an inquiry into the missing and murdered Aboriginal women in the province of BC<sup>3</sup>; and to
  - b. Firmly commit to continue actively working together to end violence against Aboriginal women and girls<sup>4</sup>.
26. Among the First Nations citizens whom the UBCIC represents are Indigenous women and girls who are at high risk of experiencing racialized and sexualized violence, and family members and friends of Indigenous women and girls who have been murdered or who have disappeared. Many groups, including the UBCIC, have demanded for many years that the high rate of murders and disappearances of Indigenous women and girls be investigated properly, and that effective steps be taken by all levels of government.
27. First Nations women and girls have serious and legitimate concerns about their safety. The mandate of the UBCIC includes ensuring the safety and well being of all First Nations citizens, improving relations between police and First Nations communities, and addressing public safety concerns in First Nations communities and for First Nations citizens.
28. The UBCIC received standing at the Missing Women Commission of Inquiry in BC, but withdrew from that Inquiry due to a denial of just process.<sup>5</sup>
29. The UBCIC has steadfastly called for a national public inquiry into missing and murdered women since June 5, 2008.
30. The conduct of police forces in BC and their handling of reports of missing women from the Downtown Eastside of the City of Vancouver and the Highway of Tears in Northern BC has never been fully and adequately addressed. The

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<sup>3</sup> UBCIC Resolutions 2013-12, 2011-30, 2008-30. Available online: <https://www.ubcic.bc.ca/resolutions>

<sup>4</sup> UBCIC Resolution 2012-37. Available online: <https://www.ubcic.bc.ca/resolutions>

<sup>5</sup> UBCIC Resolution 2011-29. Available online: <https://www.ubcic.bc.ca/resolutions>



confidence of First Nations and First Nations citizens in the administration of justice has been substantially undermined.

31. The UBCIC has a substantial interest in effective measures that will give Indigenous women and girls, and family members and friends of Indigenous women and girls confidence that police forces in BC will prevent violence against them and protect them when it occurs.
32. The UBCIC is concerned that the murders and disappearances of Indigenous women and girls are not treated with the same respect and urgency that murders and disappearances women from less impoverished and non-racialized communities receive. The lack of properly coordinated attention and respect to these Indigenous women reveals the harsh gaps in the justice system. More attention, review and action are needed to address the underlying and related societal issues of poverty, racism and oppression.
33. The UBCIC is further concerned that a root cause of the murders and disappearances of Indigenous women and girls is gender discrimination and treatment of Indigenous women as less worthy of respect, dignity and equality.
34. A further cause of this crisis is the dispossession and displacement of Indigenous Peoples from their lands. This disrupted women's connection to the land; and state created the reserve land systems that caused a dependency on government programs and services. In some Nations in BC, the reserves constitute only 1% of their territorial lands, and the Crown assumes jurisdiction over 99%. In Canada, typically reserve lands make up 2% of territorial lands.
35. The UBCIC is concerned of the combined effects of the indignity and gender of the missing and murdered Indigenous women and girls influenced the treatment by law enforcement officials. The UBCIC is especially concerned that the circumstances leading to the high number of missing and murdered Indigenous women and girls reflect systemic flaws of the justice system and overarching colonial systems of oppression.
36. The UBCIC Chiefs recognize that until we collectively create a safe environment for women to come forward to report sexual abuse and/or sexual violence,



women are likely to report sexual abuse and/or sexual violence anonymously<sup>6</sup> or not at all.

### **Involvement of UBCIC in the Inquiry**

37. Resolution 2018-06<sup>7</sup> of the UBCIC Chiefs Council “directs the UBCIC Executive, staff, and legal counsel to fully participate in the National Inquiry, including participation at hearings and making a written submission, provided there is opportunity for meaningful engagement and subject to available resources.”
38. The UBCIC did not participate in the Part II and Part III hearings because they were not significantly changed to be aligned with this resolution. The UBCIC issued a letter to the Inquiry explaining the reasons for our non-participation; the letter was also issued to the government and stated the need for at minimum a two-year extension with a focus on systemic review.
39. Part I, the community hearings allowed some family members, loved ones, and survivors to share their truth.
40. However, Part II and III, the institutional and expert hearings, were wholly inadequate. The organization, timeline, and substantive process of these hearings did not honour the 1,273 family members, loved ones, and survivors who testified at the family hearings.
41. Further, these institutional and expert hearings did not adequately meet the Inquiry’s Terms of Reference. Given the Terms of Reference were themselves inadequate, this further failure compounded issues.
42. These hearings did not allow for a rigorous examination of the systems that contribute to violence against Indigenous Women and Girls.
43. Our non-participation in the expert and institutional hearings clearly signaled to the Inquiry that the UBCIC, and the families and loved ones of the missing and murdered women and girls will not accept anything less than the robust, fair and respectful process they deserve.

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<sup>6</sup> UBCIC Resolution 2016-26. Available online: <https://www.ubcic.bc.ca/resolutions>

<sup>7</sup> Available online: <https://www.ubcic.bc.ca/resolutions>



## Overview

### Closing Submissions

44. On October 9<sup>th</sup>, 2018 parties were standing were given the deadlines for written closing submissions. On this tremendously short deadline, the UBCIC was not able to carry out the work the necessary to provide fulsome submissions.
45. The Inquiry has missed a significant opportunity to hear evidence from a well-regarded and knowledgeable organization. This opportunity was deliberately squandered by the Inquiry. We also acknowledge that the Inquiry has also squandered the opportunity to hear from many other organizations, family members and loved ones. The credibility of the Inquiry's report will be assessed with these failures in mind.
46. In these submissions the UBCIC will provide evidence from its Chiefs, as well as and lived-experienced-based recommendations about the contributing factors that lead to women and girls going missing and being murdered. The UBCIC will also provide recommendations from its resolutions and research papers.
47. The Inquiry is strongly urged to give substantial weight to our recommendations, as the Chiefs have wrestled with these issues for decades, and continue to develop solutions based on consultation with their communities and Nations. The Chiefs are expert witnesses.
48. The UBCIC asks the Inquiry to direct all levels of Government to immediately meet all its international human rights obligations; implement all recommendations from any federal or provincial inquiry which affects Indigenous people; implement all recommendations provided to them by grassroots organizations; implement all recommendations made in the 58 reports analyzed by the Inquiry's research team; and implement all recommendations made to them by and **to** this Inquiry that are in line with recommendations made by Indigenous, grass-roots, women serving organizations.



## **Final Closing Submissions**

49. The final submissions will be an expansion on these submissions. The UBCIC will hold more interviews with Chiefs and community members, and will provide further evidence and recommendations.
50. These final closing submissions will be released to the Inquiry and to Indigenous, Municipal, Provincial and Federal Governments in early 2019.

## **The Inquiry: Failures and Future**

### **Inquiry Process**

51. At the commencement of the oral closing submissions in Calgary, Alberta, the Inquiry highlighted they held a large volume of hearings, and met with large numbers of people. The Inquiry repeatedly mentioned that the hearings were plentiful, and that the Commissioners received the information they needed.
52. These numbers and the value proposition of the numbers are misleading and. The government and public are being led to believe that all stakeholders, families, loved ones, and parties with standing were given a meaningful opportunity to be heard. This is incorrect and audacious.
53. The UBCIC, representing more than half of the 203 First Nations in BC, has unequivocally stated through this resolution that in order to honour the 1,273 family members, loved ones, and survivors who have testified at the Inquiry, and to adequately meet the terms of reference, there must be a rigorous examination of the systems that contribute to violence against Indigenous Women and Girls.
54. Nine days of hearings with 86 parties cannot possibly examine government services and policing practices across every Canadian jurisdiction. Similarly, it is equally impossible to capture adequate expert evidence on a human rights framework, and racism in seven days of hearings, with 70 parties providing expert evidence.
55. The Hearings were announced with only five weeks' notice, and were amended after that date. This was not enough time for sufficient and meaningful preparation.



56. Also, due to the large number of parties with standing, there was no guarantee that UBCIC would be allotted time for cross-examination at the Hearings.
57. Under these circumstances UBCIC could not meaningfully participate in the institutional and expert hearings.
58. We have heard from other groups that they were also not able to meaningfully participate or participate even on the fringes, given the short deadlines, lack of communication, large periods of silence, lack of timely funding, and extremely short time allotments for cross-examination.
59. The Inquiry was provided with continual and timely feedback on how to improve its process. This feedback was overwhelmingly ignored.

### **Procedural Issues Are Substantive Issues**

60. The procedural issues of the Inquiry quickly turned into substantive issues. Family members, grassroots organizations without standing, and groups with standing were marginalized by the lack of funding and poor organization of the Inquiry. Government organizations, police bodies, and other similar organizations with substantive resources could meaningfully participate regardless of procedural issues. This largely leaves governments and police forces' evidence at the forefront, and pushes the most critical evidence and people to the margins.
61. Adequate funding for groups was not allotted until after the hearings were started. Grassroots organizations were made to carry large debts for hotels and travel. Many groups continue to hold these crippling debts, while waiting over six months to receive re-imburement from the Inquiry.
62. Once the hearings commenced, witness lists were provided sometimes only days before the hearings, and witness materials, which were relied on as evidence, were sometimes provided after the hearings concluded.
63. These procedural and substantive issues cannot be ignored for many reasons, especially the following:
  - a. The Inquiry recreated many of the harms that it was meant to analyze; and



- b. The integrity of the report relies on the Inquiry, and specifically the Commissioners, acknowledging and then demonstratively overcoming their failings as they make recommendations in the final report.
- 64. If the Inquiry and its Commissioners continue to mislead or gloss-over these substantive failings, the integrity of the report will be called into question, and the report will lack credibility.
- 65. The UBCIC calls for an acknowledgment in the final report of the failures of the Inquiry thus far, and a plan of remedy.

**Kupki7 Wilson, Oral Closing submissions, Calgary, Alberta, November 2018**

“We are here today to let you the Commissioners and the Government know that after years of advocacy, from us and many others, to bring this Inquiry into being this Inquiry is not enough. We expected more, we deserved more, and we will continue to demand more.”

**Responsibility of the Commissioners in Implementation**

- 66. The Commissioners have an integral role to play in ensuring that the Provincial and Federal governments, Canadian society, and the global community implement their recommendations.
- 67. Given the gravity of the subject matter, the efforts that have been expended to bring this Inquiry into being, and that the Inquiry’s report will likely be a guiding document for governments for many years to come, the Inquiry’s report must contain a road map of recommendations that are specific enough to be implemented and bold enough to bring meaningful change.
- 68. The veracity and clarity of the recommendations are the first step in holding the government accountable for implementation. Without adequate recommendations, advocacy groups, the auditor general, international watchdogs, and Canadian citizens will not be able to monitor government implementation.



69. The recommendations must be able to be measured and monitored. Broad platitudes, and imprecise goals will allow the government to escape scrutiny.
70. To ensure relevancy and utility of the report, the report must be credible. Credibility can be achieved by ensuring that the voices of the families, grassroots organizations, parties with standing, and also parties without standing have been accurately reflected in their own words.
71. For this Inquiry to be more than a political exercise, to continue the process of healing, and to provide an aspirational road map for deep change, the Inquiry must not lose sight that their recommendations are an important and necessary step towards truth and reconciliation.

**Kupki7 Wilson, Oral Closing submissions, Calgary, Alberta, November 2018**

*“We call on each of you Commissioners to speak truth to power and make recommendations that will make these statements more than hollow words. We call on the Commissioners to make findings that assign clear and specific responsibility for failures, and make effective recommendations that give all of us a road map to stop this loss of life. Anything less than this would render this inquiry a waste.”*

**Evidence – Elder and Chief – Female Identifying**

**If there were one thing you could tell the Commissioners, what would it be?**

Things have to change. The status quo won't do anymore. We have had ENOUGH.

**Inquiry's Interim Report**

72. In writing the final report, the Inquiry should not replicate any methodology and decision-making that resulted in the Inquiry's Interim Report.
73. This disappointing Interim Report made it clear that significant changes had to be made to the National Inquiry before an extension of time or money should be granted. Numerous high level resignations, the lack of a coordinated or clear plan, and the re-traumatization of many affected by this Inquiry came to bear in the Interim Report.
74. Several concerns were noted with the Interim Report:





- a. Problems were named in the Interim Report; however, solutions recommended by Indigenous communities, civil society, judiciary and government institutions were not presented;
  - b. Recommendations regarding the CHRT ruling were not correctly referenced;
  - c. Recommendation 9 of the report, regarding the creation of a national police task force to reopen, assess and investigate cases, was not detailed enough to make it meaningful or actionable.
  - d. A clear work plan for the Inquiry was not presented;
  - e. There was no plan regarding the examination of systemic causes of violence against Indigenous women and girls;
  - f. International obligations and principles outlined in such instruments as CERD, CEDAW, IACHR, were not adequately addressed; and
  - g. The report made clear the lack of a human rights framework or approach.
75. The challenges identified in the Interim Report raised significant concerns of the ability of the Inquiry to fulfill its mandate.
76. Unfortunately, the procedural and substantive issues with Inquiry worsened after the Interim Report was issued.
77. The UBCIC remains concerned that the Inquiry will issue a final report that is similar or even more fractured than the Interim Report report.
78. We call on the Inquiry not to squander this important Inquiry by issuing further recommendations that are weak and unhelpful.
79. If the Inquiry squanders this important opportunity for change, the Inquiry will necessarily be tied to any future tragedy of missing and murdered Indigenous women and girls. This Inquiry was called to produce a report that is an agent for change. If it fails to meet this calling, it will necessarily be an agent for oppression and aggression.



## How did we get here?

### Canadian Violence – Historical and Contemporary

80. The first set of interviews conducted for these submissions took place at a former residential school in Kamloops. Chiefs belonging to the UBCIC were gathered at this location for the 50<sup>th</sup> Anniversary Annual General Assembly meeting.
81. Beginning in 1893, hundreds of Secwepemc children were removed from their homes and taken to this school. The school was closed in 1977. For some the school remains as a reminder of a terrible history, and for some the school serves as a marker to ensure the legacy of residential schools, and the legacy of their loved ones, is never forgotten.
82. The first two Chiefs that were interviewed shared stories of their loved ones who had been brought to the school. These Chiefs gave evidence about current missing and murdered women in their communities in a site where their own loved ones went missing and were murdered for almost 100 years.
83. This alone serves as a reminder of the tenacious spirit of First Nations People and a reminder that the past is very much in the present for many First Nations people.

#### **Kupki7 Wilson, Oral Closing submissions, Calgary, Alberta, November 2018**

*“Indigenous women and girls will not be erased, that we are strong, and we will demand justice every day, for all our days. Our calls for justice will not be softened with the closing of this Inquiry, but instead, this will be another platform on which we will stand to drum, sing, and call for justice.”*

### Colonization

84. Indigenous Peoples have always cared for our citizens and lands, through our own laws and cultures. Indigenous Peoples established and maintained our own



governance structures and institutions, and relationships with other Indigenous Nations.<sup>8</sup>

85. The UBCIC believes that Indigenous Peoples and newcomers can co-exist in Canada. Original Crown representatives initially made Nation-to-Nation alliances and agreements with our Peoples. Nation-to-Nation treaties, such as the Vancouver Island Douglas Treaties, were entered into in this time.
86. However, these historical treaties are deeply different than the modern treaties that result from the current treaty process. These historical treaties were entered into with a view of honouring the Creator, ancestors, and generations to come. These treaties contained a mutual understanding of Indigenous title and rights, treaty rights, and self-determination.
87. International legal principles continue to require this respect and recognition.<sup>9</sup>
88. The modern BC treaty process does not enshrine any of these ideals, but rather governments generally use this process to remove Indigenous people from their land, and gain access to natural resources. These modern treaties are agreements, rather than true treaties.
89. Most First Nations in BC are not engaged in the current treaty process, and most BC land is unceded First Nations territory.
90. The aim of Canada's assimilation policies was to disconnect individuals from their families, Nations, cultures and territories and dismantle Indigenous Nationhood. The harms caused by this colonial history are broad and multigenerational. Societal wounds such as high unemployment, systemic poverty, suicide, substance abuse and high levels of imprisonment and involvement within the child welfare system continue.<sup>10</sup>
91. A process of decolonization is required to reverse the impact of assimilation policies aimed at destroying our cultures, histories, languages, laws and systems of governance. Decolonization will involve a fierce struggle by Indigenous Peoples to reinvigorate our own laws and systems of governance, and ignite

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<sup>8</sup> Union of British Columbia Indian Chiefs, "Aboriginal Title and Rights and Treaty Rights Position Paper", (Vancouver: UBCIC, 2014).

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*



within our own Peoples hope and vision for our tomorrows with the recognition and knowledge of our true place among the Nations of the world.<sup>11</sup>

92. Canada must commit to the full realization of Indigenous Self-Determination based on mutual respect, recognition and consent, through a process of inclusion, which dismantles divisions imposed by colonial policies.<sup>12</sup>
93. Canada remains vested with obligations to assure that the Self-Determination of Indigenous Nations becomes a reality. The *Royal Proclamation of 1763* reserved our territories and governing institutions for Indigenous Peoples until, with informed consent, we enter into an agreement with the Crown that alters them. This principle is recognized in the trust relationship between the Crown and the Indigenous Nations reflected in section 91(24) of the *Constitution Act, 1867*. Our right of Self-Determination is a right that we have not and will not surrender.<sup>13</sup>
94. The Inquiry has concluded that violence against Indigenous people—including Indigenous women and girls—is rooted in colonization.<sup>14</sup> The UBCIC supports this conclusion.
95. The Inquiry has further concluded “Centering female perspectives allows us to reframe the way we look at Indigenous women and girls. They are not only “victims” or survivors of colonial violence, but holders of inherent, constitutional, Treaty, and human rights that are still being violated today.”<sup>15</sup> The UBCIC also supports the Inquiry in using this lens in viewing the stories that unfolded in front of them.
96. The UBCIC also supports the Inquiry’s finding that “Insufficient government funding continues to serve as a systemic barrier to implementing many of these recommendations. Funding models should also strengthen Indigenous Peoples’ self-determination rather than reinforce colonial patterns.”<sup>16</sup>

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<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> Commissioner Marion Buller, “Interim Report: Our Women and Girls are Sacred, Executive Summary”, National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada: 2017). Available at: <http://www.mmiwg-ffada.ca/wp-content/uploads/2018/03/ni-mmiwg-interim-report-revised.pdf>

<sup>15</sup> *Ibid.*

<sup>16</sup> Buller, *Supra* note 14.



## **Evidence – multiple Chiefs**

### **Was violence an issue in your community before contact?**

#1: No. Our community operated on respect and equal opportunity.

#2: No. And if anything started to come up, the Elders would immediately deal with it through stories, the land and all our teachings.

#3: No. Only since colonization.

#4: No.

## **Canadian Apathy and Victim Blaming**

97. Overwhelmingly, Indigenous people are regarded as the authors of their own misfortunes. Sexism coupled with this added layer of discrimination makes it difficult for Indigenous women and girls to receive help and compassion when they need it.
98. In the spring of 2015, then RCMP Commissioner Bob Paulson stated that Aboriginal men murder 70% of Aboriginal women who are murdered in Canada. "The consolidated data from the nearly 300 contributing police agencies has confirmed that 70 per cent of the offenders were of aboriginal origin, 25 per cent were non-aboriginal, and five per cent were of unknown ethnicity."
99. This statistic was based on a then unreleased report by the RCMP. Grand Chief Stewart Phillip released a press statement that "The RCMP's piece-meal, sporadic, and dangerously racializing report highlights the need for an national inquiry where this report can be properly evaluated." Hilla Kerner contributed to the press release and stated, "Men from all races and communities commit violence against women and Aboriginal men are no exception. Given that Aboriginal women are the most oppressed and dispossessed, they are extremely vulnerable not only to violence by Aboriginal men but to violence by all men." UBCIC Secretary-Treasurer Kupki7 Judy Wilson added, "The RCMP and Federal



Government's explicit message is that this is an "Aboriginal" problem and that Canada has no responsibility."<sup>17</sup>

100. In recognizing the overlap of sexism and racism that leads to violence against Indigenous women and girls, the UBCIC has stood with and called for the end of all forms of violence against all women and girls. In another news release, Grand Chief Stewart Phillip said, "It is critical to recognize that violence exists in multiple forms and can be physical, sexual and emotional in nature – we must all speak out against any sort of violence against women and girls." In the same news release former UBCIC Women's Representative Coola Louis stated, "UBCIC recognizes the urgency of this issue and the collective responsibility that we all share in protecting and revaluing Indigenous women and girls."<sup>18</sup>

101. Apathy, victim blaming, racism and sexism gives Canadians tacit approval to discard and violate Indigenous women and girls whether it be through inaction by police officers, or the refusal of bureaucrats to implement sensible solutions to protect Indigenous women and girls. Former UBCIC's Women Representative, Coola Louis rightly points out, "Instead of addressing the complex and intertwined root causes of violence against Indigenous women and girls, the RCMP and Federal Government are doing the complete opposite and continuing to entrench a racialized and colonial attitude toward Indigenous peoples."<sup>19</sup>

## Recommendations

102. The UBCIC collected evidence and information for this report through one-on-one interviews, a web survey, written surveys, and phone interviews. The questionnaire attached in Appendix 2 was used to guide the interviewees.

103. These recommendations also rely heavily on resolutions, concept papers, and various other documents created by the UBCIC throughout the years. These

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<sup>17</sup> Union of BC Indian Chiefs and Vancouver Rape Relief, Press Statement "RCMP's Racialized Reporting Underscores Urgent need for a National Inquiry into Murdered and Missing Women and Girls", *Press Statement* (Vancouver: UBCIC, April 14, 2015). Available at:

[https://www.ubcic.bc.ca/rcmp\\_racialized\\_mmiwg](https://www.ubcic.bc.ca/rcmp_racialized_mmiwg)

<sup>18</sup> Union of BC Indian Chiefs "UBCIC Condemns Violence Against Women and Calls for Action" *News Release* (Vancouver: UBCIC, December 6, 2016). Available at: <https://www.ubcic.bc.ca/news>.

<sup>19</sup> UBCIC and Vancouver Rape Relief, *supra* note 17.



documents capture the voice of the entire membership of UBCIC, and have been approved or voted on by the UBCIC members or the Executive.

## **United Nations Declaration on the Rights of Indigenous Peoples**

104. Efforts to remedy the crisis of missing and murdered Indigenous women and girls must be guided by the *United Nations Declaration on the Rights of Indigenous People (UN Declaration)*. The *UN Declaration* is the most far-reaching universal instrument specifically addressing the human rights of the world's Indigenous peoples.<sup>20</sup>
105. The implementation, without qualification, and the deep commitment to the *UN Declaration* can longer be a political issue. Governments at all levels must understand their obligations under the *UN Declaration*.
106. Canada cannot be in support of the Truth and Reconciliation Commission (TRC) Calls to Action without also fully and meaningfully implementing the *UN Declaration*.

**Recommendation:** All levels of government must fully adopt and implement the rights and minimum standards affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation including commitments to ensure that government institutions, policies, programs, and practices comply with the *UN Declaration*. Governments must also engage in ongoing public dialogue and actions to support the *UN Declaration*.

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<sup>20</sup> Union of BC Indian Chiefs and The Canadian Centre for Policy Alternatives, True Lasting Reconciliation: Implementing the United Nations Declaration of the Rights of Indigenous Peoples In British Columbia - Law, Policy and Practices. (Vancouver: UBCIC/CCPA, 2018). Available at: [https://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2018/11/CCPA-BC\\_UBCIC\\_TrueLastingReconciliation\\_summary\\_181126.pdf](https://www.policyalternatives.ca/sites/default/files/uploads/publications/BC%20Office/2018/11/CCPA-BC_UBCIC_TrueLastingReconciliation_summary_181126.pdf)



**Recommendation:** All levels of Government must pass framework legislation that is modeled on and builds upon the federal Bill C-262<sup>21</sup> to ensure all laws in Canada are in harmony with the *UN Declaration*. These acts must be co-developed and co-drafted with Indigenous organizations and the BC government must implement an action plan to systematically review all BC laws, policies and practices; and must implement a mechanism for ongoing independent oversight and accountability.<sup>22</sup>

**Recommendation:** All levels of Government must ensure implementation of the *UN Declaration* focuses on Indigenous self-determination. This means that implementation will look different in different places.<sup>23</sup>

**Recommendation:** All levels of Government must undertake public education and outreach to raise awareness of the *UN Declaration* in BC.<sup>24</sup>

## Truth and Reconciliation Commission

107. The TRC has played an important role in beginning the lengthy process of reconciliation. Implementing the Calls to Action of the TRC is vital in ensuring the safety and security of women and girls. The release of the TRC report is an important opportunity for Canada and the Provinces, in partnership with First Nations, to jointly commit to change.<sup>25</sup>

108. Reconciliation must be supported by a legislative framework that not only encompasses the TRC's recommendations, but supports mechanisms for ongoing reconciliation and change between First Nations and the Crown.

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<sup>21</sup> Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples, 1<sup>st</sup> Sess, 42<sup>th</sup> Parl, 2018. Available at: <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-262/first-reading>

<sup>22</sup> UBCIC/CCPA, *supra* at note 21.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

<sup>25</sup> UBCIC Resolution 2015-28. Available online: <https://www.ubcic.bc.ca/resolutions>





**Recommendation:** All levels of Government must take immediate steps to fully implement all of the recommendations contained within the summary of the final report of the Truth and Reconciliation Commission.

**Grand Chief Stewart Phillip, Statement on TRC Final Report**

*“We agree with many of the findings of the TRC final report and unquestionably agree that we all must recognize our collective history. In order to reconcile for the future, let us truly honour the truth: the State of Canada and the Church committed acts of genocide as defined by the United Nations’ Convention on the Prevention and Punishment of the Crime of Genocide. On this day, as Indigenous Peoples we have endured, survived and we are now honoured to carry our Inherent Rights, Title and Treaty Rights on behalf of our children and grandchildren. The TRC’s 94 recommendations are calls for action by all levels of government and must be implemented as the bare minimum to respect, recognize and reconcile for the sake of our future generations.”*

**All National and International Recommendations**

109. Various governments, and international and grassroots organizations have studied the issue of murdered and missing Indigenous women and girls. Each of these organizations has made recommendations to halt the crisis. Canada, at all levels of government has been lethargic, and even negligent in following recommendations that have been made to them. One must look no further than British Columbia’s implementation of the recommendations made in the 2012 report of the Missing Women Commission of Inquiry (Oppal Inquiry).
110. In 2016 the Auditor General released a report, which found that the government has not been transparent in reporting its progress on implementing the recommendations, and has only implemented the ‘intent’ of 8 of the 23 recommendations. And as far as the 8 that have been implemented, the Auditor General reported that there was little consultation with stakeholders.



111. As a part of this Inquiry's work, a document was produced that summarized the recommendations of 58 reports by theme. The Canadian Government at all levels must implement all recommendations made in these 58 reports.
112. International documents ratified by Canada confirm Canada's positive obligation to address violence against women, including: the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights, acceded to by Canada in 1976; the Convention against Torture ratified in 1987; and the Convention on the Elimination of all Forms of Discrimination against Women ratified by Canada in 1981.
113. Canada has assumed the obligation to address violence against women, whether perpetrated by government authorities or others, and international law requires that Canada exercise due diligence to prevent, investigate, prosecute and punish acts of violence against women.

**Recommendation:** All levels of Government must fully implement the 38 recommendations made by the United Nations Committee on the Elimination of Discrimination Against Women in its March 6, 2015 report on missing and murdered Indigenous women in Canada.

**Recommendation:** All levels of Government must fully implement all recommendations made in the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights, Convention against Torture ratified, and the Convention on the Elimination of all Forms of Discrimination against Women.

**Recommendation:** All levels of Government must immediately meet all its international human rights obligations, must implement all recommendations from any federal or provincial inquiry which affects Indigenous people, implement all recommendations provided to them by grassroots organizations; implement all recommendations made in the 58 reports analyzed by the Inquiry's research team; and implement all recommendations made to them by and to this Inquiry that are in line with recommendations made by Indigenous, grass-roots, women serving organizations.



## Sovereignty

*“We were placed upon our territories by the Creator. As Indigenous Peoples, our identity is defined by our connections to our territories, to each other, to our neighboring nations, and to the other life we share our living world with. Through our languages, ceremonies, stories, laws and traditions, we are connected to the ancestors who came before us and to the grandchildren who will come after us.*

*Our Sovereignty is reflected in our responsibility to uphold the sacred trust we were given by the Creator to care for our Peoples and territories. Each Indigenous Nation collectively maintains Title to our respective territories, and the right of Self-Determination reflected in our own laws to safeguard that territory for future generations, and to ensure the health and well-being, spiritual, cultural and economic survival of our Peoples.*

*We are the original people of this land. We have the human right to survive as distinct Peoples, contributing to the global fabric of Nations into the future.”<sup>26</sup>*

114. British Columbia is unceded territory; hence, Title and rights is foundational to the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*.<sup>27</sup>

115. The health, safety and well being of Indigenous women and girls is inextricably linked to the sovereignty and recognition of Indigenous Peoples’ Inherent Aboriginal Title and Rights, Treaty Rights and self-determination.

**Recommendation:** All levels of government must take all necessary steps to recognize Indigenous Peoples’ Aboriginal Title and Rights, Treaty Rights, and Right of Self-Determination.

**Recommendation:** Canada must repudiate all doctrines of discovery and superiority and cease using these doctrines in court to defend Crown positions.

<sup>26</sup>UBCIC, *supra* note 9.

<sup>27</sup> UBCIC Resolution 2017-36. Available online: <https://www.ubcic.bc.ca/resolutions>



## Evidence – Elder and Chief – Female Identifying

**If there is one thing you could tell the Commissioners, what would it be?** Give Elders their power back. Give the elders the power to teach with our stories. Give us back our land. Our land helps us teach. Our teachings help keep women and girls safe. Our land, stories and us elders is how we stop our girls from dying.<sup>28</sup>

### Federal Act regarding Violence Against Indigenous Women and Girls

116. The UBCIC calls on the government develop a Federal act to end violence against Indigenous women in Canada.

117. The act must be developed in partnership with First Nations through broad participation and input.

118. This act is a necessary part of the systemic changes necessary to address the longstanding and previously neglected injustices, vulnerabilities and violence that Indigenous women of Canada face every day<sup>29</sup>

119. A Federal act to end violence against Indigenous women in Canada would compel the Treasury Board to ensure that resources are available to execute and accomplish any recommendations that result from the Inquiry.

120. With a Federal act, all past recommendations and those of this Inquiry, would provide a foundation to begin consultations regarding the content of the act.

**Recommendation:** The Government of Canada must develop a Federal Act to end violence against Indigenous women and girls in Canada.

<sup>28</sup> Interviews have been edited for brevity and clarity.

<sup>29</sup> UBCIC Resolution 2016-05. Available online: <https://www.ubcic.bc.ca/resolutions>



## Violence Against Women and Land Use

121. Issues of violence faced by Indigenous women can be traced back to the land.
122. Natural resource extraction, climate change and violence against the land is directly linked to violence against Indigenous women and girls.
123. Research has shown that violence against women is caused by the colonial misuse of Indigenous land resulting in decimating traditional ways of life of women who rely on the land for their sustenance, teachings, spiritualities, tradition, and childcare. This misuse of land also disrupts social order by bringing large populations of 'outsiders' to Indigenous lands for resource extraction.
124. A stark example of this is industrial camps which are set-up on First Nations lands for the purpose of housing forestry, mining, and oil workers. Man Camps provide temporary employee housing to thousands of mostly non-Indigenous male workers.
125. The paper titled, "Indigenous Communities and Industrial Camps: Promoting Healthy Communities in Settings of Industrial Change"<sup>30</sup> studied how Indigenous women and youth can experience negative impacts of resource extraction at every phase of resource development. The study then focuses on how women and their families can be protected while industrial camps operate in their territory.
126. These work camps harbor a hyper-masculine industrial culture, which results in increased risk of sexual harassment and assault; increased levels of violence against women in sex work; and increased violence against women who are hitchhiking; and various other harms.<sup>31</sup>
127. Proper Title and Right Holders, who collectively hold title to these lands have not consented to these work camps. Further, individual bands cannot properly consent to these work camps.

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<sup>30</sup> The Firelight Group with Lake Babine Nation and Nak'azdli Whut'en. (Victoria, 2017).

<sup>31</sup> UBCIC Resolution 2018-04. Available online: <https://www.ubcic.bc.ca/resolutions>



**Recommendation:** Canada and the provinces must ban the development of industrial man camps on Indigenous territories without the free, prior and informed consent of Indigenous peoples impacted by these developments.

**Recommendation:** The federal and provincial governments must respect the rights of Indigenous Peoples to control how their lands and resources will be used and for what purposes, including their right to free, prior and informed consent, rooted in the right to self-determination.

## Residential Schools

128. Residential schools have left many harmful legacies including as an enduring factor in the crisis of missing and murdered Indigenous women and girls.

129. There is an abundance of literature that has studied this causal link. The Commissioners have heard heart-wrenching evidence from people who continue to suffer from their and their family's residential school experiences, and the intergenerational impacts of the degradation of women and girls.

130. Chiefs interviewed for these submissions report that the trauma and consequences of residential schools are a daily factor in their and their communities' lives. They gave evidence that the most marked legacy of residential schools is the continued violence and degradation of women and girls.

131. Generations of First Nations children have been abused while attending both residential and Indian day schools.<sup>32</sup>

132. Physical, sexual and emotional abuses suffered by First Nations children at residential schools and Indian day schools has had fundamental negative impacts on the cultural, mental and physical and spiritual well-being of generations of First Nations peoples.<sup>33</sup>

133. The TRC's Calls to Action urge all levels of government to work together to change policies and programs in a concerted effort to repair the harm caused by residential schools and move forward with reconciliation.

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<sup>32</sup> UBCIC Resolution 2008-4. Available online: <https://www.ubcic.bc.ca/resolutions>

<sup>33</sup> *Ibid.*



134. Ontario Premier Wynn committed \$250 million dollars to new provincial initiatives to understand the legacy of residential schools and reconcile relationships with Indigenous Peoples.

135. The legacy of violence of residential schools continues to have a devastating and disproportionate effect on women and girls. Understanding and remedying the effects of residential schools on Indigenous men and women is key to averting the crisis of missing and murdered women and girls.

**Recommendation:** All levels of Government should provide continued and sustainable long-term funding for all organizations and programs that provide support for the survivors of residential schools, especially those that utilize Indigenous healing practices.

**Recommendation:** All levels of Government should undertake a similar course of action as the Government of Ontario in response to the Truth and Reconciliation Commission's final report, and commit to working closely with Indigenous partners in BC to help Indigenous and non-Indigenous peoples move forward in the spirit of reconciliation, including a financial investment geared towards public education and other reconciliation initiatives.

### **Evidence - UBCIC Chief – Male Identifying**

I survived a residential school. It was horrible. They tortured me and my brothers together and made us watch. My brothers didn't survive. I survived and worked for the Canadian Government eventually. I broke down one day and went on leave. During my leave I saw a counselor once a week. I told her my stories and she gave me tools to deal with the memories and pain. Breaking down and seeing a counselor was the best thing that happened to me. Everything changed for me once I was able to talk to someone about what happened.<sup>34</sup>

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<sup>34</sup> Interviews are summarized for clarity and brevity.



**Recommendation:** Provide unlimited, no cost, counseling and psychosocial supports for all Indigenous persons. This counseling must be available in person, over the phone and through technology.

### **Evidence - UBCIC Chief – Male identifying**

#### **Do you see a link in your particular community between residential schools and Indigenous missing and murdered women and girls?**

The way I see it when the children were taken it left the communities empty, everything felt broken. Our communities were torn apart.

We knew what was happening inside the residential schools. It was horrible.

Innocent small children being abused in every way imaginable and made to believe that they were not loved or valued.

This is where a lot of problems we face today started. For many girls and women their mothers and grandmothers survived residential schools, and the pain and suffering still shows. Many of the disappeared girls I know had mothers and grandmothers in the residential schools. I think it is all linked because the pain goes on for generations.<sup>35</sup>

### **Child Welfare**

136. The Inquiry has received voluminous and compelling evidence that girls in care are at a tremendously high-risk for violence and death, and that the dismantling of the family increases the mother's risk of facing violence.

137. Removing First Nations children from their homes and placing them in foster care frequently leads to devastating outcomes, including: broken cultural and family ties, lack of academic achievement, substance abuse, suicides, and disconnection from language and territories.

138. In Dr. Turpel-Lafond's paper, "*Too Many Victims*" she reports that of children in care, 61% of reports of sexual abuse are made by Indigenous girls, while only

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<sup>35</sup> Interviews are summarized for clarity and brevity.





comprising 25% of the total children in care.<sup>36</sup> Dr. Mary Ellen Turpel-Lafond gave compelling evidence that state interventions add layers of risk and vulnerability to Indigenous girls.<sup>37</sup>

139. The First Nations Children's Advocate in Manitoba gave evidence to the Inquiry that child apprehension constitutes violence against mothers, and that state interference in Indigenous families leads to murders and suicides.<sup>38</sup>

140. It is abundantly clear that the state must make way for Indigenous Peoples' right to self-determination, which includes jurisdiction over Indigenous children and families.

141. The inherent jurisdiction and authority of Indigenous Peoples over matters internal to them, including child welfare, have been recognized in Canadian jurisprudence, such as *Connolly v. Wolrich*<sup>39</sup>, *Casimir v. I.C.B.C.*<sup>40</sup>, and *R. v. Van der Peet*<sup>41</sup>.

142. The *UN Declaration* and the TRC support Indigenous Peoples' jurisdiction over their children and families.

143. The TRC Calls to Action also address the legacy of residential schools and the ongoing humanitarian issues pertaining to the over-representation of First Nations children in provincial and territorial child welfare systems.

144. The TRC highlights the systemic denial of rights of Indigenous children, First Nations peoples, and communities, to protect their children, transmit their cultures, languages, and family customs to their children.

145. The TRC goes further to recognize that First Nations are denied proper legal recognition of the collective right to set family law and policy for First Nations peoples.

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<sup>36</sup> Representative for Children and Youth, *Too Many Victims: Sexualized Violence in the Lives of Children and Youth in Care*, (Victoria: RCYBC, 2016). Available at:

[https://rcybc.ca/sites/default/files/documents/pdf/reports\\_publications/rcy\\_toomanyvictimsfinal.pdf](https://rcybc.ca/sites/default/files/documents/pdf/reports_publications/rcy_toomanyvictimsfinal.pdf)

<sup>37</sup> *Ibid*, Executive Summary.

<sup>38</sup> Cora Morgan, First Nations Children's Advocate Office (Manitoba). Transcript Vol. 10 (Winnipeg: Child and Family Hearings, 2018).

<sup>39</sup> 1987, 17 RJRQ 75.

<sup>40</sup> 2001 BCCA3 310.

<sup>41</sup> 1996 CanLII 216 (SCC).



146. Indigenous peoples' jurisdiction in the area of children and families is not recognized in British Columbia. The Province currently asserts jurisdiction and control in this area.
147. This must change.
148. There continues to be a disproportionately high percentage of Aboriginal children in care in BC. Indigenous child welfare is in a crisis in BC, and in many provinces in Canada.
149. The UBCIC Chiefs' Council have consistently passed resolutions upholding the self-determination of Indigenous Peoples with respect to their children<sup>42</sup> and as set out in the *Tsawwassen First Nation Final Agreement Act*<sup>43</sup>.
150. The UBCIC prepared a paper analyzing Indigenous Peoples' inherent jurisdiction over child welfare and the impact of provincial delegation in this area (*Calling Forth our Future: Options for the Exercise of Indigenous Peoples Jurisdiction in the Area of Child Welfare*) which stated that "the federal government has the overarching fiduciary duty to protect and support our jurisdiction in this area, and must be pressured to take up these responsibilities by fully funding and supporting our assertion of jurisdiction in the area of child and family services".<sup>44</sup>
151. The report *Reconciliation in Child Welfare: Touchstones of Hope for Indigenous Children, Youth, and Families*<sup>45</sup> has been endorsed by Chiefs across Canada, and one of the critical touchstones for change is full recognition of the right to self-determination of First Nations in relation to child welfare, and the full authority and inherent rights to protect, support and care for our children and families.
152. BC has introduced amendments to their child welfare legislation and is making piecemeal improvements to give greater attention to First Nations children and

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<sup>42</sup> UBCIC Resolutions 2001-08, 2003-14, 2004-10, 2006-02, 2006-13, 2006-14, 2007-52, 2011-42, 2012-03, 2012-34, 2013-06, 2013-40, 2013-58, 2014-02, 2014-03, 2015-06, 2015-07, 2015-08, 2015-17, 2015-18, 2015-19, 2016-04. Available online: <https://www.ubcic.bc.ca/resolutions>

<sup>43</sup> S.C. 2008, c. 32.

<sup>44</sup> Available at:

<https://fncaringsociety.com/sites/default/files/Reconciliation%20in%20Child%20Welfare%20Booklet%20-%20ENG.pdf>

<sup>45</sup> Blackstock, et. al, "Reconciliation in Child Welfare: Touchstones of Hope for Indigenous Children, Youth, and Families", (Niagara Falls: 2006). Available at:

<https://fncaringsociety.com/sites/default/files/Reconciliation%20in%20Child%20Welfare%20Booklet%20-%20ENG.pdf>



families matters, but these changes have occurred too slowly, have been unilateral and have taken place without engagement with First Nations leadership, communities and families.

153. British Columbia and the First Nations Leadership Council signed a Reconciliation Charter that committed the parties to work in partnership to achieve First Nations Child Welfare Reform via a Tripartite Working Group made up of Canada, British Columbia and the First Nations Leadership Council, to implement concrete actions to support legislative reform, program and policy development and an effective fiscal model to support First Nations Child Welfare in BC.

**Recommendation:** Canada must recognize that child and family safety and wellbeing requires Canada to provide sustained, culturally-based and needs-based funding and legislative recognition to enable First Nations to exercise their right to care for their children, youth and families.

The legislation **must** not be prescriptive given the diversity of First Nations cultures, and the need for First Nations to reaffirm culturally-based approaches. The legislation **must not** re-entrench or support the bureaucratic control or imposition of child, youth and family philosophies, policies and practices on First Nations peoples that have proven ineffective.

**Recommendation:** Canada must co-create guidelines for implementation of such recognition legislation, based on self-determination, human rights, the TRC's 94 Calls to Action and the *UN Declaration on the Rights of Indigenous Peoples*. The legislation must provide a stable and lasting framework for funding, and support of the work of First Nations to address the legacy of residential schools and other failed government policies that have harshly impacted children, youth, families and communities.



**Recommendation:** All levels of Government must uphold the landmark Canadian Human Rights Tribunal ruling in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 and immediately comply with all orders.

**Kupki7 Wilson, Oral Closing submissions, Calgary, Alberta, November 2018**

“We have seen child welfare systems treat women and children with no regard. We know that when Indigenous children are in care they are at risk of serious harm. The state must STOP taking Indigenous children from our communities. We know how to raise our families. And any disruption in this knowledge is because of residential schools and colonization. Support us in re-building our ways of life. And STOP taking our children from us.”<sup>46</sup>

**Housing – Elders and Women**

154. The Inquiry has heard plentiful and convincing evidence that insecure and inadequate housing has devastating effects on women and their children, negatively affecting their development, health, education and leaving them vulnerable to violence.

155. Women are often forced to choose between living in a violent home, or not having any housing at all. Both choices invite the child welfare system’s scrutiny, and often the immediate removal of their children.

156. When women leave their communities to flee from violence, they find themselves in urban centers where they are often pushed to single room occupancy housing, temporary shelters, which are often co-ed, or the street. There are no safe, long-term, culturally appropriate, plentiful, low or no-cost housing options for women and children fleeing violence, on or off-reserve.

157. Courts have accepted the nexus between housing insecurity and an increased risk to violence.<sup>47</sup>

<sup>46</sup> Oral Closing Submission of the UBCIC to the National Inquiry into Missing and Murdered Indigenous Women and Girls, November 26, 2018.

<sup>47</sup> *Victoria (City) v. Adams*, 2008 BCSC 1363; *Victoria (City) v. Adams* 2009 BCCA 563.



158. Articles 21(1), 21(2) and 23 of the *UN Declaration* affirm the right of Indigenous peoples to safe, secure, and stable housing.
159. Inadequate housing has far-reaching safety consequences that affect everyone from children to elders.
160. Elders and vulnerable adults are valued members of our Nations deserving of utmost care and respect.<sup>48</sup>
161. Elders are the backbone of the community. It is to them and their homes that the children, and grandchildren return. When elders are displaced, communities lose their nucleus, the sense of community, traditions, language and the safety that intergenerational populations bring.
162. The Inquiry must recognize and analyze the vital role of elders in providing safety and security for women and children, and that this role is significantly hampered when elders have insecure, inadequate, or culturally inappropriate housing.
163. The Inquiry must further recognize that stable and culturally appropriate housing is key to increasing the safety of women. Housing insecurity also has devastating effects on Indigenous youth.
164. The Indigenous youth population in Vancouver is large, growing, and especially vulnerable to the ongoing housing crisis. Almost 60% of Indigenous people in BC live in large urban settings and almost 60% are under the age of 25. Indigenous people in Vancouver are experiencing some of the biggest impacts of the region's housing crisis, including vast overrepresentation in the city's homeless population.
165. In interviewing Chiefs, they consistently ranked housing as the number one concern in their communities. They further ranked inadequate housing as the number one reason that women and girls leave the community. A number of Chiefs gave evidence that one of the most important changes in their communities to ensure the safety of young women was to provide them with safe and private housing.

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<sup>48</sup> UBCIC Resolution 2018-41. Available online: <https://www.ubcic.bc.ca/resolutions>



### **Evidence - UBCIC Chief – Male Identifying**

On our reserve we have a lot of elderly people. When the government built houses on our reserve years ago, we told them to build single-story homes, and they refused. Now the people in those homes are older and they go up and down the stairs. When we apply for lifts for the elderly people, the government refuses to approve the funding. So the elderly people are leaving because they can't stay in those houses anymore. And it is a big problem because they take care of their grand children. So the grandparents leave, the grandchildren go to the ministry, and the women then don't come back to the community because their family is not in the community anymore. This is causing a lot of problems with women and girls going missing because we cannot keep track of how they are doing, we can't help them. If we had more housing for women that are in trouble, and their children, and housing for older people, then families could stay together and we can all take care of each other. But there is just no funding for new housing, or housing that makes sense for our community.<sup>49</sup>

### **Evidence - UBCIC Chief – Female Identifying**

The ministry calls the grandparents to take the kids when kids are removed from their parents. However, as soon as grandparents satisfy the requirements for MCFD so that MCFD will stop investigating them, the social worker closes the file. As soon as the file is closed, they cut-off funding. This puts grandparents in a terrible situation of choosing between living in poverty without the threat of MCFD removal, or living more comfortably with MCFD constantly watching and threatening to take the kids away.

**Recommendation:** All major cities must have fully-funded, culturally appropriate, women's transition centers for women moving between rural and urban areas.

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<sup>49</sup> Interviews are summarized for clarity and brevity.



**Recommendation:** The provincial and federal governments must provide adequate financial and political resources to support the all urban youth centers and programs.

**Recommendation:** The BC Government must follow Indigenous housing reports and recommendations, including the BCAFN 2017 Housing Forum Report, “Creating a First Nations Housing & Infrastructure Authority: From Concept to Design”.<sup>50</sup>

## Transportation

166. It is with impatience that we once again ask the Canadian Government to fund and require provincial and municipal governments to provide appropriate, plentiful and reliable transportation options for Indigenous people.
167. The Canadian Government has been made aware through various reports on the Highway of Tears, the Report of the Missing Women Commission of Inquiry,<sup>51</sup> and by advocacy groups, about the causal link between inadequate or entirely unavailable transportation options, and women and girls being the targets for violence and murder.
168. Apart from being cut off from basic services like hospitals and grocery stores, remote communities also have to deal with the anxiety and reality that when women and girls leave the reserve to seek out these basic services, they may not return. Life or security of the person is a heavy price to pay to simply go to a movie with your friends on a Friday night, or see a family member in a neighboring city.
169. Speaking specifically to the transportation issue in British Columbia, in 2016 the UBCIC called for details and a timeline for the delivery of adequate public transportation along Highway 16, known as the Highway of Tears due to the tragic murders and disappearances of mostly Indigenous woman and girls

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<sup>50</sup> BC Assembly of First Nations, “Creating a First Nations Housing and & Infrastructure Authority: From Concept to Design”, (Kamloops: BCAFN, 2017). Available at: <http://bcafn.ca/wp-content/uploads/2017/05/4-BCAFN-Housing-Forum-Summary-March-2017.pdf>

<sup>51</sup> Wally Oppal, “*Forsaken: The Report of the Missing Women Commission of Inquiry, Executive Summary*”, Missing Women Commission of Inquiry (British Columbia: November 19, 2012), p. 19. Available at: <http://www.missingwomeninquiry.ca/wp-content/uploads/2010/10/Forsaken-ES-web-RGB.pdf>



hitchhiking along the route. It has now been 12 years since the Highway of Tears Symposium, which advanced the call for the immediate establishment of a public transit system to offer a safe alternative to young indigenous women, and girls, who otherwise were forced to hitchhike. Although the province has signed MOU's with BC Transit, the capital commitments made and the duration of the commitments will not solve the transportation issue along the Highway of Tears. The UBCIC is calling on the Province of BC to present a business plan that ensures sufficient public transit at minimal cost which is accessible to those most at risk.<sup>52</sup>

### **Evidence - UBCIC Chief – Male Identifying**

There is one school bus that takes the kids from the reserve to the off-reserve school and brings them back. This school bus leaves ten minutes after school ends to bring the kids back. The kids have to rush to the bus or they miss it. The kids want to socialize, join clubs and play sports after school. We have asked the city if the school bus can pick our kids up an hour after school, but they refused.

So some kids stay behind to socialize and join activities and have to hitchhike back to the reserve. There is a 12 year old girl that often stays behind and I worry so much about her. I just don't understand why it has to be this way.

**Recommendation:** All levels of Government must provide safe, adequate, and common sense school and weekend transport solutions for children and youth.

**Recommendation:** The Government of British Columbia must implement a permanent, safe, affordable and reliable transit solution for rural and remote areas, Highway 16 and any other such affected area.

**Recommendation:** The Province of BC must present a business plan that ensures sufficient public transit at minimal cost, which is accessible to those most at risk.

<sup>52</sup> Union of BC Indian Chiefs, "UBCIC Seeks Details of Funding Announcement for Highway of Tears Public Transportation Plan." (Vancouver: UBCIC News Release, June 17, 2016). Available at: <https://www.ubcic.bc.ca/hwy16transit>





## Education

170. Chiefs repeatedly gave evidence that a strong, fulfilling and meaningful education for children was essential to keeping girls safe.
171. The Chiefs gave consistent evidence that it is through education that girls could develop self-esteem, which would give them a voice to advocate for themselves. Education would give girls the skills necessary to contribute to their own and their family's social security. Further, fulfilling education would keep girls in the community where they would benefit from the community's support and the teachings of Elders.
172. Education was also cited as the number one way to re-instill in Indigenous men the traditional ways to live in harmony with women and girls.
173. Indigenous peoples hold an inherent and sacred right to education.<sup>53</sup>
174. Education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of inherent rights as Indigenous people that are constitutionally protected under section 35 of the *Constitution Act, 1982*<sup>54</sup> and supported by international mechanisms and instruments.
175. Governments of Canada, including the Provincial Government of British Columbia, have utilized education as a tool for institutionalized racial discrimination with the conscious intent of destroying the collective right to pass on Indigenous practices, customs and traditions to future generations of Indigenous Peoples.
176. First Nations in BC have been working together formally for more than two decades to advance quality education and improve outcomes for all First Nations students.
177. Through their collective efforts First Nations have established a solid foundation for a comprehensive, integrated, well-supported BC First Nations education system, which is founded on First Nations' languages and cultures, and First

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<sup>53</sup> UBCIC Resolution no. 2016-50. Available online: <https://www.ubcic.bc.ca/resolutions>

<sup>54</sup> *The Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK), 1982, c 11*.



Nations control of First Nations education.

**Recommendation:** The Province of British Columbia must fulfill their commitment to making education a core instrument of change and reconciliation, and develop progressive Government-to-Government relationships expressed between school boards and local First Nations.

**Recommendation:** Ministers must work in partnership with First Nations organizations in developing and reviewing education funding formulas; continuing funding models; improvements in First Nations' schooling; accountability mechanisms; school transportation services; language programs; and mandatory education on First Peoples in public school.

**Recommendation:** The Government of BC must provide immediate and separate funding for BC First Nations band operated schools that require immediate infrastructure/capital funding.<sup>55</sup>

**Recommendation:** All levels of government must support play-based programs for Indigenous children and youth in BC to that will reach every community in need.

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<sup>55</sup> UBCIC Resolution no. 2016-23. Available online: <https://www.ubcic.bc.ca/resolutions>



## **Evidence – Multiple Chiefs**

### **What is your one dream you have for your female grandchildren?**

#1: Education.

#2: That they have their own voice.

#3: To live in a peaceful and non-threatening environment, where there is no racial injustice and only equality.

### **What supports would keep women and girls in the community?**

#1: Fun and happy activities for children. A proper gymnasium. Good schools.

#2: Pride and identity. A brighter future and a place to contribute.

#3: A good education to build their self-esteems. So they know how they deserve to be treated.

## **Culture and Language**

178. Education must include the teaching of Indigenous Languages.

179. Indigenous languages and cultures contain the teachings necessary to build a strong sense of Indigenous values for girls and boys, and also teachings and healing to undo the harms of residential schools, child welfare, and the legacy of gender-based violence brought about by colonization.

180. It is through Indigenous languages and culture that women and girls can be re-connected to the safety mechanisms in their communities. Languages and cultures must be maintained to maintain the Indigenous communities for the future generations of women and girls.

181. As stated in the report of the fifteenth session of the United Nations Permanent Forum on Indigenous Issues, Indigenous languages form the bedrock of continuity for the survival and well being of Indigenous cultures from one generation to the next.

182. This important intergenerational responsibility has been severely disrupted by colonialism and colonial practices, laws, policies and practices of discrimination, assimilation, forced relocation, and residential and boarding schools.



183. There is a growing crisis of Indigenous language loss and in many cases an urgent, even desperate, need to preserve and revitalize languages. It is estimated that more than half of the world's languages will become extinct by 2100.<sup>56</sup>
184. On December 6<sup>th</sup>, 2016, in an address to the Assembly of First Nations Special Chiefs Assembly, Prime Minister Justin Trudeau committed to the development and enactment of an Indigenous Languages Act, co-developed with Indigenous Peoples, with the goal of ensuring the preservation, protection, and revitalization of First Nations, Métis, and Inuit languages in this country.
185. In 2017 and 2018 the Government began early engagement sessions with Indigenous people regarding the Act.
186. First Nations in British Columbia have a vested interest in ensuring that initiatives aimed at the revitalization of Indigenous languages are developed collaboratively, with the full participation of First Nations in BC, and successfully accomplish revitalization for all Indigenous languages.
187. BC is home to two thirds of Indigenous languages in Canada, including some of the most critically endangered Indigenous languages in the country.<sup>57</sup>
188. BC contains the highest number of distinct languages and two thirds of the distinct languages in Canada resulting in immense diversity in relation to the state of language loss and each of their needs for recovery.
189. Chiefs steadfastly gave evidence that the issue of missing and murdered women and girls is tied to youth not being closely tied to Indigenous cultures, languages and traditions.

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<sup>56</sup> UBCIC Resolution 2017-05. Available online: <https://www.ubcic.bc.ca/resolutions>

<sup>57</sup> UBCIC Resolution 2017-05. Available online: <https://www.ubcic.bc.ca/resolutions>



### **Evidence - UBCIC Chief – Male Identifying**

We have a community with a lot of young people. I work a lot with them as a mentor. I try to teach them Indigenous ways of problem solving, communicating, and treating their sisters. I do this through story telling, through being a role model and through explaining to the boys our traditions of how we treat girls. I want the youth to learn our language, because in your language are signs of how we treat girls, how we refer to girls.<sup>58</sup>

### **Evidence - UBCIC Chief – Male Identifying**

**Why is language important?** Our protocols are based on the language. Our language contains our laws.

**Recommendation:** The Government of Canada must enact an Indigenous Languages act, developed through a Nation-to-Nation process, which is Nation and Treaty based, community driven, elder focused, and family and youth centered.<sup>59</sup>

**Recommendation:** The Government of Canada and British Columbia must ensure that all government funded efforts and initiatives respecting Indigenous languages are consistently guided by the objectives of revitalization, preservation, and protection of First Nations languages.

## **Women’s and Indigenous Support Organizations and Movements**

190. The UBCIC recognizes the integral work of grassroots organizations in keeping Indigenous women and children safe and thriving.

191. The UBCIC formally and informally supports grassroots organizations through resolutions, partnerships, coalitions, joint advocacy and solidarity efforts.

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<sup>58</sup> Interviews are summarized for clarity and brevity.

<sup>59</sup> UBCIC Resolution 2017-36. Available online: <https://www.ubcic.bc.ca/resolutions>



192. The UBCIC also has a strong women's movement. The UBCIC Women's Representative, Elaine Alec, hosted an Indigenous Women in Leadership session following *enowkinwixw* (traditional decision-making process).

193. Through *enowkinwixw*, the women created the UBCIC Working Group on Uplifting and Empowering Indigenous Women.<sup>60</sup> This Working Group will plan regional intergenerational Indigenous women's sessions to uplift and empower Indigenous women, and which are open and inclusive to all Indigenous women across BC.

**Recommendation:** All levels of Government must support and provide adequate and continuous funding to all grassroots organizations working to end violence against Indigenous women and children, and/or working to uplift the voices and causes of Indigenous women and children.

## Police

194. The historical and current relationship between Indigenous people and police forces is marked with skepticism, mistrust, and the persistent overrepresentation of Indigenous people in the criminal justice system.

195. Given UBCIC's history with policing issues, we can speak with authority that women and girls feel a deep distrust of police. This deep distrust is justified.

196. Indigenous women have a higher vulnerability to violence simply because they live in a society that poses a risk to their safety.<sup>61</sup> This statement must be understood and internalized, especially by the police forces in BC and around Canada.

197. Indigenous women live in a more dangerous world than the average person and as such are deserving of the best protection from the state and its police forces.

198. This is simply not the case. In fact the opposite is often true.

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<sup>60</sup> UBCIC Resolution 2018-39. Available online: <https://www.ubcic.bc.ca/resolutions>

<sup>61</sup> Beverly Jacobs & Andrea Williams, "Legacy of Residential Schools: Missing and Murdered Aboriginal Women" in Marlene Brant Castello, Linda Archibald & Mike DeGagne, eds, *From Truth to Reconciliation: Transforming the Legacy of Residential Schools* (Ottawa: Aboriginal Healing Foundation, 2008).



199. Indigenous women and girls are not being treated equally or fairly by the police for reasons of intentional bias, along with systemic and institutional bias.
200. Police forces must believe that Indigenous women are to be respected as equal and integral members of society, in order to act upon their calls for help with timely, appropriate and diligent help.
201. We also must aim to solve the issue of women and girls not reaching out to police for help, due to a deep distrust of being re-victimized by police.
202. The police forces in BC and Canada must lead the charge in mending the deep distrust between them and Indigenous women and girls. We must all work together for change, Indigenous women and girls, and their larger communities are ready to bridge divides, we call on the government, and their agents to be willing to change.
203. Indigenous people are also grossly overrepresented in the criminal justice system. Indigenous women are now the fastest growing prison population. In the *Gladue*<sup>62</sup> case, the Supreme Court of Canada commented that the overrepresentation of Indigenous people in Canadian prisons is, in part, the result of a broader societal bias:
- “There is widespread bias against aboriginal people within Canada, and there is evidence that this widespread racism has translated into systemic discrimination in the criminal justice system.
- “The historical relationship between Indigenous people and the police was predicated on the belief that Indigenous peoples and their cultures were inferior to the beliefs and cultures of non-Indigenous society. This belief was codified through subsequent laws and policies that were often enforced by the police.”<sup>63</sup>
204. The first point of contact for Indigenous people and the justice system is primarily through their interaction with the police. Therefore, it is imperative that the relationship between the police and Indigenous people is one of trust, respect, and independent oversight.
205. This year, the UBCIC, BC Aboriginal Justice Council, First Nations Summit, and BC Assembly of First Nations made a submission to the Ministry of Public Safety

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<sup>62</sup> [1999] 1 S.C.R. 688.

<sup>63</sup> Union of BC Indian Chiefs, BC Assembly of First Nations, BC Aboriginal Justice Council, First Nations Summit, “Public Engagement on Unbiased Policing in BC”, (Vancouver: UBCIC, BCAFN, FNS, BCAJC, August 13, 2018).



and Solicitor General on provincial policing standard. The group recommended that pursuant to s. 177(4)(b) of the *Police Act*<sup>64</sup>, that the Police Complaints Commissioner hire or contract an Indigenous investigator to oversee, monitor, and investigate complaints alleging systemic racism or bias against Indigenous peoples.

206. From May 31 to June 2, 2018, the province of BC held its 10<sup>th</sup> Justice Summit. This was the first Justice Summit where leaders in the justice system and Indigenous peoples came together solely to examine the experiences of Indigenous peoples in the justice system in British Columbia. Speakers at the Justice Summit recognized the need for the province and Indigenous communities to disrupt the status quo particularly as it systemically relates to the overrepresentation of Indigenous people, and called for implementation of key international, national and provincial recommendations.
207. Participants highlighted the need for the provincial government to take real action in order to foster a relationship of reconciliation.
208. In the TRC's Calls to Action, the Commissioner called for "the federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so." The appointment of an Indigenous PCC could meaningfully impact incarceration rates of Indigenous peoples through the increased oversight of police action in relation to Indigenous peoples.
209. Police and the justice systems treatment of Indigenous women needs particular attention. We need to look no further than the case of Cindy Gladue<sup>65</sup> to demonstrate the shameful way in which the justice system treats Indigenous women.
210. In June of this year, Brenda Lucki, RCMP Commissioner, apologized to the family and communities of the missing and murdered women and girls saying "I'm sorry that for too many of you, the RCMP was not the police service you needed it to

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<sup>64</sup> RSBC 1996, c 367.

<sup>65</sup> 2011 ABQB 492.





be during this terrible time in your life. It is very clear to me that the RCMP could have done better. I promise you, we will do better.”

211. This statement is a welcome first step, the RCMP finally recognizing their role in creating this crisis, and acknowledging that they need to do better. Apologies are meaningless without action.

212. We call on the Inquiry to speak truth to power and make recommendations that will make these statements more than hollow words. The Inquiry must make findings that assign clear and specific responsibility for failures, and make bold recommendations that provide a road map that make the police a tool to end the crisis of missing and murdered women, rather than a factor. Anything less than bold, effective, clear and progressive recommendations around policing, would render this Inquiry a waste.

### **Evidence – Chief – Female Identifying**

I didn't go to residential school. My parents hid me in the bush when the police came to get me.

### **Evidence – Chief – Female Identifying**

**What is the one most important issue you do not want to pass on to your grandchildren?** Fear. Fear of speaking out. Fear of the police. <sup>66</sup>

**Kupki7 Wilson, Oral Closing submissions, Calgary, Alberta, November 2018**

Indigenous people have no confidence in the justice system. Be it police, the courts, or lawmakers. Whether in the Downtown Eastside or the Highway of Tears, we have seen lawmakers drag their heels and police turn a blind eye while women were being murdered by the dozens.

**Recommendation:** The BC Provincial Government must appoint an Indigenous Police Complaints Commissioner.

<sup>66</sup> Interviews have been summarized and edited for brevity and clarity.



**Recommendation:** The Police Complaints Commissioner must hire an Indigenous investigator or Police Complaints Commissioner to oversee, monitor, and investigate complaints and the police alleging systemic racism or bias against Indigenous peoples.

**Recommendation:** The Police Complaints Commissioner must investigate and take all necessary actions to investigate the issue of discriminatory carding practices, including engaging in research on the practice of street checks.

**Recommendation:** Correctional Services Canada must ensure that its policies, programs and practices respect the cultural differences and needs of Indigenous people, especially as they relate to prisoner risk assessment tests.

**Recommendation:** The Province of BC must establish an Indigenous-led, province-wide review of municipal and provincial policing legislation, policies and practices with a focus on systemic racism towards Indigenous peoples. The review must include community-based research and consultation with Indigenous communities and community organizations, and experts in criminal justice science and sociologic studies on addressing systemic racism in policing.

**Recommendation:** Governments must provide resources for First Nations to create First Nations policing bodies and structures rooted in Indigenous legal principles and Indigenous justice systems.



## **Evidence – Chief – Female Identifying**

**When are women and girls in your community most vulnerable to violence?**

When we give up hope.

**Have you given up hope?**

No. Some women and children do and I understand why. But as a People we will never give up hope.

## **Kupki7 Wilson, Oral Closing submissions, Calgary, Alberta, November 2018**

Let me say in this forum, for you the Commissioners, and for the Government to hear, that Indigenous women and girls will not be erased, that we are strong, and we will demand justice every day, for all our days. Our calls for justice will not be softened with the closing of this Inquiry, but instead, this will be another platform on which we will stand to demand justice.



## Appendix 1 – List of Recommendations

### United Nations Declaration on the Rights of Indigenous Peoples

1. All levels of government must fully adopt and implement the rights and minimum standards affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation including commitments to ensure that government institutions, policies, programs, and practices comply with the *UN Declaration*. Governments must also engage in ongoing public dialogue and actions to support the *UN Declaration*.
2. All levels of Government must pass framework legislation that is modeled on and builds upon the federal Bill C-262<sup>67</sup> to ensure all laws in Canada are in harmony with the *UN Declaration*. These acts must be co-developed and co-drafted with Indigenous organizations and the BC government must implement an action plan to systematically review all BC laws, policies and practices; and must implement a mechanism for ongoing independent oversight and accountability.
3. All levels of Government must ensure implementation of the *UN Declaration* focuses on Indigenous self-determination. This means that implementation will look different in different places.
4. All levels of Government must undertake public education and outreach to raise awareness of the *UN Declaration* in BC.

### Truth and Reconciliation Commission

5. All levels of Government must take immediate steps to fully implement all of the recommendations contained within the summary of the final report of the Truth and Reconciliation Commission.

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<sup>67</sup> Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples, 1<sup>st</sup> Sess, 42<sup>th</sup> Parl, 2018. Available at: <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-262/first-reading>



## **All National and International Recommendations**

6. All levels of Government must fully implement the 38 recommendations made by the United Nations Committee on the Elimination of Discrimination Against Women in its March 6, 2015 report on missing and murdered Indigenous women in Canada.
7. All levels of Government must fully implement all recommendations made in the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights, Convention against Torture ratified, and the Convention on the Elimination of all Forms of Discrimination against Women.
8. All levels of Government must immediately meet all its international human rights obligations, must implement all recommendations from any federal or provincial inquiry which affects Indigenous people, implement all recommendations provided to them by grassroots organizations; implement all recommendations made in the 58 reports analyzed by the Inquiry's research team; and implement all recommendations made to them by and to this Inquiry that are in line with recommendations made by Indigenous, grass-roots, women serving organizations.

## **Sovereignty**

9. All levels of government must take all necessary steps to recognize Indigenous Peoples' Aboriginal Title and Rights, Treaty Rights, and Right of Self-Determination.
10. Canada must repudiate all doctrines of discovery and superiority and cease using these doctrines in court to defend Crown positions.

## **Federal Act regarding Violence Against Indigenous Women and Girls**

11. The Government of Canada must develop a Federal Act to end violence against Indigenous women and girls in Canada.



## **Violence Against Women and Land Use**

12. Canada and the provinces must ban the development of industrial man camps on Indigenous territories without the free, prior and informed consent of Indigenous peoples impacted by these developments.
13. The federal and provincial governments must respect the rights of Indigenous Peoples to control how their lands and resources will be used and for what purposes, including their right to free, prior and informed consent, rooted in the right to self-determination.

## **Residential Schools**

14. All levels of Government should provide continued and sustainable long-term funding for all organizations and programs that provide support for the survivors of residential schools, especially those that utilize Indigenous healing practices.
15. All levels of Government should undertake a similar course of action as the Government of Ontario in response to the Truth and Reconciliation Commission's final report, and commit to working closely with Indigenous partners in BC to help Indigenous and non-Indigenous peoples move forward in the spirit of reconciliation, including a financial investment geared towards public education and other reconciliation initiatives.
16. Provide unlimited, no cost, counseling and psychosocial supports for all Indigenous persons. This counseling must be available in person, over the phone and through technology.

## **Child Welfare**

17. Canada must recognize that child and family safety and wellbeing requires Canada to provide sustained, culturally-based and needs-based funding and



legislative recognition to enable First Nations to exercise their right to care for their children, youth and families.

The legislation **must** not be prescriptive given the diversity of First Nations cultures, and the need for First Nations to reaffirm culturally-based approaches.

The legislation **must not** re-entrench or support the bureaucratic control or imposition of child, youth and family philosophies, policies and practices on First Nations peoples that have proven ineffective.

18. Canada must co-create guidelines for implementation of such recognition legislation, based on self-determination, human rights, the TRC's 94 Calls to Action and the *UN Declaration on the Rights of Indigenous Peoples*. The legislation must provide a stable and lasting framework for funding, and support of the work of First Nations to address the legacy of residential schools and other failed government policies that have harshly impacted children, youth, families and communities.
19. All levels of Government must uphold the landmark Canadian Human Rights Tribunal ruling in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 and immediately comply with all orders.

### **Housing – Elders and Women**

20. All major cities must have fully-funded, culturally appropriate, women's transition centers for women moving between rural and urban areas.
21. The provincial and federal governments must provide adequate financial and political resources to support the all urban youth centers and programs.
22. The BC Government must follow Indigenous housing reports and recommendations, including the BCAFN 2017 Housing Forum Report, "Creating a First Nations Housing & Infrastructure Authority: From Concept to Design".



## Transportation

23. All levels of Government must provide safe, adequate, and common sense school and weekend transport solutions for children and youth.
24. The Government of British Columbia must implement a permanent, safe, affordable and reliable transit solution for rural and remote areas, Highway 16 and any other such affected area.
25. The Province of BC must present a business plan that ensures sufficient public transit at minimal cost, which is accessible to those most at risk.

## Education

26. The Province of British Columbia must fulfill their commitment to making education a core instrument of change and reconciliation, and develop progressive Government-to-Government relationships expressed between school boards and local First Nations.
27. Ministers must work in partnership with First Nations organizations in developing and reviewing education funding formulas; continuing funding models; improvements in First Nations' schooling; accountability mechanisms; school transportation services; language programs; and mandatory education on First Peoples in public school.
28. The Government of BC must provide immediate and separate funding for BC First Nations band operated schools that require immediate infrastructure/capital funding.
29. All levels of government must support play-based programs for Indigenous children and youth in BC to that will reach every community in need.





## **Culture and Language**

30. The Government of Canada must enact an Indigenous Languages act, developed through a Nation-to-Nation process, which is Nation and Treaty based, community driven, elder focused, and family and youth centered.
31. The Government of Canada and British Columbia must ensure that all government funded efforts and initiatives respecting Indigenous languages are consistently guided by the objectives of revitalization, preservation, and protection of First Nations languages.

## **Women's and Indigenous Support Organizations and Movements**

32. All levels of Government must support and provide adequate and continuous funding to all grassroots organizations working to end violence against Indigenous women and children, and/or working to uplift the voices and causes of Indigenous women and children.

## **Police**

33. The BC Provincial Government must appoint an Indigenous Police Complaints Commissioner.
34. The Police Complaints Commissioner must hire an Indigenous investigator or Police Complaints Commissioner to oversee, monitor, and investigate complaints and the police alleging systemic racism or bias against Indigenous peoples.
35. The Police Complaints Commissioner must investigate and take all necessary actions to investigate the issue of discriminatory carding practices, including engaging in research on the practice of street checks.
36. Correctional Services Canada must ensure that its policies, programs and practices respect the cultural differences and needs of Indigenous people, especially as they relate to prisoner risk assessment tests.



37. The Province of BC must establish an Indigenous-led, province-wide review of municipal and provincial policing legislation, policies and practices with a focus on systemic racism towards Indigenous peoples. The review must include community-based research and consultation with Indigenous communities and community organizations, and experts in criminal justice science and sociologic studies on addressing systemic racism in policing.
  
38. Governments must provide resources for First Nations to create First Nations policing bodies and structures rooted in Indigenous legal principles and Indigenous justice systems.



## Appendix 2 – Questionnaire

We know the root causes of why Indigenous women and girls go missing and are murdered – racism, sexism, colonization, police and government apathy.

This conversation is about the specific causes in your community that have lead to this crisis and any unique solutions to the issue.

### Open-Ended Questions:

1. Are there any teachings or stories specific to your Nation that can guide the type of government support UBCIC can lobby for?
2. Was violence against women an issue in your community prior to colonization? If, so how did your community deal with it then?
3. What are some of your Nations' ways to keep women and girls safe?
4. What are some of your Nations' ways that men are/were educated about acceptable behavior towards women and girls?
5. What are some traditions or teachings you would like to see revitalized in your community?
6. In your community, what is the **one** most important thing can do done at the school age level to lay the groundwork for a safer future for the girls?
7. Are there the **specific** and unique vulnerabilities that women/girls face in your community?



8. What one issue facing indigenous women and girls **do you not want to pass on to the next generation**?
9. In your community, what can be done to **lower the risk** of a missing woman being murdered?
10. If the choice is between the government prioritizing **prosecution** of violence versus **prevention**, what would you choose?
11. Specifically what **supports** does your community need to keep children in the community rather than being removed?
12. What supports does your community need to keep women and girls fleeing abuse **in** the community?
13. Are there any specific **housing issues** in your community that affect women/girls?
14. What are some **immediate, low costs, easy to implement practical things** that can enhance the safety of women/girls in your community?
  - a. Women?
  - b. Girls?
15. In your community, what **specifically** would lower the incidences of girls going missing?
16. In your community, what **specifically** would lower the incidences of women going missing?



17. As a chief, what change in your **personal dealings** with INAC or government representatives would help you better serve your community?
18. If you were standing in front of the **Commissioners** of the National Inquiry, and could say only one thing, **what would you say?**
19. What is one **dream** you have for your **female great grandchildren?**
20. In your community are women **leaving the community** to go to the city?
21. If yes, **why** are they leaving the community?
22. What **supports/attractions** would keep them in the community?
23. What supports do the women/girls need to make the **transition from their home community to the city?**
24. In your community when are **girls most vulnerable** to violence?
25. In your community when are **women most vulnerable** to violence?

### Survey Questions

1. Would better transport systems keep women/girls safer in your community? y/n
2. Would better/more after school programs aimed at women/girls keep them safer in your community? y/n
3. Does your community need support for women involved in sex work?



4. Does your community need suicide prevention support targeted specifically towards women/girls? y/n
5. Does your community need 24 hour counseling services for women/girls? y/n
6. Does your community need counseling services for people that have been affected by missing and murdered women crisis? y/n
7. Would your community benefit from a dedicated RCMP/Police unit that deals only with missing and murdered indigenous women/girls?
8. Would your community benefit from a requirement that the RCMP/Police provide a yearly report on all open missing and murdered women cases?
9. Would your community benefit from a province wide or national alert system for all women that go missing? y/n
10. Would your community benefit from a province wide or national alert system for all girls that go missing? y/n
11. From most urgent to least urgent rank the following areas of need in your community:
  - a. Housing
  - b. Education
  - c. Jobs
  - d. Youth programs
  - e. Training for police and social workers
  - f. In community drug and alcohol supports
  - g. Health services



