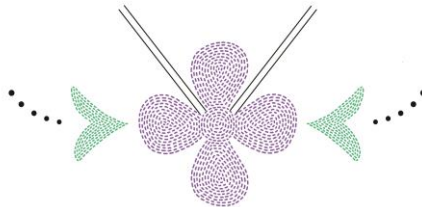


National Inquiry into
Missing and Murdered
Indigenous Women and Girls



Enquête nationale
sur les femmes et les filles
autochtones disparues et assassinées

**National Inquiry into Missing and Murdered Indigenous Women and Girls
Truth-Gathering Process
Part IV - Closing Oral Submissions
The Westin Ottawa
Ottawa, Ontario**



PUBLIC

**Tuesday December 11, 2018
Oral Submissions - Volume 6**

Government of Canada

Amnesty International Canada

**Pauktuutit Inuit Women of Canada, AnânauKatiget Tumingit Regional Inuit
Women's Association, Saturviit, Inuit Women's Association of Nunavik,
Ottawa Inuit Children's Centre & Manitoba Inuit Association**

**Canadian Feminist Alliance for International Action and Partners, Canada
Without Poverty and Dr. Pamela Palmater**

Canadian Association of Chiefs of Police

**Canadian Association of Police Governance & First Nations Police
Governance Council**

BC Government and Service Employees' Union

INTERNATIONAL REPORTING INC.

II

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BC Government and Service Employees' Union	Stephanie Smith, Jitesh Mistry, Danielle Marchand, Susan Howatt (Representatives)

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Second Chairs: Violet Ford & Meredith Porter (Commission Counsel)

Heard by Chief Commissioner Marion Buller and Commissioners Brian Eyolfson & Qajaq Robinson

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

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

Clerks: Bryana Bouchir & Maryiam Houry

Registrar: Bryan Zandberg

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1 Ottawa, Ontario

2 --- Upon commencing on Tuesday, December 11, 2018 at
3 8:28 a.m./La séance débute mardi, le 11 decembre 2018 à
4 08h28

5 **(OPENING REMARKS/PRAYER)**

6 **MS. CHRISTINE SIMARD-CHICAGO:** Good
7 morning, and we're going to start two minutes early so we
8 can end two minutes early today.

9 Good morning, everyone. I hope everybody
10 had a good sleep today. I'm your MC for the day. My name
11 is Christine Simard-Chicago.

12 **M. CHRISTIAN ROCK:** Bonjour, tout le monde.
13 On espère que vous avez bien pu vous reposer ce soir. On
14 va commencer la journée deux minutes plus tôt. Mon nom
15 est Christian Rock. Je suis accompagné de Christine.

16 **MS. CHRISTINE SIMARD-CHICAGO:** This is my
17 twin brother. No, just kidding.

18 (LAUGHTER/RIRES)

19 **MS. CHRISTINE SIMARD-CHICAGO:** So we're
20 going to start off our morning in a good way. So I'm
21 going to ask our Elders to come up. We have Vince and
22 Elaine Kicknosway, Elder Reta Gordon, and Elder Barbara
23 Dumont-Hill. So if I could ask the four of you to come
24 up.

25 **M. CHRISTIAN ROCK:** Nous allons commencer

1 la journée de bonne manière aujourd'hui. On va demander à
2 nos aînés, Monsieur Vincent et Madame Elaine Kicknosway,
3 Reta Gordon et Madame Barbara Dumont-Hill.

4 **ELDER RETA GORDON:** Good morning everyone,
5 bonjour à tous. Oh, I think we have a few more people
6 today. Great.

7 Today, when I got up, I do what I do every
8 morning. I look outside and see what the weather is like,
9 and it wasn't snowing so I thanked God. I thank him every
10 morning for letting me get out of bed unaided at my age.
11 I never thought I would live to this old age. So I'm
12 still living, I'm going to celebrate, I'm going to
13 celebrate what an unbelievable life I've had so far.

14 Today is going to be one of the best days
15 of my life ever. I'm going to walk through this day with
16 my head held high and a happy heart. I'm going to share
17 my joy with others. I'm going to give a smile and a
18 compliment to someone I don't even know. I'll give a hug
19 to someone who seems down and tell them how much I
20 appreciate them just for being out, because you can tell
21 when people are sad.

22 Today is a day I'm not going to worry about
23 what I don't have, just be thankful for everything the
24 Creator has given me. He's given me family, he's given me
25 a roof over my head, food on my table, shoes on my feet,

1 and clothes to keep me warm.

2 Today when I go outside, and I will run
3 into homeless people, I, and I ask all of you, don't look
4 down on everyone and anyone because that could be you,
5 that could be me. We just thank God that it's not. And
6 never look down on anyone unless you're looking down to
7 give them a hand up.

8 And tonight, before I go to bed, I do what
9 I do any night that there is a moon and stars, and I go
10 outside and I just marvel at the peace that surrounds us
11 and the quietness. And I know we owe our peace in this
12 country to God and to our veterans. Never forget your
13 veterans. If you see a veteran, thank him for serving.
14 If you see someone in uniform, thank them for serving.
15 And every day I say a prayer for our young men and women
16 who are fighting in war torn countries. May the Creator
17 send down his angels, keep them safe until they return
18 home.

19 While I'm outside, if there's stars, I pick
20 out the brightest star, and that's my late husband, and I
21 tell him how my day went and tell him things like I used
22 to when I'd go out and come home. And he'd say, "well,
23 what did you do, what did you see?" So I have a lot to
24 share with him.

25 And then I go upstairs and I get into bed

1 and I know I'm going to sleep peacefully because there's
2 police officers out there looking after me and EMTs and
3 firefighters. And then I put my head down on my pillow
4 and I sleep the contented -- sleep like a contented child
5 because I know tomorrow is going to be one of the best
6 days of my life ever.

7 And at this time, I ask the Creator to
8 grant each and every one of you here many, many, many
9 years of the best days of your life ever. God bless.
10 Have a great day. Be kind to everyone you meet but be
11 kind to yourself. Amen. Thank you, merci, marsi,
12 qujannamiik.

13 **MS. ELAINE KICKNOSWAY:** Good morning.
14 Bonjour, aanii, tansi, kwe kwe, (speaking Indigenous
15 language). I give thanks for today. Watch over our
16 hearts. I give thanks for the four directions. I give
17 thanks for the speakers, the water that we're drinking,
18 and the tear bags that are here, the Kleenex to hold the
19 water. I give thanks for the voices. I give thanks for
20 the memory. I give thanks for the medicines that are here
21 and the people that carry the medicine and the drum and
22 the songs and all those wonderful things throughout the
23 day so that we come back together and wish each other a
24 good day. *Miigwetch.*

25 **MR. VINCENT KICKNOSWAY:** Boozhoo. Ahneen.

1 I give greetings and thanksgivings to all,
2 to all the women, to Mother Earth, who we stand upon. We
3 are so grateful. We acknowledge our grandmother, (Native
4 name) who too watches over us. It's the femininity of
5 (Native word), of life, that we look upon and we ask that
6 at this time to feel within our own hearts and within our
7 minds that our spirit will be lifted when we hear the
8 voices of our women as they speak, for it is us who are --
9 us as men who must recognize the equality of what life
10 means for us.

11 And as we acknowledge all of life's
12 creations that the Creator made available, we are so
13 grateful with that in mind.

14 I ask, look to your left and give that
15 person a good morning. Shake their hand. *Miigwetch.*

16 Look to your right and also likewise share
17 a good morning and wish them a fair day. *Miigwetch.*

18 **ELDER BARBARA DUMONT-HILL:** (Speaking in
19 Anishnaabe). Hello, everyone. I hope you're all living
20 your life in a good way. (Speaking in Anishnaabe).

21 Today I welcome you all in our beautiful
22 unceded, unsurrendered Algonquin Anishinaabe territory.

23 You know, every morning I normally wake up
24 and hear the geese. And even though I'm here in my home
25 territory -- I'm staying at this hotel -- I didn't hear

1 the geese this morning and that left a little bit of
2 sadness inside of me because I was taught that when we
3 hear those geese -- a lot of people think that they're
4 just dumb birds that poop a lot, but they're not just dumb
5 birds. Those geese are very special.

6 And the geese -- you know, when they're
7 flying in their V-formations, if a goose is not well or
8 cannot fly any longer and it has to come down to the
9 earth, put its feet on the earth and rest, that other
10 geese will come down with it from each V all around it
11 because they don't want to leave anyone behind. And what
12 an important message that is for us, that we are never to
13 leave anyone behind.

14 And those geese, you know, that lead goose
15 of each V, it's not the only leader because when it's
16 tired, it can move back a bit and the next one steps
17 forward and becomes the lead goose.

18 So we all have the ability to lead. We all
19 have ability to create change and to not leave anyone
20 behind.

21 And I was told by the Cree that when the
22 geese are calling, it's not -- I was going to try to make
23 a goose call but I won't do that to you.

24 **(LAUGHTER/RIRES)**

25 **MS. BARBARA DUMONT-HILL:** Maybe somebody

1 with more talent than me can make a goose call. But
2 they're not just making that honk. They are yelling out,
3 "I'm here. I'm here. I'm here and I won't leave anyone
4 behind."

5 So I'm very grateful for this day. I'm
6 grateful for the spirit of the women that are here. I'm
7 grateful for all the sacred medicines for these drummers,
8 for the Commission, for their staff, for everyone who is
9 here in hope of creating the change that won't leave
10 anyone behind any more.

11 I'm grateful for our Grandfather Sun who
12 shares his light with us each day and our Grandmother Moon
13 who lights up our night sky and breaks down our seasons
14 for us.

15 I'm grateful for our sacred Mother Earth
16 who provides everything we need to live our life in a good
17 way.

18 I'm grateful for the sacred water, the
19 blood of our Mother Earth that quenches our thirst and
20 brings life into the world and reminds us that women are
21 sacred.

22 I'm grateful for the sacred air, the breath
23 of (Native name), for the winged, the four-legged, the
24 swimmers, and the crawlers, for the trees, the plants, the
25 roots, the medicines that grow here on Great Turtle Island

1 that have always shared their bounty with us and add
2 beauty to our life each day.

3 I'm grateful for all the ancestors who
4 created a good path for us to follow and those seven
5 generations of ancestors that we all have a responsibility
6 to leave a good path for.

7 I'm grateful for all the people who do live
8 their life in the good way, who care and respect our
9 Mother Earth, who respect all women, all human beings.

10 And I ask the Creator to touch each one of
11 you today to bless you with good health and wisdom for
12 you, for your children, your grandchildren, your great-
13 grandchildren, that we all understand we all belong to one
14 Creator, we all have responsibility to respect all of Her
15 creation.

16 So for each one of us, I say *chi-miigwetch*
17 and have a wonderful day. Thank you.

18 **MS. CHRISTINE SIMARD-CHICAGO:** *Miigwetch.*
19 So now we'll start with our opening drum song with our
20 Eagle River drummers.

21 **M. CHRISTIAN ROCK:** Merci beaucoup. On va
22 maintenant passer à la chanson d'ouverture de la session,
23 avec les joueurs de tambour de Eagle River. Messieurs?

24 **(DRUMS AND SONGS/TAMBOUR ET CHANTS)**

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

1 Now we'll have the lighting of the quilliq with Eeelee
2 Higgins.

3 Just a quick note. There are translators
4 available in the back because it will be performed in
5 Inuktitut. But for those that don't we have also our
6 friend here, Barb, that will help with translation.

7 **M. CHRISTIAN ROCK:** Nous allons maintenant
8 procéder avec l'allumage du quilliq. Vous allez pouvoir
9 vous procurer les équipements pour la traduction
10 simultanée tout au cours de la journée. À ce moment-c, ma
11 collègue Barbara Sevigny va pouvoir traduire de
12 l'inuktitut à l'anglais. Merci.

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

14 **MS. BARBARA SEVIGNY:** (Translating for Ms.
15 Higgins) I would like to say thank you for having been
16 invited to participate in this event.

17 Yesterday she realized she didn't share
18 much about the story behind the quilliq so she'll be
19 sharing that today.

20 With the quilliq it's been able to help the
21 Inuits. Her mother used to use the quilliq while she was
22 growing up. At times when her mother wasn't watching she
23 would play with the quilliq. She knew it was the only
24 quilliq that her mother had but she wanted to learn how
25 and that's why she would go play with it when her mother

1 wasn't watching.

2 This quilliq was used to make food, even
3 more so for making bannock and to dry the traditional
4 clothing. Although it's not a big fire, it did help to
5 keep everybody warm. Her husband brought the -- it's what
6 we call the (Inuktitut word) tool to maintain the quilliq;
7 her husband brought it here. She likes to use it; it
8 helps light the quilliq.

9 Back then when they were living in the
10 camps her name was Unga (ph) at the time. When she went
11 to school she discovered that her name was Eelee. Back
12 then when she would ask her boss when she started working
13 at the school what they were called, the traditional
14 names, the Inuktitut names that are given to us is very
15 meaningful for us. It's who we were named that is very
16 dear to us. She wanted to provide that information for
17 everybody for you to know.

18 There are some people that still call her
19 Unga by her traditional name and she very much appreciated
20 when her friends from many years ago that use her
21 traditional name -- she very much appreciates that.

22 Thank you.

23 **MS. CHRISTINE SIMARD-CHICAGO:** *Miigwetch.*

24 Just a couple of housekeeping notes. Like
25 I said, we have translators in the back for folks to use.

1 In the Quebec Room we have healing through beading with
2 Gerry Pagnin and smudging is also available in the Quebec
3 Room as well.

4 **INTERLOCUTRICE NON IDENTIFIÉE:** Il y a du
5 perlage et la guérison par le perlage et il y a également
6 le...

7 **M. CHRISTIAN ROCK:** Donc, à l'arrière de
8 la sale, vous avez les équipements de traduction
9 simultanée. Dans la salle Québec, vous allez pouvoir
10 profiter du smudging, si vous en avez besoin. Et il y a un
11 atelier sur le perlage qui va se dérouler tout au cours de
12 la journée. Merci.

13 **MS. CHRISTINE SIMARD-CHICAGO:** All right.
14 Have a good day, everyone.

15 --- Upon recessing at 8:51 a.m./ L'audience est suspendue
16 à 08h51

17 --- Upon resuming at 8:56 a.m. /L'audience est reprise à
18 08h56

19 **MS. VIOLET FORD:** Chief Commissioner and
20 Commissioners, my name is Violet Ford. I'm one of the
21 Commission counsel and next to me to my right is Christa
22 Big Canoe.

23 Today we are calling seven parties to make
24 closing submissions and the first is the Government of
25 Canada. So you have 40 minutes.

1 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. ANNE TURLEY:**

2 **MS. ANNE TURLEY:** Thank you. Good morning,
3 Chief Commissioner, Commissioners, Elders, grandmothers,
4 members of the National Family Advisory Circle, families
5 and survivors, Commission counsel and staff, and fellow
6 Parties with Standing.

7 My name is Anne Turley and I have
8 represented the Government of Canada throughout these
9 proceedings. I would like to recognize the unceded and
10 unsurrendered traditional territory of the Algonquin and
11 Anishinabe people that we are gathered on today. I would
12 like to thank the Elders for the prayers, the drummers,
13 and the lighting of the quilliq this morning for starting
14 us off in a good way. I would like to personally thank
15 Elder Barbara Dumont-Hill for smudging me this morning to
16 ground me.

17 Over the past year and a half we've had the
18 opportunity to listen to and hear directly from families
19 and survivors of violence, knowledge keepers, their truths
20 and lived experiences about what needs to be done going
21 forward.

22 To borrow the words of Elder Dumont-Hill it
23 has been both a heart-wrenching and a heart-warming
24 journey. It has been heart-wrenching to hear about the
25 lived experiences of violence, exclusion and racism across

1 Canada. It has been heart-warming to witness the
2 strength, courage, and resilience of those who shared
3 their lived experiences with us. Their truths and
4 experiences needed to be shared. But more importantly,
5 they needed to be heard and honoured by governments and
6 indeed, all Canadians.

7 We heard from amazing, strong, Indigenous
8 women warriors, in family, institutional and expert
9 hearings alike. We have heard from survivors who are
10 devoting their lives now to helping others. They work
11 tirelessly on the front lines day after day, be it in the
12 Downtown Eastside, addictions counselling, shelters, group
13 homes, child advocacy or within the correctional system.
14 These strong Indigenous women leaders need to be
15 celebrated and honoured.

16 Similarly, we have heard from strong,
17 Indigenous women who are working within institutions,
18 including governments and police agencies to create and
19 effect change from the inside.

20 We heard from Dr. Valérie Gideon, Senior
21 Assistant Deputy Minister of the First Nations Inuit
22 Health Branch of Indigenous Services Canada. We heard
23 from Yvonne Niego, Deputy Minister of Family Services in
24 Nunavut. We heard from Alana Morrison, Detective
25 Constable of Nishnawbe Aski Police Service; Acting

1 Inspector Dee Stewart, Officer-in-Charge of Indigenous
2 policing for the R.C.M.P.; and Deputy Commissioner Brenda
3 Butterworth-Carr, Commanding Officer of R.C.M.P. E
4 Division.

5 We must also hold up our hands to the
6 strong Indigenous women working within the Commission,
7 Commissioners, counsel, elders, grandmothers, medicine
8 keepers, and other staff, and finally, the Parties with
9 Standing, representatives and counsel.

10 It has been tremendous to see so many women
11 representatives, especially young Indigenous women
12 advocating for change.

13 As Commissioner Audette aptly noted : "J'ai
14 toujours, toujours aimé travailler pour les femmes et avec
15 les femmes et d'autant plus qu'avocate, survivante, femme
16 impliquée sur le terrain. Toujours fière de voir les
17 femmes bouger les choses."

18 Representing the Government of Canada has
19 meant representing various federal departments and
20 agencies who are working to end violence against
21 Indigenous women and girls. In my allotted time today, I
22 will not have sufficient time to address the various
23 programs, policies, and initiatives. Our written
24 submissions will provide some further detail, as do the
25 numerous Rule 33 Submissions that we filed with the

1 Inquiry.

2 While we refer to promising practices and
3 more recent changes in approach, it is fully recognized
4 that more work needs to be done. Canada continues to work
5 on efforts to address violence against Indigenous women
6 and girls and we look forward to receiving the
7 Commissioners' recommendations for concrete and effective
8 action, going forward.

9 Today, I will focus my submissions on the
10 following areas. First, Canada's respectful engagement,
11 participation, and commitment to this historic National
12 Inquiry. Second, recent actions in areas such as
13 recognition of rights, greater Indigenous control, working
14 in partnership, commemoration, closing gaps in services,
15 and responses to violence.

16 Now turning to Canada's respectful
17 engagement. In October 2015, the government made a
18 commitment to end the national tragedy of missing and
19 murdered Indigenous women and girls, beginning with the
20 creation of this National Inquiry. The prime minister
21 said at the time that it was long overdue, that survivors
22 and families needed an opportunity to be heard and to
23 begin to heal.

24 Since then, Canada has been committed to
25 and engaged in this historic Inquiry at every stage. From

1 the very first family hearings in Whitehorse in May 2017
2 to the last family hearings in Richmond, B.C. in April
3 2018, myself and/or members of my team have been present.
4 We fully participated in ceremony and tradition and
5 listened to and heard families and survivors share their
6 truths in both public and confidential hearings. It was
7 important to hear firsthand the lived experiences and the
8 ideas for change.

9 We were welcomed at the confidential
10 hearings and participated in sharing circles when quite
11 rightly, survivors and family members could have said,
12 "No, we don't want a government representative present."

13 We are grateful to all the survivors and
14 the families for allowing us to hear their truths.

15 As Commission counsel Christa Big Canoe
16 said in Calgary in her closing submissions, she is forever
17 changed. I think it is fair to say that anyone who has
18 participated in this process with an open heart and an
19 open mind is forever changed for the better.

20 We were privileged to participate in
21 ceremonies such as sacred fires, pipe ceremonies, and
22 feasts, and we witnessed firsthand the importance and the
23 healing of such tradition and ceremony.

24 In Membertou, Nova Scotia last October, we
25 attended an early-morning sacred fire in a beautiful tipi

1 on Mi'kmaq territory. A family member was there who was
2 to share her truth that morning. She was unsure, she was
3 nervous and upset, and didn't know if she could continue.
4 She gained strength, however, from the teachings of the
5 elders, the songs, the drum, and the offering of tobacco
6 that morning. She did ultimately testify.

7 An important part of Canada's commitment
8 and engagement has been having Elder Barbara Dumont-Hill,
9 her support, her guidance, and her advice. She has been
10 an integral part of our team and ensured our respectful
11 engagement. I'm eternally grateful for her wisdom, her
12 grace, and her advice. In addition to supporting my team,
13 Elder Dumont-Hill provided support to families and
14 survivors at family hearings as well as the federal
15 government witnesses during the institutional hearings.

16 Another key part of Canada's commitment to
17 this Inquiry and to ensuring the success was proposing
18 federal government witnesses at each institutional and/or
19 institutional and knowledge-keeper hearings. It was
20 important to do so to ensure that Parties with Standing
21 and the Commissioners could hear, test, and probe the
22 direct evidence of government officials about policies,
23 practices, and programs.

24 Ultimately, seven witnesses from Canada
25 testified, three witnesses in May 2018 as part of the

1 government services hearings in Calgary. We heard from
2 John Phelps, Chief Prosecutor of the Yukon region for the
3 Public Prosecution Service of Canada. He spoke about the
4 Crown witness coordinator program. It was implemented to
5 bridge the cultural gap between prosecutors in the north
6 and victims and witnesses with whom they worked, and
7 between traditions deeply rooted in the common law and
8 traditional Inuit and Indigenous legal culture.

9 You heard from Naomi Giff-MacKinnon, a
10 Senior Policy Advisor in the Policy Centre on Victim
11 Issues with Justice Canada. She spoke about the new
12 Family Information Liaison Units, FILUs. It's the new
13 service for families of missing and murdered Indigenous
14 women and girls to help them gather any information they
15 need from organizations such as coroners, prosecutors, and
16 police.

17 Valérie Gideon, Senior Assistant Deputy
18 Minister of the First Nations Inuit Health Branch
19 testified about the health and mental wellness initiatives
20 that FNIHB funds related to violence against Indigenous
21 women and girls such as mental wellness teams, the Hope
22 for Wellness line, and the Indian Residential Schools
23 Resolution Health Support Program.

24 She also addressed challenges such as the
25 shortage of primary care nurses in remote communities,

1 after care, and culturally safe spaces in hospitals and
2 health institutions.

3 Three witnesses testified at the Police
4 Policies and Practices hearing in Regina in June of 2018.
5 RCMP Commissioner Brenda Lucki spoke to RCMP recruitment,
6 training, and policing in 600 Indigenous communities. She
7 stressed the importance of collaboration and partnerships
8 with Indigenous organizations, police, communities, and
9 people in order to improve and enhance the delivery of
10 culturally competent police services across this country.

11 Acting Inspector Dee Stewart has spent her
12 career developing positive relationships between the RCMP
13 and Indigenous communities. She spoke to various
14 programs, the Aboriginal Canoe Journeys Program, the
15 Ageless Wisdom Program, and the Aboriginal pre-cadet
16 training program. Deputy Commissioner Brenda Butterworth-
17 Carr spoke to the operational side, and in particular,
18 missing persons, sudden death and homicide investigations,
19 and what is being done to improve the quality of such
20 investigations and, more importantly, to improve
21 communications with families.

22 Assistant Commissioner Joanne Crampton
23 testified in October of this year in Newfoundland at the
24 hearing on human trafficking, sexual exploitation and
25 sexual violence. She spoke to RCMP's anti-human

1 trafficking efforts, the raising of awareness within
2 Indigenous communities about human trafficking through
3 different means, such as the "Love Bomb" play and the "I
4 Am Not For Sale" human trafficking campaign. She also
5 identified challenges such as the need for better data
6 collection and reporting, more education and awareness and
7 better coordination between police services across Canada.

8 All of these witnesses testified candidly
9 and did not only speak to promising practices, but also
10 outlined challenges, how they are being addressed moving
11 forward. They all acknowledged that more work needs to be
12 done. The challenges identified by these witnesses may
13 help inform the Commissioners' recommendations in their
14 final report.

15 As Dr. Gideon said, there is a "significant
16 growing momentum to effect change", but at the same time,
17 she did not want to minimise the experiences individuals
18 and communities were still having with respect to
19 services.

20 Commissioner Lucki preceded her testimony
21 with an apology to families, and I will only quote part of
22 it.

23 "I'm sorry that for too many of you
24 the RCMP was not the police service
25 that it needed to be during this

1 terrible time in your life. It is
2 very clear to me that the RCMP could
3 have done better and we will do
4 better. You are entitled to nothing
5 less than our best work in your
6 communities. I believe it's never too
7 late to do the right thing, and I want
8 this apology to be just one step in
9 the RCMP's commitment to
10 reconciliation." (As read)

11 But the Commissioner also recognised that
12 actions will speak louder than words, and she said,

13 "You don't have to trust me now
14 because they're just words. Trust me
15 when they're actions." (As read)

16 She further stated that a main focus of her
17 five-year plan was culture change and the need to build
18 stronger bonds and relationships between the RCMP and
19 Indigenous communities.

20 Each one of Canada's witnesses remarked
21 that testifying as part of this inquiry and hearing
22 program ideas from other witnesses and ideas for change
23 from parties with standing and the Commissioners through
24 their questions gave them insight for further
25 consideration as Canada continues to work to reduce

1 violence against Indigenous women and girls.

2 Understandably, not all of the witness that
3 Canada proposed could be chosen to testify. In order to
4 ensure that the Commissioners have all of the relevant
5 evidence, we have filed 12 different submissions under
6 Rule 33 of the Inquiry's legal path, from federal
7 government departments and agencies such as Canada
8 Mortgage and Housing Corporation, Correctional Service of
9 Canada, Employment and Social Development Canada, Health
10 Canada, Indigenous Services Canada, Justice Canada, Public
11 Health Agency of Canada, Public Safety Canada and Status
12 of Women.

13 Canada participated in this inquiry fully
14 and was not simply on a watching brief. Demonstrating
15 commitment and engagement in this inquiry meant ensuring
16 the Commissioners have what they need to make
17 recommendations for concrete and effective action going
18 forward.

19 At the Quebec City hearings on oversight
20 and accountability in the criminal justice system, the
21 Chief Commissioner and Commissioners expressed deep regret
22 about not being able to hear directly from Indigenous
23 women in correctional facilities. Canada is pleased to be
24 able to facilitate the Commissioners' visits with women in
25 both correctional facilities and healing lodges so that

1 they may hear their truth and lived experiences firsthand.

2 I'm going to turn now to recent actions.

3 I'm going to focus on some specific areas, but I do note
4 that our written submissions provide more comprehensive
5 detail.

6 Recognition of Right. The work of
7 governments in supporting the recognition and
8 implementation of Indigenous rights is critical to
9 advancing fundamental change in the conditions underlying
10 violence against Indigenous women and girls.

11 The Minister of Crown Indigenous Relations
12 and Northern Affairs has said,

13 "This is what recognition of rights,
14 self-determination and reconciliation
15 are all about. Together we are
16 working to a future in which healthy,
17 prosperous, self-determining and self-
18 governing Indigenous nations are
19 driving a better future for Canada and
20 all Canadians." (As read)

21 In May of 2016 Canada announced its full
22 support for the UN Declaration on the Rights of Indigenous
23 Peoples and committed to its full and effective
24 implementation in accordance with the Canadian
25 Constitution.

1 To this end, the following first steps,
2 which are consistent with the UN Declaration, which
3 contemplates that implementation may be achieved through
4 various legislative and/or policy measures have been taken
5 and will be built on going forward.

6 Earlier this year, the government fully
7 supported Bill C262, an Act to ensure that the laws of
8 Canada are in harmony with the UN Declaration.

9 In July of 2017, the principles respecting
10 the government of Canada's relationship with Indigenous
11 peoples were released. These principles are grounded in
12 Section 35 of the Constitution and the UN Declaration.
13 They emphasise that Indigenous rights and perspectives
14 must be incorporated in all aspects of the relationship
15 between Canada and Indigenous peoples as part of Canada's
16 work to decolonise federal law, policies, systems and
17 practices.

18 Towards greater Indigenous control: Canada
19 is working with First Nations, Métis and Inuit to advance
20 a new fiscal relationship enabling longer term funding and
21 planning approaches in communities, and increasing First
22 Nations, Inuit and Métis control of the delivery of
23 services and programs.

24 I'd like to highlight three examples of
25 some initial work in this area. First, Indigenous

1 Services Canada is working with First Nation partners on
2 the creation of new 10-year grants to up to with a goal of
3 providing these grants up to 100 First Nations by April
4 1st of 2019. This will result in reducing the
5 administrative burden and reporting burdens in a number of
6 ways, including reduced administrative and reporting
7 frequency and elimination of compliance-based reporting
8 for programs in a 10-year grant.

9 Second, Employment and Social Development
10 Canada worked with and incorporated the views of First
11 Nations, Inuit and Métis during the conception, design and
12 implementation of programs regarding the new Indigenous
13 skills and employment training program. This process is
14 an initial step leading to the transfer of administrative
15 responsibilities over Indigenous labour market
16 development.

17 The most recent step taken by Canada was on
18 November 30th of this year. The Minister of Indigenous
19 Services Canada announced the government's plan to co-
20 develop federal legislation on Indigenous child and family
21 services with the AFN, ITK and Métis National Council.
22 This will be introduced in the House of Commons in early
23 2019. The legislation will focus on supports for
24 Indigenous families to raise their children in their
25 homelands and Nations and to increase efforts to prevent

1 child apprehension.

2 Minister Philpott said the following on
3 November 30th:

4 "For a century now, based on
5 discriminatory policies of government,
6 we've been taking children away from
7 their families. It started with
8 residential schools, it continued with
9 the Sixties Scoop, and it continues
10 today."

11 This legislation marks a turning point to
12 say, no more.

13 Working in partnerships: we have heard
14 through the hearings the importance of collaborating and
15 working together. Many federal government departments and
16 agencies are working more closely with Indigenous peoples
17 and communities to ensure that the needs of Indigenous
18 individuals can be better met and that no further harm is
19 done.

20 Canada acknowledges that more work needs to
21 be done on this front, whether it be within government, to
22 ensure that Canada takes a cross-sectoral approach to
23 issues, such as human trafficking and gender-based
24 violence, or between federal, provincial, and territorial
25 governments, with Indigenous governments, Indigenous

1 communities, Indigenous organizations and Indigenous
2 people. Working in partnership together and collaborating
3 is vital.

4 As Diane Redsky said in October in the
5 hearings in Newfoundland, there must be meaningful
6 participation and engagement. It can't be, what she
7 referred to as "tokenism" engagement or simply ticking a
8 box. Rather, there must be meaningful engagement and
9 consultation with Indigenous people, organizations and
10 communities.

11 Canada recognizes that it is only by
12 working together that we will make real, sustained change.
13 All of Canada's witnesses spoke to the importance of
14 working in partnerships and steps that are being taken to
15 increase and strengthen relationships, and I would
16 highlight two recent examples.

17 In May of this year Status of Women Canada
18 established the Indigenous Women's Circle to discuss ways
19 of addressing systemic inequalities that have a
20 disproportionate effect on Indigenous women and girls.
21 Eighteen (18) members of the circle include First Nations,
22 Inuit, and Métis youth and Elders from across the country.

23 Second, RCMP Circle of Change -- you heard
24 Commissioner Lucki testify on this committee -- which was
25 created in 2016 to provide input to the RCMP on efforts to

1 reduce and address violence against Indigenous women and
2 girls. It is comprised of 12 Indigenous individuals from
3 different fields. In fact, both Diane Redsky and Elder
4 Dumont-Hill are both on that committee. We heard about
5 the meaningful input they have provided to date, including
6 changes to the missing persons' intake and risk assessment
7 form, changes to the missing persons' investigation
8 course, changes to the Heritage Room at the RCMP Training
9 Academy in Regina.

10 Commemorations: in response to the interim
11 report, Canada announced that a commemoration fund will be
12 established at Status of Women to honour the lives and
13 legacies of missing and murdered Indigenous women and
14 girls, including LGBTQ2S individuals. It will support
15 Indigenous organizations at the national, regional, and
16 local levels, including women's organizations, to develop
17 and implement commemorative events. As recognized in the
18 interim report, public commemoration is a powerful way to
19 honour truths, support healing, create awareness and
20 advance reconciliation.

21 Turning now to closing gaps in services; we
22 have heard evidence throughout the hearings about the need
23 to improve services and close gaps, be it child welfare
24 and support for families, education, employment, housing.
25 We have also heard about amazing community-based and led

1 initiatives that are making the difference in lives of
2 Indigenous women and girls across this country. Our
3 written closing submissions provide examples of promising
4 practices in these areas across the country.

5 While it is true that one size did not fit
6 all, because each community is unique and has different
7 needs, history, and traditions, seeing what works in one
8 community can be useful and may provide insight into
9 actions that may be taken across the country and may
10 inform the Commissioners' recommendations in the final
11 report.

12 In order to close gaps in services and
13 outcomes there must be a greater understanding of the
14 differential impact of law, policies, and programs, and I
15 highlight two steps that have recently been taken by
16 Canada to address this need for greater understanding.
17 First, the development of a new federal anti-racism
18 strategy; second, gender-based analysis plus. In Budget
19 2018 no budget decision was taken without being informed
20 by gender-based analysis.

21 Today I will provide some highlights of
22 recent actions, including in response to the interim
23 report and evidence heard at Inquiry hearings. Canada
24 took heed to the Commissioners' comments and remarks made
25 throughout the hearings that governments need not wait

1 until the final report to start taking action.

2 Child welfare; work is ongoing for a full
3 scale reform of the First Nations Child and Family
4 Services Program. As just mentioned, new co-developed
5 legislation has been announced concerning child welfare.

6 As part of Budget 2018 Indigenous Services
7 Canada has a new dedicated stream of funding for community
8 well-being and jurisdictional initiatives to support
9 communities in developing and delivering prevention
10 services. Some of these projects are mentioned in our
11 written submissions.

12 Health and mental wellness; I'd like
13 highlight two things that have occurred since the
14 testimony of Dr. Valérie Gideon. On Jordan's Principle,
15 as of September 2018 Inuit children can now access the
16 health, social, and educational services and support they
17 need, while Canada works with ITK. Inuit organizations
18 such as Pauktuutit and provinces and territory to develop
19 a long-term Inuit specific approach.

20 Second, in response to the Inquiry's
21 interim report recommendation, to better address the needs
22 of survivors and family members, health and cultural
23 supports for those affected by missing and murdered
24 Indigenous women and girls, and access to traditional
25 healing services have been expanded.

1 Education: Canada is working with the AFN,
2 IITK, and Métis National Council on two education
3 initiatives. On September 17th, 2018 leaders and
4 ministers jointly co-released a co-developed Indigenous
5 early learning and childcare framework. All Indigenous
6 children under this framework will have the opportunity to
7 experience high quality, culturally rooted, early learning
8 and childcare programming. As part of Budget 2018, a
9 review is being conducted on federal supports for post-
10 secondary education for Indigenous students.

11 I'm going to turn now to responses to
12 violence. The Commission has heard about many promising
13 practices in response to violence, in terms of community
14 safety, policing, criminal justice system, human
15 trafficking, shelters and victim supports. Again, in the
16 interest of time, I will simply highlight some recent
17 actions, but I refer you to our written submissions.

18 In terms of community safety, Canada is
19 supporting Indigenous communities as they identify
20 solutions to address their own community challenges and
21 increase community safety. Public Safety Canada's
22 Aboriginal Community Safety Planning Initiative is
23 supporting communities to develop community driven safety
24 plans that are customized and address the unique
25 circumstances of each community. To date, 46 communities

1 have a community safety plan, and a pilot project over
2 3 years was conducted with 5 of those communities. A
3 report will be released in January 2019.

4 Policing: Throughout the hearings we have
5 heard evidence about the lack of trust of police and the
6 serious consequences, including the fear of reporting and
7 underreporting. Indeed, a whole week was devoted to
8 examining police practices in Regina in June.

9 Since the testimony of the RCMP witnesses
10 in June, I can advise of the following steps that have
11 been taken as a direct result of evidence heard and
12 questions asked. In September of 2018, a national working
13 group on reconciliation was struck to ensure that the
14 Commissioners' apology was put into action. It is led by
15 an Indigenous inspector and an Indigenous external advisor
16 has been engaged to assist.

17 In keeping with the Commissioners'
18 commitment to culture change, the mission of this working
19 group on reconciliation is to create and sustain a robust
20 culture of reconciliation that prioritizes the education
21 and awareness of all employees, fostering a change in
22 culture of the RCMP to attain and foster trust with
23 Indigenous clients, partners, communities, people and
24 employees.

25 Between September to December of 2018, the

1 RCMP contact for FILU's has travelled across the country
2 undertaking outreach, both internal and external with
3 provinces and territories, partners and Indigenous
4 organizations to discuss the way forward, how to improve
5 relationships between the RCMP and families.

6 National family guides are in progress.
7 You heard Deputy Commissioner Butterworth-Carr who spoke
8 about the B.C. family guide. Now there is going to be a
9 consistent national guide, one for a family guide for
10 homicides and one for missing persons. Finally, language
11 preference was added to the family communications schedule
12 as a direct result of questions asked of Deputy
13 Commissioner Butterworth-Carr.

14 The criminal justice system: Canada is
15 continuing its comprehensive review of the criminal
16 justice system. Between January 2016 and January 2018,
17 roundtables were held across the country, including
18 engagement with Indigenous organization, and a final
19 report is to be released later this winter. Also of
20 relevance, in October 2018 Bill C-83, an Act to amend the
21 *Corrections and Conditional Release Act*, was tabled in
22 Parliament. This bill includes the following proposed
23 changes:

24 First, the elimination of segregation and
25 introduction of a new correction model. Second, the

1 obligation for the Correctional Service of Canada to
2 consider systemic and background factors unique to
3 Indigenous offenders in all decision-making.

4 Human trafficking and sexual exploitation:
5 During her testimony in October 2018, Assistant
6 Commissioner Joanne Crampton spoke to the creation of a
7 national human trafficking hotline. Since her appearance,
8 a contribution agreement with the Canadian Centre to end
9 Human Trafficking was signed. That centre is now working
10 on the design, development, and implementation phase with
11 the goal being to have the hotline operational in the
12 first half of 2019.

13 Victims services and supports: You heard
14 from Naomi Giff-MacKinnon about the FILU initiative.
15 Since her testimony, and as part of Canada's response to
16 the interim report, additional funding was given to extend
17 the FILU's to March 31st of 2020.

18 In conclusion, a remark that the Chief
19 Commissioner made at the end of the week on policing in
20 Regina in June struck me then, and while it was made in
21 that context, I believe it is relevant to the entire
22 Inquiry process, and it is about hope.

23 Speaking about the RCMP Commissioner's
24 apology, the Chief Commissioner had this to say:

25 "I hope that's a sign that we're

1 moving forward and a sign of positive
2 change, because when we spend so much
3 time in the world of questions that
4 have gone unanswered and what appears
5 to be negligence and hate, sometimes
6 we lose track of the opportunity to
7 move forward with hope. So I am
8 encouraging everyone to move ahead
9 after this week with more hope than
10 when you started this week."

11 Certainly, in establishing this Inquiry,
12 Canada's intent was to provide the forum for survivors and
13 families to share their truths, for experts and knowledge
14 keepers to share their knowledge, and for organizations
15 and institutions, including governments, to share
16 promising practices and to address challenges and gaps.
17 To assist the Commissioners with making recommendations
18 for concrete and effective action going forward. With
19 hope for a better tomorrow for all Indigenous peoples and
20 communities and for all of Canada. We look forward to
21 receiving those recommendations.

22 It has been a privilege to play but a small
23 part in this Inquiry process, and we'd like to thank Chief
24 Commissioner Buller, Commissioner Audette,
25 Commissioner Eyolfson, and Commissioner Robinson, and all

1 the Commission staff for the time that you have devoted
2 the past two years plus to this historic National Inquiry.
3 Time away from your own families and loved ones to ensure
4 a brighter future for all Indigenous people.

5 But most importantly, thank you to the
6 families and survivors for sharing your truths and opening
7 up Canadians' eyes to the realities of your lived
8 experiences. Thank you.

9 (APPLAUSE/APPLAUDISSEMENTS)

10 **MS. CHRISTA BIG CANOE:** Do the
11 Commissioners have questions?

12 **COMMISSIONER QAJAQ ROBINSON:** Good morning,
13 Anne.

14 **MS. ANNE TURLEY:** Good morning.

15 **COMMISSIONER QAJAQ ROBINSON:** Thank you for
16 your presentation. I have a couple of questions; two
17 themes. One on causation, and the other on
18 implementation, and you've probably heard me ask these
19 questions.

20 I'll start on the issue of causation. As
21 you know, our terms of reference ask us to look and report
22 on the cause of the violence that Indigenous women and
23 girls, Trans and Two-Spirited are experiencing. And
24 perhaps this is something you'll touch on in your written
25 submissions, but in our interim report, keeping with other

1 findings of previous inquiries and reports, the main cause
2 that has been identified and that we endorse and that
3 we've heard from families across the country is that it's
4 colonization. And the legacy of colonization, which we
5 heard from multiple witnesses as not just the legacy or
6 the aftershocks of it but the ongoing elements of
7 colonization within the foundation of this country's laws,
8 policies. I think it was the testimony of Cindy
9 Blackstock that really drilled down that.

10 And I'm wondering what Canada's position is
11 on that finding? That not only is colonization the cause
12 of the violence, but ongoing colonial instruments through
13 laws, legislation, and policies and practices that
14 perpetuate it.

15 **MS. ANNE TURLEY:** Certainly. I mean,
16 Canada has acknowledged both the historic and the
17 contemporary effects of colonization, and our Minister of
18 Justice said this, and I'll quote her:

19 "We must first acknowledge and act on
20 the understanding that the current
21 circumstances faced by Indigenous
22 people are inseparable from the
23 historic and contemporary impacts of
24 colonialism and the denial of
25 Indigenous rights." (As read)

1 So absolutely.

2 **COMMISSIONER QAJAQ ROBINSON:** On the
3 question of implementation. I'll be blunt, and you've
4 heard it from the families; is this report going to sit on
5 the shelf?

6 **MS. ANNE TURLEY:** So I'll answer that with
7 another Minister's quote, because they have more power
8 than me. Minister Bennett herself said "no-one wants this
9 report to be put on a shelf, including the Prime Minister.
10 This is a serious undertaking". And what I can tell you
11 is since the pre-Inquiry stage, Canada has had
12 interdepartmental committees, of all the affected Federal
13 departments and agencies, engaged. And it's within this
14 process that all recommendations will be reviewed in
15 detail and considered.

16 **COMMISSIONER QAJAQ ROBINSON:** Is there
17 contemplation of a mechanism whereby not only Indigenous
18 women and girls, trans, and two-spirited can see the
19 process of implementation but also the rest of the
20 country; a mechanism for implementation and monitoring?

21 **MS. ANNE TURLEY:** I don't know if there's a
22 formal mechanism but I am sure that as the final report is
23 received and considered, there will be reports and
24 progress reported on by the different Federal departments
25 tasked with responding.

1 **COMMISSIONER QAJAQ ROBINSON:** Those are all
2 my questions. Thank you. And I look forward to your
3 written submissions.

4 **COMMISSIONER BRIAN EYOLFSON:** Thank you for
5 your submissions, Ms. Turley.

6 One of the recommendations in our interim
7 report was the full compliance with the Canadian Human
8 Rights Tribunal decision in the *Caring Society* case. I'm
9 wondering if you can comment. We've heard evidence of, I
10 think, five non-compliance orders; if you can comment on
11 Canada's intention with respect to complying with that
12 Tribunal decision.

13 **MS. ANNE TURLEY:** What I can say is that
14 Canada's position is that it is now in full compliance and
15 that it has been working with the parties to the complaint
16 on compliance issues through the Consultation Committee,
17 which was set up for that very purpose.

18 **COMMISSIONER BRIAN EYOLFSON:** Okay, thank
19 you. Those are all my questions.

20 **CHIEF COMMISSIONER MARION BULLER:** I might
21 have missed part of your testimony about the community
22 safety plans that you referred to, and there's an
23 assessment being done?

24 **MS. ANNE TURLEY:** Yeah, so -- and it will
25 be in the Public Safety of Canada's Rule 33 submission

1 because there was not a witness on that. But it is --
2 there is right now a pilot project that's been going on
3 for three years, that has ended, with 5 of the 46
4 communities that have a community safety plan. And that
5 should be in the -- I think it was in early 2019 that a
6 report will be released, so prior to your report.

7 **CHIEF COMMISSIONER MARION BULLER:** Okay.
8 Thank you. And there'll be reference to it in your
9 Section 33 submissions?

10 **MS. ANNE TURLEY:** Yes. There was a Section
11 33 submission filed on behalf of Public Service -- sorry;
12 Public Safety Canada, and it references not only the
13 Community Safety Planning but also First Nation Policing
14 Program.

15 **CHIEF COMMISSIONER MARION BULLER:** Okay,
16 thank you.

17 Those are my questions. I want to thank
18 you and your team for really taking an active involvement,
19 not just a watching brief, as you said, which would have
20 been very easy for the Government of Canada to do.

21 So I want to thank you and your team for
22 all of your work.

23 Thank you.

24 **MS. ANNE TURLEY:** Thank you very much.

25 **(SHORT PAUSE/COURTE PAUSE)**

1 **MS. CHRISTA BIG CANOE:** The next party we
2 would like to call to the podium is Amnesty International,
3 and the representative is Jacqueline Hanson.

4 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. JACQUELINE**

5 **HANSEN:**

6 **MS. JACQUELINE HANSEN:** Good morning. It's
7 an honour to be able to appear before you this morning on
8 unceded Algonquin territory.

9 My name is Jackie Hansen and I'm the gender
10 rights campaigner with Amnesty International Canada.

11 You've already had the opportunity to hear
12 from us in Quebec City; at the combined expert and
13 institutional hearing on criminal justice, oversight, and
14 accountability, we were called as a witness. At that time
15 our research was entered into evidence. And we have
16 already made our written submission, submitted a summary
17 of the remarks we're delivering today, and submitted a
18 two-page summary of our recommendations.

19 All this is to say I will be brief this
20 morning.

21 Our written submission, which I hope you
22 will have had a chance to look at, contains information
23 drawn from our research and our participation as a party
24 to this Inquiry. It lays out a set of recommendations
25 that we hope you will seriously consider as you prepare

1 the National Inquiry's final report.

2 This morning I'll provide an overview of a
3 few of the key issues and the recommendations that are
4 included in our written submission.

5 As you know, Amnesty International is an
6 international non-governmental organization with extensive
7 experience in research and advocacy, and the promotion of
8 human rights. And we have long been an active civil
9 society partner in research and advocacy, addressing the
10 national crisis of violence against First Nations, Inuit,
11 and Métis women, girls, and two-spirit people.

12 We recognize the volume of testimony, and
13 the plethora of recommendations before this Inquiry. As
14 you move forward with preparing the final report, we hope
15 that the guiding criteria for which recommendations you
16 include in your final report will not be how many times a
17 particular recommendation was made in testimony or in a
18 written submission. What we hope and we trust will be the
19 guiding criteria for what recommendations you include in
20 your final report is which recommendations will best
21 ensure that the human rights of Indigenous women, girls,
22 and two-spirit people are respected, protected, and
23 upheld.

24 Testimony before this Inquiry has confirmed
25 what Amnesty International has experienced over two

1 decades of advocating alongside Indigenous advocates; the
2 knowledge and expertise on the root causes of violence
3 against Indigenous women, girls, and two-spirit people,
4 and the solutions to prevent and address this violence and
5 support survivors, exists within communities.

6 This Inquiry has a historic opportunity to
7 make recommendations to government that take a human-
8 rights-based approach by prioritizing investment in this
9 expertise that is within communities.

10 By recommending that government commit to
11 adequate, sustained core funding to Indigenous women's
12 organizations, to frontline service providers, and to
13 grassroots advocates to develop and to carry out
14 culturally specific programming -- and we really want to
15 emphasize that this funding to this expertise within
16 communities needs to come before new funding is allocated
17 to government or policing.

18 So we're calling on you to make a
19 recommendation to turn existing funding structures on
20 their head, to do this differently.

21 We would also call upon you to make a
22 recommendation that any new funding for policing must
23 proactively demonstrate exactly how it will lead to
24 reversing the pattern of under-protection or over-policing
25 of Indigenous peoples in Canada, which has been a

1 crosscutting theme through so much of the testimony before
2 this Inquiry.

3 Recognizing the diversity of experiences
4 that Indigenous women, girls, and two-spirit people have
5 had with discrimination, marginalization, and violence,
6 recommendations regarding policy and programming responses
7 should take into account the need for a really broad
8 spectrum of initiatives and solutions that help meet the
9 needs of all Indigenous women, girls, and two-spirit
10 people.

11 As has been said so many times in testimony
12 before this Inquiry; people need programming that meets
13 them where they're at.

14 The Federal government's response to ending
15 the national crisis of missing and murdered Indigenous
16 women, girls, and two-spirit people has been piecemeal at
17 best. The Inquiry has an opportunity to prioritize a
18 recommendation for a comprehensive, whole-of-government,
19 measurable response to this violence.

20 Canada recognizes the importance of the
21 international legal obligation to adopt a national action
22 plan on gender-based violence, and Canada has actually
23 promoted such plans internationally, which is shocking
24 because Canada has failed to do so domestically; has
25 failed to do so within Canada.

1 The Inquiry should recommend that the
2 Federal government, as a matter of urgent priority, work
3 with Indigenous women, representative organizations, and
4 provincial and territorial officials to develop a
5 comprehensive, measurable, well-resourced, time bound,
6 national action plan to address all forms of violence
7 against Indigenous women, girls, and two-spirit people in
8 Canada. And this should include commitments to address
9 the violence based on the basis of the full realization of
10 the rights of Indigenous peoples as set out in
11 International human rights law, including the UN
12 Declaration on the Rights of Indigenous Peoples.

13 Amnesty International emphasizes the need
14 for a human rights-based approach in order to fully
15 address the scale and scope of violence against Indigenous
16 women, girls, and two-spirit people in Canada. A human
17 rights-based approach centres the needs, the voices, and
18 the expertise of Indigenous women, girls, and two-spirit
19 people as rights holders in order to fully address
20 systemic and root causes of the extreme and pervasive
21 violence that they face.

22 As noted by the UN special rapporteur on
23 violence against women, gaps in incorporation and
24 implementation of the human rights framework result in
25 insufficient human rights-based approaches in law and in

1 policy which in turn lead to insufficient services for
2 those impacted by gender-based violence.

3 Amnesty International's research has
4 demonstrated how violations of economic, social, and
5 cultural rights are inextricably bound to the continued
6 cycle of violence against Indigenous women, girls, and
7 two-spirit people, and in fact, perpetuate the cycle.

8 Deep inequalities in living conditions and
9 access to government services have pushed many Indigenous
10 women, girls, and two-spirit people into situations that
11 carry heightened risk of violence such as overcrowded
12 housing, homelessness, and commercial sex.

13 These same inequalities deny Indigenous
14 women, girls, and two-spirit people access to the
15 necessary support and emergency services such as shelters,
16 that prevent them from escaping violence.

17 At the same time, it is clear that some
18 men, influenced by dehumanizing attitudes towards
19 Indigenous peoples in general and Indigenous women, girls,
20 and two-spirit people in particular, target Indigenous
21 women, girls, and two-spirit people for crimes of hatred
22 and extreme violence.

23 Failure to publicly condemn, properly
24 investigate, and punish such acts normalize the violence
25 and encourage perpetrators to believe that they can act

1 with impunity.

2 Intersectional discrimination lies at the
3 heart of all of these concerns. Amnesty International's
4 research has highlighted how Indigenous women in Canada
5 face discrimination on numerous fronts, from gender and
6 Indigenous identity to other socio-economic factors that
7 compound this discrimination such as poverty, ill health,
8 or involvement in commercial sex.

9 Amnesty International's case study on
10 resource development in northeast British Columbia,
11 published in the report "Out of Sight, Out of Mind",
12 documented how the promotion of intensive resource-
13 development activities on the traditional territories of
14 Indigenous peoples, often without the consent of affected
15 communities or adequate consideration of human rights
16 impacts, increases the risk of violence to Indigenous
17 women, girls, and two-spirit people.

18 This compounding of risk results from
19 numerous factors, but most directly from the dangerous
20 pattern of antisocial behaviour among transient workers,
21 commonly referred to as "blowing off steam", and often
22 characterized by heavy drug and alcohol use in off-hours
23 from shifts and frequently leading to violence.

24 Additionally, resources and services for
25 survivors of violence are limited by loss of lands

1 necessary for culturally-based healing and wellness
2 activities, as well as by the influx of large numbers of
3 transient workers, who severely strain local social and
4 emergency services.

5 Further, as high resource sector wages
6 drive up the costs of local essentials such as food and
7 housing, those without access to this income, which
8 includes the majority of Indigenous women and girls, face
9 increased food and housing insecurity, which then
10 exacerbates the risk of exposure to violence.

11 The current regulatory framework for
12 resource development projects in Canada doesn't adequately
13 assess or mitigate these risks, and even proposed
14 legislation such as Bill C69, which is the Senate right
15 now, wouldn't cover all projects, nor would it address all
16 impacts such as impacts that are assumed to be known and
17 manageable and which are routinely excluded from review.

18 When measuring state compliance with rights
19 obligations, the human rights standard of due diligence
20 offers an essential framework for ascertaining what
21 constitutes effective rights fulfillment. Due diligence,
22 the state responsibility to take every reasonable
23 precaution to prevent human rights violations, has a
24 specific characterization in the context of violence
25 against women that is now so well established and so

1 widely accepted that it's considered a matter of
2 international customary law.

3 The requirement of due diligence is even
4 greater where, as in the case of Indigenous peoples in
5 Canada, government actions have already harmed groups or
6 individuals or put them in situations of heightened risk
7 of further human rights violations.

8 In decisions potentially affecting the
9 rights of Indigenous peoples, governments in Canada need
10 to take into account the lasting harm created by colonial
11 policies and practices.

12 Accurate and comprehensive information on
13 the rates of violence faced by Indigenous women, girls,
14 and two-spirit people is essential to developing effective
15 prevention strategies. It is also essential to meet the
16 due diligence standard. Canada has failed to assemble
17 adequate data as required by human rights law and this has
18 hampered the effectiveness of policy planning and
19 investigations. This lack of data has serious
20 consequences for allocation of resources necessary to
21 address the violence and it hinders government's ability
22 to measure the impact of initiatives meant to combat
23 violence against Indigenous women, girls, and two-spirit
24 people.

25 Effective independent civilian oversight is

1 an indispensable part of policing in all circumstances and
2 is all the more necessary in a context of well-established
3 racial bias that has denied Indigenous women, girls, and
4 two-spirit people the protection they are owed.

5 As has been confirmed in numerous public
6 inquiries, the systemic racism that permeates Canadian
7 society has also permeated Canadian police services
8 resulting in Indigenous peoples being denied equal
9 protection of the law and creating a wide gulf of mistrust
10 between police and Indigenous peoples and the communities
11 they serve.

12 Effective oversight is needed to bridge
13 this divide and to ensure that survivors can safely report
14 such crimes. Such mechanisms must be accessible to
15 impacted individuals and communities. And we've heard
16 this issue around accessibility come up numerous times
17 during the Inquiry.

18 Amnesty International supports the report
19 of the -- supports the interim report of the National
20 Inquiry in its call for the creation of a national task
21 force able to re-examine or even re-open past
22 investigations where there's reasons to believe that the
23 death or disappearance of an Indigenous woman, girl, or
24 two-spirit person has not been properly investigated,
25 including cases where an Indigenous woman, girl, or two-

1 spirit person died under suspicious circumstances.

2 Any comprehensive response to violence
3 against Indigenous women, girls, and two-spirit people
4 must acknowledge and respect the spectrum of experiences
5 with and views on commercial sex. A human rights-based
6 approach to state policies surrounding the commercial sex
7 trade that is charter compliant and meets Canada's
8 international human rights obligations to protect the
9 rights of sex workers would include repealing the
10 *Protection of Communities and Exploited Persons Act* as
11 well as the application of existing criminal laws
12 including laws regarding the sexual exploitation of
13 children.

14 To conclude, our expectations are great and
15 they have to be. They really can't not be. We expect
16 nothing less than bold, actionable recommendations in the
17 Inquiry's final report that will be centred on the voices
18 of survivors and their families, and that will best ensure
19 that the human rights of Indigenous women, girls, and two-
20 spirit people are respected, protected, and upheld.

21 And we also expect bold and strong and
22 swift government action to implement these actions because
23 comprehensive action has been delayed for far too long and
24 that needs to end now.

25 Thank you so much to the survivors, to the

1 family members, to all the organizations and individuals,
2 Commissioners staff who have poured their heart and soul
3 into this process for so long. Thank you so much.
4 Meegwetch.

5 (APPLAUSE/APPLAUDISSEMENTS)

6 **MS. VIOLET FORD:** Do you have any
7 questions, Commissioners?

8 **COMMISSIONER QAJAQ ROBINSON:** Thank you. I
9 have a couple of questions.

10 First, a point of clarification on the
11 issue around commercial sex. In your material, and I'm
12 reading from what you've provided ---

13 **MS. JACQUELINE HANSEN:** M'hm.

14 **COMMISSIONER QAJAQ ROBINSON:** --- calling
15 on the repealing the *Protection of Communities and*
16 *Exploited Persons Act* and the application of existing
17 criminal laws, including laws regarding sexual
18 exploitation.

19 Are you calling on the repealing of the
20 entire legislation or repealing apart and implementation
21 of one?

22 **MS. JACQUELINE HANSEN:** No, we're calling
23 for the repeat of Bill C-36, so the *PCE* -- the -- yeah.
24 So we're calling for repeal of the entire bill and for ---

25 **COMMISSIONER QAJAQ ROBINSON:** Including the

1 child sexual exploitation?

2 **MS. JACQUELINE HANSEN:** Well, we want to
3 make sure that laws that are around sexual assault, around
4 trafficking, and around sexual exploitation of children,
5 for example, that those are implemented. But everything
6 surrounding criminalization of the purchase of consensual
7 adult sex and anything around -- through parties, for
8 example, around communication, advertising, also want to
9 make sure that that is repealed.

10 The research that Amnesty has done in a
11 variety of country contexts looking at different
12 criminalization regimes has shown us that criminalization
13 actually heightens the risk that sex workers will
14 experience discrimination and violence. So when we look
15 at our own policies really centred on the human rights of
16 sex workers, and our research has found that the best way
17 to protect sex workers is to have a decriminalized legal
18 regime for sex workers, including purchase and sale of
19 consensual adult sex.

20 We -- but we -- under consensual -- you
21 know, sexual exploitation of children is not consensual
22 adult sex. Anything where there is not consent is not
23 consensual adult sex. So I want to make that very, very
24 clear. We make to make sure in those cases where there is
25 violence, where there is coercion, where there is

1 trafficking, where there is children involved that
2 criminal law is applied.

3 **COMMISSIONER QAJAQ ROBINSON:** One of the
4 things that we have heard from a number of witnesses, I'll
5 -- it comes to mind predominantly Diane Redsky's testimony
6 in St. John's speaks to -- and this is my interpretation,
7 I'm not going to be quoting her -- but on the idea of
8 consent, or as we try to interpret consent, it's not so
9 straightforward when we live in a society where race and
10 gender-based violence and discrimination is dominant and
11 where Indigenous women, many of whom shared with us in
12 private, not necessarily publicly, that they had no
13 meaningful choice.

14 So that the idea of consent, when you are
15 forced down this path because there is no services in your
16 community because there is no viable social income because
17 you live on reserves that have been set up in areas that
18 have no economic base intentionally, that how can we have
19 a society that decriminalizes their exploitation when
20 they're also being -- when the circumstances that they are
21 in have been created by the State?

22 **MS. JACQUELINE HANSEN:** Absolutely. And as
23 Amnesty, our policy position also says that no one would
24 be involved in commercial sex because they believe that
25 they have no other choice. And so it's really about

1 looking at that other piece, which is about making sure
2 that economic, social, and cultural rights are fulfilled.

3 So I would agree with you, and we also
4 included that in our written submissions. So it's all
5 inextricably connected.

6 **COMMISSIONER QAJAQ ROBINSON:** The final
7 question I have is with respect to the -- your proposal
8 that this be looked at through a human rights lens or the
9 human rights framework.

10 **MS. JACQUELINE HANSEN:** M'hm.

11 **COMMISSIONER QAJAQ ROBINSON:** And I'm
12 wondering if you've thought about the inclusion of or how
13 that works with the application of Indigenous laws and a
14 lens that recognizes Indigenous ways of knowing and being?

15 **MS. JACQUELINE HANSEN:** M'hm.

16 **COMMISSIONER QAJAQ ROBINSON:** I think we
17 can all agree that the vast majority, all human rights
18 legislation and international instruments, other than
19 UNDRIP, have not been developed by Indigenous people and
20 have not contemplated Indigenous laws. And I say laws
21 plural because there are many nations with different laws.

22 How do we reconcile that some human rights
23 frameworks may actually conflict directly with Indigenous
24 laws?

25 **MS. JACQUELINE HANSEN:** Wow, that's not an

1 easy question to answer, is it?

2 I mean, we certainly want to make sure that
3 Canada is upholding all of its international human rights
4 obligations. And -- so for example, we want to make sure
5 that actions are being taken that are promoting equality.
6 We also want to make sure that Indigenous knowledge and
7 laws are being respected and implemented. So it's all
8 about looking at ways to integrate and looking at the
9 balance.

10 I don't think there is an easy answer to
11 your question. I don't think there's a quick answer to
12 your question. But I think it's about balancing and it's
13 about really having a look at the core of human rights law
14 and really looking at how to implement both.

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

16 **COMMISSIONER BRIAN EYOLFSON:** Thank you
17 very much for your submissions. I think I just have one
18 follow up question.

19 One of the things we've heard come up from
20 time to time in our hearings is a lack of political will
21 around the implementation of recommendations. And I
22 noticed in your submissions and recommendations you refer
23 to a perceived lack of political will around those
24 recommendations.

25 I'm wondering if you can just expand upon

1 Ms. Hansen, I have -- I'm trying to rationalize something
2 that you -- two things that you said. First of all, at
3 the beginning you said it's important that as a priority
4 we turn funding models on their head so that there is
5 investment in local communities.

6 **MS. JACQUELINE HANSEN:** M'hm.

7 **CHIEF COMMISSIONER MARION BULLER:** At the
8 same time, you're recommending a national action plan.

9 How do I rationalize those two concepts?

10 **MS. JACQUELINE HANSEN:** I actually think
11 that they can go quite nicely together. I mean, no
12 national action plan should be developed without civil
13 society. The experts who are working in this field need
14 to be part of that process. And when we're talking about
15 a national action plan, we're talking about not the
16 federal strategy that's out there, we're talking national
17 action plan. So including the federal government,
18 provincial, and territorial governments, local
19 governments, First Nations, civil society, all have a role
20 to play. And this is what we need to end up with a
21 comprehensive response.

22 Having a comprehensive response can
23 actually open up more vehicles and more doors to flip that
24 funding models. Because what we see right now are
25 discrete piecemeal funding initiatives through different

1 ministries, some provincial, some at the federal level,
2 but what we really need -- it's off of little bits of
3 funding here and there, and for organizations particularly
4 for a lot of frontline organizations that have been
5 decimated by funding cuts and are operating on shoestring
6 budgets, it's really hard to meet all of those funding
7 requirements. So -- and for various little bits of money
8 here and there.

9 So actually having a comprehensive national
10 action plan may open up opportunities to streamline
11 opportunities for funding and think about how to channel
12 funding in different ways to more efficiently, more
13 effectively get it to this expertise that's at the
14 community level.

15 So I don't see them as oppositional; I
16 actually see them as very much being part of the same
17 thing, a more efficient process, an impactful process.

18 **CHIEF COMMISSIONER MARION BULLER:** Thank
19 you. That was the only thing I wanted to clarify.

20 Ms. Hansen, I want to thank you very much
21 for all the hard work you've done while you're working
22 with us. It's been a delight. Thank you.

23 **MS. JACQUELINE HANSEN:** Thank you.

24 **CHIEF COMMISSIONER MARION BULLER:** We are
25 suggesting a break for 20 minutes.

1 I know we're ahead of schedule. If the
2 parties who are in the next series of time slots - if
3 they're ready to start early, we will. We will take a 20-
4 minute break but perhaps you can give us an update as to
5 whether or not those parties are ready to start early.

6

7 --- Upon recessing at 10:11 a.m./ L'audience est suspendue
8 à 10h11

9 --- Upon resuming at 10:32 a.m./L'audience est reprise à
10 10h32

11 **MS. CHRISTINE SIMARD-CHICAGO:** I just wanted
12 to let everyone know that we do have translation services
13 and the next party will be speaking in Inuktitut. So I'm
14 going to ask everyone to take the time to sign out a
15 headset and the radio so that they can actually hear and
16 understand the submissions.

17 --- Upon recessing at 10:33 a.m./ L'audience est suspendue
18 à 10h33

19 --- Upon resuming at 10:37 a.m./L'audience est reprise à
20 10h37

21 **MS. VIOLET FORD:** We are about to start.
22 And the next Parties with Standing that we would like to
23 call to the podium are as follows: Pauktuutit, the Inuit
24 Women of Canada, AnânuKatiget Tumingit Regional Inuit
25 Women's Association, and Saturviit, Inuit Women's

1 Association of Nunavik, Ottawa Inuit Children's
2 Association and the Manitoba Inuit Association. And they
3 will be all represented by Rebecca Kudloo.

4 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. REBECCA**

5 **KUDLOO:**

6 **MS. REBECCA KUDLOO:** Shall I start now?

7 Ullakuut. Good morning. I will briefly
8 speak in Inuktitut. I think we have the translation.

9 (Speaking in Inuktitut).

10 I am going to start by presenting a short
11 video by Uviluk Corey (ph) who is from Cambridge Bay,
12 Nunavut, and I ask the technician to play the video at
13 this time.

14 **--- (VIDEO PRESENTATION/PRÉSENTATION VIDÉO)**

15 **MS. REBECCA KUDLOO:** Before and during
16 the work of the Inquiry, Pauktuutit, Saturviit Inuit
17 Women's Association, and Manitoba Inuit Association held
18 meetings about the crisis of violence against Inuit women.
19 During these gatherings, we remembered those who we have
20 lost by violence by lighting purple candles. This has
21 become an important symbol for the murdered and missing.

22 Representatives from our standing
23 partners are here with me, Elder Sarah Ponniuk
24 representing AnânuKatiget Tumingit Reginal Inuit Women's
25 Association, Goose Bay, Labrador ((Native word). Elder
26 Jeanie Okalik representing the Ottawa Inuit Women's

1 Centre; and Jeannie Nayoumealuk of Saturviit Inuit Women's
2 Association.

3 We also acknowledge Rachel Dutton of
4 Manitoba Inuit Association who is unfortunately not able
5 to be here with us today.

6 Several of Pauktuutit's board members
7 are here; Anita Pokiak who represents western Arctic and
8 the aunt of the young woman who made the video you just
9 saw; Parniga Akeeagok who represents Iqaluit; and Martha
10 Flaherty who represents urban Inuit.

11 We'll continue our presentation by
12 lighting these candles with a minute of silence.

13 --- (Ceremony/La cérémonie)

14 As you know, this submission is being made
15 by a group of five Inuit women's organizations. I am
16 honoured to be making this oral submission on behalf of
17 Pauktuutit, Saturviit Inuit Women's Association and Ottawa
18 Inuit Children's Centre.

19 (Speaking in Inuktitut).

20 Our submission is about the victims and
21 families of missing and murdered Inuit women. But before
22 I talk about what we heard from the families at community
23 hearings and statement gatherings, I want to say that some
24 Inuit who wanted to be heard did not get a chance to
25 speak. There are a few reasons for this, but we want to

1 remind the Commissioners that we strongly advise that the
2 Inquiry visit at least one community in each of the four
3 Inuit regions.

4 I also thank the National Family Advisory
5 Council for their advice and for ensuring that families
6 were heard.

7 And I also thank our legal counsel, Beth
8 Symes, who has been with us from the beginning of the
9 Inquiry for giving so much of her time, more than we asked
10 for. She listened carefully during the community hearings
11 and was a big part of writing our recommendations.

12 The story from each family is unique, but
13 by looking at the stories overall, there are many common
14 threads. Abusers are often survivors of childhood trauma,
15 physical abuse, sexual abuse, and witnessing domestic
16 abuse and addiction within their homes.

17 Several abusers were already known for
18 being dangerous or have already been convicted of violent
19 crimes.

20 Inuit women have no shelter to go to for
21 help or to escape escalating domestic violence. Inuit
22 women who are in danger don't know their options or
23 rights. Inuit women must be able to trust police before
24 they will report violence. There is a fear of reluctance
25 during reporting domestic violence because living in a

1 small community makes it harder. Women fear that their
2 children will be taken away into care.

3 Victims do not talk about escalating abuse
4 because of fear or shame. Women fear their abusers, and
5 things like protective orders are just a piece of paper.

6 Families talked about suicide by the women
7 who were abused, their abuser, or their surviving family
8 members.

9 Attempts to find protection by the women in
10 danger and by their families failed because of poor or
11 slow police services, a lack of shelters, and other
12 reasons.

13 Some families talked about how they found
14 out that their daughter, sister, or mother had been killed
15 in ways that were cruel and traumatizing.

16 Families have to be the first to know what
17 has happened and what is happening and they have to be
18 told the whole truth. Some loved ones found out through
19 the news or social media. The media shouldn't know more
20 than the families.

21 Healing is needed for us to tackle things
22 like child abuse, addiction, suicide and poverty, mental
23 health and violence. If people don't heal from trauma
24 like physical and sexual abuse in childhood, violence and
25 fear continues and frequently repeats over generations.

1 Several abusers were victims of abuse
2 themselves and this enforces that Inuit-specific healing
3 programs for men and boys are desperately needed for Inuit
4 women and girls to be safe.

5 Our recommendations began from what we
6 heard from families. Despite how hard it was emotionally,
7 the lack of long-term supports, the lengthy travel, and
8 the financial cost for some, and other barriers they
9 faced, families came forward to tell their stories.

10 We know that it was hard for them and for
11 those who wished to speak but were unable to. We know
12 that the process was difficult for families, and we want
13 you to know that we heard you, and we tried to represent
14 you as best we could. We also have a message for all
15 Inuit who have been or are being physically, sexually, or
16 emotionally abused. You are not to blame.

17 Before I talk about our recommendations, I
18 want you to know that we respect our First Nations and
19 Métis friends. We share concerns about safety of
20 Indigenous women and girls, and this includes LGBTQ2S
21 people. When we speak about Inuit women and girls, we are
22 not lessening the truth and experiences or needs of the
23 First Nations and Métis. I think we -- they will agree
24 with us that culturally specific solutions are needed and
25 have the best outcomes. Our written submission includes

1 seven recommendations. I will not explain all of them
2 today, but we'll talk about them in general. They will be
3 put in our website, so people can read them. Our
4 recommendations will come as no surprise to you. Inuit
5 have known for a long time what the issues are and what is
6 needed to be done. Our communities cannot wait any longer
7 for this knowledge and research to become action.

8 Recommendation 1: Counting Inuit. Data
9 collection is important because governments use it to
10 decide how and where to spend money on education, housing,
11 health care, and social services. We want all levels of
12 government to immediately collect data about Inuit
13 separately from Métis and First Nations, and count Inuit
14 in urban centres accurately. Inuit are getting lost in
15 the much larger number of First Nations people, and this
16 means we do not get the services we need.

17 Recommendation 2: All Inuit women and girls
18 has the right to feel and be safe. Part of this means
19 that family violence should not continue to be hidden and
20 not talked about because of embarrassment or shame. Inuit
21 women and girls, men and boys, should be encouraged to
22 talk about family violence and get counselling. Violence
23 and sexual abuse must not be normalized as part of Inuit
24 culture. Emphasis needs to be put on preventing family
25 violence, teaching about healthy relationships, and

1 parenting for all Inuit children and youth. Inuit focused
2 healing programs and services in Inuktitut in every
3 community for people who are abused as children and ending
4 inter-generational trauma by healing programming,
5 supported by the renewal of the Aboriginal Healing
6 Foundation, and as recommended in your -- in your Interim
7 Report.

8 Recommendation 3: The root causes of Inuit
9 family violence must be addressed. This means a realistic
10 plan to end the housing crisis must be made and it must be
11 put into action. Quick and easy access to ongoing healing
12 programs and services when they are needed. Eliminating
13 poverty. Being able to get high quality education,
14 including a university in Inuit Nunangat, so people who
15 want to continue their education do not have to relocate
16 to the south and so things that are important to Inuit are
17 taught and learned. There must be meaningful work for
18 everyone. Every community having Inuit specific health
19 and addiction services and having midwifery care for every
20 community that uses the Inuit health model that was
21 developed in Nunavik.

22 Recommendation 4: When family violence
23 happens. Research shows that Inuit women and girls in
24 Inuit Nunangat and urban centres have the highest rates of
25 violence in Canada. We are 14 times more likely to

1 experience violence, and ten times more likely to be
2 sexually assaulted. More than 70 percent of our 51 Inuit
3 communities across Inuit Nunangat do not have a safe
4 shelter for women and their children. This means that
5 Inuit women and families have nowhere to escape violence
6 and abuse. Travelling to another community to seek safety
7 is not an option for most Inuit women. A plane ticket can
8 cost thousands of dollars, which is out of reach for most,
9 particularly in times of crisis. And for those who flee
10 without proper supports, they are vulnerable and can be
11 exposed to additional safety risks. The federal
12 government only provides funding for safe shelters on
13 reserves. Inuit communities are not reserves, so Inuit
14 women in the Arctic are disallowed from getting this
15 funding. We recommend shelters or safe houses funded by
16 Indigenous services open in every community where one is
17 needed immediately. And that Inuit southern organizations
18 be funded to provide Inuit specific shelters or safe
19 shelters in urban centres like Montreal, Ottawa, Winnipeg,
20 St. John's, and Edmonton.

21 Radical changes to the criminal justice
22 system is needed. The police must have a relationship of
23 mutual trust and respect with the community. RCMP
24 officers often do not stay longer than two years. This
25 means that the community has to restart building trust

1 with new officers often. We recommend that police
2 services within Inuit Nunangat focus on proactive or
3 preventative policing instead of reacting to violence.
4 Police must get involved before violence increases. This
5 includes investigating when family members, neighbours, or
6 others report suspected or known abuse. They must send a
7 message that violence is not tolerated. We also recommend
8 that police reflect the diverse -- diversity in the
9 community and speak the language of the community. Also,
10 strong incentive to encourage officers to stay for a
11 minimum of five years should be created and used. This
12 includes making any necessary changes to policies that you
13 find how long an officer is on -- assigned if needed. And
14 we recommend that police, Crown attorneys, defence
15 lawyers, and court staff, justice of the peace, and judges
16 have to take Inuit developed, Inuit delivered cultural
17 education. It is irresponsible to put someone with so
18 much authority and responsibility in our communities
19 without first sharing our strength, family structures,
20 beliefs, and history. They must also learn how to --
21 widespread domestic violence may be within the community,
22 and how childhood abuse impacts individuals and families.

23 As mentioned earlier, emergency protective
24 orders are seen as only a piece of paper. This is not
25 enough. They need to be enforced to make Inuit women and

1 children safer. For their safety and well-being, Inuit
2 women and their children must not have to wait for
3 justice. More court dates in each community are needed,
4 so that trials happen in a reasonable amount of time and
5 so that criminal charges are not dismissed.

6 We recommend that the impacts of Gladue
7 principles in sentencings be looked at. Abusers are being
8 released into small communities after short sentences and
9 without healing programs. This means more assaults and
10 women and girls live in fear.

11 Recommendation 5: The child welfare system
12 is failing Inuit women and their families. The current
13 system is not working and it's harming Inuit children. We
14 are anxious to learn the details about the very recently
15 announced child welfare legislation and that the
16 Government of Canada will introduce in the new year.

17 We cannot just hope that child welfare
18 services will protect Inuit children and youth, they must
19 enhance family and community unity. We think child
20 protection and what families need to keep their children
21 and ensure that Inuit children receive no less than the
22 same standard of healthcare as any child in Canada. We
23 also want all Inuit children to be placed with Inuit
24 families in their communities, be it in Inuit Nunangat or
25 the south, and that they stay connected to their extended

1 family, their language, and their culture.

2 The system must relocate children as little
3 as possible and work to reduce Inuit child and youth
4 suicides. It must include Inuit specific programs to help
5 children when they leave the system. And we need funding
6 for Inuit organizations in the south to speak for our
7 Inuit children in provincial care.

8 Recommendation 6: Urban Inuit. Over 27
9 percent of Inuit live outside Inuit Nunangat and this
10 number is growing. More Inuit women and girls in urban
11 centres mean we need more culturally relevant services and
12 representation in the south. Inuit specific services must
13 be available to all Inuit living outside of Inuit
14 Nunangat. Services that are made by or for First Nations
15 people do not work and do not have meaning for us. We see
16 provincial Inuit organizations being the voice of Inuit
17 living in the south be in charge of services existing and
18 to create Inuit to government relationships and that they
19 support -- are supported by provincial and territorial
20 governments.

21 When Inuit from the north move south it is
22 a big change, and it's often because they have to, not
23 because they want to. They leave for different reasons.
24 Some of this can be called forced relocation. Some leave
25 because they are fleeing violence and there isn't space in

1 an emergency shelter or there's no shelter at all. There
2 is simply no housing available or they can't get the
3 education or healthcare they need and because there isn't
4 employment for them.

5 Also issues Inuit women face in the
6 communities do not stop when they move south. Economic,
7 health, or family problems and responsibility continue and
8 are made worse by the stress and hardship of leaving home.

9 Recommendation 7: Canada and the
10 provincial and territorial governments must be held
11 accountable to implement these recommendations. We are
12 calling for federal, provincial, and territorial
13 governments to have action plans for each of our
14 recommendations within a year and sufficiently fund an
15 independent ombudsman to oversee and report annually on
16 how all the recommendations are being implemented.

17 We ask the Inquiry to recommend to the
18 Government of Canada that it meets its responsibilities
19 and commitments, including the Prime Minister's commitment
20 to gender equality for all women and girls in Canada and
21 to do it in culturally appropriate ways, to do it from a
22 place of reconciliation.

23 For changes to work they must be done by
24 considering the whole not just the pieces, everything,
25 housing, justice, poverty, education, food security,

1 health, is connected. It must be done for the long-term
2 health and safety of Inuit women and girls. And these
3 changes must not be at risk because of changing political
4 interests. Healthy families and healthy communities must
5 be a goal.

6 The cycle of child abuse, partner violence,
7 and family dysfunction that contributes to violence
8 towards Inuit women and girls must be broken, and to make
9 that change all of us have work to do. It doesn't end
10 once a final report from the Inquiry is released.

11 We are offering our help. After the
12 Government of Canada reviews the recommendations from us,
13 other Inuit organizations, and the final report from the
14 Inquiry we want them to consult with Inuit to set out
15 priorities and timeframes. We can help and we welcome and
16 encourage any chance to work with others to improve the
17 lives of women and girls.

18 For many years our organization
19 Pauktuutit, Inuit Women of Canada, Saturviit, Inuit
20 Women's Organization, Ottawa Inuit Children's Centre, and
21 AnânuKatiget Tumingit Regional Inuit Women's Association
22 and Manitoba Inuit Association have been listening to what
23 Inuit women from Inuvialuit, Nunavik, Nunatsiavut, and
24 Nunavut regions and those outside of Inuit Nunangat have
25 to say. That work will continue. Inuit women can count

1 on us to support them, to represent them, to work with
2 them, and to advocate for them, and we'll continue to work
3 so that our knowledge, world view, and concerns are
4 respected and protected.

5 When we think about murdered and
6 missing women, we know that without services that make
7 sense to Inuit women and girls are at greater risk of
8 sexual exploitation and violence we will continue to
9 repeat that. Inuit design, Inuit specific solutions are
10 the answers. We already know that current police and
11 government methods are not working or not doing enough.
12 The proof of this are the shocking rates of sexual abuse
13 and raising rates of violence in Inuit communities versus
14 the dropping crime rates in non-Inuit communities.

15 There have been successful community-based
16 healing programs in Inuit Nunangat. The Aboriginal
17 Healing Foundation, before it was forced to close in 2014,
18 funded innovative and successful programming for Inuit.
19 And because of dedication, determination and
20 resourcefulness there are healing programs that are making
21 a difference. Despite a lack of resources, they are
22 finding a way to help Inuit, and they can be looked at as
23 models for other communities to adopt.

24 We have talked a lot about healing
25 services. I'm going to now speak briefly about those who

1 spoke to this Inquiry.

2 We heard from some people that they tried
3 to access follow-up support services but their calls were
4 not returned, and we are telling you that support and
5 counselling must be available for them when they need it
6 to prevent more trauma. This means support immediately
7 after they've given their stories or years later.

8 To all levels and departments of
9 government, we must get rid of barriers. We must work
10 together quickly and not be slowed down by bureaucracy or
11 politics. How many women, Inuit women and girls have been
12 hurt during the term of the inquiry? How many more Inuit
13 women and girls will be harmed and killed waiting for help
14 to come?

15 We are thinking about and our concern about
16 the woman and girls who are and who will be unsafe in
17 sometimes life-threatening situations.

18 We know that not all the questions will be
19 answered and not all solutions will be found because of
20 this inquiry. And like many others, we will be closely
21 watching the remaining of this Inquiry's work and the
22 release of your final report. We will also hold the
23 government accountable for the work and change that must
24 come from this Inquiry.

25 The Inquiry has asked for Inuit advice,

1 needs and recommendations. We ask you to think about the
2 many failures that families spoke of and the resulting
3 tragic outcomes and to take the advice that has been given
4 because it has come at a very, very high cost.

5 It is now your responsibility to take that
6 knowledge as it had been given and strongly direct
7 government to make systemic changes now and for the long-
8 term. We also ask that that data and information shared
9 by the organisations and institutions be fully studied and
10 that research results be shared.

11 Home should be a place of safety, a place
12 of love and family and refuge, but for so many years we've
13 known that home is the most dangerous place for any Inuk
14 woman and her children.

15 The Inquiry has heard from families of the
16 fear and violence our women faced in the past and live
17 with now. This must change and that means we must change.

18 Inuit are strong. We come from strong
19 ancestors. We come from strong culture and having strong
20 values and some of our strength comes from always being
21 able to adapt. Right now we need to grow and change, but
22 not be silent when a (sic) Inuk woman and her children are
23 in danger. To live our beliefs and our children are loved
24 and protected and now the community comes together to care
25 for one another. "We" means everyone, individuals,

1 community, governments, institutions and Canada.

2 Inuit must speak up when they know a woman
3 is being abused or threatened. We cannot be silent. The
4 entire community is affected. And Inuit-specific
5 education and prevention programs are the only things that
6 work and they are desperately needed now.

7 Government and institutions must act to
8 prevent Inuit women and their children, including funding
9 emergency shelters in all 51 communities in Inuit
10 Nunangat, funding Inuit-based healing programs and funding
11 affordable and healthy housing for Inuit in the north as
12 well as urban centres.

13 The cycle of abuse and violence toward
14 Inuit women and girls got to stop. We cannot wait any
15 longer. (Speaking in Inuit language).

16 Thank you for listening.

17 (APPLAUSE)

18 **MS. VIOLET FORD:** The Commissioners have
19 any questions?

20 **COMMISSIONER QAJAQ ROBINSON:** (Speaking
21 Inuktitut).

22 I don't have any questions, but I'd like to
23 express my thanks, especially to you and to your fellow
24 board members. Thank you so much.

25 I'd like to express my gratitude since the

1 initiation of the Inquiry, for your support expressing how
2 we could proceed and how we could assist and you have made
3 yourselves available and ensured that you were there to be
4 support for families who were testifying, presenting Inuit
5 with scarves made by Inuit, your support and your
6 welcoming presence and we've made efforts to ensure Inuit-
7 specific approaches.

8 I agree with you we've heard across the
9 country in Inuvik, Yellowknife, Rankin, St. John's, Happy
10 Valley Goose Bay, Iqaluit, Inuit presence culture has to
11 be given value as well as through funds to ensure in the
12 20s, 30s and 40s the non-Inuit approaches were being
13 enforced into the Inuit society. And we heard from
14 Elisapi Davidee in Iqaluit and we recognise what you've
15 presented to us.

16 Thank you so much for your submissions.
17 Thank you to your lawyer that signs. She ensured that the
18 hardest and most integral important submissions were
19 provided during the hearing. It's a hard topic, but with
20 our perseverance we can persevere. Thank you so much for
21 your contributions.

22 **COMMISSIONER BRIAN EYOLFSON:** I don't have
23 any questions. I just want to say thank you, President
24 Kudloo, for your submissions today and I just want to
25 acknowledge everyone that's with you and thank you all for

1 coming here today. Nakurmik.

2 **CHIEF COMMISSIONER MARION BULLER:** Ms.

3 Kudloo, I have a question regarding five-year -- the five-
4 year rotation that you were suggesting. When we've heard
5 from families and survivors, they've mentioned that the
6 turnover in teachers and nurses, other medical care
7 providers, causes them equal difficulty in establishing
8 trust. So would you carry that recommendation forward to
9 include teachers and healthcare providers as well to have
10 a five-year minimum?

11 **MS. REBECCA KUDLOO:** I know that there's a
12 lot of turnover in the staff that come up north, but what
13 we're recommending, especially when it comes to social
14 workers, mental health workers, because a trust between
15 the client and the therapist is so important to be
16 established and to be long-term, it should also go to
17 those departments or people.

18 People are tired of repeating their stories
19 over and over again every time there's a new person that
20 comes to their community.

21 What I also encourage in my communities
22 that we start to train our people to sit in those
23 positions, especially when it comes to healing. It's
24 important to combine the Inuit ways and the traditional
25 methods of therapy that really works in a small community

1 because it's really hard to bring therapists with all
2 these degrees to come up and stay.

3 **CHIEF COMMISSIONER MARION BULLER:** M'hm.
4 Okay. Thank you.

5 **MS. REBECCA KUDLOO:** Thank you.

6 **CHIEF COMMISSIONER MARION BULLER:** I want
7 to thank you, your lawyer, Ms. Symes, your board of
8 directors, your colleagues who are here today, and the
9 other Inuit Women's Associations who have been joining us
10 throughout the hearings. It's been a fabulous learning
11 opportunity for all of us, and we're very grateful for the
12 advice that we've received in communities and in other
13 ways as well.

14 So thank you very much. It's been a real
15 honour to work with you and your lawyer, Ms. Symes. And
16 my one word, nakurmiik.

17 **MS. REBECCA KUDLOO:** Qujannamiik.

18 (APPLAUSE/APPLAUDISSEMENTS)

19 **MS. CHRISTA BIG CANOE:** Chief Commissioner
20 and Commissioners, before we invite the next party up if I
21 may just address a housekeeping issue.

22 And I don't see the representative for
23 Amnesty International in the room anymore, but this
24 morning there was a 5-page executive summary that I was
25 going to ask be put on to the record, and we also just had

1 one now that is entitled, Oral Submissions of Rebecca
2 Kudloo. So if we could have those both made exhibits.
3 Maybe the Amnesty International first because that party
4 was up first.

5 **CHIEF COMMISSIONER MARION BULLER:** Yeah.
6 Exhibit 4 please.

7 **--- EXHIBIT NO./PIÈCE NO. 4:**

8 Bilingual executive summary of oral
9 submissions (13 pages)
10 Submitted by: Jacqueline Hansen,
11 Counsel for Amnesty International
12 Canada

13 **MS. CHRISTA BIG CANOE:** And then the Oral
14 Submissions of Rebecca Kudlik, if that could be -- Kudloo.
15 Oh, I'm sorry. Is that okay with you?

16 **CHIEF COMMISSIONER MARION BULLER:**
17 Including the ---

18 **MS. CHRISTA BIG CANOE:** Yes. Thank you.
19 So ---

20 **CHIEF COMMISSIONER MARION BULLER:** --- the
21 video?

22 **MS. CHRISTA BIG CANOE:** And then as a
23 separate exhibit, could I have the video as an exhibit?

24 **CHIEF COMMISSIONER MARION BULLER:** Okay.
25 The oral submissions will be Exhibit 5, and the video will

1 be Exhibit 6 please.

2 **--- EXHIBIT NO./PIÈCE NO. 5:**

3 Oral submissions notes (nine
4 pages)
5 Submitted by: Rebecca Kudloo,
6 Representative for Pauktuutit
7 Inuit Women of Canada, Saturviit
8 Inuit Women's Association,
9 AnânuKatiget Tumingit Regional
10 Inuit Women's Association and
11 Ottawa Inuit Children's Centre &
12 Manitoba Inuit Association as a
13 collective single party

14 **--- EXHIBIT NO./PIÈCE NO. 6:**

15 Video by Skye Uvliq, .MOV file
16 format, 15 MB, (1 minute 30
17 seconds)
18 Submitted by: Rebecca Kudloo,
19 Representative for Pauktuutit
20 Inuit Women of Canada, Saturviit
21 Inuit Women's Association,
22 AnânuKatiget Tumingit Regional
23 Inuit Women's Association and
24 Ottawa Inuit Children's Centre &
25 Manitoba Inuit Association as a

1 collective single party

2 **MS. CHRISTINE SIMARD-CHICAGO:** Okay. The
3 next Party with Standing that we will be requesting to the
4 podium are the Canadian Feminists Alliance for
5 International Actions and Partners Canada Without Poverty,
6 and the representatives are Shelagh Day and Dr. Palmater.
7 If you could step to the podium, please, thank you.

8 (A SHORT PAUSE/COURTE PAUSE)

9 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR DR. PAMELA PALMATER:**

10 **DR. PAMELA PALMATER:** (Speaking Indigenous
11 language) Pam Palmater. I am from the sovereign Mi'kmaq
12 Nation on unceded Mi'kma'ki territory in the Atlantic
13 Provinces. It's a privilege to be here on the unceded
14 sovereign territory of the Algonquin Nation.

15 I want to thank the Elders for opening this
16 in a good way, honour the medicines that are here, and
17 thank you to Maggie Cywink and all of the families who
18 have been advocating to get us to this place.

19 I'm speaking today as the Chair in
20 Indigenous Governance at Ryerson University on behalf of
21 our partners, The Canadian Feminist Alliance for
22 International Action and Canada Without Poverty.
23 Together, we are standing as a group to appear before you
24 and deliver our oral submissions, which will be followed
25 up with our written submissions.

1 We also wish to thank all of the Indigenous
2 women and girls and their large community of human rights
3 allies for their time, energy, hard work, and persistence
4 to actually get an inquiry. It was a significant feat,
5 and we honour and acknowledge the commitment of those
6 women to protecting and advancing core fundamental and
7 basic human rights of Indigenous women and girls to live a
8 life that is free from racism, sexism, and violent
9 misogyny.

10 However, we cannot just pay lip service to
11 Indigenous women and girls and families. They actually
12 have a legal fundamental right to the truth in law. The
13 right to truth is actually recognized by all major
14 international and regional human rights systems, the
15 United Nations, Interamerican, European, and African
16 systems. It's a legal right.

17 Families of victims of violence have a
18 right to:

19 "...know the truth regarding the
20 circumstances of...enforced
21 disappearance[s], the [ongoing]
22 progress and results of [any]
23 investigation[s] and [to know] the
24 fate of [their] disappeared person."

25 And as part of that right to truth, states

1 have a legal duty of due diligence to fully investigate
2 and publicize all of those findings to publicly
3 acknowledge the wrongdoing and commemorate events and to
4 provide reparations for victims, move beyond commemoration
5 and put -- try to put people in the place where they would
6 have been.

7 As the United Nations Secretary General Ban
8 Ki-Moon explained:

9 "Knowing the truth offers individual
10 victims and their relatives a way to
11 gain [some] closure, [to] restore
12 [some element of]...dignity and
13 [heal]."

14 But getting to the truth of the victims and
15 the families is not just a legal obligation, it is a
16 fundamental part of all of our human dignity.

17 And what is the truth of murdered and
18 missing Indigenous women and girls? Well, the truth is
19 Canada is in the midst of a full-blown human rights crisis
20 of its own making.

21 Over time, colonized or settler governments
22 have literally built an infrastructure of violence that is
23 maintained and sustained by laws and policies. It is a
24 complex and interconnected system of laws, practices,
25 policies, actions, and omissions that put us in this

1 crisis. It treats First Nation, Métis and Inuit women as
2 lesser human beings who are sexualized, racialized and
3 treated as disposable. The message that Canadian society
4 gets is that Indigenous women lives are far less valuable,
5 and it's all because of their gender and indigeneity.

6 And this infrastructure of violence didn't
7 evolve naturally. It's not an inevitable result of the
8 meeting of two cultures, it was created and maintained by
9 colonial governments and all of their agencies, and it is
10 reinforced in every aspect of society.

11 And that is very clear. It was to clear
12 the Plains, so to speak, to take our lands and resources
13 while facilitating settlement and trade for their economic
14 benefit. And our women and girls have paid the price.

15 The infrastructure of violence remains
16 firmly in place today and manifests itself in high rates
17 of violence, exploitation, rapes, disappearances, murders,
18 all experienced by Indigenous women and girls and even
19 babies.

20 And although all governments in Canada have
21 agreed to the National Inquiry, and they have agreed that
22 there is a crisis to be addressed, every several federal,
23 provincial, and municipal government are still active
24 perpetrators and perpetuators of the violence. And it
25 doesn't matter how many programs they list, or how many

1 initiatives they list, they have not taken the steps to
2 end violence against Indigenous women that is imbedded in
3 their systems.

4 Of the known murdered and missing
5 Indigenous women just from the RCMP review, we know that
6 there is 16 percent represented nationally, but in
7 provinces like Manitoba and Saskatchewan the rates are 49
8 and 55 percent. It shouldn't shock anyone in this room
9 that those are the same two provinces that have the
10 highest rates of kids in care, the highest rates of
11 Indigenous women and girls in prison, the highest rates of
12 police shootings of Indigenous people, and some of the
13 highest rates of unfounded sexual assault cases. These
14 things cannot be treated as individual issues.

15 More often than not these numbers while
16 shocking don't tell the whole story because Indigenous
17 women and girls simply don't bring all of their claims
18 forward. This is something we know. And of those that do
19 to police forces, of those that do make it past the
20 barrier of police who are resistant to investigate, they
21 have patchy and inconsistent data which makes it very
22 difficult if not impossible for us to understand the true
23 scope. We're essentially just seeing the tip of the
24 iceberg. All indications are that the numbers are
25 markedly higher than what is being reported here.

1 Colonization and the current colonial
2 government's and structures, which are admittedly -- self-
3 admittedly racist and sexist have combined to form a
4 lethal form of misogyny that targets Indigenous women and
5 girls in horrific ways.

6 And there's a horror circle underpinning to
7 this crisis; that is incredibility important to know. But
8 this isn't a legacy, this isn't the aftermath, this isn't
9 just trailing effects; this is what's happening today,
10 just under different names.

11 And these historical and current practices
12 include the treatment of Indigenous women as sexualized
13 commodities by European settlers, Indian Agents, and the
14 police; the legalized construction of First Nation women
15 as property of men through the *Indian Act*, who could not
16 transmit status in their own right; the expulsion of First
17 Nation women and children from their own communities
18 because of state-imposed gender discrimination; the theft
19 of lands and resources; forced relocations; disassociation
20 from our traditional cultures, languages, and the removal
21 of our voice in politics and decision-making processes.

22 The history of removing Indigenous children
23 from their mothers and families to put them in residential
24 schools, or scooping them for adoptions, created the
25 situation that we have today; the current practice of

1 apprehending babies from Indigenous mothers, or removing
2 them from their mothers at birth to put them in non-
3 Indigenous foster homes without consideration for not just
4 the impact on the child but the mother; and there is no
5 worse form of violence that you could do to an Indigenous
6 woman than to rip her children from her.

7 Forcibly and coercively sterilizing
8 Indigenous women in order just to access their kids in
9 foster care; the under-protection and over-policing of
10 Indigenous women and girls; sexualized violence by people
11 in police and corrections who, when in custody, Indigenous
12 women and girls are raped, beaten, harassed, and
13 denigrated by state enforcement officials.

14 The failure of the justice system to punish
15 all of these perpetrators of violence, unless they are a
16 famous serial killer, but we have very few punishments for
17 doctors, lawyers, teachers, social workers, next door
18 neighbours and police officers.

19 And this government-created crisis includes
20 crisis-level socioeconomic conditions which act as an
21 effective blockade from Indigenous women and girls being
22 able to escape violence. It leaves them with no options.

23 And all of this has been created under
24 Canada's numerous and infamous world-wide human rights
25 laws.

1 Few countries could actually claim that
2 they have more human rights protections than Canada, yet
3 we have this crisis of murdered and missing Indigenous
4 women.

5 Over the last 70 years, Canada has put in a
6 framework of numerous rights and rules, human rights --
7 and Indigenous rights, which are human rights; they exist
8 in every jurisdiction. You can't discriminate on the
9 basis of race and gender in anything. You have the
10 Charter right to equality, life, and security of the
11 person, and even our Constitutional Aboriginal and Treaty
12 rights are guaranteed equally between male and female
13 people. In theory only.

14 In practice, those laws are not enforced.
15 This framework of rights includes international and
16 regional human rights treaties and agreements that Canada
17 has been ratifying since the end of the Second World War.
18 Numerous human rights have been set out in the Universal
19 Declaration of Human Rights that guarantees basic human
20 rights to freedom, equality; the dignity and rights, life,
21 liberty, and security of the person; a standard of
22 adequate living for health and wellbeing; medical care and
23 necessary social services. And these rights are
24 internationally understood to be indivisible,
25 interdependent, and interrelated.

1 They've been further elaborated in numerous
2 international conventions, including the Covenant on Civil
3 and Political Rights; economic, social, and cultural
4 rights; the elimination of all forms of discrimination
5 against women; and the rights of the child and persons
6 with disabilities.

7 Canada is also bound by the Inter-American
8 Declaration on the Rights of Man and the Charter of the
9 Organization of American States; we could go on and on and
10 on. These are things that Canada has signed on to and
11 committed to. And most recently, Canada has said that it
12 offers full support for the United Nations Declaration on
13 the rights of Indigenous People.

14 And so the important thing about UNDRIP is
15 that UNDRIP, the very first provisions of UNDRIP
16 incorporate and implement all of those international human
17 rights obligations into UNDRIP, and that was a choice made
18 by Indigenous people who were the ones that drafted
19 UNDRIP, to make sure that they, as individuals and
20 collectives, get the benefit of all of those international
21 human rights protections.

22 That's important. The other things that's
23 important in UNDRIP is that the state has a legal
24 obligation to protect Indigenous women and girls from all
25 forms of violence and discrimination. And Canada has told

1 the world at the UN General Assembly that, "The world
2 expects Canada to adhere to UNDRIP and human rights
3 standards, and we expect that we'll do that, too."

4 Well, what we expect is more than nice
5 words, more than a counting of programs and initiatives
6 and promising practices. We expect nothing less than the
7 full compliance with the human rights protections for
8 Indigenous women and girls that we chose to be part of
9 when we included those in UNDRIP.

10 After all, this isn't about politics, it's
11 not about ideologies, political parties, or popular
12 opinion; this isn't an issue as to whether every single
13 Canadian agrees that Indigenous women and girls have human
14 rights. This is the law, and the issue is about whether
15 or not Canada is abiding by the law. And our lives depend
16 on it.

17 And here's the thing: Canada already knows
18 all of the problems and they know all of the solutions.
19 To not act, to my mind, is a crime.

20 International human rights bodies have been
21 calling on Canada to act on this crisis for more than 25
22 years. It's not like we just found out about this in the
23 last couple of days. But despite all of Canada's good
24 words and despite all of the ceremonies they participate
25 in, they have done very little to substantively stop the

1 violence against Indigenous women and girls. Most of
2 their initiatives are after the fact.

3 The 2006 report of the Special Rapporteur
4 on Violence Against Women said Canada has legal due
5 diligence that requires governments to prevent violence in
6 the first place; protect women and girls from violence
7 that may be ongoing; punish those who perpetrate the
8 violence; and make reparations, make amends for what has
9 happened to Indigenous women and girls.

10 In other words, if there is a specific
11 group of women and girls that are known to be at risk to
12 violence, like Indigenous women and girls, Canada has a
13 legal obligation to set up effective mechanisms to prevent
14 further harm going forward. And we know throughout this
15 National Inquiry how many of our Indigenous women and
16 girls have gone murdered and missing, exploited, in
17 prison, or in foster care, just while we're talking about
18 this.

19 After FAFIA and NWAC requested thematic
20 briefings at the IACHR, they launched an investigation
21 into murdered and missing Indigenous women and found that
22 we can't cherry pick recommendations; you have to have a
23 comprehensive, holistic approach, and that you will never
24 be able to address violence unless you address all of the
25 root causes of it. This includes past and present

1 institutional, structural, and legal inequalities faced by
2 Indigenous women; the dispossession of our lands; and the
3 devastating social and economic marginalization through
4 effective measures to combat poverty. Nothing less will
5 address this violence.

6 In 2015, CEDAW issued a report finding that
7 Canada had committed grave human rights violations against
8 Indigenous women and girls. Canada, not Mexico, not the
9 other countries that people look to when you talk about
10 disappearances of Native women, but Canada because it
11 failed to establish legal protection of their rights;
12 failed to refrain from engaging in ongoing acts of
13 discrimination; and failed to take every appropriate
14 measure to eliminate discrimination against Indigenous
15 women.

16 The CEDAW Committee also found that Canada
17 has engaged in systemic, multiple, and longstanding
18 violations of all of the human rights of Indigenous women,
19 and has breached all of its obligations in international
20 law. There is not a single human rights obligation that
21 Canada has not breached when it comes to Indigenous women
22 and girls. And that's quite a record.

23 Even here at home, Canada's own Auditor-
24 General found that, consistently, Canada fails to
25 implement the recommendations that would make the most

1 profound differences and improvements in First Nations
2 lives. Instead, they cherry pick. Let's have a new
3 computer program. Let's do some new reporting. But they
4 continually fail to improve their lives.

5 There's a recurring theme here, in our
6 submission. Canada not only created this crisis but it
7 continues to get worse because of Canada's ongoing
8 failures. It is making policy and legal choices not to
9 act, when they know they have to. The crisis of Murdered
10 and Missing has always been about Canada's failures. It
11 has never been about any inherent vulnerabilities on the
12 part of Indigenous women.

13 Indigenous women and girls are strong,
14 resilient, and powerful people. We are grounded in the
15 love and wisdom and beauty of our cultures and our
16 ancestors, with the heart of our nations. And while many
17 have tried to lay the blame on the victims for engaging in
18 so-called high-risk lifestyles we know from the statistics
19 that the highest risk to an Indigenous woman or girl is
20 being born female and being born Indigenous. That's the
21 high-risk lifestyle they have.

22 And this crisis stems from Canada's racism,
23 sexism, and discrimination against Indigenous women which
24 directly causes their disadvantage and marginalization.
25 Canada has sent a clear message to everyone in society

1 that Indigenous women and girls are less worthy. And
2 society has heard the message. Perpetrators of violence
3 target Indigenous women and girls for three reasons: they
4 are Indigenous, they are female, and they can.

5 They have a near 100 percent impunity rate
6 for things like human traffickers and that is on Canada.
7 That is not on us. Nothing about this crisis is our
8 fault. None of it. And I think that needs to be very
9 clear to Canada.

10 But the impact of Canada's failures is
11 significant and profound. And we don't have the time to
12 go through all of it but we have some examples.

13 Sex discrimination in the *Indian Act* has
14 been with us since 1876 which has targeted Indigenous
15 women for exclusion from their communities, including
16 their descendants, and treated them as second-class
17 citizens.

18 The 1985 Consignment of Indigenous women
19 who married out to Section 61C instead of men under
20 Section 61A has considered them as lesser Indians, lesser
21 parents, and denied them the full social standing in their
22 own communities.

23 The exclusion from status has obviously
24 excluded them from federal programs and services as well
25 as First Nation programs and services, but it's about more

1 than just that. Lack of access to their territories, lack
2 of access to their elders, language programs, being able
3 to go to school on reserve -- all of those things because
4 of status.

5 The Government of Canada has amended the
6 *Indian Act* three times because Indigenous women have taken
7 Canada to court and won every single time on gender
8 discrimination and they keep being told to remove it, and
9 they refused to.

10 The most recent amendment until Bill S3 was
11 the Trudeau government's opportunity to live up to all of
12 their promises that they made to us in the history to
13 finally remove gender discrimination under the *Indian Act*.
14 And their response to us was "someday"; that's why we're
15 here today with Murdered and Missing Indigenous Women
16 because our rights are "maybe someday".

17 In the 2014 report on Murdered and Missing
18 Indigenous Women by the IACHR they found that *Indian Act*
19 sex discrimination is a root cause of high levels of
20 violence against First Nations women on reserves but also
21 in society. The committee also found that the *Indian Act*
22 has been enforcing, reinforcing, and maintaining gender
23 discrimination against women and girls for more than 100
24 years with no signs of stopping.

25 They recommended that sex discrimination be

1 eliminated from the *Indian Act* many times over. Even the
2 United Nations is aware of this and Canada has not acted.
3 But the violence will never stop until we are treated as
4 equal human beings. And it's pretty simple and it's
5 pretty fundamental. And it is a minimum threshold for
6 trying to eliminate violence.

7 But because of all of this, Canada has also
8 created gross socioeconomic conditions at rates much
9 higher than the Canadian population, and grossly
10 disproportionate to Canada's wealth. It's one of the
11 wealthiest countries in the world, but its Indigenous
12 wealth that we don't have access to.

13 A shocking one in four Indigenous children
14 live in poverty; 60 percent of First Nations kids living
15 on reserve live in poverty but in provinces like Manitoba,
16 that's a staggering 76 percent. Instead of improving,
17 poverty rates continue to grow worse for First Nations
18 children year after year. And it's directly related to
19 the poverty of their Indigenous mothers.

20 A third of Indigenous children live in
21 homes headed by single Indigenous mothers and
22 statistically they're more likely to be poor. They suffer
23 from high rates of lack of access to water; there's more
24 than 174 drinking water advisories as of May 2018 despite
25 all of the promises to remove them.

1 Twenty-eight (28) percent live in
2 overcrowded housing; 43 percent are in need of major
3 repair; 15 percent should be condemned. And upwards of 90
4 percent of all of the homeless people that live on the
5 streets are Indigenous people, many of them Indigenous
6 women and children who don't dare ask for help or their
7 children will be taken from them.

8 In terms of health, Indigenous women and
9 girls had the highest rates of mortality in Canada, six
10 times the national average. And they have the highest
11 rates of heart disease and stroke when in Canada the rates
12 of heart disease and stroke are actually declining.

13 If we acted today, if Canada meant any of
14 its fluffy words and we did all of this today, it would
15 take 28 years to close the education gap, 63 years to
16 close the income gap. So to say this urgent is an
17 understatement. Indigenous people suffer 10 times higher
18 the suicide rate but Indigenous women specifically have the
19 highest rate of suicide attempts. And the number of kids
20 in care have even higher suicide attempts.

21 And this crisis level impoverishment of
22 Indigenous women and girls is linked to their historic and
23 ongoing dispossession from their lands and resources and
24 ongoing breaches of their Aboriginal and treaty rights and
25 title despite the fact that they have constitutionally

1 protected treaty rights to fully funded education, health
2 care, and even critical provisions like food, clothing,
3 and income supports.

4 Treaty 6 specifically provides emergency
5 relief in times of poverty and we've been in times of
6 poverty since contact now.

7 Treaties 1 and 2, the Treaty Commissioner
8 promised that the Crown would provide through the
9 treaties, a future of promise to live in comfort and live
10 and prosper and provide just like the White man for all
11 future generations. We are nowhere near that. And
12 despite the many calls by First Nations, under their
13 treaties for aid in this urgent situation none has come,
14 especially when it comes to Indigenous women and girls.

15 And the former special rapporteur for
16 Indigenous peoples, James Anaya, said very specifically in
17 2014:

18 "It is difficult to reconcile Canada's
19 well-developed legal framework and
20 general prosperity with the human
21 rights problems faced by Indigenous
22 peoples in Canada that have reached
23 crisis proportions."

24 Year after year after year people who study
25 what's happening in Canada note that it's a crisis but no

1 crisis level action is taken. It's the same old programs
2 and initiatives. Poverty and marginalization prevent
3 Indigenous women and girls escape from violence. Nothing
4 short of a radical and targeted intervention that is
5 crisis level is needed to address the socioeconomic
6 conditions for Indigenous women and girls.

7 But all of it is tied together. If we look
8 at how socioeconomic conditions feed - literally feed the
9 child welfare system, and the child welfare system is
10 itself a pipeline to murdered and missing Indigenous women
11 and girls, then we know just how critical it is, with
12 every policy decision Canada is killing our people.
13 Indigenous kids in foster care experience higher rates of
14 sexual and physical abuse. It's a direct line to youth
15 corrections, increased risks of sexual exploitation, human
16 trafficking, and sexualized violence in general.

17 We know that Indigenous women and girls
18 make up no less than 50 percent of all human trafficking
19 victims nationally, and those rates increase when you look
20 at it on a provincial basis.

21 And the police have long recognized that
22 human traffickers target fostered children and group
23 homes. Yet where is the corresponding emergency action to
24 provide protection. Indigenous children in foster care
25 are more likely to end up in youth corrections than they

1 are to complete high school. This not only diminishes
2 their life chances through no fault of their own, but it
3 also diminishes the life chances of Momma because little
4 concern is ever given for Indigenous mothers in these
5 situations.

6 Indigenous mothers who lose their children
7 are far more likely to suffer from anxiety, depression,
8 substance abuse, and suicide. There is an insidious link
9 between child apprehensions and forcing coerced
10 sterilization of Indigenous women. At every turn,
11 Canada's targeting of Indigenous women targets our life-
12 giving abilities and our bodies.

13 Governments in all jurisdictions, every
14 single one, are guilty of discriminating against
15 Indigenous women and girls and committing this violence by
16 removing thousands of children from mothers, families, and
17 communities; underfunding child welfare services on
18 reserves; using funding formulas that incentivise removing
19 children; failing to provide adequate prevention and
20 supportive services to Indigenous families and to
21 Indigenous kids in care; providing higher rates of
22 financial and other supports to non-Native foster parents
23 than to the actual parents to whom these children are a
24 part of; no equivalent amount of funding or supports for
25 Indigenous birth mothers, grandmothers, aunties, cousins,

1 community people that take in foster children;
2 apprehending babies at birth instead of taking care of
3 their babies.

4 How can you presumed to be guilty? A
5 fundamental aspect of our law is innocent until proven
6 guilty. You hardly have committed a crime by having a
7 child, but for Indigenous women and girls, the Canadian
8 state determines whether or not we're worthy enough to
9 have children. They force and coerce and bully Indigenous
10 women into sterilizations. They treat Indigenous mothers
11 whose children have been taken away in discriminatory,
12 denigrating, and disrespectful ways to such an extent that
13 many Indigenous mothers won't even fight because they are
14 treated so horribly by the system.

15 Failing to protect Indigenous girls in
16 state care from physical and sexual abuse; failing to
17 protect Indigenous girls from police intervention, police
18 arrests, and incarcerations; and allowing state care,
19 foster care in group homes to function as a conduit for
20 Indigenous girls into prostitution, sexual exploitation,
21 child porn trading, sex trafficking, disappearances,
22 incarceration, torture, and death, all funded by the
23 state.

24 This is nothing short of genocide when
25 considered under these standards of the UN Convention on

1 the Prevention and Punishment of the Crime of Genocide.

2 But it gets even worse because who do you
3 call? Who do you call? And the last people I would call
4 would be the police forces in this country. There is a
5 long and documented history of racism and abuse towards
6 Indigenous peoples, not just in the justice system, not
7 just systemically, but by individual men.

8 In 1989 the Royal Commission on Donald
9 Marshall prosecution said that the justice system failed
10 Marshall at every turn because he was Native.

11 The Aboriginal Justice Inquiry said,
12 "The justice system has failed
13 Manitoba's Aboriginal people on a
14 massive scale."

15 Helen Betty Osborne was abducted, beaten,
16 and murdered because she was Indigenous and a woman, and
17 because they could.

18 The 2004 Saskatchewan report says that
19 racism in policing is a major obstacle to healthy
20 relations with First Nations.

21 The Ipperwash Inquiry said cultural
22 insensitivity and racism is not restricted to a few bad
23 apples, that it is widespread in the Ontario Provincial
24 Police.

25 But here's the thing. Racism in policing

1 towards Indigenous women and girls creates problems, not
2 just of over-policing and under-policing, so higher rates
3 of arrests, incarceration, excessive use of force,
4 disproportionate numbers of deaths in police custody, but
5 they also fail to come when called in emergencies or
6 domestic violence. They fail to open up investigations or
7 they do incomplete or incompetent police investigations.

8 Of all the people killed by police in
9 Saskatchewan, 63 percent are Indigenous, yet they only
10 represent 15 percent of the population. The number is 58
11 in Manitoba. In provinces like Quebec and Nova Scotia,
12 Indigenous peoples killed by police are 10 times their
13 proportion of the population.

14 But for Indigenous women and girls, racism
15 in policing is compounded by sex discrimination and how
16 sexual violence against women is viewed and treated by
17 police officers just in general. We know that in Canada,
18 more than 20 percent of all sexual assault claims are
19 dismissed as unfounded or baseless. Seven provinces or
20 territories have unfounded rapes between 25 percent or 32
21 percent. Some cities have unfounded rapes of 51 percent.

22 However, for Indigenous women and girls,
23 this intersection between racial and sexual discrimination
24 combines to form a unique form of racially targeted and
25 sexually violent misogyny against Indigenous women and

1 girls committed by police officers.

2 Not only are Indigenous women and girls
3 less likely to have their claims of sexual assault taken
4 seriously by police, but they have the unfair and added
5 fear of police committing sexualized acts of violence
6 against them themselves.

7 Police as perps are nothing new. Human
8 Rights Watch has issued several reports already in Canada
9 and Indigenous women have testified that they don't trust
10 the police because "They either rape you or arrest you."

11 What does that say about Canada? The fact
12 that a police supervisor permitted a police officer to
13 take an Indigenous woman home who he had arrested and put
14 in prison for drunkenness, because his boss said, and I
15 quote,

16 "You arrested her. You can do
17 whatever the fuck you want to do with
18 her."

19 That is the state of policing in Canada.
20 We would like to say it is one or two bad apples, one or
21 two serial killers or monsters, but it is not.

22 Human rights reports and others have tried
23 to bring action against abusive police practices, but the
24 police forces more often than not, rally together behind
25 the thin blue line. They, their police chiefs, police

1 unions, and local politicians a) deny it's a problem, and
2 when confronted with very specific allegations like the
3 ones in B.C. with numerous RCMP officers raping Indigenous
4 women and girls, the head of the RCMP emails their entire
5 fleet or whatever you call them,

6 "My message to you today is don't be
7 worried about it. I got your back.
8 Keep doing the great work you're
9 doing."

10 That's horrendous. This brotherly
11 solidarity works to ensure that there is no accountability
12 for sexualized violence committed by police officers
13 against Indigenous women and girls.

14 And there are thousands of cases of police
15 sexualized violence against women in general including
16 their own colleagues, which has resulted in class actions,
17 but also against Indigenous women and girls, including
18 using their database to find, locate, and stalk
19 individuals; physical assaults; sexual assaults; sexual
20 exploitation of young girls; actually engaging in human
21 trafficking; and in the trade and manufacture and
22 distribution of child porn.

23 These are our police forces. And these
24 reports explode the myth that we are dealing with a few
25 bad apples, but it is something far more prevalent. It

1 should be no surprise then that Indigenous women and girls
2 are also over-incarcerated.

3 They are, in fact, the fastest growing
4 prison populations. They are primarily incarcerated for
5 crimes of poverty or defending themselves from violence.
6 And they pose the least amount of safety risk to Canadian
7 society.

8 Right now, 40 percent of all women in
9 federal prisons are Indigenous. In provincial prisons,
10 that number goes over 60 percent.

11 Most shockingly is, Indigenous girls
12 represent 53 percent of all intakes into youth
13 corrections, but in Saskatchewan, that number is 98
14 percent. They expect in six months for it to be 100
15 percent. How much higher do you go than 100 percent?
16 When do we call that an emergency?

17 And where do all of these Indigenous women
18 and girls come from? Well, the ones in prison, 91 percent
19 have suffered sexualized violence, a fifth came from
20 residential schools, and more than two thirds came from
21 foster care. We don't have to be mathematicians to know
22 what that formula is.

23 So we have many recommendations in our
24 written submissions about all of these other issues. But
25 the one that we're going to focus on today is a national

1 action plan to end violence against Indigenous women and
2 girls. We believe that in addition to all of our other
3 recommendations on these specific issues, that Canada must
4 engage in a coordinated, strategic, national response that
5 matches the scope and severity of the human rights
6 violations perpetrated against Indigenous women and girls,
7 and that this response must, at its heart, address all of
8 the root causes on an emergency level.

9 This National Action Plan must be based in
10 human rights and incorporate international human rights
11 standards, which include Indigenous rights. This plan
12 must ensure a maximum available resources dedicated to
13 enhancing current programs and services and establishing
14 new ones. It must set measurable goals for improvements
15 in all socio-economic indicators and justice system
16 indicators, and, most importantly, violence indicators.

17 Clear timelines must be attached to all of
18 these goals. We cannot have a National Action Plan that
19 is about objectives and aspirations. There must be
20 measurable progress.

21 It must account for differences in
22 realities between First Nations' women living on and off
23 reserves, Métis and Inuit women. And because the federal
24 government is the national government, they should use
25 funding transfers to provinces and territories, which are

1 legally conditional on the implementation of all of these
2 plan elements and their legal commitment to engage in
3 coordinated strategies, public reporting and monitoring.

4 It must also include substantial needs and
5 Indigenous rights-based funding to Indigenous women's
6 service groups and their home communities and governments
7 to implement human rights in their own communities and
8 address these issues, including Indigenous rights, and be
9 full partners in any solutions at the national and
10 regional level. No tables, no advisory groups, no
11 consultants, no research assistants, but Indigenous women
12 need to be at the table in equal partnership making the
13 decisions.

14 The funding must be conditional on detailed
15 reporting, evidence of substantive reduction in violence,
16 and improvement of the conditions of Indigenous women and
17 girls. You don't do that, you don't get the funding.

18 Right now at Indian Affairs they
19 fundamentally breach their only mandate every year, yet
20 they still get paid to do the same thing. Their mandate
21 is to improve the socio and economic conditions and they
22 have failed that every year since existence. We need to
23 do things radically and fundamentally different.

24 The federal government must develop a
25 mechanism for coordination and collaboration between all

1 of the provinces, territories, municipal governments where
2 relevant, but most importantly, Indigenous women, their
3 organisations and their home communities to identify what
4 they need in their own words.

5 Canada has to take a leadership role and
6 not use the Constitutional division of powers as an excuse
7 not to act, because if there has ever been a national
8 emergency in this country, the crisis of murdered and
9 missing Indigenous women is one of them.

10 Indigenous women know best what is needed
11 to end violence against them. And the key principle of
12 this approach is to put Indigenous women's verses first.
13 They must be in all leadership and decision making. This
14 plan must be proactive, have an independent review
15 mechanism to make sure that it's monitored, evaluated and
16 adjusted. It must ensure complete and full and equal
17 participation by Indigenous women in their organisations,
18 and include a rights-claiming mechanism, somewhere where
19 Indigenous women can go and address all of the human
20 rights and Indigenous rights that aren't being addressed
21 that is accessible.

22 While we have many other recommendations,
23 nothing short of a comprehensive, radical National Action
24 Plan, which is specifically focussed on Indigenous women
25 and girls, not a generic national plan on gender or a

1 generic one on Indigenous peoples will be the only way to
2 address longstanding, deep rooted racism, sexualised
3 violence against Indigenous women and girls.

4 What's happening in this country is nothing
5 short of genocide in every aspect of the definition, from
6 killing Indigenous women and girls, to creating physical
7 harm, preventing births, transferring children and
8 creating the conditions of life that would destroy them as
9 a people. Canada has numerous legal obligations to stop
10 this. And that's our respectful submission.

11 (APPLAUSE)

12 **MS. CHRISTA BIG CANOE:** Commissioners, do
13 you have any questions?

14 **COMMISSIONER QAJAQ ROBINSON:** Thank you,
15 Dr. Palmater, for your submissions as well as your
16 colleagues.

17 I have two questions, first with respect to
18 your assertion that what we're dealing with here is
19 genocide. How important is it that we make that finding?

20 **DR. PAMELA PALMATER:** It would be one of
21 the most critical findings you could make because it would
22 dispel the myth that we're acting with good intentions,
23 but oops, things are just going wrong. If Canada didn't
24 know what the problem was, if they had no idea what the
25 solutions were, that would be one thing, but it is the

1 state who has created and maintained it and fails to act,
2 that is a consciousness of mind and that changes
3 everything, not just us and Canada and the international
4 community, but in society to know that this isn't us.
5 This isn't our fault. We are not defective. This is
6 something that Canada is doing to us and it's killing our
7 people.

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

9 With respect to the 10th point on the
10 National Action Plan, a rights claiming mechanism, one of
11 the parties with standing, Inuit Tapiriit, has suggested
12 that the establishment of an Indigenous Rights I think
13 Commission or Indigenous Human Rights Commission and
14 Tribunal is required.

15 Is that something that you've -- they've
16 submitted a proposal to the government with respect to the
17 implementation of UNDRIP and that was a key element in
18 their proposal. I'm not sure you're familiar with it, but
19 it outlined the need for that and it resonate -- that
20 submission resonated with your submission and I was
21 wondering if you had thoughts on the establishment of such
22 a body.

23 **DR. PAMELA PALMATER:** Well, the one thing
24 about our National Action Plan is that we are also
25 advocating that it be flexible enough to adjust for

1 regional or provincial differences and also differences
2 between the needs of First Nations women, Métis women and
3 Inuit women. Métis don't have the same statistics as
4 Indigenous women for -- or First Nation women, and the
5 Inuit have very acute and unique circumstances in the
6 north, not necessarily replicated in the south.

7 So I think, you know, the Inuit women would
8 advance that particular thing, but our National Action
9 Plan is more than a Human Rights Commission where you
10 claim your rights. It's also this national monitoring
11 body, reporting body, very comprehensive about all of
12 Canada's international human rights obligations and
13 Indigenous rights obligations; whereas, tribunals tend to
14 be provincially or regionally focussed, and that might
15 work very well for the Inuit, but we're thinking about
16 something much larger scale.

17 **COMMISSIONER QADAQ ROBINSON:** I believe the
18 proposal is a National Tribunal as well.

19 **DR. PAMELA PALMATER:** Okay.

20 **COMMISSIONER QADAQ ROBINSON:** Because you
21 asked -- you stated very eloquently and we've heard it
22 everywhere, who do you call? Where's the recourse? Where
23 is the recourse?

24 So I look forward to reading more about the
25 rights claiming mechanisms in your submission and thank

1 you very much.

2 **DR. PAMELA PALMATER:** Thanks.

3 **COMMISSIONER BRIAN EYOLFSON:** Dr. Palmater,
4 I don't have any further questions at this point. I just
5 want to say thank you very much for your submissions and I
6 want to acknowledge your colleagues that are with you as
7 well today. Thank you. Miigwech.

8 **DR. PAMELA PALMATER:** Thank you.

9 **CHIEF COMMISSIONER MARION BULLER:** I too
10 want to thank you, but first, to thank you on behalf of
11 Commissioner Audette who has made it very clear to me that
12 I am to say thank you for your very, very eloquent
13 submissions. She said also she's anxious to read your
14 submissions. She's dictating to me right now.

15 **DR. PAMELA PALMATER:** Oh, okay.

16 (LAUGHTER)

17 **DR. PAMELA PALMATER:** Via text.

18 **CHIEF COMMISSIONER MARION BULLER:** And I'm
19 translating at the same time.

20 Yeah, and she agrees with the need for a
21 comprehensive approach as you've described. And, yes,
22 Michele, it'll make sense.

23 **DR. PAMELA PALMATER:** Thank you.

24 **CHIEF COMMISSIONER MARION BULLER:** I want
25 to thank you as well and especially to put this in -- the

1 state that we're in right now as a crisis that requires an
2 equally critical response ---

3 **DR. PAMELA PALMATER:** M'hm.

4 **CHIEF COMMISSIONER MARION BULLER:** ---

5 because I'm reminded of how quickly, swiftly and
6 thoroughly governments will respond to snowfalls and ice
7 storms and yet we are where we are. So maybe I should
8 leave it at that. Thank you for putting it in that
9 perspective for us. It's been uplifting to listen to you
10 today. Thank you very much.

11 **DR. PAMELA PALMATER:** Thank you.

12 **CHIEF COMMISSIONER MARION BULLER:** Thank
13 you to your colleagues and I look forward to reading your
14 submissions probably many times over.

15 **DR. PAMELA PALMATER:** Thank you very much.

16 **CHIEF COMMISSIONER MARION BULLER:** Thank
17 you so much.

18 (APPLAUSE)

19 **MS. CHRISTA BIG CANOE:** Chief
20 Commissioners, Commissioners, we'd like to request a lunch
21 break at this point. But, again, if I could just address
22 one housekeeping issue. I just want to remind any of the
23 Parties with Standing that have made submissions today
24 that, at the end of the day, we will be having an
25 honouring song. So that if -- I know some parties have to

1 depart
2 or -- or catch flights, but if you're available at the end
3 of the day, we will be inviting you up for an honour song.
4 And on that note, I'm going to request a one-hour lunch,
5 please. It's -- it's just about ten after twelve right
6 now -- or five after twelve.

7 **CHIEF COMMISSIONER MARION BULLER:** Will the
8 parties for this afternoon be able to start early?

9 **MS. CHRISTA BIG CANOE:** Yeah. No, we --
10 I -- I'm looking at Shelly. Yeah. I see them nodding,
11 yeah. Yeah. Yeah, definitely the first party up has just
12 indicated to us that they will be available to start at --
13 from -- once lunch -- once we come back from lunch. So if
14 I could request lunch, it's -- until 1:10, for one hour?

15 **CHIEF COMMISSIONER MARION BULLER:** Let's
16 say 1:15, it's an even number.

17 **MS. CHRISTA BIG CANOE:** Okay. Thank you.

18 **CHIEF COMMISSIONER MARION BULLER:** One,
19 fifteen.

20 --- Upon recessing at 12:11 p.m. / L'audience est
21 suspendue à 12h11

22 --- Upon resuming at 1:26 p.m. /L'audience est reprise à
23 13h26

24 **MS. VIOLET FORD:** ...going to start.

25 **UNIDENTIFIED SPEAKER:** Okay. Yeah.

1 **MS. VIOLET FORD:** But before I begin, I
2 will be asking the Commissioners for an exhibit to be
3 entered from FAFIA, the last Parties with Standing before
4 lunch, of the four-pager.

5 **CHIEF COMMISSIONER MARION BULLER:** Okay.

6 **MS. VIOLET FORD:** And the four-pager is
7 Priority Recommendations: A National Action to End
8 Violence Against Indigenous Women and Girls.

9 **CHIEF COMMISSIONER MARION BULLER:** Yes.
10 Priority Recommendations will -- four pages will be
11 Exhibit 7, please.

12 **--- EXHIBIT NO./PIÈCE NO. 7:**

13 "Priority Recommendations: A
14 National Action Plan to End
15 Violence against Indigenous Women
16 and Girls" (four pages)
17 Submitted by: Dr. Pamela
18 Palmater, Representative for
19 Canadian Feminist Alliance for
20 International Action and Partners
21 - Canada without Poverty and Dr.
22 Pamela Palmater

23 **VIOLET FORD:** Thank you.

24 **CHIEF COMMISSIONER MARION BULLER:** I
25 thought it might have something to do with the blinds.

1 **MS. VIOLET FORD:** We were going to say that
2 too, but we changed our minds. And next to me is Meredith
3 Porter, she also one of the Commission counsel that will
4 be with us today. So now, we would like to invite up the
5 -- oops, the Canadian Association of Chiefs of Police,
6 Ashley Smith. Step up to the podium, please. Thank you.
7 Perfect.

8 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. ASHLEY SMITH:**

9 **MS. ASHLEY SMITH:** Thank you. Good
10 afternoon, Chief Commissioner, Commissioners. As you've
11 just heard, my name is Ashley Smith, and I'm counsel for
12 the Canadian Association of Chiefs of Police. I'd also
13 like to acknowledge that our Executive Director, Bill
14 Moore, and our Government Relations and Strategic
15 Communications Advisor, Tim Smith, are also in attendance
16 today. Before I begin with my submissions, I would like
17 to acknowledge that the land on which we gather is the
18 traditional and unceded territory of the Algonquin Nation.

19 Commissioners, you have already heard
20 briefly about the Canadian Association of Chiefs of Police
21 when Chief Clive Weighill testified at the Regina hearing
22 in June. However, due to time constraints, Chief Weighill
23 was only able to provide you a very brief overview of the
24 CACP and its work. During my closing submissions today,
25 I'd like to provide you some further information about the

1 CACP and talk to you about three things. Firstly, the
2 CACP and its role. Secondly, some of the CACP's
3 initiatives, including its work regarding missing and
4 murdered Indigenous women and girls, the CACP's 2016
5 Moving Forward Conference, the CACP's executive global
6 studies research program, and the CACP's work with regards
7 to First Nations policing. Lastly, I would like to
8 discuss CACP's recommendations to the National Inquiry.

9 I'll begin with the CACP and its role. The
10 CACP is a non-profit organization, which was founded in
11 1905. It is national in character, but its interests and
12 concerns have relevance to all levels of policing,
13 including federal, provincial, regional, and municipal.
14 It is dedicated to the support and promotion of efficient
15 law enforcement and to the protection and security of the
16 people of Canada. Some of the CACP's goals are advocating
17 for community partnerships and the highest professional
18 and ethical standards within the police community. Our
19 current membership includes Chiefs, Deputy Chiefs,
20 Commissioners, directors from police services all across
21 Canada. The First Nations Chiefs of Police Association,
22 which was established in 1993, is formally recognized by
23 the CACP and also has representation on the CACP Board of
24 Directors. Through its members, the CACP represents in
25 excess of 90 percent of the police community in Canada.

1 Now, while we have an active role in
2 policing within Canada, it is important to note several
3 things. Firstly, the CACP does not have the authority to
4 bind any police service. Police services across Canada
5 are governed by their respective legislation, Chiefs of
6 Police and, if applicable, Board of Police Commissioners.
7 As well, there is no single policing model across the
8 country, so the CACP is not able to provide education and
9 supports that are applicable to every police service or
10 policing model at all times. Despite these limitations,
11 however, the CACP continues to have a very collaborative
12 and positive working relationship with its members and
13 continues its work towards change and improvements to
14 policing in Canada.

15 As you're already aware, the CACP was a
16 vocal supporter for the creation of the National Inquiry.
17 Knowing the National Inquiry's importance, and the CACP's
18 desire to continue its support of the National Inquiry, we
19 applied for standing. We were granted national issue-
20 specific standing by the National Inquiry for Part 2,
21 Institutional and Part 3, Expert hearings. As I've
22 already mentioned, the CACP provided a witness to the
23 National Inquiry when former Chief Clive Weighill
24 testified at the Police, Policies, and Practices hearing
25 in Regina. We have also attended seven of the nine

1 institutional and expert hearings as a Party with
2 Standing. And we are attending this entire week of
3 closing submissions. We have been present, we have been
4 listening, and we know that there is much more work to be
5 done.

6 I would like to talk to you, though, about
7 some of the work that the CACP has already done with
8 regards to the issue of missing and murdered Indigenous
9 women and girls. When Chief Weighill testified, he spoke
10 primarily about the CACP's efforts since 2014. However,
11 the CACP has been working on the issue of missing and
12 murdered Indigenous women and girls since at least 2002.
13 This has been, and continues to be, a priority of the
14 CACP. The majority of this work has arisen out of the
15 Policing with Aboriginal Peoples Committee, which was
16 renamed The Policing with First Nations, Métis, and Inuit
17 Peoples Committee in 2013, and will be renamed the
18 Indigenous Policing Committee in 2019. So for simplicity,
19 I will simply refer to it as the committee for the balance
20 of my submissions.

21 I'd like to briefly tell you about the
22 committee. It's tasked with researching and advising the
23 CACP on matters relating to the provision of policing
24 services to Indigenous peoples and communities. Its
25 members are CACP members from provincial, municipal, First

1 Nations, and federal police services as well as non-police
2 public safety partners, including the Canadian Forces and
3 other government agencies. Members of the committee are
4 from all regions of Canada and are a representative mix of
5 ranks, roles, and demographics.

6 Now, about some of the committee's work.
7 In June 2002, the committee began consulting with national
8 organizations such as the Assembly of First Nations, The
9 Congress of Aboriginal Peoples, the Inuit Women's
10 Association, and the Native Women's Association of Canada
11 on Aboriginal missing person cases. In March 2003, the
12 committee organized and facilitated a conference, which
13 had over 120 delegates attend with the Ontario First
14 Nations Police Commission called Responding to Missing
15 Aboriginal Persons. The committee then travelled to
16 British Columbia in May 2003 to speak and consult with
17 communities directly affected by missing person cases and
18 violence against Aboriginal women. The 2003 CACP annual
19 conference also featured a presentation regarding police
20 response to Aboriginal and marginalized people.

21 In 2006, the Committee recommended
22 Resolution number 07-2006 to the CACP, which it passed.
23 The Resolution asked that all police services in Canada
24 consider adopting the principles incorporated in the
25 Ontario Provincial Police Lost/Missing Persons Manual, and

1 specifically, with respect to Aboriginal and marginalized
2 people.

3 We have provided the Commission with a copy
4 of this Resolution and its associated commentary pursuant
5 to Rule 33 of the legal path.

6 You'll also note that during the Quebec
7 City hearing regarding oversight and accountability of the
8 criminal justice system, Ms. Ellen Gabriel referenced this
9 Resolution in her testimony.

10 She indicated that he thought the CACP
11 still had to move on this, and there was also cross-
12 examination by Ms. Brass where you heard some police
13 services had instituted some procedures with regards to
14 missing women.

15 For your reference -- due to time I won't
16 go through that in detail but it is pages 26 and 151 of
17 Volume 4 of the mixed Part 2 and 3 hearing transcripts.

18 As I mentioned earlier, the CACP does not
19 have the ability to force a police service to do anything.
20 We don't say this as an excuse, but it's the reality the
21 CACP faces. However, I do think it important to discuss
22 why the CACP passed this Resolution in the first place.

23 The Resolution was requested by the
24 committee as there was a significant feeling in Aboriginal
25 communities that the police were not doing enough when

1 they responded to missing persons.

2 Further, Canadian police leaders and
3 Canadians were concerned about the number of Aboriginal
4 women who were reported missing or murdered in Canada.

5 The Committee concluded, based on community
6 reviews of missing person policies, as well as
7 recommendations from various inquiries and reports, that
8 many police policies had a degree of bias, or stereotyping
9 in them which played a role in the nature and degree of
10 police responses to missing person cases involving people
11 from Aboriginal and marginalized groups.

12 Appropriate and effective protocols were
13 needed so that investigations were sensitive to the
14 concerns and circumstances of Aboriginal and marginalized
15 people who were reported missing.

16 At the time, the Ontario Provincial Police,
17 or OPP, had produced a Lost/Missing Persons Manual for
18 dealing with missing persons that was based on the
19 principles of cultural sensitivity, respect, compassion,
20 and empathy. This is why the OPP Lost and Missing Persons
21 Manual was identified in the Resolution, and a copy of
22 that manual was provided to all CACP members to access as
23 a resource.

24 The Committee was committed to creating a
25 more effective police investigative environment around

1 lost or missing Aboriginal or marginalized people, and
2 also raised this resolution with the Minister of Justice
3 at the time.

4 The work of the Committee did not end
5 there. During 2011 to 2012, the Committee met with the
6 Native Women's Association of Canada, learned about the
7 Sister Watch Program, and more about the downtown eastside
8 in Vancouver, B.C.

9 They met with the Aboriginal Front Door
10 Society and endorsed changes to the Canadian Police
11 Information Centre regarding the missing persons'
12 category, among other initiatives.

13 During 2013 to 2014, the Committee
14 continued to educate themselves on missing and murdered
15 Aboriginal women, and received presentations on the OPP's
16 review of historical and current Ontario cases of missing
17 and murdered Aboriginal women and men; human trafficking
18 from a national perspective; the draft Justice Framework
19 on violence against Aboriginal Women and Girls from Public
20 Safety Canada; and the RCMP Operational Overview on
21 Missing and Murdered Aboriginal Women.

22 As you already know from the testimony of
23 Chief Weighill, the CACP placed even more focus on the
24 issue of missing and murdered Aboriginal women and girls
25 in late 2014 as it was the focus of the 2014 CACP Annual

1 General Meeting.

2 The CACP released a statement after the
3 Annual General Meeting, and this was filed as Exhibit 54
4 with the National Inquiry at the police hearing.

5 I will not read the entire statement but
6 simply note that in it the CACP recognized the seriousness
7 and tragedy of murdered and missing Aboriginal women, and
8 that these troubling occurrences were broader than just a
9 police issue but included health, social services,
10 education, Aboriginal people, and all levels of
11 government.

12 The CACP indicated it took this issue very,
13 very seriously and didn't want to see unnecessary delays
14 to concrete action.

15 They called for next steps to be taken and
16 indicated they wanted to work collaboratively with
17 Aboriginal organizations and government. The statement
18 concludes by saying:

19 "Let's roll up our sleeves; let's be
20 collaborative, and let's move ahead."

21 (As read)

22 In September 2014, the CACP met with the
23 Naïve Women's Association of Canada to discuss the issues
24 surrounding missing and murdered Aboriginal women. Both
25 organizations agreed to participate in partnership and to

1 be constructive voices in developing solutions.

2 As a result of that meeting, a September
3 30th, 2014 joint statement was released between the CACP
4 and NWAC indicating their agreement to participate in
5 partnership and be constructive voices in developing
6 solutions on the issue of missing and murdered Aboriginal
7 women, and the entirety of the statement can be found at
8 Exhibit 53 from the police hearing.

9 In June 2015, the CACP in response to the
10 release of the RCMP's Missing and Murdered Aboriginal
11 Women 2015 Update to the National Operation Overview again
12 stressed its commitment to working in partnership and to
13 be constructive voices in developing solutions which lead
14 to improving the path forward of our First nations, Métis,
15 and Inuit peoples.

16 The CACP encouraged police services to
17 continuously share data, enhance efforts on unresolved
18 cases, focus on prevention efforts, and increase public
19 awareness.

20 Then-President of the CACP, Clive Weighill,
21 released a statement asking for a collective focus, a will
22 to make change that we may move forward with action. He
23 indicated the CACP would continue its engagement on the
24 issue as the Committee was focusing on prevention and
25 early intervention activities to reduce violence against

1 Aboriginal women, with the goal of promoting positive
2 interactions and relations between Aboriginal women and
3 police.

4 The statement concluded by commending the
5 efforts of the Assembly of First Nations, Native Women's
6 Association of Canada, the Truth and Reconciliation
7 Commission, and the RCMP. The CACP renewed their
8 commitment to work constructively and collaboratively with
9 each of these organizations moving forward. And to see
10 the entirety of Chief Weighill's statement, it is Exhibit
11 54 from the police hearing.

12 Due to time, I'm not able to tell you all
13 the work of the Committee; however, pursuant to Rule 33 we
14 have filed all of the Committee's annual reports from 2009
15 to present, and these are also publically available on the
16 CACP's Web site.

17 I'll simply note that supporting the
18 National Inquiry has been, and continues to be, a priority
19 of the CACP, as is the CACP's work regarding missing and
20 murdered Indigenous women and girls.

21 Next, I would like to tell you a little bit
22 more about the Moving Forward Safer Futures: An Inclusive
23 Dialogue amongst Police, Policy Makers and Canadian
24 Aboriginal Peoples' Conference. It's quite the title.

25 Chief Weighill referenced this during his

1 testimony, and also for simplicity I'll simply call the
2 Moving Forward Conference, "Moving Forward."

3 The conference was held in May 2016 with
4 over 180 delegates attending from across Canada. This was
5 the CACP's first national conference on working with the
6 Indigenous community.

7 We have also now provided you, pursuant to
8 Rule 33, a copy of the entire agenda, as well as an
9 overview of the conference. This will now provide you
10 Commissioners greater detail about the presentation topics
11 and the speaker who presented.

12 We have also previously provided you a
13 media release and an article, which are Exhibits 55 and 56
14 from the police hearing.

15 As you'll note from the conference agenda,
16 Elders, grandmothers, the National Chief of the Assembly
17 of First Nations, the Minister of Public Safety and
18 Emergency Preparedness, the Assistant Deputy Attorney for
19 the Government of Canada, members of healing societies,
20 representatives from Statistics Canada, government policy
21 advisors, chairs of boards of police commissioners,
22 members of community and grassroots organizations,
23 researchers, academics, and members of police services
24 from across the country, including First Nations police
25 services participated in the Moving Forward Conference.

1 The conference focused on the following
2 themes: On-reserve and urban conditions affecting
3 community safety and wellbeing; collaboration among
4 health, social services, education, government, and
5 community; reconciliation, community destiny, and self-
6 determination, policy legitimacy, strategies for improved
7 protection of vulnerable persons, missing and murdered
8 Aboriginal women, internal education for police, external
9 education for policymakers and communities most affected
10 by multiple risk factors, and ensuring policing is
11 representative of Aboriginal peoples, recruitment,
12 retention, and self-administered policing, and
13 peacekeeping models.

14 I encourage you to review the agenda and
15 the presentations which were offered, but I will note some
16 of them to give you an idea: An Abridged History of First
17 Nations Justice System Relations by Mr. Dan Bellegarde,
18 Chair, Board of Police Commissioners of File Hills First
19 Nations Police Service; Reconciliation and Moving Forward
20 to Safer Futures, by National Chief Perry Bellegarde,
21 Assembly of First Nations; and Effective Partnerships with
22 Police and Community Agencies, by Ms. Sherry Fowler, Head
23 Start team leader, Bent Arrow Traditional Healing Society.
24 These are just a few examples of the presentations from
25 the conference.

1 Colonization, residential schools, the
2 Truth and Reconciliation Commission calls to action,
3 challenges facing the Aboriginal population with regards
4 to incarceration, mental health, victimization, child
5 welfare, living conditions on reserve, reconciliation,
6 First Nations policing, restorative justice, the sexual
7 trafficking of Aboriginal girls, the use of police data
8 for predictive analytics are just a few of the topics that
9 were covered through the presentations of the conference.

10 The information from the Moving Forward
11 Conference was consolidated, and calls to action were
12 released by the CACP. These calls to action can be found
13 at Exhibit 55 from the police hearing.

14 Commissioners, I'd like to take you through
15 the calls of action because we will commend these to you
16 as recommendations, and they are as follows:

17 Number 1, the CACP is encouraging social
18 and justice stakeholders, federal and provincial
19 governments, Indigenous leaders and people to continue to
20 call for immediate action prior to recommendations of the
21 Missing and Murdered Indigenous Women and Girls Inquiry.

22 That governments immediately focus on
23 efforts to improve the quality of lives of Indigenous
24 peoples through investment and basic needs, housing,
25 education, health, and social services in order to ensure

1 healthier communities and reduce victimization.

2 Number 3, alternative approaches are
3 required to reduce the disproportionate representation of
4 Indigenous peoples within the criminal justice system. An
5 active dialogue is required between all stakeholders to
6 address this issue.

7 Number 4, Indigenous people in First
8 Nations community deserve the same quality of policing as
9 people living in municipalities. The First Nations Police
10 Program requires a complete renewal to ensure adequate and
11 consistent funding that no longer be considered a program,
12 but rather reflective of the essential services that First
13 Nations policing provides.

14 Five, police services need to support and
15 encourage the increase of knowledge and involvement
16 related to traditional, spiritual, and cultural teachings.
17 They need to continually provide -- promote inclusiveness.
18 Elder Annie Johnston had the following simple message:

19 "Keep us safe. Respect our culture
20 and value." (As read)

21 This must be the goal of all police
22 services throughout Canada.

23 Number 6, build programming infrastructure
24 around the *Youth Criminal Justice Act* to provide
25 addictions assistance, programming, and interventions to

1 prevent youth from getting deeper involved in the criminal
2 justice system.

3 Number 7, the fundamentals of policing need
4 to be enhanced. The development of relationships,
5 especially with Indigenous youth, is essential to us
6 working together to find solutions. It is about learning,
7 listening, connecting, commitment, and empowerment.

8 And lastly, Number 8, police and Indigenous
9 leaders must continue working with other justice partners
10 to advance culturally responsive, restorative, and
11 community justice solutions.

12 These calls to action address many of the
13 concerns which have been raised, not only during the
14 course of the National Inquiry, but at previous inquiries
15 and commissions, as outlined in the master list of
16 previous recommendations. The CACP continues to support
17 and advocate for the calls to action which arose from the
18 Moving Forward Conference.

19 Next, I'd like to briefly expand upon the
20 information provided to you by Chief Weighill about the
21 CACP Executive Global Studies Program. It is an annual
22 research-driven executive development program based upon
23 experiential program-based learning and research model
24 that combines classroom sessions, independent online
25 study, and computer-mediated conferencing with

1 international field research, and looks at a variety of
2 operational and management aspects of policing and justice
3 administration.

4 To date, over 150 police executives have
5 completed the Global Field Research Studies in 35
6 countries around the world on topics determined by the
7 CACP board of directors. I won't have time to take you
8 into any great detail about the Global Studies Program
9 you'll find more information in our written submissions,
10 and we have filed, pursuant to Rule 33, two of the
11 cohorts' reports, which I will discuss briefly.

12 The 2017 Global Studies Cohort Research
13 Public Trust. It found that police had an overly positive
14 perception of how the public trusts them, so police at all
15 levels need to listen more closely to each and every
16 community they serve.

17 Calls to action for Canadian policing were
18 provided to assist in building public trust, including but
19 not limited to engagement with community, providing
20 meaningful and important information in a timely manner to
21 the public, visible accountability in all aspects of
22 service deliver, and member conduct. I have been advised
23 that the relationships among Canadian police agencies and
24 Indigenous communities featured heavily in the research
25 team's deliberations.

1 The 2017 Cohorts findings were presented as
2 well at the CACP annual conference in Montreal in
3 July 2017.

4 The 2018 Global Studies Cohort focused on
5 the topic of equity, inclusion, and fundamental respect in
6 diverse policing organizations, as well as the impact
7 these may have on the wellness of members, internal talent
8 management, and keeping communities safe with the
9 continuing trust and consent of Canadians.

10 Police leaders from across the country are
11 recognizing that police services are becoming less
12 reflective of the rapidly changing communities and
13 attracting new talent is also becoming increasingly
14 difficult.

15 The 2018 Cohort found that exclusionary
16 behaviour had a direct impact on staff morale and mental
17 health, professionalism and workplace safety, in both
18 Canadian and international police services. Police
19 services were challenged by the 2018 Cohort to change
20 assimilative policing culture, widen the path to talent as
21 broadly and rapidly as possible to attract a generation of
22 diversely talented police professionals, and to have
23 courageous leaders prepared to challenge personal and
24 organizational core beliefs, values, and traditions.

25 The results and calls to action of the

1 2018 Cohorts research was presented at the August 2018
2 CACP AAGM (ph) in Halifax.

3 The Global Studies Program is not the only
4 research initiatives that the CACP has been involved in.
5 The CACP's Crime Prevention and Community Safety and
6 Well-Being Committee helped lead the national framework
7 for collaborative police action on intimate partner
8 violence. The purpose of the national framework is to
9 provide police services across Canada with leading
10 practices to address intimate partner violence that can be
11 used among police agencies and with community partners.

12 A copy of the national framework has been
13 provided to you, Commissioners, pursuant to Rule 33, if
14 you would like to review it in more detail.

15 The CACP also has a representative serving
16 on the expert panel guiding the Council of Canadian
17 Academia's work on -- Academy's -- pardon me -- work on
18 policing in Indigenous communities. The project is
19 looking at the challenges police services in Indigenous
20 communities may face, including remoteness, limited action
21 -- access to social services, and scarce resources. It's
22 looking at opportunities to strengthen community ties,
23 improve safety outcomes, and enhance the cultural
24 responsiveness of policing in these communities, as well
25 as looking at the present and future role of police

1 services on reserves, in self-governing First Nations, and
2 in Inuit communities.

3 This project is still in progress, and upon
4 conclusion a report will be published regarding the
5 results of this research.

6 The CACP continues and remains committed to
7 seek out further research opportunities and collaborations
8 to improve and advance policing in a positive way.

9 I'd like to discuss as well the CACP's work
10 with First Nations policing. We've heard a lot about
11 First Nations policing throughout the entirety of the
12 National Inquiry, and the CACP has been working over the
13 last two years to have the importance of First Nations
14 policing recognized and for them to be provided with the
15 proper support and funding it requires.

16 In 2008 the CACP passed Resolution 2008-04
17 which states:

18 "The CACP urges the federal government
19 to ensure its policy, support,
20 community vision, and to commit to and
21 maintain support for the provision of
22 First Nations policing that is
23 adequately funded for sustainability."

24 In support of this resolution, the CACP
25 sent letters to the Ministers of Public Safety and the

1 Ministers of Justice and Attorney General. CACP
2 representatives met with government officials on numerous
3 occasions in 2009, 2011, 2012. On March 4th, 2013 Public
4 Safety Canada announced a five year commitment to the
5 First Nations Policing Program, a freeze on funding for
6 2013 to 2014 and very minimal increases for the remaining
7 four years. As a result renewed focus occurred on this
8 issue and the First Nations 2008 policing resolution was
9 incorporated in Resolution 2013-04, which reads:

10 "The CACP urges the federal government
11 to acknowledge First Nations and Inuit
12 policing as an essential service and
13 through its policies to commit to and
14 maintain appropriate levels of
15 support, funding flexibility, and
16 predictability to ensure the long-term
17 sustainability of effective,
18 professional and culturally responsive
19 policing services for First Nations
20 and Inuit communities."

21 The 2013 resolution continues to be an
22 active resolution of the CACP and remains part of the
23 committee's priorities. We've provided a copy of these
24 resolutions to you as well as their status updates
25 pursuant to Rule 33.

1 I'd now like to move to my final point,
2 which is the CACP's recommendations for the National
3 Inquiry. The CACP acknowledges the term many
4 recommendations that could be made regarding police, and
5 the recommendations we provide are not meant to be
6 exclusive of others. Our recommendations are not novel.
7 Many have been suggested by other witnesses and parties or
8 have, in some form, been highlighted in past inquiries, as
9 evidenced by the master list of previous recommendations.
10 However, the CACP continues its work to encourage police
11 services across Canada, if they have not already done so,
12 to undertake these recommendations and calls to action.

13 The CACP previously provided four
14 recommendations to the National Inquiry through the
15 testimony of Chief Weighill and these are in Exhibit 77
16 from the police hearing. For those that were not present
17 during Chief Weighill testimony I will briefly identify
18 those four recommendations.

19 Firstly, that universal programs need to be
20 implemented, allowing the police and courts to divert
21 youth by providing educational, addiction, and/or healthy
22 lifestyle alternatives rather than correctional custody
23 remedies in an effort to lessen the overrepresentation of
24 Indigenous persons in our correctional facilities.

25 Number two, the federal government needs to

1 provide leadership to reduce vulnerability by bringing
2 together all levels of government, Indigenous leaders, and
3 persons with lived experience to develop and fund a
4 coordinated effort to reduce poverty, homelessness,
5 addictions and racism within our communities.

6 Number three, funding from the federal
7 government for infrastructure, education, and health for
8 Indigenous persons living on their respective First Nation
9 need to be expanded to include Indigenous persons living
10 in urban or other areas away from their respective First
11 Nation.

12 And four, all police services must have a
13 robust educational plan for their staff, civilian and
14 sworn, to ensure they understand and recognize Indigenous
15 history, culture, and the challenges facing Indigenous
16 persons in contemporary society.

17 I've already discussed with you the calls
18 to action from the 2016 Moving Forward Conference. I will
19 not go through those again. And I've already noted that
20 they are listed as well in Exhibit 55 from the police
21 hearing.

22 We would also like to recommend the
23 resolutions that we have brought forward and lobbied the
24 government regarding, which I just previously discussed,
25 the first being police services creating a policy manual

1 regarding missing persons that features cultural
2 sensitivity, respect, compassion, and empathy.

3 However, we would expand upon this initial
4 resolution of the CACP to recommend that if any police
5 service does not have a policy regarding how missing
6 person reports and investigations should be handled, a
7 policy should be put into place immediately. The policy
8 should be culturally competent and trauma informed with an
9 emphasis on regular contact with the families and loved
10 ones of the missing person. As well, if any police
11 service prescribes to a 24-hour waiting period to report
12 missing persons that that practice be abolished
13 immediately.

14 Now, the evidence before the Inquiry from
15 Chief Weighill, Chief Smyth of the Winnipeg Police
16 Service, and several RCMP witnesses is that the 24-hour
17 waiting period is not their practice. Chief Weighill even
18 described this as a thing of the past. So the CACP only
19 provides this recommendation out of an abundance of
20 caution not out of the belief that this practice is an
21 accepted or regular practice across Canada.

22 Then there's our resolution regarding First
23 Nations policing, which was that the federal government
24 acknowledge First Nations and Inuit policing as an
25 essential service and through its policies to commit to

1 and maintain appropriate levels of support, funding
2 flexibility, and predictability to ensure the long-term
3 sustainability of effective professional and culturally
4 responsive policing services for First Nations and Inuit
5 communities.

6 However, the CACP would expand upon their
7 initial resolution to also recommend more resources and
8 funding not only be provided to policing in the north but
9 towards the improvement and creation of social agencies
10 and victim resources in the north.

11 The CACP also has several other
12 recommendations regarding training, recruitment, and
13 independent civilian oversight of police.

14 Firstly, with regards to training, the
15 importance of training has already been addressed in Chief
16 Weighill's initial recommendations and the calls to action
17 from the Moving Forward Conference where it speaks to the
18 importance of training for police regarding Indigenous
19 culture and history.

20 The CACP supports that that training be
21 mandatory for all sworn and civilian members of police
22 services. As well, that the following training, if it is
23 not already being provided, occur, training to the
24 specific Indigenous groups in the area of a specific
25 police service, including but not limited to their culture

1 and language, training about the National Inquiry and its
2 recommendations, and training on trauma informed practices
3 when interviewing and dealing with victims, although I do
4 acknowledge that that particular training may not be
5 completely applicable to all civilian members of a police
6 service and it would have to be provided to those that it
7 was applicable to.

8 With regards to recruitment, that efforts
9 continue to improve recruitment practices, to increase the
10 number of Indigenous police officers across Canada, and
11 lastly independent civilian oversight of police. If it is
12 not already occurring that independent civilian oversight
13 of police occur in all jurisdictions of Canada.

14 The CACP is dedicated to supporting and
15 promoting the protection and security of the people of
16 Canada. It takes its goals of advocating for community
17 partnerships in the highest professional and ethical
18 standards with the police community, among other goals,
19 very seriously. The CACP would not be meeting its mandate
20 if it did not continue to advocate and work for change and
21 improvements to policing.

22 The CACP continues its support of the
23 National Inquiry, as it has for many years. The CACP has
24 a plan and the National Inquiry's report will not be
25 gathering dust on our shelf.

1 The Committee is ready to review the
2 National Inquiry's report and recommendations in great
3 detail. The Committee will then provide recommendations
4 to the CACP Board of Directors regarding how the CACP can
5 assist police services across Canada with supports and
6 education to aid in their understanding and implementation
7 of the National Inquiry's recommendations.

8 The CACP also remains committed to
9 continuing to strengthen its relationships with the
10 Indigenous community and Indigenous partners.

11 Lastly, the CACP would like to thank the
12 Commissioners, Elders, grandmothers, members of the
13 National Family Advisory Circle, all of the families,
14 loved ones, survivors, and witnesses who shared their
15 truth, the National Inquiry staff, those who participated
16 in and attended the hearings, whether in person or online,
17 and the parties with standing.

18 Commissioners, thank you, and that
19 concludes my closing submissions on behalf of the CACP and
20 I would be happy to answer any questions you may have.

21 (APPLAUSE)

22 **MS. VIOLET FORD:** Do you have any
23 questions, Commissioners, Chief Commissioner?

24 **COMMISSIONER QAJAQ ROBINSON:** Thank you,
25 Counsel, for your presentation and submissions.

1 I have one question about the need and the
2 recommendation or resolution about the necessity of
3 civilian oversights in all jurisdictions.

4 Some of the concerns that we've heard is
5 civilian oversights being -- civilian oversight bodies
6 being built up basically of retired cops. Does the CACP
7 have thoughts and recommendations on how these bodies
8 should be constituted?

9 **MS. ASHLEY SMITH:** I don't currently have
10 instructions on that; however, I'm happy to provide that
11 in the written submissions after speaking with my client.

12 **COMMISSIONER QADAQ ROBINSON:** Thank you.
13 Those are all my questions. Thank you again.

14 **COMMISSIONER BRIAN EYOLFSON:** I don't have
15 any additional questions. I just want to thank you very
16 much for your submissions today. Thanks.

17 **CHIEF COMMISSIONER MARION BULLER:** I don't
18 have any questions either, but I want to thank you for
19 your very compelling submissions today. I look forward to
20 reading the written submissions as well and thank you for
21 the hard work you've done on behalf of your client. It's
22 been a great help for us as well.

23 **MS. ASHLEY SMITH:** Thank you.

24 **CHIEF COMMISSIONER MARION BULLER:** Thank
25 you.

1 **MS. VIOLET FORD:** With that, we would like
2 to call up the next party with standing, the Canadian
3 Association of Police Governance and First Nations Police
4 Governance Council. Loretta Pete-Lambert, come to the
5 podium.

6 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. LORETTA PETE-**
7 **LAMBERT:**

8 **MS. LORETTA PETE-LAMBERT:** Hello. Good
9 afternoon. My name is, an announced, Loretta Pete-
10 Lambert. I'm from Saskatchewan in the Treaty 6 territory.
11 And behind me is my support here. Dan Belgard, he's from
12 the Treaty 4 territory, same place in Saskatchewan.

13 We come to you today and are very honoured
14 to be standing and sitting on unceded land of the
15 Algonquin, a true blessing to be able to stand again in
16 front of you, Commissioners.

17 I was privy to the hearings in Calgary and
18 was quite impressed by the statements given by people and
19 the focus on ceremony. And today I offer you my warrior
20 cape I call it, as a symbol for the women that have gone
21 before us and the girls that have been lost.

22 This afternoon I am making a presentation
23 on behalf of the First Peoples -- First Nations Police
24 Governance Council. And this afternoon when I make
25 reference to it I'll just call it "Council" rather than

1 saying the complete term for it.

2 Mr. Belgard that sits behind me is one of
3 the chairs of the self-administered council, governance
4 council, and he has the lived experience of this kind of a
5 governance council. I'm just a legal counsel who came
6 into the scene.

7 As you are aware, one of our most
8 prestigious women of the law, Ms. Michelle Brass, got
9 appointed to a provincial judge position in Saskatchewan,
10 for which I am very proud of, and I therefore replaced her
11 on this task.

12 So this afternoon what I'd like to provide
13 is a background as to the council. You have heard this
14 submission prior. You've heard about the First Nations
15 Police Governance Council. It's part of the Canadian
16 Association of Police Governance and you just heard their
17 presentation by Ashley, my learned friend.

18 So the Council represents those First
19 Nations that have established their own Indigenous police
20 services and put in place governance mechanisms for that
21 service.

22 This is referred to as a self-administered
23 Indigenous police service that operates independently and
24 they are governed -- the system is governed by the own
25 people through a police or peacekeeper's service board.

1 The council represents those First Nations
2 that have entered into an agreement with the provincial
3 government under the First People's Police Program, which
4 is called the FNPP, and a provincial public service
5 ministry for such arrangements. So there's arrangements
6 set out to ensure that this program exists.

7 This program is a federal government policy
8 and is not affected by the provincial legislations as
9 other police services in Canada.

10 The File Hills First Nations Police
11 Governance operates under the *Saskatchewan Police Act* and
12 there are other agreements in other parts of Canada that
13 have this kind of an agreement.

14 Today we advocate for the creation and
15 action of own legislation to support these self-governance
16 agreements. Self-administered means that there would be
17 an administration done by the local people in the
18 governance of the system.

19 On August 17, 2017 the Council was granted
20 party status with standing and it has been permitted to
21 make submissions before the Commissioners. And we do that
22 today.

23 And then on June 25, 2018 the Council made
24 a submission to the Inquiry with recommendations. And
25 today we will be asking that pursuant to Rule 33 that we

1 submit the inclusions of this recommendation into your
2 report and ask you to include it in your submission.

3 The final submission that we are submitting
4 in the next week or in the next four days builds upon
5 these recommendations and expands on the recommendations.
6 So that will be your reading on our submission.

7 It is the view of the Council and also the
8 Canadian Association of Police Governance that there is a
9 link between the issues that the Commission is addressing
10 today and the notion of First Nations Police Governance.

11 This issue of missing and murdered
12 Indigenous women and girls is one that involves the whole
13 community. When a tragic event happens such as what we're
14 here for today and what you're investigating is not a
15 simply -- it's not a simple police matter. Although all
16 police services need to take these disappearances
17 seriously and respectfully, we believe that the loss of
18 one woman or girl, for whatever reason, is not acceptable.

19 However, there is a cyclical relationship
20 of these losses to underlying issue of safety within a
21 First Nation community. Only a community that works
22 towards a holistic view of that public safety, not one
23 driven by a response to incidences alone, but to effect
24 collaborative efforts of the people, the Elders within
25 that community, the administrators, and their own police

1 working together can hope to ensure that the measures that
2 would prevent these losses were caught well before they
3 occurred.

4 Further, only in a community that has
5 control of its own tools to work collectively can there be
6 a response when such a loss takes place.

7 We therefore are putting forward a number
8 of observations and recommendations about police
9 governance and models of safety, community safety, that we
10 believe would improve the overall capacity of First
11 Nations to take control of their safety. We'd prevent
12 further tragedies from happening and set them on a path to
13 self-determination.

14 Because of the relationship with other
15 police practices in larger urban cities, we also want to
16 make some recommendations for improving the practice of
17 municipal board governance affecting police legislation.

18 A little more background on the Indigenous
19 Police Governance. The Council focuses on the issue of
20 police governance. They are the governors of the police
21 and their respective nations.

22 "Governance", in this instance, as it
23 applies to all police governance in Canada, are regulated
24 through provincial regulations. The governance in this
25 instance serves to provide direction to the police and

1 peacekeeper activities on behalf of the individual or
2 collective First Nations.

3 This governance takes the form of setting
4 out strategic direction for the services. It creates
5 policies for the operation of the service, it hires the
6 police executives, it monitors the delivery of the
7 services and holds the service to account for results.

8 Like most oversight bodies, its role is to
9 ensure the delivery of good police services. It is also
10 to ensure that police services are delivered without
11 operational, political interference, serving as a buffer
12 between the lawmakers and the police.

13 Individual Indigenous people boards ensure
14 community involvement and that community values are
15 reflected in the police services being provided for their
16 nations -- or nations and territories.

17 The Council is cognizant of the important
18 work that is being implemented by the MMIWG Commission -
19 you the commissioners - the loss of one woman, as stated
20 before, or girl, or man, or boy, from our individual
21 respective communities, is one too many.

22 The fact that this remains prevalent in our
23 communities underscores the need for First Nations police
24 and peacekeeping services in our communities and those
25 services would be based on the holistic model of First

1 Nations community safety and governance of those entities.

2 With the introduction of the self-
3 administered First Nations police services and the
4 peacekeeping services to Indigenous communities, they have
5 been able to address some of the deep distrust that is
6 entrenched in Indigenous communities.

7 Indigenous approaches and concepts to
8 policing have always been introduced through Indigenous
9 involvement even in municipal police boards. This kind of
10 -- with some kind -- with more resourcing provided, albeit
11 at a rate that is insufficient to meet the standards and
12 requirements for police services in other parts of the
13 country, this more resourcing can progress to success.

14 Research has shown as well that First
15 Nations that adopt a self-administered model have a police
16 service that's highly active in the community. Engaging
17 in activities where they provide engagement for positive,
18 preventative and problem-solving activities, such as --
19 some of the activities that local police services have
20 engaged in are things like local sports, or just talk-
21 shows, or attending school functions; all positive
22 presence in the communities.

23 First Nations police services have also
24 provided leadership in the creation of integrated
25 approaches, such as the introduction of the Social

1 Navigator initiatives, community programs, targeting
2 gangs, focusing on the need of Elders and culturally
3 affirming problem-solving activities.

4 An increased and expanded First Nations
5 police and peacekeeping services throughout the
6 communities in Canada, will assist in addressing
7 particular policing concern raised in the Commission's
8 hearing.

9 The purpose of the Council's submission
10 here today is to ensure that its recommendations are made
11 by the Commission for important steps to be taken towards
12 rebuilding the flawed system of policing that contributes
13 to the profound risks faced by Indigenous women and girls.

14 These systemic flaws in the current justice
15 system, have led to some of the tragic incidences that are
16 the core subject before the Commission today.

17 A First Nations policing approach such as
18 the self-administered approach, leads to greater self-
19 determination and therefore greater self-responsibility by
20 communities. These are initiatives that can address the
21 flaws in the current justice system.

22 If the recommendations are made in the
23 following -- for the following needs to be met, the
24 Council believes that First Nations will be equipped to
25 assist with the issues that contribute to whether First

1 Nations women, girls and males, are at risk.

2 Some of the needs include the provision of
3 resources for the prevention of public safety --
4 preventative elements of public safety, pardon me, the
5 adoption of more culturally sensitive means of policing,
6 the improved governance that truly reflects the Indigenous
7 values of community engagement and the adoption a holistic
8 community safety model with adequate capacity in terms of
9 skills, depth and funding.

10 The Committee is mandated to work with
11 First Nations communities towards a holistic view of
12 public safety through effective collaborative efforts of
13 the local people, their Elders, their administrators and
14 their own police, all working together to ensure that
15 measures are in place to prevent the loss of another
16 member of the community.

17 A system driven by after-the-fact responses
18 to incidences is ineffective. A system is needed that has
19 pre-existing mechanisms for better addressing why women
20 and girls are first put at risk.

21 In other words, Indigenous police services
22 must be equipped properly and be able to act proactively
23 rather than merely reacting to a specific situation.

24 One key aspect of this is to have a police
25 force that Indigenous community members can trust.

1 Another mechanism is to have the community directly
2 involved in its own policing.

3 The governance model in place in self-
4 administered agreements provides the basis for building
5 this trust throughout the engagement of citizens in actual
6 governance and in their interaction with the community to
7 be responsive to its needs.

8 So to that end, the First Nations Police
9 Governance Council makes the following recommendation in
10 these areas and the recommendation: first one, because
11 communities will only be safer and women less vulnerable
12 with community based holistic solutions.

13 We need a model of First Nations policing
14 that needs to be there and adopted. This model must be
15 built on -- it could be built on the pre-colonial method
16 of community safety which centered on prevention, full
17 community support, the application of values of earth and
18 spirit, to ensure that all community members feel part of
19 the process of helping those at risk to avoid error and to
20 those who have erred on the part of restoring social
21 harmony.

22 This is not an unrealistic aspiration. It
23 is clear that many of the incidences of murdered and
24 missing women and girls may have been avoided with
25 stronger community support, but communities need to be

1 equipped to be able to support police in place, but a part
2 of a larger system. So too does a community culture based
3 on self-determination, rather than on powerlessness and
4 loss of hope.

5 Governance, the second recommendation.
6 Governance, the effective control through resourcing
7 resources, direction setting and accountability, can only
8 be achieved when First Nations assume that role as those
9 that have adopted the self-administered model under the
10 First Nation police policy have found that it works.
11 Governance is needed to remove the colonial relationship
12 inherent in the current First Nation police policy.

13 The Council strongly believes that there
14 are -- there is a great difference between a self-directed
15 governance model operating through a police board
16 directing police or peacekeeper services and the community
17 consultation committees and advising external police
18 agencies such as the RCMP which take their direction from
19 a national entity, so there's a disjoint there in terms of
20 governance.

21 The federal government First Nations police
22 program should be radically altered to incentivize the
23 adoption of First Nations of their own police services,
24 either individually or collectively. That means not just
25 creating an option as the current police programs offer,

1 but helping First Nations build towards self-determination
2 in this area.

3 This would include special interests
4 incentives for First Nations, either individually or
5 groups, to create their own policing services. This would
6 mean First Nations would assume the governance roles and
7 take control. It would also mean special funding to equip
8 the First Nations to do so.

9 The current policy, as well as built on an
10 inadequate and colonial basis of funding, the contribution
11 agreement, and the individual project control system that
12 ensures continued bureaucratic oversight of First Nations,
13 the very processes in place create disincentives for
14 action towards the supposed goal of self-determination.

15 Third, the First Nations, for their part,
16 must develop a legal framework that includes a governance
17 model that provides leadership to the police service, but
18 also engages the community while ensuring that police
19 services are not subject to any political interference.
20 This means a model, not just for policing, but inclusion
21 of a First Nations justice system. There would be a means
22 for the adoption of the First Nation law, a means of
23 social control -- maybe dispute resolution models could be
24 used within that justice system -- and of course,
25 sanctions for those who break the First Nations law and

1 some kind of retribution or rehabilitative processes could
2 be in place to support such a system.

3 We have examples of this in our communities
4 at this time. We have Kahnawake, we have Tsuu T'ina in
5 Alberta that have these kind of models in the works.
6 Doing this would take great work and expertise that some
7 First Nations may not have. However, we have models out
8 there that they can, of course, look at their best
9 practices and adopt those practices.

10 Here, we have a strong potential for
11 organizations such as the First Nations Police Governance
12 Council, if properly supported, to build a shareholder
13 base of expertise that they can offer to other
14 communities.

15 Another recommendation, policing within
16 First Nations should be classified as an essential
17 service. We need it in our communities. It must be
18 funded then as an equal, fair, and consistent service,
19 recognizing that the efforts that it achieves as its top
20 operating system will probably take years to do; however,
21 it will take years also to overcome years of damage to the
22 social fibre of those communities without great effort.

23 In 2018, the federal government announced
24 two funding initiatives: 291 million was earmarked to pay
25 for -- to upgrade the pay levels for First Nations police

1 officers so they could have pay equity such as with other
2 police services in Canada. Another initiative was the
3 allocation of 88.6 million to upgrade the facilities in
4 First Nations communities. Those are two initiatives that
5 I -- we are thankful for.

6 While these are welcome, they only serve to
7 bring policing in First Nations to a more equitable basis.
8 The fact remains that crime rates, and more importantly,
9 threats to social, health, and economic wellbeing, all key
10 risks to public safety, are higher in First Nations
11 community than in the rest of Canada.

12 Another recommendation, governance capacity
13 needs to be built in all First Nations, building on the
14 experience to date shared among them in useful ways. This
15 includes further work through the Canadian Association of
16 Police Governance and the First Nations Police Governance
17 Council. There would be a need for training tools for
18 governance, ways of sharing of stories and experiences,
19 and the representative models of governance to guide
20 chiefs and council in establishing such governance. The
21 federal government should fund the development of these
22 resources.

23 Another recommendation is police should be
24 encouraged to mandate these police service boards or
25 commissions created under provincial jurisdiction to

1 govern municipal police service to have First Nations
2 representation required where there are significant First
3 Nations population, permanent or transient, in their
4 community.

5 Further, these boards or commissions should
6 be mandated to engage First Nations groups and
7 organizations in their environmental scanning and
8 planning.

9 Where there are First Nations police
10 governance bodies nearby, these municipal boards or
11 commissions should actively engage with them to determine
12 ways to ensure that the transient First Nations people are
13 not lost between the jurisdictions.

14 New models of joint oversight need to be
15 created by large urban police boards working with First
16 Nations beyond their boundaries, but which have a history
17 of their members in moving into the cities and back to
18 improved communication, better support systems that would
19 want to return to their homes or need greater Indigenous
20 support in the city. And certainly, there is a
21 collaborative effort by all boards that would be
22 requested.

23 For example, the Saskatchewan -- in
24 Saskatoon we have a police commissioner board chair who is
25 an Indigenous person and she's the chair of the board.

1 And we -- I guess we expect her to advocate for the
2 Indigenous people in the community.

3 To sum up, the police -- the First Nations
4 policing, governed by First Nations itself, through the
5 adoption of a First Nation-administered model can and does
6 work to integrate their police services with other social
7 and cultural services, all serving the individual Nations
8 as well as the community.

9 This is a formula for safety and more
10 resilient -- safer and more resilient communities. Police
11 services disconnected from the integration by distance,
12 organizational controls, or constraints coming from
13 distance headquarters, will eventually fail in spite of
14 the very real efforts of officers on the ground.

15 Governance models must develop a formula to
16 have a strategy in place to be able to govern despite the
17 distances, despite the restraints, and self-administered
18 models are the models that we believe will provide that
19 attainment of that goal.

20 Providing that kind of governance for that
21 kind of policing is a special calling, one that provides
22 both support to First Nations policing, but more
23 importantly, it gives direction, policy, and
24 accountability to the community.

25 The current system we have is skewed

1 towards dependence and passivity. Our new model must be
2 built on self-determination, integrated Indigenous justice
3 models, and a focus on prevention and restoration.

4 What I'd like to do now is just go over
5 what our written submission will focus on, and I'll just
6 give you the sort of the highlights of it.

7 And what we will be discussing in the
8 written submission that we will be submitting to you is
9 some of the keys issues we believe exist between the First
10 Nations people governance council, and the Canadian
11 Association of Police Governance.

12 And of course, one of the key issues is the
13 trust of police services. That's an issue, I think,
14 that's going to be discussed in more detail in our
15 submission.

16 And then the other one will be the need for
17 more Indigenous approaches to policing, which will
18 include, of course, the community, and the need for
19 Indigenous involvement in police boards, not only in self-
20 administered, but also in municipal boards. And I just
21 gave an example of one of the involvement of our -- one of
22 our Saskatchewan First Nations woman is a Chair of the
23 Saskatoon City -- City Police Board. So that's an
24 incentive.

25 Another thing would be to give you some of

1 the resources for Indigenous police services and how that
2 exists. That'll be in our written submission. Another
3 thing we will speak on and write upon in our submission is
4 the impacts of Indigenous policing services, how they have
5 been successful in First Nations communities, First
6 Nations policing and how it has been an obligation for
7 them, in terms of treaty, to be able to fulfil the treaty
8 obligations. We will speak on that. We will write on
9 that in our submission. And another thing that'll be
10 written under that will be, how will Indigenous police
11 services exist in comparison to other police services.
12 How do
13 they -- what's the interplay between the police services
14 out there in the country. The other topic that you will -
15 - be submitted in our written report will be, what is the
16 interface with Indigenous police services and the Canadian
17 police services. How can we achieve diversity with on --
18 within those systems. And then, how do we address
19 capacity building for Indigenous communities. And those
20 will be also outlined in our written submission.

21 We also will be asking, as I said before,
22 that the recommendations that were submitted on June 25th
23 be included in our report as we submit to you again, and
24 to implement the policing services, how we're going to
25 implement -- how we propose there will be an

1 implementation of the Indigenous policing services for all
2 treaty and Indigenous territories and communities. And
3 also, we will be proposing a model, a First Nations
4 justice model, that'll include policing, courts,
5 prosecution, and a defence system governed by Indigenous
6 people. And that's where the -- the First Nations People
7 Council will be making its presentation around those topic
8 areas. So I know I have ten minutes left, but I will stop
9 now. That's it. Thank you very much.

10 (APPLAUSE)

11 **MS. LORETTA PETE-LAMBERT:** As I would say
12 in court, barring any questions, that is my submission.

13 **MS. MEREDITH PORTER:** Thank you. Thank you
14 very much, counsel. Chief Commissioner, Commissioners, do
15 you have any questions?

16 **CHIEF COMMISSIONER MARION BULLER:**
17 Questions? Comments?

18 **MS. MEREDITH PORTER:** I can't hear that.

19 **COMMISSIONER QAJAQ ROBINSON:** Thank you,
20 counsel. I have a couple of questions. One thing we've
21 heard from -- or a concern we've heard from some families
22 and survivors who, in the course of their experiences,
23 have encountered self-administered police forces, is
24 concerns about -- I'm hearing myself, over governance
25 issues, quite frankly, where it's either the band council

1 that feels that double role and is also part of the police
2 board. And concerns about good governance when it's a
3 small community, when they're related, potentially, to
4 accuseds, and a distrust in the governance systems that
5 are -- that were
6 in place at the time or currently are. Can you speak to
7 how -- what you've proposed in your recommendations would
8 address that concern over nepotism, close, tight
9 relationships, and -- and the independence and the
10 accountability of the governance bodies?

11 **MS. LORETTA PETE-LAMBERT:** Understand --
12 and I think the person who more -- more aptly would be
13 able to address that will be Dan Bellegarde, who's behind
14 me. He has the lived experience. I just have the
15 theoretical basis. Thank you. Just a --

16 **MR. DAN BELLEGARDE:** Thank you, Loretta.
17 And good afternoon, Commissioners, ladies and gentlemen.
18 The issue of governance, as you put it, political
19 interference, essentially, in the operations of a police
20 service, is something that not only First Nations have to
21 come to grips with, but every other police service, I
22 would think, in the world. The issue of good governance,
23 of accountability, of civilian oversight, are all part of
24 the mix.

25 What -- I can give you an example of what

1 we've done in the File Hills First Nations Police Service.
2 We have an agreement with Canada, and Saskatchewan, and
3 our First Nation leadership, to deliver these services.
4 We have set out clear terms of reference for the operation
5 of the -- of the Board of Police Commissioners, signed off
6 by all of the Chiefs of the five First Nations that we
7 serve. And these are very clearly set out. We have
8 distinct roles and responsibilities as set out in the
9 Saskatchewan Police Act as well, which govern at large the
10 police service itself. And we have a board, I think, of
11 police Commissioners now that have gotten -- gone through
12 training about roles and responsibilities and the ability
13 to manage the -- the policy framework of the police
14 service.

15 And I think it's something that we do have
16 to work on. And I think the First Nations Police
17 Governance Council has received funding from Public Safety
18 Canada to develop training programs in the area of
19 governance. And that particular one is on the top of our
20 list, the relationship between the Board of Police
21 Commissioners, the Chief of Police, and the First Nations
22 leadership themselves, that governing level. Then, of
23 course, the relationships with the community members or
24 the people that we serve. But it's definitely an aspect
25 that we are -- are aware of, an aspect that we are taking

1 steps, we think, to mitigate as much as possible in all
2 our communities.

3 I just want to -- to point out that there
4 are, I believe, 38 self-administered policing services in
5 the country and there are only six east of Ontario. The
6 great bulk of them are in Quebec and Ontario. And in
7 Saskatchewan, there's only one. In -- In Alberta, there
8 are three. And British Columbia there is only one. So we
9 are in a drive towards increased self-administered
10 policing services in the west right now.

11 You've heard from NAN, you've heard from
12 the -- Mike Metatawabee (phonetic), the Chairman of the
13 Police Service Nishnawbe Aski, and they tell you about
14 the -- the operations that they have there, and their
15 governance structure is in place. That has to be unique
16 to that particular geographic area and the people that
17 they serve, and the File Hills First Nations Police
18 Service will have a unique set of circumstances as well to
19 meet the needs of the people that we serve. So we're
20 aware, and we are, I think, taking steps to ensure that
21 that -- that veil between political leadership and
22 operations is kept separate and apart. For one, it's
23 accountable to the other, and the other is accountable to
24 the other as well. So they have a dual accountability,
25 but certainly a -- a separation of roles and

1 responsibilities.

2 **COMMISSIONER QAJAQ ROBINSON:** I have one
3 more question, unless you guys have questions. Do you
4 have a question?

5 **CHIEF COMMISSIONER MARION BULLER:**
6 (Indiscernible).

7 **COMMISSIONER QAJAQ ROBINSON:** Okay. But
8 could I use the time for one more?

9 **CHIEF COMMISSIONER MARION BULLER:** Go
10 ahead.

11 **COMMISSIONER QAJAQ ROBINSON:** Just making
12 sure I'm not using all the time of my friends. One of the
13 concern that we've heard from families and survivors,
14 who -- whose communities are -- are policed by self-
15 administered forces, is an issue with responses. Now, I -
16 - I very much appreciate your submissions on prevention
17 and relationships, but the sad reality is major crimes are
18 happening in the communities, and the response times and
19 the capacity of self-administered forces to deal with such
20 things like major sexual assaults and murders. And it was
21 quite shocking in our -- during the Regina hearings to
22 talk -- to hear that in northern Quebec, for example, in
23 the Nunavik Territory, that's under their own tripartite
24 police force for major crimes type investigations, they
25 have to wait until officers to fly in. Perhaps, this is

1 more of a statement as opposed to question, but there are
2 concerns about the responsive capacity and that the
3 current funding and tripartite model fails to build the
4 capacity of self-administered police forces and provide
5 those key resources -- sex assault kits, forensic
6 services, forensic identification teams, you know, all of
7 those types of investigative methodologies and practices
8 that are used.

9 Must the funding and the support of self-
10 administered and self-governed police forces also look to
11 properly support in the responsive aspect of the work?

12 **MR. DAN BELLEGARDE:** Yes. We know that
13 there are many different sizes of police services, self-
14 administered policing. The larger ones like Nishnawbe-
15 Aski, for instance, have 150 officers, but they cover a
16 huge territory with fly-in communities.

17 And they've complained, or rather, they
18 have made representation to both the provincial
19 government, the federal government, and the OPP about
20 their situation for many years, and so has others across
21 the country, of course. And recently, as you have heard,
22 there's been an increase in funding for the next few
23 years, I believe the next five years of \$291 million just
24 to work towards reaching a greater level of manpower and
25 of material and equipment in order to ensure as much as

1 possible that this kind of a situation does not occur,
2 particularly in those isolated communities that are
3 difficult to reach and sometimes have officers waiting
4 perhaps because of weather or other reasons, geography,
5 simple geography where they have other officers on
6 standby.

7 So there has been a recognition by all
8 parties, including the Public Safety Canada and the
9 provinces that this has to be taken care of, and they try
10 to do it through it additional funding, but also
11 additional manpower coming out in 2019 for 110 additional
12 First Nations police positions coming out to the
13 communities. How those are going to be distributed I'm
14 not sure.

15 Is that enough? I don't think it is, and I
16 think most of the self-administered policing services will
17 tell you no, it is not. Smaller services like mine
18 haven't got the capacity to provide that specialized
19 service like investigators, forensics, canine units, or if
20 necessary, SWAT teams. And we have MOUs with the
21 surrounding RCMP detachments NF Division in order to
22 provide that to us when a situation occurs. A recent one
23 in my home community was a murder, and we had
24 investigators and forensics in major crimes coming from
25 the RCMP in Yorkton and Regina to assist the File Hills

1 Police Service.

2 So until we reach a level, a critical mass
3 of size and numbers of self-administered policing
4 services, we will always have that lack of specialized
5 services to us. Now, if it goes as I think it will, that
6 we have a Treaty 4-wide police service, covering 34 First
7 Nations in Southern Saskatchewan, then we will have the
8 capacity and the numbers and the ability to provide
9 specialized services from within our own self-administered
10 or First Nations controlled police services. And until
11 that time we have to rely upon outside expertise to
12 provide that assistance to us.

13 **COMMISSIONER QAJAQ ROBINSON:** Thank you
14 very much.

15 **COMMISSIONER BRIAN EYOLFSON:** Thank you
16 both very much for your submissions this afternoon. I
17 look forward to your written submissions.

18 **CHIEF COMMISSIONER MARION BULLER:** I want
19 to thank you as well for your submissions this afternoon.
20 I look forward to your written submissions, especially
21 with respect to treaty obligations. So thank you for
22 including that. That's an area that I hadn't considered,
23 so I look forward to reaching that part in particular.

24 Again, thank you both very much.

25 **MR. DAN BELLEGARDE:** I -- can I -- I just

1 want to make ---

2 **CHIEF COMMISSIONER MARION BULLER:** Sure.

3 **MR. DAN BELLEGARDE:** --- one closing
4 comment.

5 It's about transformational change. And I
6 think -- I give full credit to the federal government, to
7 the provincial governments, to First Nations governments
8 to go about transformational change that they're doing now
9 in the area of health, in the area of education, in the
10 area of child welfare, which they're embarking on now
11 through legislation and through what we have to do in our
12 own communities.

13 But we also need transformational change,
14 and it has been I think clearly spelled out by
15 Dr. Palmater and others, for what we refer to in
16 Saskatchewan not as the justice system but as the legal
17 system. Because after Boushie and Sinclair and the Plains
18 (ph), we kind of say well it's so much a justice system,
19 it is a legal system though, and we need transformational
20 change in that legal system.

21 And that means bringing forward under First
22 Nations control, under First Nations self-determination
23 things like Loretta spoke of, a method of social control.
24 I didn't say policing, but social control. A method of
25 dispute resolution. I didn't say courts, but dispute

1 resolution appropriate to us. A method of sanctions and
2 rehabilitation, and I didn't say corrections. Because the
3 words mean a lot, and I think if we change the language,
4 we can change the attitude in what we need.

5 But we need to make that space for First
6 Nations. We need to make that space in order for First
7 Nations to realize our objectives, our aims, our
8 aspirations, and that's what we mean by de-colonization.

9 And are we prepared to go beyond the simple
10 process changes in how we do things and simple system
11 changes in how things are set up to actual structural
12 changes that will mean changes in legislation, changes in
13 inter-governmental relationships, but most of all a
14 recognition of past wrongs and a full implementation of
15 the inherent right to self-determination. And we have
16 obligations and responsibilities to work towards that just
17 as much as Canada and the provinces do.

18 With that, thank you very much,
19 Commissioners.

20 **CHIEF COMMISSIONER MARION BULLER:** Thank
21 you.

22 (APPLAUSE/APPLAUDISSEMENTS)

23 **MS. MEREDITH PORTER:** Thank you.

24 Chief Commissioner and Commissioners, we
25 did -- as you are aware, we had a change in the schedule

1 for this afternoon. We were originally scheduled to be
2 completed hearing from the parties of their submissions
3 today, but we have moved a party for tomorrow morning to
4 this afternoon, the BCGEU. Ms. Stephanie Smith is the
5 representative who will be making the submissions on
6 behalf that party.

7 I will seek your direction. We are
8 scheduled for a break and then hearing from that party and
9 then our closing for today. I'll seek your direction on
10 whether we do take a break or hear from that party, and if
11 we are going to take a break, how long would you like to
12 take.

13 **CHIEF COMMISSIONER MARION BULLER:** Okay.
14 We'd like to take a break ---

15 **MS. MEREDITH PORTER:** Okay.

16 **CHIEF COMMISSIONER MARION BULLER:** ---
17 please.

18 **MS. MEREDITH PORTER:** Thank you.

19 **CHIEF COMMISSIONER MARION BULLER:** Why
20 don't we make it 20 minutes?

21 **MS. MEREDITH PORTER:** Twenty (20) minute
22 break? Okay.

23 **CHIEF COMMISSIONER MARION BULLER:** Really
24 20 minutes.

25 **MS. MEREDITH PORTER:** Twenty (20) minutes

1 sharp. Thank you.

2 --- Upon recessing at 2:52 p.m./La séance est suspendue à
3 14h52

4 --- Upon commencing at 3:16 p.m./La séance est reprise à
5 15h16

6 **MR. BRYAN ZANDBERG:** If everyone could take
7 their seats, please, we'll get started in a few moments.
8 And a reminder to turn off your cell phones. Thank you.

9 **MS. VIOLET FORD:** ...so that we can
10 continue.

11 So Chief Commissioner and Commissioners, we
12 are now calling the BCGEU to the podium. Stephanie Smith.

13 You have 40 minutes.

14 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. JITESH MISTRY:**

15 **MR. JITESH MISTRY:** Hello, Commissioners.
16 I am obviously not Stephanie Smith. My name is Jitesh
17 Mistry, M-I-S-T-R-Y. I am general counsel to the BCBGEU.

18 Let me first say that we are grateful to be
19 standing here on the unceded territory of the Algonquin
20 people.

21 Although I may answer questions, our oral
22 submissions will be delivered by our elected president,
23 Stephanie Smith on behalf of 77,000 BCGEU members I
24 introduce Stephanie.

25 **MS. STEPHANIE SMITH:** Thank you. Good

1 afternoon. As you've heard, my name is Stephanie Smith
2 and I am the President of the B.C. Government and Service
3 Employees Union and it is my honour to be here on the
4 unseated traditional territories of the Algonquin people,
5 to provide our submission from our BCGEU offices in
6 Burnaby B.C., which is the unceded territory of the
7 Squamish, Musqueam and Tseil-Waututh First Nations.

8 I'd like to start by thanking the Elders
9 for their prayers and for starting each days' proceeding
10 in a good way.

11 I'd like to thank the Algonquin people for
12 welcoming us to their territory; the Commission for
13 granting the BCGEU's application for standing -- thank
14 you, the special helpers in their room for their
15 compassion; the National Family Advisory Circle; the
16 families and the survivors for their resilience, their
17 persistence and their strength; and the other parties with
18 standing for sharing their knowledge, wisdom and passion.

19 And I'd also like to quickly introduce the
20 people who are here with me today. Jitesh Mistry, whom
21 you've met; valued BCGEU staff, Danielle Marchand and
22 Susan Howatt; and friends and allies of the BCGEU, whose
23 voices resonated for us throughout this process, from the
24 Tseil-Waututh Northern B.C., Gladys Radek, who comes from
25 the heart of the Highway of Tears; Bernie Williams and

1 Ceejai Julian, both of whom are BCGEU members.

2 Before I share the stories of our members
3 and deliver their recommendations, I want to tell you why
4 the BCGEU is the only union in Canada with standing in
5 this inquiry.

6 In addition to representing thousands of
7 Indigenous workers, the BCGEU represents tens of thousands
8 of workers who interact daily with Indigenous women,
9 girls, trans and two-spirit people, their families and
10 their communities, while providing programs, delivering
11 services and enacting public policies in practically every
12 sector and every community in British Columbia.

13 Of the more than 77,000 members of the
14 BCGEU, more than two thirds of those work in broader
15 public service, including members who work in direct
16 government such as social workers; corrections and youth
17 custody officers; sheriffs; employment and financial
18 assistants; as well as childcare and family support
19 workers, including those at the Phil Bouvier Center, which
20 is operated by the Vancouver Native Health Society in
21 Strathcona, one of the most vulnerable neighbourhoods in
22 Canada; legal services and court workers, including Native
23 court workers, who MacKenzie, with the Aboriginal Women's
24 Action Network, credited with teaching her to be
25 Aboriginal and helping her change how she saw herself and

1 her life; post-secondary instructors and support staff,
2 including the Native Education College, which also figured
3 in Mackenzie's story as the first place where she
4 experienced being part of an Aboriginal community;
5 Aboriginal services, including B.C.'s many vibrant
6 Aboriginal friendship centers; and of course women's
7 services, including transition houses and the Downtown
8 East-Side Women's Center whose "Red Women Rising" made a
9 powerful submission to this Commission in Calgary, where
10 they declared that Indigenous women are not stereotypes,
11 but leaders who will never stop fighting for social
12 justice.

13 This Commission has heard from and about
14 BCU members throughout this inquiry. Those members are
15 the bedrock of your union and I'm proud to represent them
16 here today.

17 But the reason I'm here is not just the
18 composition of the BCGEU's membership, it's because of the
19 vision of our members.

20 The BCGEU is more than a union. We are
21 part of a movement to create a more just society where all
22 people have access to human rights, including the right to
23 feel and be safe in their communities and their homes, and
24 all people are treated with dignity, respect and fairness.
25 It's that commitment to social justice that brings me here

1 today.

2 My journey to this podium began at the 2014
3 BCGEU Convention. It was the convention at which I was
4 elected as President and it was at that convention, which
5 our members submitted and passed Resolution C-100, which I
6 will read in part for you now.

7 "The BCGEU will work with our partners
8 to create an action plan and to raise
9 awareness of the need for a national
10 public inquiry into the missing and
11 murdered Indigenous women in Canada."

12 (As read)

13 That action plan resulted in, among other
14 things, our application to participate in the Missing
15 Murdered Women's Inquiry when it was first announced in
16 2015.

17 By the time of the BCGEU's next convention
18 in 2017, our application for standing had been submitted.
19 At that convention, our members passed three additional
20 resolutions relevant to the mandate of this inquiry, which
21 I will read in part for you now. Resolution D-237:

22 "This convention calls on the Federal
23 Government to ensure the Missing and
24 Murdered Indigenous Women and Girls
25 Inquiry is extensive, authentic and

1 completed, and calls on the members of
2 our union to develop specific action
3 plans that support any Truth and
4 Reconciliation Commission calls-to-
5 action that are relevant to their
6 sector and urges the BCGEU leadership
7 to request meetings with members
8 organisations in the First Nations
9 Leadership Council and the Metis
10 Nation of B.C. to develop strategic
11 plans to work together to advance the
12 rights of Aboriginal peoples in the
13 workplace and throughout society.”

14 (As read)

15 We also had Resolution D-238:

16 “The BCGEU will continue to lobby all
17 levels of government and support
18 current Indigenous advocacy
19 organisations to continue their work
20 in advocating for the families and
21 friends of the Missing and Murdered
22 Indigenous Women and Girls.” (As
23 read)

24 And finally, Resolution D-239:

25 “The BCGEU will lobby the government

1 at the federal, provincial,
2 territorial and Aboriginal levels, to
3 action all 94 calls-to-action as
4 stated in the Truth and Reconciliation
5 Commission Report." (As read)

6 I read these resolutions to illustrate the
7 commitment of our members, Indigenous and non-Indigenous
8 alike, to be allies to Indigenous sisters, brothers,
9 friends and neighbours in the national project of
10 decolonization and to walk with them on the path to
11 reconciliation.

12 The goal of the BCGEU's membership is not
13 dissimilar to what the Commission has heard from families,
14 experts and other parties throughout this inquiry.

15 Throughout this submission and our ongoing
16 commitment to decolonization and reconciliation in all
17 aspects of our Union's work, as well as the services
18 provided by our members in their workplaces, the BCGEU is
19 committed to creating a society of equals capable of fully
20 dismantling Canada's colonial legacy and the resulting
21 institution and structures that have marginalized,
22 dehumanized and victimized Indigenous people, particularly
23 women, girls, trans and two-spirit people, and has
24 systemically deprived them of their basic human rights,
25 supports, prosperity, dignity and standing.

1 In the service of that goal, the BCGEU
2 supports the full and immediate implementation of all 94
3 calls-to-action of the Truth and Reconciliation
4 Commission, the full and immediate implementation of all
5 recommendations of the United Nations' declaration on the
6 rights of Indigenous peoples, and I can assure this
7 Commission, the BCGEU will support the full and immediate
8 implementation of any and all actionable recommendations
9 that arise from this inquiry.

10 In the service of that goal, our members
11 called for and guided our Union's participation in this
12 inquiry. That participation and my submissions here
13 today, are rooted in the lived experience of our
14 Indigenous members, as well as the unique perspective and
15 expertise of our members as workers who provide critical
16 services to the Indigenous women and girls, trans and two-
17 spirit peoples.

18 Once we were granted standing to tap into
19 that perspective, our Union held three member consultation
20 conferences in the spring of 2018, in Prince George,
21 Vancouver and Victoria.

22 The consultation process was very carefully
23 planned. It was designed in the spirit of truth telling,
24 and each session started with a traditional welcome by an
25 Elder. We aimed to make each session a safe environment

1 for participation.

2 Our process was trauma-informed because, as
3 noted by the Commission counsel in her review of testimony
4 heard at the opening of Calgary's hearings, truth is not
5 easy to tell and it is not easy to listen to either.

6 We were fortunate to have the gifted Jeremy
7 Jones of the Indian Residential School Survivor Society in
8 attendance to support in the proceedings and to support
9 individual members.

10 All efforts were made to remove barriers
11 and ensure broad participation. Our process was open to
12 all genders in recognition of the vital role of men and
13 boys in ending the cycle of violence and to both
14 Indigenous and non-Indigenous members, because the work of
15 reconciliation and decolonisation is the work of all
16 Canadians.

17 Each session spanned three days to allow
18 for travel time and travel was arranged and funded by our
19 union to support travel from any geographic region.

20 By the time our sessions were complete,
21 more than 100 members had participated, sharing their
22 personal experience, professional expertise and wisdom
23 with this Inquiry. Most of the participants were
24 Indigenous, and an overwhelming proportion were women.

25 They came from a wide range of professional

1 backgrounds across the public service, including child and
2 family development, public safety, environmental and
3 resource management, Aboriginal friendship centres,
4 delegated Aboriginal agencies, transition houses and
5 health authorities.

6 Throughout our process we remained mindful
7 of the timelines, mandate and processes that are imposed
8 on parties with standing by the Commission, which were and
9 remain a challenge.

10 Each session was professionally facilitated
11 and the Vancouver session was observed by a graphic
12 recorder whose work is included in our report.

13 Based on the frontline knowledge and lived
14 experience shared by our members throughout our
15 consultation process, the BCGEU's recommendations cover
16 several areas of public service and fall into two general
17 categories.

18 The first category is the need to address
19 the systemic barriers that our members identified as
20 having caused and perpetuated the vulnerability of
21 Indigenous women and girls, trans and two-spirit people.
22 Systemic racism rooted in the fact that the institutions
23 that shape Canadian society, from media and Popular
24 Culture, to our education and justice systems, were built
25 on colonial rules and values and inherently dismiss and

1 devalue Indigenous people and their practices.

2 One member noted the Canada Good Guide as
3 an example. Until 2007, the Guide's recommendations were
4 based exclusively on western understanding of nutrition,
5 rendering Indigenous customs and practice invisible.

6 Systemic racism was also noted in the
7 submission of the -- I'm sorry if I say this incorrectly -
8 - NunatuKavut Community Council at the Calgary hearings.
9 The Council's representative said, "Education is what got
10 us into this mess and education is the only way to get us
11 out", as he called for the decolonisation of the education
12 system, particularly the public school system.

13 The Commission Council also noted the
14 impact of systemic racism. In her review of testimony
15 heard at the Calgary hearing she highlighted the use of
16 population culture as a tool for nation-building and the
17 outcome of that tool that Indigenous are either stereo-
18 typed or, again, rendered invisible.

19 Also noted by our members were the
20 interrelated barriers of lack of infrastructure and
21 services in Indigenous communities, particularly rural and
22 remote communities, and a lack of coordination and
23 integration of the services that do exist.

24 In terms of service gaps, many members
25 talked about the tragic legacy of Highway 16, B.C.'s

1 infamous Highway of Tears, as an example of how the lack
2 of safe, reliable transportation between remote and rural
3 communities has resulted in scores of disappearances and
4 deaths that have destroyed families and communities.

5 Other members talked about how lack of
6 transportation options left their clients with no way to
7 seek employment, take advantage of training or education
8 opportunities, or leave abusive relationships and
9 dangerous lifestyles.

10 One member, who was a social worker, told
11 us, "You cannot have a baby in Burns Lake", referring to
12 the complete lack of primary care services available for
13 women who lack the resource to travel. Maternal care was
14 not the only such service mentioned in our sessions.

15 Another critical barrier identified by our
16 members was the lack of culturally sensitive structures
17 and approaches in the public service to support Indigenous
18 clients and workers. Several members, particularly those
19 working in Child Protection Family Services and transition
20 houses, talked about how valuable it would be to have
21 Elders on staff or on contract and how local First Nations
22 were willing to work with them and how the barrier to
23 making that work was the hiring policies of the provincial
24 government and public service agency, which focus on
25 credentials and criteria that exclude many, if not all,

1 Elders.

2 A related barrier identified was the
3 dismissal and devaluing of the traditional cultural
4 knowledge and practice of both Indigenous clients and
5 Indigenous workers. Examples of this barrier in action
6 included unjust policy frameworks that govern the work
7 many public service workers, particularly framework
8 related to family support and separation. In their
9 submission to this Commission, other parties have referred
10 to the so-called "child protection practices" as toxic
11 interference in the lives, families and communities of
12 Indigenous people.

13 One of our members, an Indigenous woman and
14 social worker, echoed that sentiment and told us, "Just
15 because we may be poor doesn't mean we are bad parents."

16 Another example was shared by a member who
17 had attempted to offer smudging for the clients at the
18 transition house in which she worked, but was told such a
19 practice would violate the facility's no scent policy.

20 Still another example came from an
21 Indigenous worker who was denied leave from work to
22 participate in her nation's ceremonial observances and
23 celebrations.

24 We also heard from members working in
25 corrections and community corrections who noted the lack

1 of access to restorative justice approaches to Indigenous
2 women and girls, trans and two-spirited people who are
3 already in the justice system.

4 The final barrier I will mention here, and
5 it is the barrier that amplifies the damage done by all
6 the others, is the lack of resources, capacity and
7 supports within the public service to identify and
8 implement new approaches. Across ministries and regions
9 this was a theme that emerged time and time again from our
10 members. Years of cuts and contracting out have left
11 frontline workers stretched to the brink without the time
12 or resources to restructure their work, to properly serve
13 the Indigenous women and girls, trans and two-spirit
14 clients or their communities, or to properly do the work
15 of decolonisation and reconciliation that is so
16 desperately needed throughout the public service.

17 Over and over we heard from members who had
18 seen and understood the value of new approaches, but
19 couldn't see a way to put them into practice.

20 So the BCGEU recommends that the
21 Commission's findings, at a bare minimum, address systemic
22 racism, the lack of public infrastructure and services,
23 the lack of coordination and integration of public
24 services, lack of culturally sensitive structures and
25 approaches in the design and delivery of public services,

1 the dismissal and devaluing of the Indigenous cultural
2 knowledge and practices, and the lack of resources,
3 capacity and supports within the public service to
4 identify and implement new approaches.

5 Barriers were not all that was discussed at
6 our consultation sessions. Our members also shared with
7 us their experience with approaches that they knew are
8 working for the Indigenous clients and communities they
9 serve and that should be recognized, celebrated, expanded,
10 and supported.

11 Examples of approaches that increase the
12 representation, relevance, and influence of Indigenous
13 voices in public service and in communities included
14 promoting the recruitment and retention of Indigenous
15 workers throughout the public and social services sectors,
16 training and educating non-Indigenous workers throughout
17 the public and social services sectors in the history and
18 the impacts of colonization, family and child services
19 that recognize the value of Indigenous culture and
20 prioritize keeping families intact supporting healthy
21 relationships, delegated Aboriginal agencies, Aboriginal
22 friendship centres, and other programs that incorporate
23 Indigenous educational, social, familial, and cultural
24 wisdom and practices to build strong families and
25 communities.

1 Our members also shared examples of
2 approaches that aim to address the damage already done to
3 Indigenous clients and their communities, including
4 education and training and other supports for Indigenous
5 youth who are aging out of care, access to restorative
6 justice, Native court worker programs, and First Nations
7 courts for those already in the system, application of
8 harm reduction approaches for those dealing with
9 addiction, and availability of low or no barrier programs
10 for those living with addiction in combination with mental
11 and physical health challenges, above all wraparound
12 integrated services that eliminate bureaucratic silos in
13 favour of a focus on client outcomes.

14 The BCGEU recommends that the
15 Commissioners' findings include the identification of
16 programs and practices in the public service that are
17 having a positive impact on Indigenous women and girls and
18 the requirement to expand and support those programs and
19 practices.

20 Over the course of our consultation
21 process, throughout the sharing of stories about what was
22 working and what was not, several broad themes emerged,
23 the what we want for ourselves we desire for all; a
24 foundational principle in the labour movement is a
25 principle that applies to the work of reconciliation and

1 decolonization as well; that safety and security should be
2 the new normal for Indigenous women and girls, trans, and
3 Two-Spirit people; that every one of Canada's missing or
4 murdered Indigenous women whose had her voice silenced
5 that the job of this Inquiry and all of us who are
6 participating in it is to give those voices back, and
7 perhaps most importantly, that the immense potential of
8 well-structured, appropriately funded, culturally informed
9 public and social services to drive the change we need to
10 build the society we want cannot be ignored.

11 Finally, the BCGEU recommends that the
12 Commissions' findings include explicit recognition of the
13 centrality of properly funded, well-structured, culturally
14 informed public services and public servants in the
15 safety, security, resilience, and prosperity of Indigenous
16 women and girls.

17 I want to say in closing, I recognize the
18 enormity of your work. The deaths and disappearances of
19 Indigenous women and girls, trans, and two-spirit people
20 is nothing short of a crisis, which you've heard from
21 many, many parties in these submissions. It's a crisis
22 that everyone in this room, and many generations before
23 us, have known about and some have willfully ignored for
24 too long.

25 Ultimately, I am here on behalf of BCGEU

1 members for the same reason every other party's
2 representative has come here, because we believe that this
3 crisis and the systemic marginalization, dehumanization,
4 and oppression that caused it can be stopped. We believe
5 the damage done by generations of social, cultural,
6 political, religious, and economic abuse and negligence of
7 Indigenous peoples can be repaired. We believe that a
8 future where Indigenous people, especially women, girls,
9 trans, and two-spirit people are fully equally, safe, and
10 prosperous in all aspects of our society is possible, and
11 we believe that anything less is unacceptable.

12 I echo the call of the Union of B.C. Indian
13 Chiefs and Amnesty International that the Commission be
14 bold and brave in its work, and that the Commissioners aim
15 to issue a report and recommendations that are both
16 ambitious and actionable for all parties.

17 And I'm going to take that one step further
18 and call on the Commission to issue recommendations that
19 the members and staff of the BCGEU can use in all aspects
20 of their work, collective bargaining and negotiating with
21 our employers, engaging our existing members at their work
22 sites and in their communities, engaging with and
23 organizing new members into our union, representing our
24 members in front of courts and tribunals, working with
25 elected officials and our partners in the labour movement

1 and the media to affect our social change agenda and in
2 our lives outside of work and throughout our society.

3 I'm here today to add the more than 77,000
4 voices to those calling on this Commission to build a
5 foundation on which to overcome our history and to build
6 our future.

7 Before I close today, I do want to express
8 my deepest gratitude and respect to a few people. To the
9 members and the staff of the BCGEU who worked so
10 diligently and so hard and who are so committed to
11 continuing the work on this most vital project of
12 reconciliation and decolonization, especially our
13 provincial executives Equity and Human Rights Committee,
14 the Project Advisory Committee for this Commission of
15 Inquiry, and Keith Cameron, who is our Aboriginal Liaison
16 officer, all of whom collectively chartered the course of
17 the BCGEU's participation in the Inquiry.

18 To the members who told their truth and
19 shared their story with us as part of our consultation
20 process so that we could make this submission to you.

21 To the people that created a safe
22 supportive environment for our members throughout the
23 process, facilitator Roseanne Timbrell and Jeremy Jones
24 and the Elder support network from the Indian Residential
25 School Survivor Society.

1 And to the families who have told us their
2 stories, who have told their stories to this Commission,
3 and the parties who have given testimony.

4 And on behalf of the 77,000 members of the
5 BCGEU, those are my submissions.

6 Thank you.

7 **(APPLAUSE/APPLAUDISSEMENTS)**

8 **MS. VIOLET FORD:** Thank you, legal counsel.
9 Chief Commissioner and Commissioners, do
10 you have any questions?

11 **COMMISSIONER QAJAQ ROBINSON:** I don't have
12 any questions. But I would like to thank you for your
13 submissions and for bringing the voice and perspective of
14 your members to the inquiry. Thank you.

15 **COMMISSIONER BRIAN EYOLFSON:** I don't have
16 any questions either. I just also want to say thank you
17 very much for being here and providing us with your
18 submissions this afternoon.

19 **MS. STEPHANIE SMITH:** Thank you.

20 **COMMISSIONER MARION BULLER:** I repeat what
21 my colleagues have said. Thank you very much for being
22 here. You've provided some very compelling submissions, a
23 lot for us to think about. I look forward to reading your
24 written submissions. Thank you so much.

25 **MS. STEPHANIE SMITH:** Thank you.

1 **(APPLAUSE/APPLAUDISSEMENTS)**

2 **MS. VIOLET FORD:** Thank you to the
3 representatives of the parties with standing.

4 And Chief Commissioner and Commissioners, I
5 seek your direction in adjourning at this time and to
6 reconvene at 8:30 tomorrow morning.

7 **COMMISSIONER MARION BULLER:** Yes, for our
8 record we'll adjourn for today and reconvene tomorrow
9 morning at 8:30, but I believe we still have our closing.

10 **MS. VIOLET FORD:** Yes.

11 **COMMISSIONER MARION BULLER:** Thank you.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **MS. CHRISTINE SIMARD-CHICAGO:** So good
14 afternoon, everyone. I hope today was a good day of
15 listening and input into the Inquiry final submissions.

16 We're going to start with our closing
17 ceremonies.

18 So today I'd like to call up Grandmother
19 Bernie Poitras or Granny Bernie, as she prefers, to start
20 the process of the commitment sticks.

21 **M. CHRISTIAN ROCK:** Donc, merci à tout le
22 monde. On va maintenant procéder avec la cérémonie de
23 clôture de la journée. On va inviter les *drummers* à
24 s'installer pour la chanson de fermeture.

25 Dans l'intervalle, on va laisser la parole

1 à notre aînée, Madame Bernie Williams, qui va vous faire
2 part des bâtons d'engagement.

3 **MS. BERNIE POITRAS:** I just want to say is
4 *Howa* again. On this part we would like to honour the
5 Parties with Standing as we are doing every day for the
6 next few more days. I'd like to explain these commitment
7 sticks are from an elder back in 2015, Fred Johnson from
8 Alkali Lake. Anyways, he designed this. And this
9 commitment stick serves as your personal commitment to
10 live violence free and as a reminder of the values of the
11 life of our Indigenous women and girls, and that.

12 So we'd like to say *Howa* again on behalf of
13 the Commissioners and also Michèle Audette. This was
14 Michèle's endeavour to make sure that this was done, but
15 to also acknowledge yourself too, because without you, we
16 couldn't get this work done, and to acknowledge the
17 families and the survivors too. I want to say *Howa* and
18 especially to the elders, say *Howa* to you again.

19 We'd like to start to invite the
20 Commissioners up here to present the sticks.

21 We'd like to invite the Government of
22 Canada, Anne Turley and parties, if she is here.

23 And please just wait over here. Thank you.
24 My apologies.

25 And the Parties with Standing, Amnesty

1 International is Jacqueline Hansen, if she is here.

2 And this is a very long one, so if I don't
3 say it properly just bear with me. The Inuit Women of
4 Canada, the Pauktuutit and the AnânuKatiget Tumingit
5 Regional Inuit Women's Association, and the Saturviit
6 Inuit Women's Association of Nunavik, Ottawa Inuit
7 Children's Centre and Manitoba Inuit Association are
8 Rebecca Kudloo, if she is here. Have they all left?

9 And the Commissioners would like to
10 acknowledge the Canadian Feminist Alliance for
11 International Action and Partners Canada Without Poverty
12 with Dr. Pamela Palmater and Shelagh Day, if they're here.

13 The Commissioners would like to acknowledge
14 the Canadian Association of Chiefs of Police, Ashley Smith
15 and party.

16 And Parties with Standing, the
17 Commissioners would also like to acknowledge the Canadian
18 Association of Police Governance and First Nations Police
19 Governance Council, which is Loretta Pete and party,
20 please.

21 And of course, my union, the BCGE,
22 Stephanie Smith and parties. There's four of them. I
23 think there's three.

24 **(LAUGHTER/RIRES)**

25 **MS. BERNIE POITRAS:** Where's the camera

1 person?

2 And we have one more at the camera person.

3 If you guys can stand over there.

4 And if the drummers can be so kind to do an
5 honour song, and I want to say *Howa* to all of you again
6 and again to the families and the survivors. *Howa* and the
7 elders.

8 (HONOUR SONG BY/CHANT D'HONNEUR)

9 MS. BERNIE POITRAS: *Miigwetch*. I'd like
10 to call upon our elders Vince and Elaine and Rita.

11 M. CHRISTIAN ROCK: Alors, merci. Je
12 voudrais demander à nos aînés de se
13 présenter devant pour la prière de fermeture.

14 (CLOSING PRAYER/PRIÈRE DE FERMETURE)

15 MS. ELAINE KICKNOSWAY: So boozhoo, Aanii,
16 tansi, kwe kwe. I give thanks for the fire today as it
17 stayed lit throughout the day. And I give thanks to the
18 snow that fell today, the waters that we talked about, and
19 the interrelations that we have. And this space is
20 interrelated with us as we live today, interrelated with
21 our murdered and missing and interrelated with the spirit
22 that they carry in us.

23 I give thanks for knowing the different
24 supports that are out there, the resources, or even just
25 to sit in here and listen. And knowing that we carry it,

1 carry it across this turtle's back to go back to the water
2 and the land, and know that the voices that are shared and
3 continue to be shared that they're heard, they're heard by
4 the different ages that are coming, from that little girl
5 that was here yesterday, to the pregnant women that were
6 in this room. They heard the vibration and they could
7 feel it, to know that the next generation is also hearing
8 it too, to watch over each other, and that care and that
9 love and the guidance that comes from in that gracefulness
10 of breathing in this day.

11 So I give thanks for everyone that came
12 today as we all do in that place of waking up, and I give
13 thanks for the shells that were here. And as you carried
14 yourself, and I could hear that medicine with that shell
15 and reminding us of that breath of life and the breath of
16 life that has also been taken. So we give thanks for that
17 memory and reminder that we're to watch over each others'
18 medicine.

19 We give thanks for the drummers and their
20 song as offered in our healing and also the sticks that
21 you carry and the commitments. And we carry on. We
22 continue to carry on. Meegwetch.

23 **MS. RETA GORDON:**

24 "A voice was heard in Ramah, wailing
25 and lamenting, Rachel weeping for her

1 children. She refused to be consoled
2 because they are no more." (As read)

3 Chapter 2:18.

4 Creator, may you hear the voices of your
5 children who weep, and wail, and lament because their
6 daughters, sisters, mothers, aunties, grandmothers are no
7 more. Please give your children the strength to face the
8 sad tomorrows 'til their loved ones' remains are returned
9 to them. Bless all your daughters here today and keep
10 them all in safety from harm. Bless each and every one of
11 you gathered here.

12 To every one of the presenters, the
13 workers, I've learned so much and so much has touched me.
14 How some people are out there working and they're not even
15 Indigenous but they're helping all the Indigenous women.
16 We thank you, and God keep you safe on your way home.
17 Thank you.

18 **MR. VINCENT KICKNOSWAY:** Boozhoo, aanii.
19 (Speaking Indigenous language.)

20 We are so grateful for who we are as
21 humankind. We acknowledge all of life's creations in
22 regards to what we have utilized within our own selves of
23 what we have as our abilities to see, hear, smell, speak,
24 taste, and feel. These are important elements to our
25 daily lives in enabling us to fulfill our roles and

1 responsibilities.

2 We ask and give thanks to the Commissioners
3 for these abilities, and we acknowledge all those who are
4 presenters in bringing forth their thoughts and minds.
5 And that we may within our own individual selves and as an
6 entity, a group, come together and find those solutions to
7 resolve these issues that are at hand.

8 We are so grateful for all the helpers that
9 come around and provide that support and guidance
10 throughout the day. We are so grateful and recognizing
11 all the wonderful foods that were brought forth to us to
12 nourish our mind and our body and our spirits. We are so
13 grateful.

14 We ask at this time to give thanks to
15 Gitche Manitou who has provided that insight and that
16 support for us throughout this day, and we say to those
17 four directions to continue guiding us through the rest of
18 this day and throughout this evening so that we may rest
19 our minds, our body, and our spirit.

20 So with that in mind to those four
21 directions we say (speaking Indigenous language).
22 Meegwetch.

23 **MS. CHRISTINE SIMARD-CHICAGO:** Meegwetch.
24 We'll ask the Eagle River Drummers for our closing drum
25 song.

1 **MR. CHRISTIAN ROCK:** On va demander aux
2 joueurs de tambours de Eagle River de nous faire la
3 chanson de fermeture.

4 **(CLOSING SONG AND DRUMS/CHANT DE FERMETURE ET TAMBOURS)**

5 **MS. CHRISTINE SIMARD-CHICAGO:** Okay. We
6 have one final thing to do and that's with Louise today to
7 extinguish our Qulliq.

8 **MR. CHRISTIAN ROCK:** O.k. Il nous reste
9 l'extinction du Qulliq.

10 **(EXTINGUISHING OF QULLIQ/EXTINCTION DU QULLIQ)**

11 **ELDER LOUISE HAULLI:** (Speaking Inuktitut.)

12 **COMMISSIONER QAJAQ ROBINSON:** Our keeper of
13 the Qulliq had a family matter, urgent family member to
14 tend to, so Louise is stepping in to extinguish and attend
15 to Qulliq and extinguish it this evening.

16 **MS. LOUISE HAULLI:** (*Speaking Inuktitut*).

17 **COMMISSIONER QAJAQ ROBINSON:** (*Speaking*
18 *Inuktitut*)?

19 **MS. LOUISE HAULLI:** (*Speaking Native*
20 *Language Inuktitut*).

21 **COMMISSIONER QAJAQ ROBINSON:** Eelee
22 reminded me this morning that we used to have one name,
23 just one name, our name, that we were given. My name is -
24 -

25 **MS. LOUISE HAULLI:** (*Speaking Native*

1 *Language*).

2 **COMMISSIONER QAJAQ ROBINSON:** *(Speaking*
3 *Inuktitut)*.

4 **MS. LOUISE HAULLI:** *(Speaking Inuktitut)*.

5 **COMMISSIONER QAJAQ ROBINSON:** If you're
6 able to say it, I will look at you. *(Speaking Inuktitut)*.

7 **MS. LOUISE HAULLI:** Yeah. *(Speaking*
8 *Inuktitut)*.

9 **COMMISSIONER QAJAQ ROBINSON:** I'm going to
10 say a prayer with Eelee and her family in mind, as well as
11 this work, and then I will extinguish the Qulliq.

12 **MS. LOUISE HAULLI:** *(Speaking Inuktitut)*.

13 **COMMISSIONER QAJAQ ROBINSON:** I won't
14 translate the prayer, and when she's done, she'll
15 extinguish the flame.

16 (CLOSING PRAYER)

17 **MS. LOUISE HAULLI:** *(Speaking Inuktitut)*.
18 Let's have a good night.

19 **MS. CHRISTINE SIMARD-CHICAGO:** Goodnight,
20 everybody. Pipe ceremony tomorrow at 7 a.m. in the Quebec
21 Room.

22 **M. CHRISTIAN ROCK:** Merci à tout le monde.
23 On vous souhaite une bonne soirée. La cérémonie de la
24 pipe aura lieu demain matin à 7h00 du matin et les
25 audiences reprendront à 8h30, merci.

1 --- Upon adjourning at 4:12 p.m./L'audience est ajournée à
2 16h12

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LEGAL DICTA-TYPIST'S CERTIFICATE

6

7

I, Félix Larose-Chevalier, Court Transcriber, hereby

8

certify that I have transcribed the foregoing and it is a

9

true and accurate transcript of the digital audio provided

10

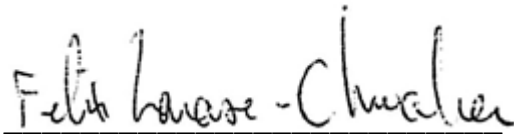
in this matter.

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14

A handwritten signature in black ink, reading "Félix Larose-Chevalier". The signature is written in a cursive style and is underlined.

15

Félix Larose-Chevalier

16

Dec 11, 2018

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