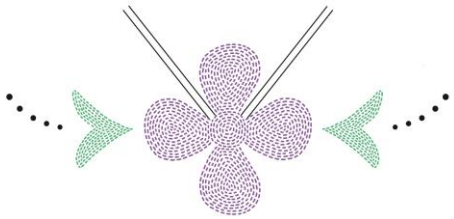
National Inquiry into
Missing and Murdered
Indigenous Women and Girls

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
Parts 2 & 3 Institutional & Expert/Knowledge-Keeper "Criminal Justice Oversight and Accountability"
Hilton Hotel, Kent & Palais Rooms
Québec City, Québec



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Panel 5: "Indigenous Rights & Grassroot Activism"

Witness: Ellen Gabriel

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

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

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

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

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

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

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

Merci.

(MUSICAL PRESENTATION)

MS. PÉNÉLOPE GUAY: Merci, Jenny.

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

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

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

ELDER REBECCA VEEVEE: *Ullakuut*.

COMMISSIONER QAJAQ ROBINSON: Good morning.

ELDER REBECCA VEEVEE: (Speaks in Inuktitut).

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

ELDER REBECCA VEEVEE: (Speaks in Inuktitut).

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

ELDER REBECCA VEEVEE: (Speaks in

Inuktitut).

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

ELDER REBECCA VEEVEE: (Speaks in Inuktitut).

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

ELDER REBECCA VEEVEE: (Speaks in Inuktitut).

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

ELDER REBECCA VEEVEE: (Speaks in Inuktitut).

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

MS. NADINE GROS-LOUIS: Nakurmiik.

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

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

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

Merci beaucoup et à 8 h 30.

--- Upon recessing at 8:16

--- Upon resuming at 8:39

MS. FANNY WYLDE: Okay. Donc, nous allons débuter. We are going to start.

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

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

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

ELLEN GABRIEL, Affirmed:

MR. BRYAN ZANDBERG: Thank you.

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

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

MS. ELLEN GABRIEL: Good morning.

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

MS. ELLEN GABRIEL: Okay.

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

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

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

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

MS. ELLEN GABRIEL: Well, it comes from

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

going on.

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

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

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

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

--- EXHIBIT 50:

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

Instruments, Programs and Resources"
2012 (24 pages)

MS. FANNY WYLDE: Thank you.

MS. ELLEN GABRIEL: I'm still learning your process here, so I won't make -- sort of scattered here.

I work in language and culture. I've worked since 1991 in language and culture and one of the things that I think makes me proud is the fact that this was the strength of our people. This is one of the foundational pillars and you cannot take away the identity of Indigenous people without that. You cannot say that we don't have an identity when it's still there.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. ELLEN GABRIEL: Yes.

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

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

--- Exhibit 51:

Convention on the Elimination of All Forms of Discrimination Against Women from the United Nations - March 30, 2015
Witness: Ellen Gabriel - Femmes

autochotones du Québec
Submitted by Fanny Wylde, Commission Counsel

MS. FANNY WYLDE: Correct. Thank you.

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

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

being applied.

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

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

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

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

MS. FANNY WYLDE: Thank you.

--- Exhibit 52:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

talk about this."

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

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

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

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

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

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

And they quote RCAP:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And, to have abuse committed against women

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

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

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

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

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

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

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

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

have a right to demonstrate?

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

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

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

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

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

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

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

I think government is looking at changing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. ELLEN GABRIEL: It depends on the question.

MS. FANNY WYLDE: Okay.

MS. ELLEN GABRIEL: Yes.

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

CHIEF COMMISSIONER MARION BULLER: Of course.

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

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

MS. FANNY WYLDE: Thank you.

--- Upon recessing at 10:12

--- Upon resuming at 10:49

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

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

MS. ELIZABETH ZARPA: Ula kuut (phonetic),

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

MS. ELLEN GABRIEL: No.

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

MS. ELLEN GABRIEL: Ellen. You can just call me Ellen.

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

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

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

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

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

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

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

In legal terms, they are considered modern day treaties.

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

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

MS. ELLEN GABRIEL: No.

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

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

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

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

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

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

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

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

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

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

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

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

MS. ELIZABETH ZARPA: Thank you.

MS. FANNY WYLDE: The next person to be

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

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

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

MS. ELLEN GABRIEL: M'hm.

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

MS. ELLEN GABRIEL: M'hm.

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

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

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

MS. CATHERINE DUNN: That's right.

MS. ELLEN GABRIEL: --- a victim.

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

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

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

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

MS. CATHERINE DUNN: Yes.

MS. ELLEN GABRIEL: --- alone ---

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

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

MS. CATHERINE DUNN: Right.

MS. ELLEN GABRIEL: That's a different

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

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

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

MS. CATHERINE DUNN: All right.

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

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

MS. CATHERINE DUNN: That's fair enough.

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

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

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

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

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

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

MS. ELLEN GABRIEL: For any mother.

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

MS. ELLEN GABRIEL: For any mother, yes.

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

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

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

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

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

MS. CATHERINE DUNN: I think I am just

going to leave it there. Thank you very much.

MS. ELLEN GABRIEL: Thank you.

MS. FANNY WYLDE: Thank you, Ms. Dunn. Next is Assembly of First Nations, Julie McGregor, for 13.5 minutes.

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

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

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

MS. ELLEN GABRIEL: Yes.

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

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

MS. ELLEN GABRIEL: No.

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

Indigenous women and children enjoy the full protection and guarantees against all forms of violence."

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

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

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

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

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

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

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

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

MS. ELLEN GABRIEL: Absolutely.

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

MS. ELLEN GABRIEL: Yes, I understand.

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

MS. ELLEN GABRIEL: Mm-hmm.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. ALISA LOMBARD: Thank you.

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

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

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

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

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

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

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

MS. ALISA LOMBARD: Thank you. Those are my questions.

MS. ELLEN GABRIEL: Thank you.

MS. FANNY WYLDE: Thank you.

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

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

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

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

MS. CAROLINE WAWZONEK: Thank you.

And good morning. My gratitude for the

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

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

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

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

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

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

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

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

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

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

MS. CAROLINE WAWZONEK: Thank you.

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

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

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

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

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

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

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

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

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

MS. CAROLINE WAWZONEK: Thank you.

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

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

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

MS. CAROLINE WAWZONEK: Thank you.

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

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

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

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MS. CAROLINE WAWZO: Yes.

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

MS. CAROLINE WAWZO: That's right.

MS. ELLEN GABRIEL: Yes, for sure.

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

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

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

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

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

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

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

MS. CAROLINE WAWZO: Thank you very much. Maseecho.

MS. FANNY WYLDE: Thank you.

Next is Amnesty International Canada, Mr.

Justin Mohammed for 10.5 minutes.

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

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

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

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

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

The first one is:

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

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

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

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

MR. JUSTIN MOHAMMED: Thank you.

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

MS. ELLEN GABRIEL: M'hm.

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

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

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

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

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

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

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

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

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

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

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

MR. JUSTIN MOHAMMED: Thank you.

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

MS. ELLEN GABRIEL: M'hm.

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

important?

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

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

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

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

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

MR. JUSTIN MOHAMMED: Thank you.

MS. FANNY WYLDE: Thank you. Next is Femmes autochotones du Quebec, Rainbow Miller; 13.5 minutes for Ms. Miller. Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. ELLEN GABRIEL: I appreciate them. Thank you.

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

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

MS. FANNY WYLDE: Okay, thank you.

--- Upon recessing at 12:06

--- Upon resuming at 13:07

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

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

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

MS. ELLEN GABRIEL: Please.

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

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

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

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

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

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

And, I am thinking of a friend of mine who

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

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

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

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

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

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

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

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

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

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

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

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

MS. STACEY SOLDIER: Absolutely. Thank you so much again.

MS. ELLEN GABRIEL: Thank you.

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

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

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

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

organization for the Inuit of southern and central Labrador.

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

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

MS. ELLEN GABRIEL: Yes.

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

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

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

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

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

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

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

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

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

MS. ELLEN GABRIEL: Mm-hmm.

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

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

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

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

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

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

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

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

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

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

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

orders to respect corporations' rights on Indigenous land.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. ELLEN GABRIEL: Thank you.

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

10.5 minutes.

--- CROSS-EXAMINATION BY MS. KRYSTYN ORDYNIEC:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. ELLEN GABRIEL: Wow.

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

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

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

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

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

MS. KRYSTYN ORDYNIEC: Senator Beyak.

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

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

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

schools, children had an education.

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

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

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

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

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

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

MS. KRYSTYN ORDYNIEC: Thank you for that.

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

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

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

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

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

MS. KRYSTYN ORDYNIEC: Thank you, again.

MS. FANNY WYLDE: Thank you. Next is

Families for Justice, Suzan Fraser, for 10.5 minutes.

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

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

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

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

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

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

MS. ELLEN GABRIEL: Yes.

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

MS. ELLEN GABRIEL: Yes.

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

MS. ELLEN GABRIEL: Yes.

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

MS. ELLEN GABRIEL: Yes.

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

MS. ELLEN GABRIEL: Yes.

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

MS. ELLEN GABRIEL: Yes.

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

MS. ELLEN GABRIEL: And within.

MS. SUZAN FRASER: And within.

MS. ELLEN GABRIEL: Yes.

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

MS. ELLEN GABRIEL: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

as we are.

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

MS. ELLEN GABRIEL: Yes, I am.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It may take another hundred years for us to

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

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

MS. CARLY TEILLET: Thank you. Merci. Meegwetch.

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

10.5 minutes.

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

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

MS. ELLEN GABRIEL: Ellen, yes.

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

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

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

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

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

MS. MICHELLE BRASS: Mm-hmm.

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

MS. MICHELLE BRASS: Okay. Without the lid.

MS. ELLEN GABRIEL: Without the lid, yes.

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

MS. ELLEN GABRIEL: Mm-hmm.

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

MS. ELLEN GABRIEL: To a certain degree, yes.

MS. MICHELLE BRASS: Yes, okay. I wanted

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

MS. ELLEN GABRIEL: No.

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

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

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

MS. MICHELLE BRASS: Oh, okay.

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

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

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

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

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

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

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

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

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

MS. MICHELLE BRASS: Right.

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

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

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

MS. MICHELLE BRASS: Okay. And, maybe that

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

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

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

MS. ELLEN GABRIEL: And, that is great.

MS. MICHELLE BRASS: Yes. And, that they ---

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

MS. MICHELLE BRASS: Oh, sorry.

MS. FANNY WYLDE: Thank you.

MS. MICHELLE BRASS: Thank you.

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

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

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

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

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

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

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

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

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

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

MS. ELLEN GABRIEL: Are you talking about human development, sustainable development, resource development...

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

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

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

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

MS. ELLEN GABRIEL: Yes, that is correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. FANNY WYLDE: Thank you. Next is Independent First Nations, Josephine de Whytell, Daniel McCrory (phonetic), 10.5 minutes. Ms. de Whytell is

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

--- CROSS-EXAMINATION BY JOSEPHINE DE WHYTELL:

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

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

MS. ELLEN GABRIEL: Yes.

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

MS. ELLEN GABRIEL: Yes.

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

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

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

MS. ELLEN GABRIEL: It's a fact.

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

MS. ELLEN GABRIEL: I embrace it.

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

MS. ELLEN GABRIEL: Yes.

MS. JOSEPHINE DE WHYTELL: Crimes against

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

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

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

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

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

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

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

cannot put a dollar match to that.

So, as I said previously this morning, Canadians have to move beyond the guilt, acknowledge and respect the past, and help us progress, because we are spinning our wheels in the mud with the repackaging of colonization.

MS. JOSEPHINE DE WHYTELL: Thank you for that answer. Are you aware of the crimes against humanity and War Crimes Act which makes genocide an indictable crime in Canada?

MS. ELLEN GABRIEL: I am vaguely aware of it, yes.

MS. JOSEPHINE DE WHYTELL: Are you also aware of the TRC Calls to Action, specifically Call to Action 25, which calls upon the federal government to re-affirm in written policy the independence of the RCMP to investigate crimes in which Canada has a potential or real interest?

MS. ELLEN GABRIEL: To re-affirm you said?

MS. JOSEPHINE DE WHYTELL: Mm-hmm.

MS. ELLEN GABRIEL: Yes, I have read the TRC's Calls to Action a while back. I cannot say I memorized them, but I am aware of them, yes.

MS. JOSEPHINE DE WHYTELL: Now, we have heard evidence from yourself and from other witnesses in

these proceedings that we do not necessarily need more reports and more recommendations, because we know what to do, but it is not being done, is that fair to say?

MS. ELLEN GABRIEL: Mm-hmm.

MS. JOSEPHINE DE WHYTELL: You would agree with me, I take it, that the health of Canada as a whole is dependent on the health of all the people sharing this land?

MS. ELLEN GABRIEL: I would agree.

MS. JOSEPHINE DE WHYTELL: Would you agree that fixing the relationship between Indigenous and non-Indigenous people living on this land is a very important element to strengthening communities and ending violence against Indigenous women and girls?

MS. ELLEN GABRIEL: Yes, but that is not the only solution.

MS. JOSEPHINE DE WHYTELL: Absolutely. And, you have anticipated my next question. You spoke about the honour of the Crown earlier, and the inadequate measures of political will to ensure that this honour is upheld, did I understand that correctly?

MS. ELLEN GABRIEL: Mm-hmm.

MS. JOSEPHINE DE WHYTELL: You also spoke about having appropriate Indigenous oversight to ensure implementation of decolonization, and you called upon the

Commission to recommend a decolonization commission, and that seems like a fantastic idea, but I am wondering whether it is your experience that the Crown tends not to take action until it is under threat of liability.

MS. ELLEN GABRIEL: It seems to be their pattern.

MS. JOSEPHINE DE WHYTELL: Given the lack of accountability and failure to implement recommendations from multiple inquiries, what if any benefit do you see from attempting to use more forceful legal measures against individuals who take as soon as practical -- oh, sorry. Who fail to take as soon as practical all necessary and reasonable measures within their power to prevent or oppress the commission of genocide or crimes against humanity?

MS. ELLEN GABRIEL: Can you reword that?

MS. JOSEPHINE DE WHYTELL: Certainly. Given the lack of accountability and failure to implement recommendations from the multiple lines of inquiry, I am wondering what benefit you might see from using more forceful measures such as the crimes against humanity and Warm Crimes Act to pursue accountability.

MS. ELLEN GABRIEL: I have thought about it over the years, yes, I think it would be. But, you know, I think we go back again to the resources that we have as

nations, as Indigenous peoples. I think absolutely they should be put on that, but who are we going to charge; right? A lot of them have passed away or -- it is framing it in such a way where -- and I think there is something in the law, and I am not a lawyer, where you know that a crime has been committed, it goes against your ethics as a professional, as a lawyer, which I think most prime ministers and premiers are, continue to do the opposite of what your legal obligations are, then you are just as guilty in remaining silent or if not, perpetuating those crimes. That, I think, is a criminal act.

And, because most of the prime ministers have legal counsels and they were lawyers themselves, that they are just as guilty as those who, over a century ago, created such a racist act as the Indian Act and continued to perpetuate and implement colonial oppressive policies and legislation.

MS. JOSEPHINE DE WHYTELL: You spoke earlier ---

MS. FANNY WYLDE: Time is up, Mrs. de Whytell.

MS. JOSEPHINE DE WHYTELL: Thank you.

MS. FANNY WYLDE: So, the last party is Association of Native Child and Family Services, counsel Josephine de Whytell for 10.5 minutes, please, on the

clock. Thank you.

--- CROSS-EXAMINATION BY MS. JOSEPHINE DE WHYTELL:

MS. JOSEPHINE DE WHYTELL: Thank you. So, on behalf of the Association of Native Child and Family Service Agencies of Ontario, my questions are more focused towards the impact on children.

You spoke earlier about how there are more children in foster care now than there were at the height of residential schools. Do I understand that correctly? And, is it your experience that children caught up in the foster care system often become dislocated from their communities, cultures and access to language?

MS. ELLEN GABRIEL: Well, if they are not being housed in a home that is in their nation, yes.

MS. JOSEPHINE DE WHYTELL: So, when these sorts of arguments about dislocation from the community are being raised when a child is being removed from a home, something that we often hear from the courts is, the courts are not the place to right these historical wrongs ---

MS. ELLEN GABRIEL: Why not?

MS. JOSEPHINE DE WHYTELL: Well, that is what they say. They say that a child is not a symbolic figurehead for reconciliation, but a real little child, and that was from a B.C. Court of Appeal case. Given that

the courts have inherent authority to ensure justice in what legal term is *parens patriae* jurisdiction, I was wondering what your response is to that issue. And, I guess you have partially answered me that, why not, but could you unpack that a little bit further?

MS. ELLEN GABRIEL: Well, I think, who gives the court the inherent; right? It is definitely not Indigenous nations, not Indigenous peoples. It is that Canada has assumed sovereignty over us. So, we know that even in Supreme Court decisions, they view our rights in a narrow box, a narrow definition of what our rights are. And, children are part of the nation.

I am pretty sure that most judges and lawyers are aware of the Indian residential school and what it caused, and it is not a matter of using children to fight, it is a matter of how do we rebuild our nations, how do we keep our children -- this is forced assimilation. This is not acknowledging responsibility, accountability for the Indian residential school impacts.

And, I think it is ridiculous for a lawyer, as I have previously said, who should know the law, who should know Canada's colonial history, who indeed even the Supreme Court of Canada has said, Canada has assumed sovereignty over Indigenous land, is not valid. So, why are we constantly forced into the court system which has

proven that it does not uphold or promote our rights to a certain degree? Especially in certain cases. I mean, I think Chocolten (phonetic) was an exception to the rule, but in -- even then, it needs more.

So, we are dealing with a whole systemic system that does not recognize our ability to be able to take care of ourselves, our ability to be able to keep our children. And, you know, years ago, when I was with Quebec Native Women, we started a task force, a provincial task force on how to keep the children in the communities, or at least in their nation, so that they would have a language basis, they would have that foundational basis of their culture. And, it took some doing, because I think social workers tend to look at us as dysfunctional and, how can you even take care of children, you know?

And, it is a matter of changing the attitudes, and of course it is a matter of changing the courts' attitude, and it goes back to the TRC's Calls to Action of sensitizing judges and lawyers. They should not be the ones to make the decisions if they are not informed about real laws that they profess to uphold.

MS. JOSEPHINE DE WHYTELL: Thank you. So, also, when it comes to protecting children's rights that are recognized and affirmed by Section 35 of the Constitution Act 1982, child and family services

legislation tends to prioritize the concept of the nuclear family and the forever home as opposed to reunification with family over periods of time.

The B.C. Court of Appeal even went as far as to say that the culture of the Indigenous child is not limited to the Indigenous community into which the child was born. And, I was wondering whether you would agree with me that a child, an Indigenous child, has a particular unique right to the culture and language of the child's biological family, and community and territory.

MS. ELLEN GABRIEL: Well, again, I will go back to the discussion we had about traditional adoption, which was not unknown and which was practiced quite strongly in previous generations of either the grandmother or the aunties, somewhere in the maternal family, that the child be raised if the mother wasn't able to. And, that kind of agreement to be able to raise a child, to have access to their languages and to their culture, I think, is something that was agreed upon.

We know that we are flawed, we know that we have some challenges, but so do Canadians, so do Québécois; you know? I think that we are being specifically targeted within a system that has no clue about who we are, that has no clue about its colonial history and that will continue to decide, unless we

resist, of what is best for us, and it is supported by the government.

And, I remember a 13-year-old girl, I think she was in Saskatchewan, who had been raped by three men. A 13-year-old girl, I think, or 16. And, I wrote a letter to the Minister of Justice Irwin Cotler at the time. And, I said that the Manitoba -- I think it was in Manitoba, that this was not right. This is the rights of a child. And, the answer was, "We do not interfere with provincial jurisdiction, and the decision is made at the provincial level."

So, that means the rights of a child are not protected at the federal level. That is the signal that is sent to me. And, I found it ridiculous that a country that professes to uphold the rights of a child, uphold human rights and it was even a signatory to the rights of the child would ignore this child of adult men who knew better. And, it is another example of why we don't trust. I mean, if the system wants us to work with it and to trust us, it needs to change dramatically.

MS. JOSEPHINE DE WHYTELL: Would you recommend that one of those changes -- or would you agree that Indigenous families facing removal of their children would benefit from having similar rights as those set out to protect an accused facing removal at the hands of the

state?

MS. ELLEN GABRIEL: You are equating a family with an accused criminal record?

MS. JOSEPHINE DE WHYTELL: No, I am suggesting that perhaps the charter rights that are available for an accused ought to also be extended and available in a similar context to people facing removal of their children by -- at the hands of social services. Would you agree with that?

MS. ELLEN GABRIEL: No. I think -- I don't think I understand your question right, because we are talking about families. And, we know that, in at least this province, families are given less time to get their affairs in order so they can have the child back, they are given less resources to be able to do that. Poverty is always a reason for taking children away. It is not just about -- you know, it is not always about a parent who cannot take care of their child because they are drinking or whatever.

I have heard of stories of women telling me, "My child was taken away because I took them hunting, I took them goose hunting, because we live a traditional way." "My family -- my child was taken away because the social worker said I was an alcoholic, because she asked me, do I drink, and I said yes." But, that didn't mean

she was in excess of alcohol. It was just assumed that she was an alcoholic because she was an Indigenous woman.

MS. JOSEPHINE DE WHYTELL: May I clarify a little bit? What I am wondering is maybe if you would agree that parents who are being faced with potential apprehension of their children should have an automatic to legal counsel before they even sign a voluntary services agreement?

MS. ELLEN GABRIEL: I think if parents don't understand the system and don't understand the process, they should be granted legal counsel. So, that is what you meant; right?

MS. JOSEPHINE DE WHYTELL: Thank you.

MS. ELLEN GABRIEL: It didn't sound like that to me, so ---

MS. JOSEPHINE DE WHYTELL: I apologize ---

MS. ELLEN GABRIEL: --- I apologize.

MS. JOSEPHINE DE WHYTELL: --- for my -- the lack of clarity there. I am wondering, you spoke earlier about the Action Plan and how Canada has refused to develop an Action Plan, per se, because, as I understand from the documents that you submitted, the CEDAW exhibit, that the money would better be spent just taking action rather than developing an Action Plan.

I was wondering, would you agree that that

approach is a little bit short-sighted? And, would you go further to suggest that one recommendation for this Commission might be to develop a proposed Action Plan for the government and for First Nations to consult over?

MS. ELLEN GABRIEL: I don't think you understood me correctly then, because what I said that there were -- there was a National Plan of Action developed by the National Aboriginal Circle Against Family Violence. They have not come up with their own National Plan of Action. The Inquiry has come first. But, I don't think it is short-sighted to insist that they come up with one, but there is -- there has been.

And, if we -- you know, it is not a black and white issue. It is complex, and there are many grey areas that perhaps some of us have not thought about. But, I think that a National Plan of Action definitely needs to be implemented yesterday, that there does exist action plans that have been developed over the years, and Indigenous women have been a part of that. I think it is a choice that the government has made in not to listen to that.

MS. JOSEPHINE DE WHYTELL: Okay, thank you very much for your answers today. Thank you, Commissioners.

MS. FANNY WYLDE: Thank you to all the

standing parties. Thank you, Ellen. For the re-exam period, I don't have any questions. I will now seek directions from you if we shall take a break before your period of questions or you rather take your period of questions right now.

CHIEF COMMISSIONER MARION BULLER: Ten-minute break. Ten minutes, please.

MS. FANNY WYLDE: Recess of 10 minutes. Thank you.

--- Upon recessing at 14:53

--- Upon resuming at 15:08

MS. CHRISTA BIG CANOE: I just wanted to give everyone just a moment's warning. We are going to get started again, so I am kindly going to ask everyone to get a seat.

Commissioners, it is usually at this point that we turn to you and ask if you have any questions or comments for the witness that has presented. So, at this point, I would like to offer the opportunity for you to do that.

CHIEF COMMISSIONER MARION BULLER: Ordinarily, we would ask questions. And, Ms. Gabriel, I understand that you are under some time constraints and other pressures, so we will, through Commission counsel, send our questions to you in writing ---

MS. ELLEN GABRIEL: Okay.

CHIEF COMMISSIONER MARION BULLER: --- if you would be so gracious to accept them? And, we will of course distribute your answers and our questions to all of the parties with standing. And, we will do this through Commission counsel, if that is agreeable to you.

MS. ELLEN GABRIEL: Yes, I agree. Thank you.

CHIEF COMMISSIONER MARION BULLER: Okay, thank you.

MS. ELLEN GABRIEL: Thank you for your understanding.

CHIEF COMMISSIONER MARION BULLER: No problem. I know what it is like to be in the hot seat. Having said that, now it is time to say good bye and thank you.

We are all very grateful for you being with us today, for sharing your knowledge, your expertise, your time, your patience with us. You have given us much to think about and we are very grateful. What you have said today has made a difference to our work and how we ware proceeding, and we are grateful for your assistance.

Because you have given us so many gifts today, we have only a small gift to give you in return, and that is an eagle feather. I don’t need to explain

that to you, but hopefully on days when you need to be lifted up, the eagle feather will lift you to where you have to go.

MS. ELLEN GABRIEL: Thank you.

CHIEF COMMISSIONER MARION BULLER: We are very grateful for your generosity, spirit, and time and knowledge. Thank you very much.

MS. ELLEN GABRIEL: It is a great honour, and it is a great honour to receive an eagle gift -- an eagle feather gift. There was one that was sitting beside me this whole time. And, I am glad to hear that you -- it will help the work that you are all doing. Hopefully, it will bring us the kind of justice that this Inquiry is hopeful of getting for all the families and all our sisters who have gone before us. So, (speaking in Indigenous language).

CHIEF COMMISSIONER MARION BULLER: Thank you. We are adjourned. We will reconvene in Winnipeg. We will take a short break to get organized for our closing.

--- Upon recessing at 15:11

--- Upon resuming at 15:18

MS. NADINE GROS-LOUIS: Alors, avant de procéder à la prière de fermeture, on va demander à nos commissaires de nous faire part de leurs derniers

commentaires avant de clore l'audience sur le système de justice pénale.

So, I will invite now Commissioner Eyolfson to give us some last words.

--- CLOSING REMARKS BY COMMISSIONER BRIAN EYOLFSON:

COMMISSIONER BRIAN EYOLFSON: Merci. Tiawenhk. Thank you. What a busy week we had, a very full schedule. I want to thank everybody for participating with us. Unfortunately, Chief Commissioner Buller had to leave to get to the airport, so she wanted to -- she asked me to extend some thank yous on her behalf.

So, I want to thank on behalf of both the Chief Commissioner and myself, I want to acknowledge and thank the Huron-Wendat people for welcoming us to their beautiful territory throughout this week and being such awesome -- such great hosts.

I would also like to acknowledge the support and guidance provided to us throughout the week by our elders, Roland Sioui, Pénélope Guay and Rebecca Veevee for their prayers and for the lighting of the qulliq. I would also like to thank our special grandmothers who have been here with us this week, for their support and guidance, and also to members of our National Family Advisory Circle, Melanie Morrison, Pamela Fillier and

Darlene Osborne who have been here with us this week and have supported us throughout the week. I would like to also thank Nadine Gros-Louis for being a fabulous MC for us this week. Thank you, Nadine.

And, I also want to acknowledge the important contributions made by the witnesses this week, who shared their knowledge and their recommendations with us. This has helped us more fully understand the issues and challenges concerning the safety and well-being of Indigenous women, girls and 2SLGBTQ people. Especially in relation to the issues we heard about this week, the policing, the criminal justice system, the correctional system and we have also heard solutions as well this week. So, also thank you to all the parties with standing for your thoughtful questions which helped us gain further understanding and insight into the evidence we heard this week. Thank you very much.

Of course as you all know, our task is to inquire into and report on the systemic causes of all forms of violence against Indigenous women and girls in Canada, and to make recommendations on concrete actions that can be taken to improve their safety. And, I think the testimony we heard this week will provide us with some important additional information regarding the impact of the criminal justice system and we incorporate that into

the work of the National Inquiry as we move forward and as we formulate our recommendations as we continue with our work.

So, again, I want to thank the families and the survivors, and all the witnesses who have shared their truths with the National Inquiry throughout our whole process. They have helped us honour our missing and murdered loved ones with their presence and with their knowledge. And, for those of you here, I wish you all safe travels home and I look forward to seeing many of you at our hearing on child welfare in Winnipeg in two weeks. Thank you. Merci. Tiawenhk.

MS. NADINE GROS-LOUIS: Tiawenhk, Commissioner Eyolfson.

J'inviterais maintenant Commissioner Robinson.

--- CLOSING REMARKS BY COMMISSIONER QAJAQ ROBINSON:

COMMISSIONER QAJAQ ROBINSON: Thank you. Tiawenhk. Oui. Merci. Nakurmiik. I would like to acknowledge and thank our hosts, the Huron-Wendat, for allowing us to be within your territory, and I thank you for providing us with a good space and support of your elders and your community members while we have been doing this work this week.

I want to acknowledge Elder Roland,

Pénélope and Rebecca Veevee, nakurmiik for the qulliq, and the laughs, and the tears and the laughs again. And, the hugs. I want to thank our always grounding and enlightening members of the National Family Advisory Circle, for being with us, for challenging what we have heard and helping us understand how we need to look at things and having those conversations with us. I am always grateful for your insights and your presence.

I want to thank the witnesses that came to speak and share with us, knowledge keepers. Our MC, Madame Gros-Louis, you have really helped guide us through this week. Thank you.

As always, I want to thank our team who, again, created a space in here out of four walls, a place where I saw something this week that I have been seeing grow and it really came out this week. And, I want to thank particularly the parties with standing and those who come, and have come to this hearing and the hearings before. And, I think about our first hearing here in Quebec City as phase 2 and 3 started, and the anxiety I think we all felt engaging in a process that some of us -- well, one had never been done before, did not know what to expect, did not know our roles in it to a degree. And, I really want to thank you for being part of this and the questions that you ask, and the perspectives that you

bring and expose us to. I also want to thank you and note that I see the compassion that you are showing each other and I just want to acknowledge the beauty and the power of that.

Above all, we are all human and constantly acknowledging and lifting up each of our humanity is a really important thing, and I think Ms. Gabriel spoke about that today, and I wanted to just acknowledge that I am seeing that and I am grateful for that.

I am going to leave it with that. We are going to see each other very soon. There is a lot that I learned this week and a lot that I will continue to learn as we piece the puzzles together as we connect the dots.

So, again, thank you to all who I have mentioned, all those present, all those listening and watching. And, I remain committed to this work and look forward to us gathering again. Safe travels.

MS. NADINE GROS-LOUIS: Nakurmiik, Commissioner Robinson. Tiawenhk.

Alors maintenant, je vais demander à la commissaire Michèle Audette, qui est accompagnée de sa maman Évelyne.

--- CLOSING REMARKS BY COMMISSIONER MICHÈLE AUDETTE:

COMMISSIONER MICHÈLE AUDETTE: <En langue autochtone> Évelyne. Alors, oui, je vous vois faire de

l'exercice là. I see you're doing your exercise to wear your ---

Un gros merci à M. Rolland – j'allais dire « Laurent » – Rolland pour avoir ouvert ce cercle en début de semaine dans votre territoire, le territoire le Nionwentsïo et qui a été partagé pendant des millénaires, des centaines d'années et des décennies, et encore aujourd'hui avec la Nation Innu, la nation de ma mère, la nation que je porte, et plein d'autres nations.

Puis ils sont tellement généreux que maintenant ils vous accueillent ça fait, quoi, trois fois que vous venez ici peut-être, deux fois? Ça serait le fun de vous revoir encore.

Merci beaucoup à nos grands-mères d'être toujours, toujours là, toujours, 24 heures sur 24, des femmes courageuses, des femmes qui ont l'expérience, des femmes qui ont la souffrance mais la résilience, des femmes qui ont la guérison, des femmes incroyables.

Nos familles aussi, les familles qui nous soutiennent dans ce processus-là très difficile, rempli d'émotions, et je vous dirais, moi, depuis l'annonce de juin dernier, j'ai de la rage, mais je suis humaine. C'est moi.

Puis toutes ces femmes-là, avec leurs filles, leurs conjoints, qui viennent nous soutenir, soit

de façon virtuelle par Messenger ou tout simplement ici avec nous. Elles espèrent beaucoup que cette enquête va faire bouger les choses. Alors, j'essaie d'honorer du mieux que je peux vos espoirs, qui sont aussi mes espoirs.

Les témoins qui ont accepté de venir ici, vous le savez qu'il y a des témoins depuis les débuts qui sont peut-être pas en accord avec comment on fait les choses au sein de l'Enquête nationale, mais ils sont venus pareil, puis leur message est important, leurs critiques, leurs idées critiques constructives, peu importe. Moi je pense peu importe, ça l'a sa place dans ce grand exercice-là que j'espère démocratique.

Les qualités... ayant la qualité pour agir, ça c'est un mot que j'ai appris quand j'ai commencé avec vous autres, *parties with standing, easy*. En français c'est un peu plus dur à dire. Vous m'avez épatée cette semaine. À toutes les fois que je vous vois, je prends le temps de vous dire bonjour, de vous prendre dans vos bras et puis dans mes bras. Je pense pas que des enquêtes normales c'est comme ça que ça se passe. Bien, je vous remercie d'accepter mon petit colleux matinal. Je vous remercie de défaire ce qu'on pense ça devrait être quoi une enquête, une commission d'enquête. Ensemble, on fait une petite histoire. Je trouve ça cute et puis je trouvais ça important de le dire.

Et aujourd'hui, vous avez, sans ma présence, sans mon influence ou mes petites fossettes ou mes stepettes, vous avez changé encore une fois comment on fait une commission d'enquête. Puis ça, je vous dis merci. Vous être venus vivre vos émotions devant le Canada. Vous êtes venu briser la perception de ce qu'on peut avoir des fois des avocats ou avocates. Vous nous avez partagé votre vérité. J'écoute, moi, j'observe. Et vous nous avez partagé aussi, dans un jargon d'avocat, on dirait, on dirait que vous avez fait une *submission*. Vous êtes venus présenter les gens que vous défendez, pas comme témoins mais comme représentants, comme avocats. Et puis ça, je l'ai apprécié aujourd'hui. Vous l'avez fait avec beaucoup de passion.

Il y a eu des reconnaissances importantes envers Ellen Gabriel et l'histoire d'une personne. Vous avez été témoin. C'était beau à voir. Puis j'espère qu'on va continuer comme ça. Moi, je ne vous arrêterai pas, c'est sûr.

Ç'a été une semaine difficile, mais on s'entend tu que ça fait deux ans et quelques semaines que c'est difficile? Mais à comparer à tous ce que les familles et survivantes vivent, c'est rien le deux ans qu'on vient de traverser et puis qu'on continue à traverser. Il faut se rappeler pourquoi on fait ça,

pourquoi on est là.

Aujourd'hui, c'était le système pénal. Imaginez si on avait eu le temps de bien faire les choses, pas une audience *back à back*. C'est fou. C'est difficile pour tout le monde. Où là les institutions fédérales, provinciales, polices municipales auraient pu être questionnés, auraient pu répondre, auraient pu échanger. J'aurais pu être en désaccord ou en accord, mais ça c'est ce qui anime ma rage. On n'a même pas le temps de faire ça.

On n'a même pas le temps de vous donner les documents comme du monde. Ça, c'est inacceptable. Je vais m'excuser publiquement pour vous. Mais derrière, je vois comment les gens essaient de répondre. On fait des erreurs. J'ai pas peur de le dire, j'en fais. Je suis pas une vraie commissaire, j'ai dit quelques commentaires cette semaine, mais oui, je suis une vraie commissaire.

Alors, je vous le jure, je n'aime pas ça et j'aimerais ça qu'on puisse vous les donner et moi aussi je les reçois en même temps que vous, la plupart du temps.

C'est pour ça que je me disais le temps était important pour qu'on puisse justement respirer, prendre le temps d'analyser, de bien regarder entre les lignes et puis de faire notre job d'avocat, de faire notre job de commissaire, de faire notre job de grand-mère, de

faire notre job que les familles attendent de nous. Et ça, je lâcherai pas le morceau jusqu'à la fin.

Le système colonialiste, on le sait, on le vit à tous les jours. Hier, à Val d'Or, ici au Québec, des Innus de chez nous, de Maliotenam, viennent chanter sur le territoire Anishinaabe et des Inuits côtoient aussi cette région-là. Ma nation est allée chanter chez eux et la SQ portait les dossards. J'en revenais pas. Je me disais ça se peut pas qu'en 2018, on tolère ça, un message qui divise au lieu de rassembler. Je ne lâcherai pas le morceau. Sûreté du Québec, enlevez le dossard.

Je vous dirais aussi, on a entendu beaucoup de fois, et je mets ma voix à cette voix-là qui est multiple et qui émane de tous bords, comment on peut créer un espace pour les familles, un espace sécuritaire où nos femmes... elles ne m'appartiennent pas, mais j'en fais partie... nos mères, nos filles, vont sentir que la parole qu'elles ont amenée ici ne dormira pas sur une tablette. Ça c'est tough. À tous les jours c'est un défi pour moi.

Il y a des responsables qui sont ici. Il y a des responsables qui nous écoutent. J'en fait partie. Je suis responsable comme maman et puis grand-maman. Alors, il faut absolument qu'on donne vie à ces recommandations-là, et ça arrive bientôt.

C'est notre devoir, à vous, à moi, tout le

monde qui nous écoute.

We cannot pretend that this Inquiry -- we cannot say that it will solve everything. You know that, I know that, but we will bring something by your question, by your cross-examination. We can use it depending who is there, or dialogue, or exchange. I respect how you see it, that your strength and the strength of the witnesses will bring those recommendations, and everybody has to be accountable. Everybody.

Yes, for the women and the men and the girls who share their truths to us. Yes, for the witnesses who came here and shared their truth. But, for all Canadians. And, I have to say thank you to this woman yesterday. What a courage for her to come here. It was tough for her. She's a human being, too, but it comes with the responsibility that she chose to take on.

But, the good thing, she removed some devils on the shoulder of my mom. I will never forget that. It was huge. But, I'm concerned she'll go back home. Who's going to be there for her? She's mad, she says. So, my mom is just an example of the thousands of thousands of women. So, I believe that many initiatives across Canada that were shared since we started way before us deserves to be implemented or supported by the people who have control on us. I hope my kids will have control

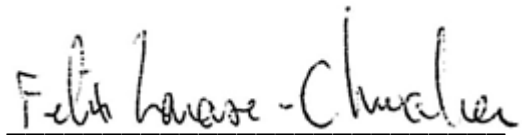
on them. So see you in two weeks, en français and in English, the same thing, same hug, same smile but same hope so we can change something together. Merci.

--- Upon adjourning at 3:37 p.m./L'audience est ajournée à 15h37

--- Upon adjourning at 16:56

LEGAL DICTA-TYPIST'S CERTIFICATE

I, Félix Larose-Chevalier, Court Transcriber, hereby certify that I have transcribed the foregoing and it is a true and accurate transcript of the digital audio provided in this matter.



Félix Larose-Chevalier

Sep 21, 2018