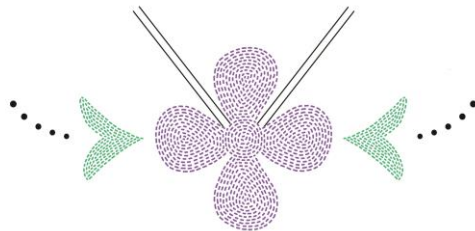


National Inquiry into  
Missing and Murdered  
Indigenous Women and Girls



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

**National Inquiry into Missing and Murdered  
Indigenous Women and Girls  
Truth-Gathering Process  
Part 1 Public Hearings  
Sheraton Vancouver Airport Hotel  
Britannia Ballroom  
Metro Vancouver, British Columbia**



**PUBLIC**

**Saturday April 7, 2018**

**Public Volume 104**

**2SLGBTQ+ Panel:**

**Jamie Lee Hamilton, Mark Handley & Viola Thomas**

**Heard by Commissioner Brian Eyolfson**

**Commission Counsel: Christa Big Canoe**

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## II

### APPEARANCES

Assembly of First Nations	Non-appearance
Government of British Columbia	Sarah Pey (Representative)
Government of Canada	Lucy Bell (Legal Counsel)
Heiltsuk First Nation	Non-appearance
Northwest Indigenous Council Society	Non-appearance
Our Place - Ray Cam Co-operative Centre	Non-appearance
Pauktuutit Inuit Women of Canada	Beth Symes (Legal Counsel)
Vancouver Sex Workers' Rights Collective	Non-appearance
Les Femmes Michif Otipemisiwak/Women of the Métis Nation	Non-appearance

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Mark Handley and Viola Thomas**

Commissioner: Brian Eyolfson

Commission Counsel: Christa Big Canoe

Grandmothers, Elders, Knowledge-keepers: Laureen "Blu"  
Waters-Gaudio, Florence Catcheway, Kathy Louis, CeeJai Julian,  
Audrey Siegl, Bernie Poitras Williams, Merle Williams, Deni  
Paquette, Donna Dickison, Ruth Alfred, Harriet Prince, Gladys  
Radek, Louise Haulli, Reta Blind, Elaine Bissonnette, Eunice  
McMillan, Candace Ruth, Janice Brown, Theresa Russ, Deanna  
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1	Exhibit 1: Senate of Canada Bill S-215 as passed by the Senate December 15, 2016, 1st Session, 42nd Parliament, 64-65 Elizabeth II, 2015-2016, accompanied by 11 pages of background documents in the form of one CBC article and one Liberal Senate Forum article.	94
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1 Metro Vancouver, British Columbia

2 --- Upon commencing on Saturday, April 7, 2018 at 2:31 p.m.

3 **CHRISTA BIG CANOE:** Good afternoon. Good  
4 afternoon, Commissioner Eyolfson. Hello, everyone, I'm  
5 Christa Big Canoe. I'm an Anishinaabekwe from Ontario  
6 and it's a pleasure today to be able to introduce the  
7 Two-Spirited LGBTQ+ Panel. And so I'm just going to  
8 introduce the Panel members and ask that they be promised  
9 in on a feather. That's right. For everyone.

10 And so starting at the farthest away from me  
11 is Jamie Lee Hamilton, then we have Mark Handley and right  
12 beside me is Viola Thompson [sic]. So if the Registrar  
13 could, please, promise them in.

14 **REGISTRAR:** Jamie Lee, we will start with  
15 you. Good afternoon, Jamie Lee.

16 **JAMIE LEE HAMILTON:** Good afternoon.

17 **JAMIE LEE HAMILTON, Affirmed:**

18 **REGISTRAR:** That's excellent. Thank you.

19 **JAMIE LEE HAMILTON:** Thank you.

20 **REGISTRAR:** Okay. Good afternoon, Mark.

21 **MARK HANDLEY, Affirmed:**

22 **REGISTRAR:** Thank you. Oh, Viola has got a  
23 feather. Hi, Viola.

24 **VIOLA THOMAS, Affirmed:**

25 **CHRISTA BIG CANOE:** So before we get started

1 with -- actually I've asked each Panelist to -- to  
2 introduce themselves, so that they can share their  
3 background and some about them, but just as a quick  
4 overview, this afternoon we'll be actually doing the two  
5 hearings with one break. And the Panel will be addressing  
6 a large number of issues from their perspective, their  
7 lived perspective, perspective based on advocacy and work  
8 in their fields and areas.

9 And with that, I would actually like to ask  
10 Jamie Lee to introduce herself.

11 **JAMIE LEE HAMILTON:** Thank you. Thank you,  
12 everyone, for attending today. First of all, I'd like to  
13 acknowledge that we have the former B.C. Human Rights  
14 Commissioner, Mary-Woo Sims here with us today.

15 **MARY-WOO SIMS:** (Indiscernible)

16 **JAMIE LEE HAMILTON:** Thank you. And I'm  
17 Jamie Lee and I was born in Vancouver. I have an  
18 Indigenous mother and an Irish father. And I grew up on  
19 the East side of Vancouver. Attended Britannia Secondary  
20 and Strathcona Elementary School. And I've been involved  
21 on-again, off-again in the sex trade for most of my life,  
22 48 -- 48 years. And I started very young. And I've been  
23 involved with many groups.

24 And around the time that my family was  
25 thrust into poverty, I was also confronting my gender

1 identity and so that was a double whammy for me and plus  
2 also being Indigenous and I saw the struggles that my  
3 mother went through.

4 And so I'm very, very honoured to be here  
5 all these years later and I don't know how I survived, but  
6 I did. And I'm here to share some of my history, some of  
7 my ambitions and some of my hopefully desires, so that we  
8 can finally make change. And I will be speaking out of  
9 issues that do face us as LGBTQ+ citizens of this country.  
10 So thank you, again, for being here today.

11 **MARK HANDLEY:** Thank you, Jamie. I was born  
12 Dean John Cochrane (ph) and my birth father is from  
13 Mistawasis and my -- and I was born in Prince Albert. And  
14 my birth mother is from Cumberland House and they're all  
15 joined by a river, so I'm from that part of Saskatchewan  
16 that is just below the Arctic, so Boreal forest area. But  
17 I was raised on Vancouver Island and my name is Mark.

18 **VIOLA THOMAS:** Good afternoon, grandmothers,  
19 commissioners and witnesses here to my truth. My name is  
20 Anemki Wedom and I come from the Kamloops Tk'emlúps te  
21 Secwepemc, which is a four-and-a-half-hour drive east of  
22 the coast.

23 First and foremost, I want to acknowledge  
24 the unceded territory of the Coast Salish Indigenous  
25 peoples and their continued kindness and generosity for

1 allowing me to be a guest in their territory.

2 I am one of 16 siblings in my family. I'm a  
3 survivor of residential school, child sex abuse, as well as  
4 adult female sex abuse. I have worked in many volunteer  
5 capacities throughout my life journey and I continue to do  
6 that.

7 I'm a great-auntie, a sister, a niece and I  
8 grew up in the Kamloops Tk'emlúps te Secwepemc and have had  
9 the great privilege to travel across Canada and work in  
10 various roles, including the Truth and Reconciliation  
11 Commission. Besides being an activist and volunteer for  
12 many years in the downtown east side of Vancouver for the  
13 Downtown Eastside Women's Centre. I also previously worked  
14 at Carnegie Centre. I -- I come from the Secwepemc people,  
15 so I see my primary identity as a Secwepemc woman first and  
16 foremost. And I come from the Kamloops Tk'emlúps te  
17 Secwepemc, which is one of 17 communities that make up the  
18 Secwepemc Nation, known as Secwepenuluu (ph).

19 **CHRISTA BIG CANOE:** Thank you. And I know  
20 that we wanted to -- we had a few conversations and one of  
21 the first conversations, I was hoping we could address is  
22 the gender binaries and how people identify themselves?  
23 Because there is a lot of differences that, I think, many  
24 mainstream perceptions aren't necessarily accurate at  
25 covering, so I open that question to all of you, but,



1 please feel free to start, Jamie Lee.

2 **JAMIE LEE HAMILTON:** Oh, thank you. I  
3 identify as a transgender woman, transwoman. The earlier  
4 term that was applied to someone like me, it's a medical  
5 term, which is a transsexual and we -- we have a spectrum  
6 of genders.

7 We have -- and we're sort of all classed  
8 under this umbrella of transgender, but it could be many  
9 different facets. We have -- there is none of us on the  
10 Panel today, but we want to acknowledge that there are  
11 gender non-binary people and also gender non-conforming  
12 people. And those that don't identify in either of the  
13 gender binaries of male/female and so -- and we're all part  
14 of the LGBTQ+ community where many of us have done  
15 extensive work.

16 **CHRISTA BIG CANOE:** (Indiscernible)

17 **MARK HANDLEY:** I'm just going to pass on  
18 this one.

19 **CHRISTA BIG CANOE:** Yeah, sure.

20 **VIOLA THOMAS:** I certainly don't identify as  
21 a lesbian. The word comes from word "lesbo", which is a  
22 Greek word. I would -- I would certainly closely identify  
23 as two-spirited, but as I said in my introduction, first  
24 and foremost I'm a Secwepemc woman and that's -- that's who  
25 I am. And I -- I don't believe in those labels. My

1 experience is in the broader LGBTQ community is that,  
2 they're just as racist as the Canadian society towards  
3 Indigenous peoples and don't embrace our issues as part of  
4 their issues. So there's a deep polarization that I see  
5 within the LGBTQ community in not embracing and being  
6 inclusive of Indigenous persons that may identify as LGBTQ.

7 And, I think, it's critical that the LGBTQ  
8 community have appreciation of our connectedness to our  
9 people, to the land that we're born from and all of my  
10 traditions and ceremonies and songs and dances, it speaks  
11 to our identity from when you're born as a baby to when you  
12 go to Mother Earth. There is no he/she in our language --  
13 in Tk'emlúps te language, so, therefore, there is no, in my  
14 opinion, gender distinctions within our ceremonies, our  
15 songs and our dances. We celebrate and honour our  
16 diversities through our traditions.

17 And, I think, that's really, really,  
18 important. However, through the impact of colonization and  
19 what we see how that gets played out in terms of how many  
20 of our Indigenous persons who identify as two-spirit are  
21 marginalized not just by the state, not just by our  
22 communities, but also by the LGBTQ community.

23 **CHRISTA BIG CANOE:** Thank you. And I know  
24 that there's a bit of an evolution too in terms of people  
25 identifying whether it's their gender or sexuality and

1           there seems to be a move and an openness amongst a  
2           generation which might be also missing from this Panel in  
3           terms of not having a youth perspective. But I understood  
4           that the Panel also wanted to acknowledge the youth  
5           component and sort of the -- the change or wave that's  
6           occurring where individuals get to identify who they are.

7                                 One of the things that the Panel does  
8           want to start with is the discussion of discrimination and  
9           not just discrimination based on how they're identifying or  
10          the community, but those other isms that exist such as  
11          racism, classism and I know that it's a -- it's in  
12          something when we look at it from a perspective of  
13          intersectionality. So I was hoping that the Panel members  
14          can address the strengths, as well as the obstacles and  
15          barriers based on discrimination that's faced within the  
16          two-spirited LGBTQ community.

17                                **VIOLA THOMAS:** I think there is some real  
18          major challenges within current human rights law. Whether  
19          it's federal or provincial jurisdictions of human rights.  
20          They individualize human rights. They do not have a -- a  
21          real systemic approach to addressing collective human  
22          rights violations of Indigenous peoples, which are  
23          multiple. It could be as a child, it could be as a woman,  
24          it could be as a two-spirited, but you have to tick off the  
25          one box. Oh, today, am I going file to complaint as a

1 woman or as a two-spirited? I have to choose one over the  
2 other.

3 So it seems to me that that in itself, of  
4 human rights law polarizes our collective human rights  
5 issues as Indigenous peoples. And it's also compounded by  
6 the historic eradication of our distinctive roles as  
7 Indigenous women within our communities of whatever nation  
8 that we come from, starting way back with the *Indian Act*,  
9 that totally, totally dictated and continues to dictate  
10 what Indigenous peoples can or cannot do on reserve lands.

11 And it's compounded by the irreparable harms  
12 that were invoked through the residential school era  
13 because it made us feel ashamed of our bodies and it made  
14 as feel as if we're dirty. Not only as ashamed in your  
15 body, but ashamed of your identity as an Indigenous person.  
16 And then it becomes compounded by the layers of systemic  
17 institutionalized racism through the state. Whether it's  
18 the Federal Government or the Provincial Government. And  
19 we see how it gets played out today in context to so-called  
20 democratic processes that are not inclusive of Indigenous  
21 people.

22 Even our own institutions imitate Robert's  
23 Rules of Order and I say, Why can't we do Roberta's Rules  
24 of Order.

25 **CHRISTA BIG CANOE:** M'hm.

1                   **VIOLA THOMAS:** We need to revisit those  
2 structures within what they call democracy. If Canada had  
3 repatriated from England, then why are we still using a  
4 British legal system? Why are we still using a British  
5 model of so-called democracy in Parliaments, whether it's  
6 Federal or Provincial Governments?

7                   I think our own Indigenous laws and ways of  
8 being, can offer a springboard opportunity to revitalize  
9 our dignity as the first peoples of this country and we  
10 need to look at systemic change, not only in terms of the  
11 laws of how they continue to perpetuate discrimination,  
12 against our peoples, whether it's through Child Welfare,  
13 jails, the whole -- the list goes on and on.

14                  And until we can have meaningful engagement  
15 from our people to be engaged fully at every level of the  
16 processes. Whether it's developing social policy. Whether  
17 it's addressing amendments to the *Health Act*. Whether it's  
18 addressing the over-representation of our children or our  
19 people within the jail institutions.

20                  I think that's -- that's the biggest  
21 challenge that I see is that there is no political will by  
22 the state. We hear "sunny ways" Justin Trudeau talk about,  
23 you know, wanting to lift up the declaration on the rights  
24 of Indigenous people. And it continues to be statements  
25 that are really platitudes with no meaningful, substantive

1 action.

2 **JAMIE LEE HAMILTON:** I love you, Viola. And  
3 I could listen to you forever. I want you to know that.

4 Discrimination is something very prevalent  
5 in our communities and, you know, in our LGBTQ+ community,  
6 in our Indigenous communities. Time and time again, we  
7 hear of overt actions that target those who are deemed to  
8 be slightly different. That we're othered to death often  
9 and we need to continually educate.

10 And they're, you know, I think in this  
11 province, as well, that our human rights have been set way  
12 back when the B.C. Liberals decided not to continue on with  
13 our B.C. Human Rights Commission and dismantled it. And so  
14 we do need to keep pressing forward.

15 As a transwoman, I know our medical system  
16 is failing my population. As you get older -- I've been a  
17 pioneer in the community and as I'm getting older, it seems  
18 like we're the forgotten ones. I -- that we're not treated  
19 -- it seems like they have one motto, if you present as a  
20 bona fide transsexual or transgender person, that they want  
21 to move you on to surgery and, sort of, push you into those  
22 heterocentric, world that, you know, you're going to get  
23 married and you're going to have a -- a white -- a house  
24 with a white, picket fence and a cat and a dog and, you  
25 know, you're going to be a part of this nuclear family.

1                   We're told to hide our identity. You know,  
2                   just to pretend that we were born slightly different and --  
3                   and so there is that -- those obstacles that we have to  
4                   overcome time and time again.

5                   And within our queer community, you know, I  
6                   embrace the word queer because that's a term that was  
7                   historically used against us, but now, especially the young  
8                   people are using it as an inclusive, embracive term that we  
9                   need to, you know, be proud of who we are. We don't need  
10                  to feel shame. And -- and so we still have lots of work to  
11                  do.

12                  And I see people on the street, you know,  
13                  where I come from and they're still suffering. You know,  
14                  and the effects of this discrimination. And -- and we see  
15                  it in our supposedly gay-friendly establishments where, you  
16                  know, I've seen -- we had an infamous hotel here on -- in  
17                  Vancouver called the Dufferin Hotel. And routinely  
18                  Indigenous, young males were victimized there and fed  
19                  alcohol to oblivion and, you know, so they could be taken  
20                  advantage of. And that still goes on today and so we need  
21                  to keep an ever-vigilant eye out for our fellow human  
22                  being, citizens and keep pushing forward for change.

23                  **MARK HANDLEY:** Good words. I think my  
24                  comments are going to be a lot more succinct than both of  
25                  you.

1                   But discrimination, I think, really began  
2                   for me when I was being an adoptee. It began very young,  
3                   so there's a common, I sort of say, like, I'm an adoptee,  
4                   but rather I'm an adaptee. So when it comes down to being  
5                   able to have a definition of where I look when I'm  
6                   identifying as being two-spirited is really changes  
7                   geographically for me, as well, whether I'm in an urban  
8                   setting or a rural setting in a different province and it's  
9                   -- it plays itself out on so many different layers, that  
10                  it's -- it's hard.

11                  It's really about who you're surrounding  
12                  yourself with and -- and how you're looking for your  
13                  safety. And so safety is something quite often that, I'm -  
14                  - I'm seeking within the circles that I exist in and so  
15                  it's -- it's not hiding, but it's having your support  
16                  systems in place.

17                  **VIOLA THOMAS:** I just -- just wanted to add  
18                  a supplementary comment regarding the whole issue of  
19                  discrimination. I lived in Vancouver for almost a decade  
20                  and did a lot of work in the downtown east side, and one of  
21                  the things I was always confronted with. It was always  
22                  assumed that I was a sex trade worker. It was always  
23                  assumed that taxi drivers or folks when they see my image,  
24                  it's obvious I'm an Indigenous woman and so it was always  
25                  assumed that I was available to be bought.



1           So not only do you have to deal with, you  
2           know, our -- our uniqueness as two-spirited, you're -- for  
3           me, it's -- it's multiple layers of -- of discrimination --  
4           and I think that's what really needs to be understood in  
5           terms of the historical treatment of Indigenous women.  
6           And, I think, we need to find ways to restore our -- our  
7           cultural traditions that really lift up our -- our women.

8                       And we, also, really need to address the  
9           homophobia within Indigenous communities. And I've  
10          witnessed so many of my dear friends who are two-spirited  
11          in the downtown east side, you know, how they've shared --  
12          they would never ever -- if they ever died, they would  
13          always tell me, Don't ever bury me back home in my  
14          community because of how I've been treated because of who I  
15          am.

16                      And the other part of that whole aspect of  
17          the homophobia in Indigenous communities, it -- you know,  
18          it gets compounded by your other differences as to whether  
19          you're women. And, I think, it's a shared responsibility  
20          between Indigenous governments, Indigenous communities,  
21          Indigenous -- not just the state, not just the Provincial  
22          Government, it's a shared responsibility that we have to  
23          insist that our governments, whether they're an *Indian Act*,  
24          chief and councils and/or AFN or whoever they might label  
25          themselves as a form of governance that they have to step

1 up to the plate, as well, and address the ostracization of  
2 our people who may be different within our communities.

3 Because what I find for a lot of our  
4 people who are ostracized is that they don't ever feel  
5 comfortable or confident enough to follow human rights  
6 complaint because they're -- they're fearful of what will  
7 happen if it happens to be a member who is on chief and  
8 council or if it's a member who is in a power position at  
9 the Band Office and it -- they don't want it to affect  
10 their benefits, so, therefore, many of our people are  
11 silenced to -- to be able to take action because of that  
12 imbalance of power within our communities and how sexism is  
13 really played out. And we need to look at strategies that  
14 can remind -- remind our men that they were born from  
15 mother, they were born from Mother Earth.

16 And, therefore, they have a responsibility  
17 just as us to eradicate the homophobia, sexism and racism.

18 **CHRISTA BIG CANOE:** Thank you. And actually  
19 I was hoping to follow up on -- on what Mark actually was  
20 talking about too and I think you just did it that up for  
21 me. Because when we're talking -- you had mentioned the  
22 difference -- like, the geographical difference of where  
23 you are and how that impacts your experience in general,  
24 whether you're facing discrimination or not or how you're  
25 able to feel safe in how you identify. And that, kind of,

1 leads us to displacement and so I wanted to -- I know it's  
2 because we're -- we're streaming this live and there is  
3 people all over the country, and I was hoping if I could  
4 just explore a little more with you some of those  
5 differences.

6 Like, whether it's in community or if it's  
7 urban versus rural, what are those differences you  
8 experience between those spaces?

9 **MARK HANDLEY:** Okay. I guess my -- my  
10 experience is basically in Western Canada, Saskatchewan and  
11 here in B.C. and Vancouver Island being urban.

12 Also, in Vancouver, there is sort of like an  
13 east side of Vancouver, that's a lot more sort of working  
14 class and you've got sort of these little pockets of  
15 Aboriginal people. But what I found, for example, is you  
16 have a Commercial Drive for an example here in Vancouver.  
17 Very working class, but there's nobody Aboriginal really  
18 working in these places, so already going to these  
19 establishments and you're doing your shopping and there's  
20 nobody Aboriginal serving you. Yet the population there is  
21 strongly Aboriginal. And, sort of, being two-spirited,  
22 again, it's -- you don't -- you're that much further  
23 removed.

24 But one of the other things I was  
25 thinking about geographically too is, not just

1       geographically, it's also going into a different age,  
2       ageism, I guess, in some ways, so it's like you're --  
3       I'm -- I'm getting older, so that racism is changing on  
4       many different levels, so I find it more -- in my face, the  
5       more you get into Central Canada, Saskatchewan, and that's  
6       -- I think it's away from me, and then suddenly it's like  
7       right in your face.

8                   In the city, for example, it's more lateral.  
9       And within the community itself, it plays itself out,  
10      within the Aboriginal community itself, so I don't always  
11      feel safe with some of the leadership. I don't feel safe  
12      with the -- just, you know, the status quo because I'm not  
13      part of that. And it plays itself out by, I know what's  
14      happening and they may not know it's happening, but it's --  
15      it's definitely there.

16                   **CHRISTA BIG CANOE:** And if I could just a  
17      little further here, in terms of how -- how that  
18      actually -- your security, like, your personal security and  
19      safety, how -- how is that impacted? Like, where do you  
20      identify the safe spaces and when are you aware of the  
21      spaces you're not safe in?

22                   **MARK HANDLEY:** I could give you an example  
23      of basically the time of the day. I'll -- I'll feel safer  
24      in the morning, the afternoon. As it gets later into the  
25      evening, I feel less -- less safe in a general space, so, I

1 mean, that's one example of safety.

2 **CHRISTA BIG CANOE:** Yeah, and I would ask  
3 the other two Panel's the same question actually, in terms  
4 of -- and I know that's a very personal question, so thank  
5 you for answering it. Is, like, where do you find your  
6 safest place is? Where you have personal safety and never  
7 fear being there, but where do you identify those places  
8 you're not?

9 **JAMIE LEE HAMILTON:** You know, I always feel  
10 safe as in community where I'm part of and accepted and  
11 welcomed and loved. And that's very, very important. I  
12 know, you know, I would -- I could go way back in 1984, you  
13 know, I was one of the young people expelled from our  
14 west end community by a court injunction of July 1984  
15 granted by Judge McEachern, which displaced us for -- state  
16 mass evicted us from the west end. Whether, you know, that  
17 was because we were sex workers or was it because we were  
18 queer people? Whether we were two-spirited people? There  
19 was so many intersections.

20 But they wanted a cleansing of the community  
21 to make it more white and middle class. The west end at  
22 that time was very working class. It -- it was affordable.  
23 And I find that when you are displaced, it has a profound  
24 effect. You're going to for sure encounter more violence.  
25 usually often resulting in murder. You're going to be

1 targeted by predators, such as, you know, pimps or -- or  
2 those that are going to hurt you.

3 And so I find my survival, I believe was the  
4 result of being connected to a community and -- and  
5 remaining firmly rooted, but when I was displaced, I had to  
6 find a new community. And sometimes that's not always  
7 easy. And it gets harder as Mark alluded to as you age,  
8 and especially in our LGBTQ+ community, you know, it just  
9 seems that more of the emphasis is on the young. And  
10 Elders of the community are put out to pasture. And so  
11 displacement has a profound effect on our lives.

12 And -- and not only is it geographic  
13 displacement, but it can be populational displacement as  
14 well.

15 **CHRISTA BIG CANOE:** Did you want to add  
16 anything to that, Mark?

17 **MARK HANDLEY:** M'hm. I would say isolation  
18 happens out of this a lot too, so a lot of people, sort of,  
19 do that retreat, isolation happens in all different ways,  
20 so that's -- that's just the one word.

21 **CHRISTA BIG CANOE:** Viola, did you want to  
22 add anything?

23 **VIOLA THOMAS:** Yeah, I -- I would agree with  
24 -- with my friend here because for many two-spirited  
25 people, they end up being displaced from their territory

1 and from their communities because they're -- they don't  
2 feel safe and they don't feel welcome because of their  
3 uniqueness.

4 And so you have a large population of  
5 two-spirited peoples across the country that end up moving  
6 to urban areas, so that they have a space where they can  
7 feel a likeness to other folks and feel welcome for who  
8 they are.

9 And also there's the other side of that  
10 displacement where it's, what I would refer to as forcible  
11 displacement because of the historical, irreparable harms  
12 that's been inflicted on our people.

13 We have a large number of folks that are  
14 displaced to be able to access health services, for  
15 example. We have a high chronic disease within our  
16 communities. It's not unique to two-spirited communities,  
17 but it cuts right across the board of all Indigenous people  
18 in relation to mental health challenges as well as high  
19 chronic diabetes, so on and so forth.

20 And so many of the folks end up having to  
21 move to urban areas just to access your basic human right  
22 to access health services.

23 **CHRISTA BIG CANOE:** In terms of that ageing,  
24 the ageing out in this concept of displacement that, I  
25 think, Jamie Lee, you were, kind of, talking about that

1 pushing out and your phrase was, "out to pasture". What  
2 about things like when -- when people find themselves at,  
3 like, a retirement phase in their life and they have to go  
4 somewhere. What's happening in terms of, you know, how  
5 we're caring for our Elders, particularly those in the  
6 two-spirit community?

7 **JAMIE LEE HAMILTON:** Thank you, Chris, for  
8 that question. And, you know, I'm at that stage now in my  
9 life, and -- and I think back to the early days of HIV and  
10 AIDS and, I think, of my friends that were put into old  
11 age, rest homes because they had HIV/AIDS and they were  
12 taken from their community and placed into these -- it  
13 might as well been a foreign land. It was just so foreign  
14 to you. You didn't -- how do you talk about your life when  
15 you're in this heterocentric environment and your life is  
16 so different from the others.

17 And so -- and now today, I think about it,  
18 you know there's -- I have friends in the sex trade, you  
19 know, my age and I'm going, you know, What's there for us?

20 Just a few weeks ago, I broke my hip and had  
21 hip replacement surgery a week and a half ago and, I -- I  
22 think, You know, like, where am I going to go? Like, right  
23 now, I have affordable housing downtown, but even in my  
24 building I encounter transphobia or phobia. I'm  
25 misgendered. You know, people trying to, you know, be



1       nasty to me.

2                       And recently -- well, no, for the last few  
3       years, I've been studying a model down in Mexico for  
4       Indigenous, retired women and they -- and they have this  
5       home and it's a place that they live together in  
6       community. And I would like to see places like that for  
7       our LGBTQ+ communities. And, you know, we need that  
8       because I think right until you exit physically this earth,  
9       you need that sense of love and belonging. And so I fear  
10      the most that, you know, if I get really ill, where am I  
11      going to be put? And, you know, so I think we need to  
12      address that.

13                   **MARK HANDLEY:** I guess ageism's direction is  
14      -- it's interesting because I'm -- I guess looking to the  
15      next generation above me and seeing where they're going and  
16      quite often it's -- they don't know themselves. And so it  
17      becomes down to, sort of, how I'm planning for my future.

18                   Generally my whole life, I've been working  
19      in the Aboriginal non-profits and when you're working  
20      within that environment, there is no -- there is no --  
21      you're not talking about your -- how you're going to retire  
22      or where you're going to retire to, but it's -- it's --  
23      there's no savings, there's no pocket and so there's going  
24      to be people I know better off in -- I think, in the long  
25      run, better off than where I'm going.

1           And I was told that if I was going to be a  
2           person that was wanting to make money within my career, I  
3           would have done it already, but my -- my basis has always  
4           been to be able to work within the Aboriginal community and  
5           there's not a lot of money there, so, I mean, I'm searching  
6           every day for that answer to the question, so thanks.

7                   **VIOLA THOMAS:** Well, my hope is, since I'm a  
8           great auntie and I have tons of nieces and nephews, my  
9           great -- great hope is that one of them will take me in  
10          when I can no longer walk and take care of myself because  
11          that's our tradition. That's what our people did. We  
12          honoured our grandmothers and our grandfathers. And they  
13          didn't have to be put into institutions. You know, we --  
14          we took care of each other. So I'm praying that that's  
15          what's going to happen for me.

16                   **CHRISTA BIG CANOE:** It's like you read my  
17          mind because the next question I was going to ask is that  
18          we've heard from many witnesses actually when we talk about  
19          like even, when they're making recommendations after  
20          sharing their story, we hear from many people, well, if  
21          there were more programs or better ways to build community  
22          between the ages, so whether they're small children,  
23          whether they're Elders, whether they're teenagers, that you  
24          know, coming together or creating that sense of community  
25          for all would be good.

1           And, again, it makes me think of some of the  
2 strengths that do exist in -- in -- within your communities  
3 where are -- where are there opportunities within Vancouver  
4 area or the Greater Vancouver area or where you're from to  
5 have all ages come together on -- in similar communities.  
6 Does -- are there places like that in -- in Vancouver?

7                   **JAMIE LEE HAMILTON:** Because I've lived in  
8 Vancouver my whole life, I -- I'm trying to -- I'm thinking  
9 really hard. You know, I feel even our Community Centre,  
10 which is called "Community", you know it's been in the same  
11 location in the heart of the west end for, oh, since, I  
12 think, around 1980 and it's still not even accessible.

13                   And, you know, that's a major, major issue  
14 and -- and, you know, we keep talking about it. You know,  
15 that -- but, you know, nothing seems to change.

16                   And so I -- I feel that I was fortunate in,  
17 I think, around 2004, thereabouts, I met up with Penny  
18 Kerrigan in Grace Tait Market and at the Aboriginal Mother  
19 Centre and they were one of the -- I think the only  
20 organization that was welcoming to sex workers. And, you  
21 know, and it was really a great place.

22                   And -- but, you know, they were starved for  
23 funding. It was just -- it would have been a great space  
24 to develop some housing for our people. And I was always  
25 made to feel very welcome there. And -- and so we need to

1 look to models like that and -- and hopefully we can  
2 continue to press for -- and maybe this is something this  
3 Commission can do as well through the recommendation  
4 process is to ensure that there are properly funded  
5 resources that, you know, can have as a component of their  
6 operations, housing, affordable housing and care too.

7 Like, I -- I thought once I got out of the  
8 hospital that I would be able to, after my hip surgery,  
9 that I would be able to access some homecare. No,  
10 nothing. And, you know, thankfully my friends behind me,  
11 John Yannel (ph) and Josey (ph) and some others have been  
12 coming forth and -- and supporting me. And without those  
13 friends, I would have been really in the hoop, right?

14 And so we need to continue to lobby and  
15 advocate for better resources.

16 **MARK HANDLEY:** I -- I really think that we  
17 need to get beyond thinking about the nine to five way that  
18 we work as a -- as a society. I think a lot of the issues  
19 that come out or happen from nine in the evening until nine  
20 in the morning and that's when you have all the addiction  
21 in places like that. And there is not really many -- in  
22 safe places that are out there, community centres are great  
23 during the daytime. There's programming and, but it never  
24 extends outside of that, that time environment. And on  
25 holidays, you know, this past Easter, that was a lonely

1 four days for a lot of people, I'm sure. Everything was  
2 closed, people were on holiday, Christmastime, things like  
3 that.

4 So I would just -- my suggestion there is  
5 just like, we got to think beyond the nine to five. And  
6 have it accessible that where there are free access to free  
7 community events, so --

8 **VIOLA THOMAS:** I think there is lots of  
9 opportunity and, I think, I would like to really encourage,  
10 you know, First Nation run schools to start being inclusive  
11 of sharing two-spirited heroes. If the idea is to  
12 eradicate the racism and homophobia and all of the sexism  
13 and all of that stuff, the ism stuff, then, I think, it  
14 goes back to education in our communities. Whether it's  
15 First Nation run schools or the public system.

16 I also think that alternative media such as  
17 the Xtra newspaper, has a great opportunity to run some  
18 stories about the diversity of the -- of the LGB community  
19 because, I think, quite often, they only focus on the white  
20 population so not racialized communities within alternative  
21 media.

22 I also think that I would like to see APTN,  
23 they have an opportunity, so if the idea is to cultivate a  
24 paradigm shift in society about our truth. We need to be  
25 able to encourage and collaborate at all levels through

1 media, education and with our healers, with our -- our  
2 cultural traditions, which are very diverse.

3 I know certainly for me, I've never had the  
4 -- the challenge to be excluded when I wanted to  
5 participate in -- in ceremony, but I do know that some of  
6 our two-spirited men have been just because they're men, so  
7 I think it's -- I think it's being able to look at a  
8 wholistic approach to really galvanize that paradigm shift.

9 **CHRISTA BIG CANOE:** Thank you. I mean, it  
10 seems obvious because you guys -- thank you for sharing,  
11 particularly your personal experiences of when you feel  
12 safe and don't because that's not something always easy to  
13 talk about or identify. But, I mean, and it seems  
14 straightforward, but there is a direct connection between  
15 violence and the discrimination that the two-spirited LGBTQ  
16 populations experience. And I -- you know, I think, it's  
17 important we -- we talk about that when we're talking about  
18 safety.

19 And particularly I'm hoping to turn here to,  
20 you know, your guys' experience in work and particularly  
21 the safety of street involved individuals and sex workers.  
22 So, you know, I know that you've already talked some about  
23 where you've done some of the work, but maybe if you could  
24 share with us, some of the strengths of those communities  
25 and the barriers that particularly street involved and sex

1 workers that also identifies two-spirited experience?

2 **JAMIE LEE HAMILTON:** Absolutely. Thank you.  
3 You know we do have a disproportionate number of Aboriginal  
4 Indigenous people in the sex trade along with gay and  
5 lesbian and trans people because often that was our only  
6 way to survive, you know, if we wanted to transition, for  
7 instance. We didn't have any medical assistance.

8 And, you know, when we are on the street,  
9 we're -- as we know, we're very vulnerable. And I recall  
10 in 1992, it -- you know, and I know the family of Sarah  
11 (ph) and Joe testified earlier and I remember, I was  
12 bringing hot apple cider and coffee to people out on the  
13 street that had been displaced into the dark, deserted --  
14 what I coin the killing fields of the downtown east side.

15 And what happened was, I remember contacting  
16 -- and I'm not going to name names. I contacted some  
17 chiefs of local Bands and they didn't want to -- you know,  
18 I said, Some of the people here are members of your Nation,  
19 you need to come to the plate. And -- and, you know, I  
20 guess maybe there was feelings of shame, I don't know, but  
21 there was no offering of support.

22 And -- and I remember calling Viola and  
23 Viola came forward. And, you know, she's -- was the  
24 president of the United Native Nations and together Viola  
25 and I went up to City Hall and engaged in some pretty wild

1 antics of dumping 67 pairs of stiletto shoes on the steps  
2 of City Hall to bring attention to the scope of what was  
3 happening.

4 And so, I -- I just find people -- and  
5 here's where we had a city -- and I'm sure it's the same  
6 throughout Canada. We have a city that earns high licence  
7 fees from the regulation of indoor sex trade and then they  
8 turn a complete blind eye to the plight of those who are on  
9 the street who are being victimized and harmed.

10 And so we need to -- and we -- we continue  
11 to push. I remember engaging in some pretty wild antics,  
12 much to the chagrin of the mayor. But eventually the  
13 mayor, I was able to appeal to his humanity and he came  
14 onboard and called for the reward of -- you know, in 1988  
15 of the murdered and missing women and that's when finally  
16 rewards help. Some people might say they don't help, but  
17 they do help.

18 But -- but before we even get to that place,  
19 we need to -- and I don't want to get political here and to  
20 -- you know, there's two prevailing sides of the argument  
21 around the sex trade, and I don't want to get into that. I  
22 want -- I always like to reframe it, that we all agree on  
23 safety, and let's keep our focus there. That we need to  
24 ensure that those who are in the most vulnerable positions  
25 have to be cared for. They have to be -- have proper



1 resources, so they can live properly. They need to -- and  
2 Welfare is not a solution.

3 You know, it's -- and so we need to keep  
4 pushing for that because we have to -- you know, Judge  
5 Oppal said to me in the Oppal Commission, We can never stop  
6 serial killers, but we can prevent them from preying on us.  
7 And -- and that's what we need to do. So, yeah.

8 **MARK HANDLEY:** Good. I don't really think  
9 there's one specific place that I can think of, but I mean,  
10 the practice of what I like to do is following certain  
11 leadership, certain projects and really supporting that and  
12 just letting myself -- educate myself through those things,  
13 so there may be several different events happening. And  
14 specific or non-specific, but that's -- that's what I do  
15 is, kind of, reach out to those places or people and  
16 support them.

17 **VIOLA THOMAS:** I think that -- I'm so glad  
18 that Jamie mentioned that Welfare is not the solution. I  
19 absolutely agree. I think that we would need a complete  
20 overhaul of the -- of the social policies in this country,  
21 at the federal and provincial level and engage people that  
22 are directly impacted by poverty to make the change happen.

23 I find that the process of policymaking and  
24 the legislative processes are not inclusive of engaging  
25 people that are directly impacted. So if we look at

1 different initiatives going on, whether it's on reserve or  
2 off reserve, I find this perpetuation of codependency in  
3 poverty so -- so deeply rooted that it creates a  
4 codependency rather than empowering people to be eradicated  
5 from poverty, and there's real simple solutions.

6 Countries like Norway, which is smaller than  
7 Canada, as well as Sweden, I believe, offer free education  
8 for everybody. Why can't we do that in Canada? There are  
9 so many models out there to address poverty, but the way  
10 the system works is that, they create codependency, so that  
11 folks bounce around from one -- not for profit. They know  
12 the circle to go. Oh, I can go over there Monday for free  
13 soup and I can go over there Wednesday for a nice luncheon  
14 or I can go over there, rather than empowering individuals,  
15 so that they can free themselves of the change of poverty.

16 I also think that the Provincial Government  
17 systems and the Federal Government systems and their idea  
18 of addressing social security is really a way to sustain  
19 their power, state power over poverty. And I always refer  
20 to poverty, the economics of pain because that's exactly  
21 what it does. It sustains the poverty, so that they  
22 contain the reins over our people's lives to keep poor  
23 because, can you imagine if our people got healed in this  
24 country, the prisons wouldn't be filled. Our children  
25 would not make up the bulk load of the Child Welfare

1 system. Our people would not be filling the hospitals or  
2 the graveyards. Our people would not be -- be continuously  
3 be subjected to, you know, the historical harms that have  
4 happened to our people.

5 And I look forward, and I hope it happens in  
6 my lifetime, that I can wake up in the -- in the -- you  
7 know, before I get real old and say, Wow, look at the --  
8 look at how resilient our people are to be able to step up  
9 to the plate and come together as families as communities  
10 whether we're urban, on reserve, whatever because the power  
11 is in the people, it's not in government.

12 **CHRISTA BIG CANOE:** So one of the things  
13 too, when we're talking about the type of work or the type  
14 of ways we make communities safe, one of the things we --  
15 we can do is it is probably easier for us to identify some  
16 of those obstacles or the barriers, and so let's start  
17 there, but then I want to circle back and also talk about  
18 some of the strengths where we've seen success. So what  
19 has worked? Like, we're talking about types of advocacy  
20 that have made a change or made a difference. What has  
21 been working? What are you seeing when things are working  
22 when there's programs or things in place that are actually  
23 helping the community to feel safer?

24 **JAMIE LEE HAMILTON:** I think when you  
25 recognize the people, that they have worth, that they

1 have value. And -- and certainly one of the latest  
2 projects -- well, I had been working on it for eight  
3 years with Dr. Becki Ross and my good friend Laura  
4 McDermott (ph), who is right behind me as another support,  
5 and we founded the West End Sex Workers Memorial.

6 And for eight years because of the  
7 displacement and also the Anti-Hooker Bylaw that was -- I  
8 call it that Anti-Hooker Bylaw. It was the Anti-Street  
9 Activities Bylaw that was implemented in 1981 and it was  
10 later deemed unconstitutional. And -- but in the first six  
11 months, they began fining us \$2,000 and in the first six  
12 months, they collected \$28,000 and, so we lobbied for  
13 reparations in regard to that in the form of a memorial in  
14 the west end, which was the heart of the west end sex  
15 worker community.

16 And that, you know, I had -- and so we were  
17 successful. And -- and two years ago, we had the unveiling  
18 and the city agreed, it's the first memorial of its kind in  
19 Canada, a handful in the world. And -- and that allows  
20 people that are part of something to see that they have  
21 worth. They don't need to feel shame for doing something  
22 that they needed to do to survive, so I think it's  
23 important to look at it's strength-based perspective on --  
24 on these social issues. I would like to see -- you know,  
25 us even being here today, just speaking, I know it's going

1 to give hope for other people too that might be listening  
2 in.

3 That -- I don't like to think of myself as a  
4 mentor, but -- but, you know, I do accept that if other  
5 people see me in that role, I'm happy to do that. And --  
6 and I want people to have courage to find their voice and  
7 to speak out. And how they achieve that is by coming  
8 together with others, and I think often self advocating for  
9 -- for, you know, our -- our respect and our dignity in  
10 society.

11 **MARK HANDLEY:** Yes, thanks, Jamie. I can't  
12 really think of anything really specific, but, like I --  
13 like I said before, I really, sort of, gravitate towards  
14 healthy -- healthy things that are happening and quite  
15 often that's people I know, looking for healthy leadership,  
16 healthy people. And, I mean, my support here, they are all  
17 very much -- and Viola, one of my bosses from ages ago.  
18 And -- but I'm not related to you.

19 But -- but really specifically, looking --  
20 looking to that leadership and looking for my role. I -- I  
21 do look for role models and I've always done that. And I  
22 think that's why I'm -- I'm a content in where I'm at right  
23 now, so -- so something I've done recently in the last five  
24 years was help raise our child. He was six months old and  
25 that was something that was really healthy and really went

1 back to grounding me in being able to go forward and, you  
2 know, being part of this community, so there's -- there's  
3 small examples all over the place, so --

4 **CHRISTA BIG CANOE:** That's excellent.

5 **VIOLA THOMAS:** I came into this crazy world  
6 from a very humble beginning. I -- I grew up in a family  
7 of 18 and 16 survived and we packed our water from a creek.  
8 And then we graduated from packing water from a creek to  
9 having a handpump to eventually having running water and  
10 eventually having electricity. And all of those things  
11 come into our lives.

12 But in my lived experience in growing up  
13 from that humble beginning, it was the generosity, the  
14 kindness of our people's humanity in helping each other.  
15 You didn't have to pay someone to come over and help you  
16 chop wood. It was a given that if that Elder needed wood,  
17 you went and chopped the wood for that Elder.

18 So for me, I think, what's really -- really  
19 vital is that we resurrect and we revitalize our -- our  
20 noble, cultural traditions because it's true those  
21 teachings and those values that will reinvigorate our  
22 humanity within our families and our communities.

23 And there's been research done in British  
24 Columbia whereby they did research on looking at the high  
25 suicide rates of Indigenous youth and examining, what role

1 did women's leadership play? What role did culture play in  
2 the prevention of suicide of our people? And those  
3 psychologists affirmed that those communities that had a  
4 strong, cultural connection through language and tradition,  
5 as well as engagement of women and leadership, had the  
6 least rates of suicide. And, I think, that speaks volumes.

7 And, I think, it's about renewing our honour  
8 of our mothers and our grandmothers because they are the  
9 center of our being. And so, I think -- and renewing the  
10 role in which men can play in creating better public, safe  
11 spaces in our communities is so, so critical and to quit  
12 turning a blind eye to the violence that continues to  
13 happen within our communities.

14 **CHRISTA BIG CANOE:** And it's that -- and,  
15 again, returning to that violence and we talked more  
16 generally about the spaces and places to find safety, but  
17 let's take it down a little deeper when we're talking just  
18 about individuals, like, street involved individuals and  
19 sex workers and how they're finding safety? What are --  
20 what are the things that can empower them to find safety?  
21 You know, is that safety in numbers? Is it certain, like,  
22 things that they've decided to do together to watch out for  
23 each other? What's at work there?

24 **JAMIE LEE HAMILTON:** I go back to the west  
25 end days, of course -- and we were a community that was

1 very resilient. We -- we kept the area pimp free. I don't  
2 mean to be crude, but if any pimps came down there, we'd  
3 say, Unh-unh, unh-unh, you can't come down here unless you  
4 can go home and throw a dress on and come back and do what  
5 we're doing and then you can be down here. Well, that was  
6 a very easy way to get rid of them.

7 But we would stand and I think someone -- a  
8 brother of Cheryl Anne (ph) spoke about, you know, spotting  
9 licence plates' numbers. We would collectively stand  
10 together and take down licence plate numbers.

11 We often looked out for the Elders in the  
12 community. We would help them with their shopping bags  
13 home and they loved us being on the street. They said the  
14 presence of us there, didn't make them fearful at night.  
15 And so, I believe, that that's something we can do.

16 As we know through the *Bedford* decision  
17 that, you know, the law was contributing to the actual harm  
18 of those involved in street involved work. And -- and so  
19 now, you know, I think back to back in the day and, you  
20 know, there were the Shame the Johns Campaigns that would  
21 come out and target us, but really they weren't about  
22 shaming the Johns, they were about shaming the prostitutes.  
23 And -- and even to this day, the Conservatives have brought  
24 in Bill C-36, that professed that it's going to be there.  
25 The realize that many of those involved in the sex trade



1 are -- are victims and so forth and, therefore, they'd like  
2 to see the law used against, you know, predator style  
3 people that come down to the different strolls.

4 But in actual fact, what they're doing is  
5 still targeting those who are on the streets, street  
6 involved people. And -- and, again, if there is anything  
7 I'd like to see come out of this Commission is that a  
8 lobbying effort to say that the Bill C-36 is contributing  
9 to continued harm and violence against those involved in  
10 the sex trade.

11 We need organizations -- as Mark said, So  
12 many of the organizations are, you know, do administrative  
13 hours, Monday to Friday. You know, nine p.m. [sic] to four  
14 p.m. Close over lunch and -- and they're not servicing the  
15 needs of those who really need support, so we need to push  
16 for that. We -- we need to have overnight support for --  
17 those are the most dangerous times. We can't allow those  
18 through their vulnerability to have to go off into cars,  
19 automobiles and -- and, you know, in locked cars, you're  
20 the most vulnerable. Something usually is going to happen  
21 to you. I know it happened to me.

22 And so we need to keep pushing, pushing,  
23 pushing to enact change. Canadians have to join us. Like,  
24 we can't allow -- we're all culpable if -- if we're  
25 allowing different segments of our citizens to be deemed

1           disposable. We -- we can't allow that. Where's the  
2           humanity in that? We need to keep fighting and -- and  
3           that's what I think this Commission is really good.

4                        You know, I participated in the other  
5           Commission, which it was all about the police and them  
6           pointing fingers at one another or deflecting blame for  
7           their inaction and their mistreatment of those involved,  
8           so I must say that I'm really happy at this Commission to  
9           see the witnesses and the family members and it's not all,  
10          you know, about the VPDs. To me it's inclusive. It is  
11          welcoming and -- and it's been very a very uplifting  
12          experience for me, so -- and we need to get that out there.  
13          Educate, inform and support one another.

14                      **MARK HANDLEY:** I think when it comes down to  
15          safety, the one thing that I think is something to look for  
16          is being able to look what's happening with the social  
17          media and what safety is within that. And being -- making  
18          sure that we're -- we're planning for it because it's -- it  
19          certainly --

20                      Where I was socially -- when I was in my  
21          teens, 20s, 30s is really different than what it is right  
22          now. So it's just --

23                      **CHRISTA BIG CANOE:** Yes.

24                      **VIOLA THOMAS:** I think that when we think  
25          about safe places for street involved, it can't be just

1 thought of as street involved within the urban/rural  
2 communities, but we also need to think of the safety for  
3 folks on reserves. And it's a huge challenge to be able to  
4 have anonymity to address safety on behalf of victims of  
5 violence on reserves because sometimes those perpetrators  
6 may be elected officials that bullied in the past.

7 There are no effective strategies to address  
8 the lateral violence, which is really an outcome of the  
9 historic trauma of residential schools. We see how -- how  
10 that violence of that historic trauma has played out on  
11 reserve communities within families intergenerationally.

12 So I think there is -- there -- there really  
13 needs to be a opportunity to have anonymity, so those  
14 individuals will be able to access the supports that they  
15 need within reserve communities.

16 The second thing that -- that I would like  
17 to -- like, to encourage around -- around the whole issue  
18 of public safety is that both the Provincial Public Safety  
19 Ministry, as well as the Federal Public Safety Minister, as  
20 well as the Aboriginal Justice Program, all need to  
21 reinvigorate the gender programs that used to be available  
22 specific for Indigenous women and girls. Right now there  
23 is no gendered approach within the Federal Public Safety  
24 Ministry, nor is there a gender approach. And I would add  
25 to that, culturally gendered approach to the Provincial

1 Public Safety Programs and Services. So, I think, it's  
2 critical because they have the obligation to ensure public  
3 safety. And -- so, I think, we need to create space within  
4 both the Federal Public Safety Ministry and the provincial  
5 and the Aboriginal Justice Program to have programs  
6 dedicated specifically for Indigenous women and girls.

7 And I have some other ideas, which I'll save  
8 for later.

9 **UNIDENTIFIED SPEAKER:** Save for the  
10 recommendations.

11 **CHRISTA BIG CANOE:** Save some for the  
12 recommendations. And, like, I know it sounds like I keep  
13 asking the same question, and I'm not, because when you  
14 were talking, Jamie Lee, you were talking about some ways  
15 that sex workers or street involved people can actually  
16 find safety in numbers and do things. And you did mention  
17 *Bedford*, and we know that out of *Bedford*, there -- there  
18 was a finding that if you -- if you -- if the provisions of  
19 the law didn't allow workers to communicate or work  
20 together, that it put them into unsafe spaces. And if I  
21 heard you right, just a moment ago when you were talking to  
22 the Commissioner, you were talking about them being pushed  
23 back into dark spaces, so even, though, they are no longer  
24 necessarily targeting the sex workers or they're supposed  
25 to be targeting the Johns, is it just creating the same

1 environment that -- that existed that led to those, as you  
2 called it earlier, the killing fields of the downtown east  
3 side. And can you just give us a little more context to  
4 that, please?

5 **JAMIE LEE HAMILTON:** Yeah, certainly, Chris,  
6 you know, I feel that to this day, those involved, street  
7 involved are deemed a public nuisance. And -- and it seems  
8 that that public nuisance concept has more importance than  
9 a human life. And that we're deemed expendable. And --  
10 and that's really hard when others are coming up and  
11 witnessing that, as well, and asking them to begin to trust  
12 the authorities that are supposed to be vested with  
13 ensuring public safety including our safety.

14 **CHRISTA BIG CANOE:** M'hm.

15 **JAMIE LEE HAMILTON:** And so, I know Bill  
16 C-36, for example, has clauses in it that if you're near a  
17 community centre, a park or a playground, a church, that  
18 you can be rounded up and taken away under the public  
19 nuisance. It's almost like the old vagrancy  
20 (indiscernible) laws.

21 And -- and, you know, what they don't get,  
22 they don't understand that people gravitate more into those  
23 areas because they're lit, there's people around and you  
24 only want to feel safe. That's -- that's it. You don't  
25 want to be -- have imposed on you by the state that you

1 must be in this dark deserted, industrial area at night.  
2 So we ask people that are harassed -- the police now don't  
3 do their own dirty work, they're getting the -- they have a  
4 very good Public Relations Department and it makes it  
5 appear like they're wanting to help, assist those who are  
6 street involved, but instead it's a Business Improvement  
7 Associations who get municipal funding that target the  
8 woman and push them around and -- and harass them. And  
9 it's just -- it's just ongoing to this day.

10 And so -- we just need to keep speaking out,  
11 going forward. We need organizations like the Aboriginal  
12 Mother Centre to be inclusive of -- of street involved  
13 individuals and we need our other LGBT organizations to be,  
14 as well.

15 We need -- there's a new program that  
16 started in Vancouver here by our new LGBT Vancouver police  
17 liaison officer who is heterosexual, but I guess he could  
18 do the job, but he doesn't know the community. And, you  
19 know, there's a program called Safe Haven and he's gone out  
20 to -- seems to be going all over traveling to talk about  
21 Safe Haven, but what is Safe Haven? It's basically decals  
22 on businesses that if you're bashed, you go in there and  
23 say, You know, I've -- I've just been hurt.

24 But you know, we still have people in  
25 Stanley Park, which is a gay men's cruising area here in

1 Vancouver. Last fall, there was a -- you know, in a very  
2 short period of time, there were two -- two men murdered  
3 and one 82-year-old man left for dead there. And -- and,  
4 you know, people still don't trust the police to -- to take  
5 their complaints seriously.

6 And so -- yeah, so we need to turn to the  
7 organizations, but those organizations have to be there for  
8 us. We were supposed to have a toll-free number that we  
9 could call. That's never materialized. The Highway of  
10 Tears, the bus service which was promised has been taken  
11 away. You know, it just seems to go on.

12 But where we have strength is in us -- as  
13 individuals, but as Viola said, As a collective. Together  
14 we have to push for those changes and -- and we have to  
15 keep pushing. And some people might be able to push more  
16 than others and that's what we have to do. Because we have  
17 to be allowed to be in a safe environment. And not all  
18 people might accept that.

19 In New Zealand, they have a very good motto  
20 where women are allowed to collectively be together, four  
21 to five. You have to be a New Zealand citizen. And -- and  
22 we know that they have zero violence towards those in the  
23 sex trade. And we need to look to models like that to --  
24 to ensure our safety and -- and allow the women to stand  
25 together and spot licence plate numbers. Don't disrupt

1           them.

2                           Like, you know, we know how to -- we know  
3           how to protect ourselves because we've had to and so we're  
4           the best people to be able to do that, but we have to have  
5           people that will listen to us.

6                           And I can tell, Commissioner, that you're  
7           listening and I really appreciate that and I know you come  
8           from where we come from and I really -- I'm looking at your  
9           kind face and I want to just say, I'm so thankful that  
10          you're hearing this Panel.

11                           **COMMISSIONER EYOLFSON:** That's definitely  
12          (indiscernible)

13                           **MARK HANDLEY:** I think one of the only  
14          examples that I can really think offhand is -- is  
15          grassroots based and it's a bad date sheet that gets passed  
16          around. It comes out on a regular basis and -- and they  
17          may have maybe seven, eight bad tricks that have happened,  
18          but, I mean, it's word-of-mouth that's on the street.

19                           I think another thing that we could do is to  
20          start looking towards what's happening here in Vancouver is  
21          the opiate crisis and right there you have a lot of things  
22          that are being initiated, small and large, but I think  
23          basically it's a discourse that's coming out of things  
24          happening. Like, two people have probably died last night  
25          and so there's -- there needs to be a dialogue that happens



1 within the community, as well, so it's -- it's going to be  
2 grassroots based. And, I think, it's important that we  
3 carry that dialogue on an ongoing basis.

4 The opiate crisis isn't going to end.  
5 What's happening within our community is not going to end  
6 without -- without a discourse, without a -- without a  
7 conversation amongst ourselves, so --

8 **UNIDENTIFIED SPEAKER:** Okay.

9 **VIOLA THOMAS:** I think that -- that there's  
10 two things. One is -- is we need to -- we need to be able  
11 to ensure that there is equity of access for social housing  
12 for single parent families, whether it's, you know, women  
13 or guys. There's a growing trend where we have guys that  
14 are lone parents. And the lack of equitable social housing  
15 for -- for single parent families is -- is a real issue  
16 that -- that creates challenges.

17 Also, it's moving beyond just the -- the  
18 safe place idea of having safe place shelters, but having  
19 second stage house, so that when Indigenous women are  
20 released from institutions, they have a safe space to go  
21 to. Usually what happens, they're let out at the gate at  
22 the prison and, Good luck, that's it. So, I think there  
23 has to be greater second stage housing.

24 And the other piece to that is also  
25 accommodating innovative approaches to social housing for

1           Indigenous women and girls such as, for example, in  
2           Vancouver, there is only one Women's Co-op Housing  
3           initiative for all of the Lower Mainland. Why -- why can't  
4           we create more Indigenous Women Co-operative Social Housing  
5           that -- that encourages that independence and  
6           collectiveness of wellbeing.

7                           And then the only other thing I would add to  
8           that is -- is also addressing, you know, getting more  
9           strategic with governments. We're always in a crisis mode,  
10          we're always reacting to crisis and not looking at things  
11          proactively. And we need to be able to get our best  
12          thinkers out in our communities to think more strategically  
13          about systemic change.

14                           **CHRISTA BIG CANOE:** Thank you. Commissioner  
15          Eyolfson, can we, please, take a -- so the plan was to do  
16          the first part, have the break and come back. So given  
17          that it's now about 3:50. I'm going to suggest a 15-minute  
18          break and that we can reconvene at 4:05, aim to be back in  
19          the room and rolling again. If we could have the break,  
20          that would be great.

21          --- Upon recessing at 3:51 p.m.

22          --- Upon resuming at 4:21 p.m.

23                           **CHRISTA BIG CANOE:** Hello, Commissioner  
24          Eyolfson, if we could recommence the Panel?

25                           When we left off we had been talking about

1 some of the safety issues that street involved and sex  
2 workers within the GVA have experienced and where the can  
3 find safe places. And there was a bit of a conversation  
4 about safety versus nuance. And I'm going to ask -- I  
5 wanted to unpack it a little further and I had some  
6 questions for he Panelists, specifically in relation to  
7 when -- when Jamie Lee was talking about Bill C-36 and that  
8 it came into place and that the enforcement of it was -- it  
9 sounds almost similar to, like, the anti-hooker laws. It's  
10 like it's recycling back to placing street involved and sex  
11 workers, maybe, again, into harm's way, but I was wondering  
12 if the Panel could speak to any of the police, the  
13 policing, our polices that they're aware of or, like,  
14 what's happening when people are picked up in terms of the  
15 treatment of trans people and two-spirited people that are  
16 sex trade workers upon arrest and placement in cells or if  
17 they're experiencing some of the things that were  
18 historically experienced, strip searches.

19 **JAMIE LEE HAMILTON:** Thank you for raising  
20 this point. And we've recently had another case a few  
21 years back. Her name is Roller Derby Girl. She's a  
22 transwoman and she -- you know, she does something such --  
23 very benign. She directs traffic on the street with line  
24 skates. And -- and, you know, they arrested her and she  
25 had just had surgery and they badly mistreated her in -- in

1 the jail cell, they continually refer to her in the male  
2 pronoun, using the dead name.

3 And also she was required to have her  
4 stents, you know, just having surgery and they wouldn't  
5 give her those treatments, so she filed a human rights  
6 complaint and -- and she won. And this is very recent and  
7 so the police were required to adopt policy and they just -  
8 - you know, they took their time. You know, they said that  
9 they consulted with some experts within the community.  
10 It's really unfortunate though, they didn't consult with  
11 the trans community.

12 And -- and the policy, though, at the end of  
13 the day, and it's still not implemented. It's in draft  
14 form, so -- and it -- and they wanted -- the stumbling  
15 block is, they want the final -- the final say on where you  
16 go in the prison cell system under the profess --  
17 protection of trans people, which is really quite frankly  
18 bullshit. And they want to absolutely, I think, still  
19 place us where they think that we belong and that's not  
20 usually in relation to our chosen gender.

21 And there's no -- there's no documented  
22 evidence that placing a transwoman in a -- in a cell with  
23 other women, that there's going to be any problems. And so  
24 -- so that's still ongoing.

25 And, you know, the police might have gotten

1 a bit better, that they don't, you know, dump out your  
2 purse, if it's got condoms in it, but -- but they're still  
3 doing these little things. And what happens too on arrest  
4 is often that the judges still will do a bail restriction  
5 that you can't be in a certain area of that area where  
6 you've been arrested, which, again, has a displacing  
7 effect. It takes you away from your community.

8 So -- and I'm sure this is happening  
9 throughout Canada and -- but here the human rights abuse --  
10 it's a power of the -- the misused -- the power by the  
11 police has been phenomenal. And, you know, it started way  
12 back when they were releasing mugshots of the missing  
13 women. And -- and, you know, it implies to the public, Oh,  
14 this is a criminal, this is a bad person. And so --  
15 there's still so much work yet that needs to be done there.

16 **MARK HANDLEY:** I don't know so much of the  
17 specifics, but I would go back and started addressing or  
18 readdressing geographic, whether you're on reserve, off  
19 reserve. Whether it's happening online, whether it's  
20 happening downtown, east side Vancouver, west side  
21 Vancouver, so just going back and just, kind of, like, you  
22 know, where were the safety places where those events were  
23 happening, activities? Yeah, just --

24 **VIOLA THOMAS:** I think I want to comment on  
25 a number of fronts regarding policing. I had a direct

1 experience regarding policing, which my friend, Mark, was a  
2 witness to. We were wanting to visit a dear friend who is  
3 a hereditary chief while I was living here in Vancouver.  
4 And we caught a taxi to go visit my friend because she was  
5 staying at one of the hotels. And the driver was very,  
6 very rude. He was saying very racist things about our  
7 people.

8 And -- and so I wanted to address it in  
9 using their protocols, which would have been to report it  
10 to the City of Vancouver. And as we were getting out of  
11 the cab, the cab driver took off with me in the cab and my  
12 partner was feared from our [sic] life, as well as my  
13 friend, who was a hereditary chief, thinking, Oh, my God,  
14 what is this taxi driver going to do with Viola? Is she  
15 going to become one of those statistics of murdered and  
16 missing women?

17 And it was very horrific. It had a very  
18 profound impact on me personally in terms of the ability to  
19 even want to trust police. And, I think, that if it wasn't  
20 for the sex trade workers on the street -- when the police  
21 finally heard and believed that I was being abducted by a  
22 taxi driver, and it was sex trade workers on the street who  
23 were yelling out to the police, Don't harm her.

24 When I got out of the taxi, the street trade  
25 workers were watching and yelling out to the police, Don't

1 hurt her, she's not doing anything wrong. And the taxi  
2 driver yelled at the police and said, Oh, she didn't pay  
3 her taxi fare. And, of course, the police believed the  
4 taxi driver. And so he grabbed my purse, dug into my purse  
5 to pay the money to the taxi fare and then allowed the guy  
6 to -- to go. So I never even had the opportunity to get  
7 the licence plate number, so that I could have followed up  
8 with a complaint.

9 After the taxi driver took off, I turned to  
10 the police and I was so shaken up, I was just so, so  
11 razzled, I asked them if they could kindly drop me off at  
12 the hotel where my partner and friend was and they refused.  
13 Meanwhile, my -- my partner was being brutalized by the  
14 police, which Mark witnessed. And thank God he was there  
15 because who knows what would have happened to her?

16 So it's a real trust issue when it comes to  
17 policing. Not just for two-spirited people, but for all  
18 Indigenous people. And, I think, that one of the big  
19 things -- and I don't know if you heard on CBC the other  
20 day, they shared some data on how many people have died as  
21 a result of the brutalization by police in this country and  
22 the suggested numbers were around 500.

23 In that analysis, they affirmed that it was  
24 racialized and Indigenous peoples that were most brutalized  
25 and killed at the hands of police, either through tasering

1 or other forms of violence. So I think fundamentally,  
2 there has to be mandatory training with all levels of  
3 police, new recruits, the status quo of police services  
4 across the country, including First Nations Police  
5 Services. I think, that there has to be a mechanism  
6 through the transfer payments between Canada and the  
7 provinces because the provinces are responsible for  
8 policing. However, they do negotiate agreements with  
9 Canada for RCMP policing for those areas that don't have  
10 their own municipal police.

11 And, I think, there should be clauses in  
12 those *Community -- Community Tripartite Agreements* that  
13 make it mandatory for anti-racism training and anti-sexism  
14 training by police officers and it should be included as  
15 part of their job skills and requirements by adding  
16 cultural competencies within their job descriptions. Those  
17 are simple things that it wouldn't cost the police a lot of  
18 money to do by simply amending their job contracts or  
19 Service Agreements to embrace those type of opportunities  
20 to prevent the kind of continued brutalization of our  
21 people through the policing services.

22 **CHRISTA BIG CANOE:** I want to return to a  
23 point you brought up, Jamie Lee, in terms of the -- you  
24 know, one of the first things was the pictures. The  
25 pictures of the missing woman [sic] were mugshots and the



1 message that that gave, but I want to make it a little  
2 broader because, you know, the Grassroots Advocacy in  
3 Vancouver is really, I think what drew the attention to the  
4 women missing in the downtown east side and other places,  
5 but when you look at even the posters that go to  
6 courtrooms, it's mugshots, it's not pictures of the people  
7 -- as people would remember them, laughing and smiling and  
8 their true personalities.

9 So can, everyone, on the Panel, please  
10 address the -- how that situation as one, but, you know,  
11 what do we do to break the stigmatation [sic]? What do we  
12 do to break those stereotypes that are perpetuated by  
13 institutions?

14 Yeah, thank you for raising that, Chris,  
15 because, you know, I've always had this uneasy feeling  
16 with the police, that when we've had trans-people --  
17 two-spirited, trans-people that have been murdered, the  
18 police routinely would disclose to the media that they're  
19 trans. And they have no right to do that because it sets  
20 in motion this defence that's used, the panic. We call it  
21 the homosexual panic defence of, Oh, the perpetrator was  
22 triggered because of this. When in actual fact, they're  
23 hate crimes. You know, there are individuals that go out  
24 and target.

25 And so we've tried to work with the police

1 and they say, Well, it's important so for identification  
2 purposes, but it isn't. It's not needed. It's just really  
3 not needed. You don't -- and it's the same when they say,  
4 Oh, drug user or sex worker, you know, people are more than  
5 that. You know, their humanity is robbed from them when  
6 you just categorize them by those terms. And there's no  
7 need for that.

8 So I -- and also, I think, in it -- and it  
9 goes across Canada, I think, too and when I was speaking to  
10 the Chief Commissioner about these no-go zones and the  
11 police contribute to that. And say that, Well, it's going  
12 to make their job of policing easier and -- and it's not --  
13 it's just not the case.

14 So we need to work as Viola said. You know,  
15 the mandatory training. You know, there should be  
16 mandatory LGBTQ+ training. The police had an opportunity  
17 to get it right. We pushed for a LGBT liaison officer and  
18 they hired this, heterosexual man from the Police  
19 Department who had no connection to our community.

20 And I just -- I just want to touch on one  
21 final point, you're seeing across Canada right now, our  
22 Pride societies are asking for the police not to be  
23 involved in our Pride marches because marginalized  
24 community members are fearful of them, and -- and  
25 rightfully so and so -- and now the police seem to be

1 pushing back at us. They're running public relations,  
2 exercises, you know, that, Oh, the communities are not  
3 behind this, even though every major LGBT organization, in  
4 our city at least has said they should not be allowed to  
5 march. They can march, but, you know, they could wear  
6 their t-shirt with the VPD logo on them, they can march  
7 with other city employees.

8 But there's such a show of force in recent  
9 years where their marching with their uniforms and guns.  
10 And -- and so I'm seeing -- and lots of people are seeing a  
11 decrease amount of our marginalized communities, marching  
12 in our Pride parades because of the police presence.

13 And, you know, Pride was started as protests  
14 against the police and, yes, the police have made some  
15 changes, but when we're saying to them, You know, you guys  
16 still have a long ways to go and until you're there, it's  
17 better that you're not -- that your symbolism of your  
18 institution not be so prevalent.

19 **CHRISTA BIG CANOE:** Before you pass to, Mark  
20 -- sorry, before you pass to Mark -- thank you, Mark, by  
21 the way. You had said a no-go zone or a no -- what was it  
22 you phrased it?

23 **JAMIE LEE HAMILTON:** No-go zones where --

24 **CHRISTA BIG CANOE:** I know it sounds funny,  
25 but if we could just explain that for folks who might not

1 know what it is.

2 **JAMIE LEE HAMILTON:** Certainly. So, say, if  
3 you're arrested in a certain area and -- and you live even  
4 in that area, a bail restriction is that you can't go into  
5 that area. And if you tell them that you live there, they  
6 say, Well, you're going to have to move. And this is  
7 before any trial or -- or any conviction that you're  
8 assumed to be guilty. And -- and, you know, whatever  
9 happened to the presumption of innocence until proven  
10 guilty.

11 **CHRISTA BIG CANOE:** Thank you for explaining  
12 that.

13 **MARK HANDLEY:** The only other -- I guess a  
14 current program that's out there right now is a Poster  
15 Program in some bus shelters around there and they're  
16 trying to normalize the -- the stereotype of what a drug  
17 user is. And it's, sort of, this is a father, this is a  
18 brother, this is a drug user.

19 **VIOLA THOMAS:** Yeah.

20 **MARK HANDLEY:** And it's sort of interesting,  
21 they're trying to desensitize what a drug user is, but  
22 that's one example that you could think of, but I think  
23 what we need to also do is go back into our own society and  
24 I'm thinking of Correction Services Canada where you can  
25 actually go into the institution where a lot of these

1 people have -- have ended up and start working with those  
2 staff people to be able to -- because, I think, it's  
3 probably ten times worse in there. And being in that  
4 environment.

5 And that's, I think, going into the federal  
6 system and identifying ways that you could actually work  
7 with them. I think it's not just what we're doing out  
8 here, but actually with -- with offenders and how they're  
9 being treated.

10 **VIOLA THOMAS:** I'm really glad that you  
11 brought up the role in which media play in fostering the  
12 further victimization of victims, but also invoking, you  
13 know, the -- the stereotypes and -- and, you know, I'm  
14 surprised that we haven't pursued civil action against  
15 media for the harms that they bring through the way in  
16 which they portray the mistruths or as Trump would call it  
17 "fake news".

18 And, I think, we have to get serious with  
19 CRTC and address, you know, their policies and legislative  
20 processes around licensing to media. I do know that  
21 Parliament is reconsidering examining the whole issue of  
22 hate crimes through the internet, but also think we not  
23 only have to revisit how lax their policies are with regard  
24 to licencing through CRTC. We need to also extend it to  
25 the other arm, such as coroners. And I say that for two

1 reasons: There was a Indigenous woman in Victoria, British  
2 Columbia who died a brutal death through alcohol poisoning  
3 by this guy who was a predator. And how her death was seen  
4 was alcohol poisoning and not murder.

5 So, I think, that's the other area we need  
6 to re-examine the role in which coroners are misdiagnosing  
7 their assessments with regard to the deaths of Indigenous  
8 peoples and how that's treated.

9 And, I think, the other piece I want to say  
10 about the media is that, I think that there has to be, you  
11 know, particularly with CBC is a good example. It's a  
12 Crown Corporation. Where is their employment equity hiring  
13 when it comes to folks from the LGB community to cover LGBQ  
14 issues and/or two-spirited issues or Indigenous issues? We  
15 do know we have a number of Indigenous journalists.  
16 However, I still think that they can do much better as a  
17 Crown Corporation.

18 I also think that some of our own Indigenous  
19 media also can gain lessons from enhancing their  
20 opportunities of addressing the truth in a more proactive  
21 way rather than perpetuating the stereotypes.

22 **CHRISTA BIG CANOE:** Thank you. And when we  
23 talk again about the -- the advocacy that goes into it, but  
24 services, I've heard particularly while we've been at this  
25 hearing, that the Indigenous Community Services are often

1 more accepting of two-spirited or sex workers or street  
2 involved people regardless of their background. So even if  
3 they're non-Indigenous. Then some of the mainstream  
4 services. Does anyone want to comment on that? Go ahead  
5 first?

6 **VIOLA THOMAS:** I think that there's a real  
7 challenge in British Columbia with the First Nations Health  
8 Authority. They're in deep denial regarding their lack of  
9 effective treatment for Indigenous women and girls. And,  
10 in fact, there is a complaint lodged against them as a  
11 provincial organization with regard to sexual harassment of  
12 Indigenous female employees that work within that  
13 organization.

14 As a provincial organization that negotiated  
15 a delegated agreement from Health Canada to deliver health  
16 services to First Nation communities whether they're on  
17 reserve or off reserve. So to me, it's a negligent on the  
18 part of the Crown, the Federal Government to turn a blind  
19 eye to those types of issues when they sign off on these  
20 delegated agreements, whether it's policing, health,  
21 whatever it might be, that they're not -- they're washing  
22 their hands of their fiduciary obligation as the Crown.

23 And, I think, we need to be able to address  
24 that with the Crown to ensure that there are clauses in  
25 those Tripartite Agreements that address the prevention of

1 those kinds of things from happening.

2 **MARK HANDLEY:** I'm not sure --

3 **CHRISTA BIG CANOE:** Do you want me to re-ask  
4 it, reframe it?

5 **MARK HANDLEY:** Yeah, can you reframe it?

6 **CHRISTA BIG CANOE:** Okay. So in terms of  
7 the community resources, like, I've heard a lot of positive  
8 things about the Indigenous community resources, like, the  
9 non-profits, the organizations that are always trying to  
10 get additional funding for services being more inclusive or  
11 accepting of -- of community members, street involved  
12 people, even if they're not Indigenous, to provide  
13 services. Like, there is an inclusivity is what I've been  
14 hearing. And I was wondering if anyone wanted to comment  
15 on that?

16 So when people reach out to the provincial  
17 or municipal services like the health services, they are  
18 sometimes feeling turned away, but then it's left to sort  
19 of to the non-profit organizations or the Indigenous  
20 community organizations to assist more people. Did any of  
21 you have comments on that?

22 **MARK HANDLEY:** I think when it comes down to  
23 funding of a lot of these Aboriginal non-profits, there  
24 seems to be a shift of what was happening back in the '80s,  
25 '90s in the last ten, 15 years, so it's going back to being



1 more -- having -- these organizations to have a continuity  
2 and the confidence in where their money is coming from  
3 federally, I think, is really important.

4 **CHRISTA BIG CANOE:** M'hm.

5 **MARK HANDLEY:** And from there, you can have  
6 growth actually, if you're not worried about going ERT,  
7 1:49:44 you can actually be on a five, ten-year plan and  
8 being able to know what you want. And, I think, when you  
9 have that confidence as an organization, you're going to  
10 have a stronger ability to be a lot more broad in what you  
11 bring in to your client base there, and or lack of client,  
12 but --

13 But, yeah, there needs to be a healthier  
14 funding strategy for these organizations.

15 **CHRISTA BIG CANOE:** Certainly.

16 **JAMIE LEE HAMILTON:** Yeah, you know, and I  
17 see a lot of the groups that often can be very  
18 discriminatory towards our people. I know in the early  
19 days that -- thank God that's changed because of people,  
20 like Gladys Radek and that -- that Downtown Eastside  
21 Women's Centre, for instance, would not allow transwoman to  
22 access the program.

23 And, then, I look at HIV/AIDS Programs in  
24 the downtown east side, and Vancouver Native Health, which  
25 was providing really amazing services. They've just been

1 completely chopped and -- of funding, their funding stream  
2 and not even told why. And, then, I look at other  
3 organizations that should be, you know, supportive of  
4 people that are more marginalized.

5 I look at places like Carnegie Centre, for  
6 instance, if you're a known drug user, you -- or working in  
7 the sex trade, they don't want you in there and they make  
8 you feel very unwelcome. And that's not acceptable.

9 You know, like, the downtown east side is  
10 our large -- as I call it, it's our largest urban reserve  
11 and, you know, and yet I don't see many Aboriginal focus  
12 organizations down there. There might be a few, but then  
13 even, then, they struggle for funding like the Aboriginal  
14 Front Door Society at Main and Hastings. And so we need to  
15 ensure that organizations are transparent in their delivery  
16 of services. That they're accountable to the communities  
17 that they serve and also that they are properly funded and  
18 resourced, so that they can provide those services.

19 **CHRISTA BIG CANOE:** So we've already been,  
20 kind of, talking about solutions, but the next area we  
21 wanted to focus on was the solutions and recommendations,  
22 but if we can, kind of, like, parse it out a little.

23 One of the things we haven't spent a lot of  
24 time on, although we've talked about poverty as, you know,  
25 a driving force that displaces people, as well, is the

1 connection between substance use and poverty or the street  
2 and poverty tied to drug use. And Vancouver has been known  
3 to be very progressive in terms of some of the approaches  
4 they've taken to substance use in terms of, like, clean  
5 needle sites and stuff.

6 But what are some of the solutions around,  
7 you know, providing those spaces because it's not, like,  
8 one service is needed. It's not silo services that are  
9 needed, but talking about the whole person or looking at  
10 some of those Indigenous principles, how do we find ways or  
11 what are some of the ideas around solutioning? Having the  
12 spaces, other than funding. Because I think we'll always  
13 be an issue is making sure there's the appropriate funding.  
14 What -- what can be done for solutions, so that a whole  
15 person and all of their capacities are being addressed in  
16 better ways?

17 **VIOLA THOMAS:** I think that it needs to be  
18 Indigenous led, first of all. Secondly, I think that the  
19 model of wraparound services or -- or the buzz word we  
20 would use would be wholistic approach to healing, so that  
21 you're not having to go, Oh, okay, I'm going to go over  
22 here for my drug problem, I go through detox over there and  
23 then I go over here for my counselling and then I go over  
24 there for this and that, right?

25 And so, I think, that there's a real

1        disconnect to the intergenerational trauma that Indigenous  
2        peoples have faced that isn't embraced as part of the  
3        addiction treatment approaches and so you can't deal with  
4        addiction unless you deal with what are the root causes of  
5        that addiction. And to treat it piecemeal does a  
6        disservice to our people because it's not getting to the  
7        root of the problem because it's not good enough just to  
8        get clean. Part of it also has to be to address the  
9        irreparable harms through intergenerational trauma.

10                    And, I think, when we can encourage our  
11        organizations to -- or our service providers to think  
12        outside the box and start utilizing approaches that can get  
13        to the root of the problem and not just the addiction, they  
14        would be more successful in -- in terms of lifting up the  
15        people who are suffering from multitudes of trauma. It's  
16        not just one trauma, it's intergenerational. And it's not  
17        just one addiction, it's many addictions.

18                    So until, you know, the -- the service  
19        providers and the funding mechanisms, they have an  
20        opportunity to change the way in which they provide the  
21        funding and the service providers have an opportunity to  
22        change their hours, as my friend, Mark, suggested. Our  
23        problems don't happen between eight o'clock and four  
24        o'clock in the afternoon.

25                    And we need to build capacity within our

1 communities to better respond to trauma related incidences,  
2 as well as crisis situations, so that we can create better  
3 intervention strategies that reflect our cultural world  
4 view and values, whether it's Secwepemc or Haida or  
5 whatever that might be. And don't use pan-Indian  
6 approaches.

7 **MARK HANDLEY:** An example, I guess I could  
8 think of would be really focusing on what -- how halfway  
9 houses work and what they're doing with an individual when  
10 they're going through that. Whether it's, like, for six  
11 months to up to two years or what have you and being able  
12 to look at that bigger picture of how they're getting back  
13 into society. And some succeed, some don't.

14 And, I think, there's -- there's probably  
15 more unguided, sort of, focused ways of looking -- looking  
16 at how we are as an individual because you got to have your  
17 family base, your partner, your work, your -- all these  
18 different things that we just -- you get -- it's not just  
19 one answer, but I like the idea of being able to find an  
20 organization that you can be able to access several of  
21 those at once.

22 But it comes back down to housing as well,  
23 so housing is -- is, I think, paramount in being able to  
24 identify and, I think, being creative about what housing  
25 can be. And it's going to be different things in different

1 areas, so, yes.

2 **CHRISTA BIG CANOE:** But before you pass the  
3 mic, going back to that original thought that -- like, in  
4 the housing solution. That has to be reflective of  
5 people's desire to be with their community and not be  
6 displaced, right?

7 **MARK HANDLEY:** Oh, completely. I was having  
8 a conversation with somebody and I was using -- I said, Oh,  
9 look at the Māori experience. I said, They do it so well  
10 and they have really good examples of being able to do it,  
11 but it was pointed out to me, that's only one Nation. So  
12 we have many Nations within -- within B.C. itself.

13 I'm Cree here in Vancouver, so I mean it's  
14 being aware of that and how do you sort of have that  
15 interwoven Aboriginal group. Because we're all intermixed,  
16 so it's -- yeah, so it's something to look at when it comes  
17 down to your last comment.

18 **JAMIE LEE HAMILTON:** And as we know in  
19 Vancouver, housing is a number 1 priority, we're the least  
20 affordable city. And -- and we need to push for projects  
21 that are really tailored to community. Laura just reminded  
22 me of housing that we have coming on stream in the west  
23 end, for instance, at Thurlow and Pendrell Street. And it  
24 was -- no, no, I'm right, Thurlow and Pendrell, you're  
25 wrong.

1                   And -- and it's great. It's -- you know,  
2                   they're going to place people from the community in there  
3                   and -- and that's important. We need other projects like  
4                   that because what we don't want to do is stigmatize. I  
5                   know they're building some modular housing.

6                   Now, modular housing, which are the shipping  
7                   container housing, that might work in some areas, but in  
8                   the downtown east side and I know who's going to be pushed  
9                   down there, they are placing some right in the heart of  
10                  where Pickton preyed and I know it's going to be Aboriginal  
11                  women, Indigenous women stuck in that housing. Which is,  
12                  again, it's not a safe area. It's going to be very, very  
13                  difficult. It's hard enough to know that you're living in  
14                  a shipping container. And surely our governments can do  
15                  way better than that as rich of a nation as we are, we  
16                  should be able to provide a suitable affordable quality  
17                  housing for our neediest citizens.

18                  So I look to projects like, that and -- and  
19                  I'm hoping with our new Gay/Lesbian Centre that there is  
20                  going to be some housing component on top of that and that  
21                  will come on at Davie and Burrard because communities want  
22                  to stay together and communities have the answers. You  
23                  know, it comes from the ground up. We have the solutions.

24                  And, you know -- and I don't how much time  
25                  we have, but I'd like to see some great recommendations

1       come out of this Commission. And but -- more than that, I  
2       would hope that this Commission will recommend a champion  
3       for the implementation of those recommendations. So --  
4       and, of course, you know, I have people that I would like  
5       to see, you know, in the position.

6                   **UNIDENTIFIED SPEAKER:** She's looking at you.

7                   **JAMIE LEE HAMILTON:** Because, I -- I look  
8       back to when the Oppal Commission of Inquiry. We had to --  
9       we pushed for two planners, community planners and one had  
10      to be Aboriginal. And -- and that individual just came up  
11      to me at this Commission the other day and said, Oh, you  
12      know, I was so glad to be in that position. Thank you for  
13      pushing it. And -- and then they're now not  
14      even -- you know, just a few years later, they're now the  
15      Assistant Deputy Minister in the Ministry of Indigenous  
16      Relations, so you know, people from our community have the  
17      expertise. Yes, you do, Penny Kerrigan. And you know --  
18      you know, so I'd like to see that as -- because often the  
19      recommendations go forward, collect dust on the shelf and  
20      we need someone to be a champion.

21                   **MARK HANDLEY:** I just have one thing --

22                   **CHRISTA BIG CANOE:** Yeah, go ahead.

23                   **MARK HANDLEY:** I've -- one thing I -- I want  
24      to sort of add there is about -- you were talking about  
25      projects and a new -- projects that happen here in



1 Vancouver is the new hospital that's going to be built and  
2 so the infrastructure of what happens when people go into  
3 these places, those hospitals aren't necessarily safe  
4 places. And I think as being able to address that and  
5 finding people that are able to articulate a program that  
6 could be placed into the hospitals. And this is -- you  
7 know, St. Paul's is now shifting over here to the east  
8 side, so --

9 **VIOLA THOMAS:** Yeah.

10 **CHRISTA BIG CANOE:** Perfect. Yeah, no, it's  
11 a good solution. So other solutions. One of the ones --  
12 and we touched a little bit on this earlier is, like,  
13 finding that all ages -- and there was some discussion  
14 about education.

15 You've shared with the Commissioner --  
16 Commissioner Eyolfson about educating, like, particular  
17 agencies, like, police forces or different, like, coroner's  
18 offices. What about education more broadly? Like, when we  
19 think of, like, education to even children in elementary  
20 school and age appropriate on the web, what does that look  
21 like as a solution for you?

22 **VIOLA THOMAS:** In British Columbia, they  
23 have mandatory education around Indigenous people's  
24 history, culture. However, it follows a very generic  
25 approach. That's the problem. It has a pan-Indian flavour

1 to it and, I think, that it needs to really reflect the  
2 diversity of Indigenous peoples of British Columbia -- but  
3 I also would like to see it implemented, not just in the  
4 public schools, but First Nation run schools. But  
5 especially at the postsecondary institutions.

6 There's only one place that I know of in  
7 British Columbia, for example, that offered a credit course  
8 dealing with Indigenous women's history, culture and -- and  
9 that's the Nicola Valley Institute in the interior part of  
10 British Columbia, which is an Indigenous-led education  
11 institution.

12 So, I think, that -- that in -- in looking  
13 at the recommendations pertaining to education, we really  
14 need to make it specific. We need to have Indigenous  
15 representation on every School Board in this province. We  
16 need to have Indigenous people on every Board of Governor  
17 and every postsecondary institution. We need to have  
18 Indigenous professors and Indigenous educators hired in  
19 every educational institution.

20 In Nova Scotia, the only region in Canada  
21 where they have made that mandatory. And you know what?  
22 they have the track record in Nova Scotia whereby they have  
23 the highest achievers in the country for postsecondary  
24 graduates because they've made that mandatory.

25 So it clearly demonstrates the opportunity

1 for high achievers if we can change the face of how  
2 institutions are run relating to education. We need to  
3 amend the *B.C. School Act*, so that it becomes mandatory  
4 hiring as educators and trustees and all of that. Right  
5 now, there's one little paragraph that speaks to the  
6 self-determination of Indigenous education. It's not in  
7 the legislation, it's just a little, tiny, one-paragraph  
8 policy statement. Therefore, it has no real teeth, unless  
9 it's statutorily embraced as part of the legislation.

10 So we need to look at those legislative  
11 reforms that can facilitate educational experiences to be  
12 more inclusive.

13 **MARK HANDLEY:** I guess just two points on  
14 that would be, when you're talking about postsecondary, I  
15 think it would be important to be able to have an  
16 Indigenous or an awareness course, so that people that are  
17 actually graduating rather than going from K-12, but when  
18 they're graduating from university, going through a course,  
19 so as they get into the -- into their world, they're going  
20 to be -- have something recent rather than something back  
21 from their elementary school.

22 And the other one would be immigration.  
23 When you're going through your immigration test, being able  
24 to have something there that's really from a grassroots  
25 implemented, rather than coming from them, but they have

1       some, sort of, committee that you would be able to initiate  
2       that, so immigration.

3                   **CHRISTA BIG CANOE:** Yeah.

4                   **JAMIE LEE HAMILTON:** Yeah, Viola was speaking  
5       about, you know, representation on School Boards and I  
6       recently ran in a School Board by-election here in  
7       Vancouver and, you know, I had learned that many of the  
8       Aboriginal students were being pushed through before  
9       acquiring the necessary skills just to get the graduation  
10      numbers up. And so once they got into postsecondary, they  
11      were failing badly because they weren't prepared yet.

12                   And so -- so we need to do a lot of work  
13      there. And in terms of street involved people, there's --  
14      I've met so many smart, smart people and they don't have  
15      the opportunity to be educated. And their life experience  
16      should count as -- as academic higher achievement and they  
17      should be able to be enrolled in Master's Programs or PhD  
18      Programs just based on their life experiences and knowledge  
19      and so forth. And Viola is right, we need to waive public  
20      education. Higher education, should be free.

21                   **CHRISTA BIG CANOE:** So I know that on the  
22      topic of legislation -- I feel like I'm sitting beside  
23      someone who can very fluently speak about some issues. So  
24      I want to afford you the opportunity to talk about some of  
25      the Private Member Bills that you believe should be

1 considered and contemplated or form the recommendations of  
2 the Commission?

3 **VIOLA THOMAS:** I have three bills that I  
4 want to -- want the Commission to support and endorse as  
5 part of your recommendations. And I have two other  
6 separate recommendations outside of the -- of the  
7 legislative piece.

8 But the first one I would like to address is  
9 the Private Member's Bill put forward by Senator Lillian  
10 Dyck who is of mixed heritage, Asian, Cree from  
11 Saskatchewan. A scientist. Brilliant, brilliant advocate  
12 or our people. She's currently the Chair for the  
13 Indigenous Senate Committee in the Federal Government of  
14 Canada. And she put forward a Private Member's Bill known  
15 as Bill S-215, which is an *Act* to amend the *Criminal Code*.  
16 And it speaks to sentencing violent offenders to look at --  
17 to look at particularly against Indigenous women and girls.  
18 And -- and in the Private Member's Bill, it's wanting to  
19 embrace the gravity of the offenders in relation to the  
20 violence perpetrated against Indigenous women and girls.

21 Similarly, Canada had implemented the *Gladue*  
22 decision, so the idea is -- is to use that similar  
23 approach. What *Gladue* invoked was to say, We need to  
24 critically look at that life person's lived experience in  
25 terms of the intergenerational harms and to take that into

1 consideration when sentencing Indigenous persons. And that  
2 that become part of the judicial system or part of the  
3 process, so there's a real mixed experience.

4 I find from my limited observations that  
5 men are generally afforded greater *Gladue* consideration  
6 than women. But the idea in terms of this particular  
7 amendment to the Bill is using that similar approach in  
8 that, those instances when there are repeat violent  
9 offenders that continue to violate Indigenous women and  
10 girls, then their sentencing should become harsher.

11 So that Private Member's Bill has been  
12 passed at the Senate level and Senator Dyck is currently  
13 trying to get a -- get a sponsor within the House of  
14 Commons to have it go through the House of Commons level.

15 So, I think, that's a very, very important  
16 and critical Private Member's Bill to support.

17 **CHRISTA BIG CANOE:** I'm just going to draw  
18 his attention to one thing in there is ethics.

19 **VIOLA THOMAS:** Sure.

20 **CHRISTA BIG CANOE:** Commissioner Eyolfson, I  
21 believe you have the second reading of Bill S-215 before  
22 you on page 5 of 9, there's, sort of -- this is part of the  
23 Hansard where they are actually discussing the Bill and  
24 they're talking about the crisis of missing and murdered  
25 Indigenous women and the tie to education and how

1 historically Aboriginal children were taught they were  
2 heathen savages, pagans and that the teachings underline  
3 the present-day stereotypes.

4 Part of the argument, then, on page 62 is,  
5 one of the arguments is that Bill S-215 will increase the  
6 likelihood that the consequences of assaulting or murdering  
7 an Aboriginal woman or girl are appropriate and meaningful.  
8 And I wanted to see if you wanted to touch on why -- you  
9 know, because, I think, part of the argument there is,  
10 Well, why would it be different for Aboriginal woman than  
11 anyone else?

12 **VIOLA THOMAS:** Well, we know the -- we  
13 know the truth in terms of the brutalization of Indigenous  
14 women and girls and given the way in which the current, so-  
15 called justice system works, is that quite often, they --  
16 the offenders are forwarded more leeway than the victim is.  
17 It's lopsided, it's imbalanced.

18 But not only that, when you see a history of  
19 repeat offenders violating Indigenous woman and those --  
20 that isn't weighed in as part of the sentencing, then that  
21 -- that says something to me by the justice system that  
22 Indigenous women and girls are not valued. That to impose  
23 harsher sentencing because of the fact that they're  
24 overbrutalized, to me that's an insidious, kind of,  
25 statement by the justice system, so I think -- I think this

1 particular Bill will -- will give it greater weight.

2 **CHRISTA BIG CANOE:** Does it -- does it level  
3 the playing field? That sounds funny, but does something  
4 like this, Bill, if it's passed through, does it level the  
5 playing field? So the crisis we experience is missing and  
6 murdered Indigenous women, girls and two-spirited, if the  
7 law places this -- you know, the more severe punishment for  
8 harming it, do you think it will actually assist? Do you  
9 think if people are aware that they might get a larger  
10 sentence for -- will it help diminish the crisis?

11 **VIOLA THOMAS:** I think, the -- the original  
12 intent of the Private Member's Bill was to have it serve as  
13 deterrence. And certainly -- and certainly, I think, that  
14 given the -- the pattern of -- of adequate fairness to  
15 Indigenous women and girls who face that brutalization and  
16 to see these repeat patterns due to justice systems, one of  
17 them recently is the whole time in which offenders, if  
18 there's -- they miss that time frame, their -- their case  
19 gets stayed. And that's brutal.

20 You look at cases, like, the *Cindy Gladue*  
21 case is a very obvious example where you had a Indigenous  
22 woman that was brutalized by a truck driver and her private  
23 parts were put up for show and tell in the court. Would a  
24 non-Indigenous women's private parts be handled in the same  
25 way? I don't think so.



1                   Would the -- if -- if -- and the facts  
2                   remain to itself that look at the history of this  
3                   individual. So the intent really is to use it as a  
4                   deterrence, so that, yes, there needs to be other tools in  
5                   the toolbox, legislatively to do anything we can for better  
6                   interventions in the justice system.

7                   **UNIDENTIFIED SPEAKER:** Okay.

8                   **CHRISTA BIG CANOE:** I know there's other  
9                   Bills, the other Bills?

10                  **VIOLA THOMAS:** Yes, okay, so the other  
11                  Private Member's Bill that I would like the Commission to  
12                  endorse is a Private Member's Bill put forward by the  
13                  previous interim Conservative leader, Rona Ambrose, who put  
14                  forward a Private Member's Bill that was referred to as  
15                  Bill C-337, which is an *Act* to amend the *Judge's Act* and  
16                  the *Criminal Code*. And through that Private Member's Bill,  
17                  it would make it mandatory for all judges to go through  
18                  training relating to sexual assault and violence against  
19                  women and girls across the country.

20                  **UNIDENTIFIED SPEAKER:** Yay, again.

21                  **VIOLA THOMAS:** So just to give you some  
22                  context to that Bill, it's interesting because I was  
23                  watching the debates in the Senate around this and they  
24                  were more concerned about -- and I'm speaking to some of  
25                  the Conservative members of the Senate, there were more

1 concerned about debating the general, neutral language of  
2 the National Hymn than to bring forward this Bill. So that  
3 says a lot about our Parliamentary system in my mind.

4 So the --

5 **CHRISTA BIG CANOE:** Just one more.

6 **VIOLA THOMAS:** -- third -- the third Bill is  
7 Bill C-282 [sic], an Act to ensure laws of Canada are in  
8 harmony with UNDRIP. Honourable Member of Parliament,  
9 Roméo Saganash from James Bay Cree Territory put forward  
10 this Private Member's Bill in 2016. It's at second  
11 reading. And, in essence, it's such a critical Private  
12 Member's Bill to pass because it would, then, make it  
13 mandatory that Canadian laws would have to ensure that all  
14 of them are in harmony with UNDRIP.

15 And then the two other recommendations I  
16 wanted to offer up to the Commission is I would like to see  
17 a Indigenous woman's secretariat formed at the federal  
18 level, as well as at the provincial level that would have  
19 cross interministerial opportunity to influence policy  
20 change, legislative change, how services are funded, so  
21 that they have meaningful clout to change the way in which  
22 governments provide and develop policies, services and  
23 legislation that have a direct impact relating to  
24 Indigenous women and girls.

25 Too often, like the imposition of the *Indian*

1 Act, that was still alive and well. That was invoked  
2 without our input as Indigenous peoples. Like, what Harper  
3 constituted around the imposition of matrimonial real  
4 property, the law on reserves whereby it's supposed to  
5 protect victims, Indigenous women and girls who are  
6 brutalized through violence, that's supposed to protect  
7 their rights to so-called real property, but those proposed  
8 matrimonial real property law imitated the mainstream  
9 interpretation of matrimonial real property and do not  
10 embrace the Indigenous world views of matrimonial real  
11 property. So it defeats its intent. Nor did they  
12 meaningfully engage women who are violated to have  
13 meaningful input to that particular proposed law. That was  
14 instituted by Harper.

15 The -- also the -- the other thing that I  
16 wanted to also recommend is that -- is that we -- we look  
17 at ensuring that once the final report is launched that it  
18 be presented to the Federal/Provincial/Territorial  
19 Ministers for the Status of Women, the  
20 Federal/Territorial/Provincial Ministers for Justice, the  
21 Federal/Territorial/Provincial Ministers for Indigenous  
22 Affairs before the tenure of the Commission is closed.  
23 Otherwise, once, again, we'll have another report stacked  
24 up beside the Royal Commission, beside the Truth  
25 Commission, besides the Penner Report, besides all these

1 other studies and inquiries that have done about our people  
2 sitting, collecting dust on the shelves.

3 **CHRISTA BIG CANOE:** I'm going to ask you one  
4 clarification question, and I'm sure most people who are  
5 engaged with these issues knows what UNDRIP is --

6 **VIOLA THOMAS:** Oh.

7 **CHRISTA BIG CANOE:** -- but just for anyone  
8 is not familiar, can we just briefly explain UNDRIP?

9 **VIOLA THOMAS:** It's the Declaration and the  
10 Rights of Indigenous Peoples that was really invoked  
11 through Indigenous peoples globally, which is a declaration  
12 that has been recognized through the United Nations.

13 **CHRISTA BIG CANOE:** I'm not sure who wants  
14 to go next in terms of suggestions or recommendations?

15 **JAMIE LEE HAMILTON:** I'd like the Commission  
16 to take a -- a strong stand that recognizes that Bill C-36  
17 is not reducing violence towards street involved people and  
18 that that Bill should be scrapped. And -- and, again, that  
19 consultations happen with the people most affected by laws  
20 that will impact their lives and I know with Bill C-36,  
21 that many of the individuals who are street involved or --  
22 or working in the sex trade, their voices were not given  
23 equal weight and many religious-right church groups and so  
24 forth, carried a lot more weight and were made to feel more  
25 welcome and others were -- were disenfranchised, so I'd

1       like to see a recommendation around that.

2                   I'd -- I'd like to see the Commission  
3       recognize some of the strengths of our communities, our  
4       population. We do have a -- a memorial, a West End Sex  
5       Workers Memorial, the first one ever in Canada. And -- and  
6       I think, it needs national recognition as a historic part  
7       of our country and that sex workers were valued,  
8       contributing members of society. And that, you know, and  
9       we should have other memorials throughout the country.

10                   We also need to ensure that housing is made  
11       a priority and not substandard housing, that goes for on  
12       reserves or off reserves. It has to be good quality,  
13       affordable housing and -- and with an emphasis of priority  
14       to the underhoused, which are women and girls and LGBT  
15       populations and so we need that. And -- and I'd like to  
16       see the Commission also recommend some -- like, Mexico did,  
17       retirement communities for -- for the people that are aging  
18       out.

19                   And, I think, that's also -- and, as I  
20       mentioned earlier, that the government have -- hire a  
21       champion for the implementation of the recommendations  
22       because I know with the Oppal Commission of Inquiry, there  
23       was a champion hired and then I don't know what happened.  
24       He left the position, Steven Point, and they didn't replace  
25       him, and most of the recommendations have been unmet.

1           There has been no one championing them.

2                           And, finally, I'd like to say, and remind  
3           everybody here, witnessing that we were the only province  
4           in Canada where this Commission was required that -- to be  
5           allowed to hold hearings. That they could not find any  
6           findings of misconduct. And that's a political question.  
7           There's a new government here and I would like you to write  
8           your MLAs, your MPs, policymakers and push for a change  
9           there. Because, I think, if we're going to have  
10          Commissions like this, we have to -- those who have been  
11          involved in misconduct need to be held accountable. It's  
12          the only way of restoring faith back in these types of  
13          Commission.

14                           So that's a job that we have to do, the  
15          Commission can't do it, but we have to do it, so I implore  
16          all of you to get on the bandwagon. If there are media  
17          here, you need to write about this. We're the only  
18          province where this was required of the -- of this  
19          Commission, and it's wrong and it's improper.

20                           **CHRISTA BIG CANOE:** Thank you.

21                           **MARK HANDLEY:** Thank you. That's  
22          interesting because, I think, we just need a basic template  
23          letter to share around.

24                           I think going back to recommendations, it  
25          goes back to housing. I think that's really a primary

1 issue on -- on all levels and it's, like, the aging out.  
2 Whether you're a teenager or whether you're aging out or  
3 whether, like, you're older, so community homes.

4 The other thing would be -- I would  
5 encourage that the Commission -- or the Inquiry would have  
6 the Pope ask for the apology because, I think, the  
7 replications were when it goes back into, sort of, what  
8 came out of that with -- with the sexual abuse by the  
9 priests and things like that.

10 I think, it's just a really standard  
11 request. And it's, sort of, been a lot of debates sort of  
12 been passed around about it, but, I think, it still, sort  
13 of -- like, I wasn't surprised at all when -- when he said  
14 he wasn't going to personally apologize, but I think it  
15 would be interesting if we could actually have that  
16 password -- as a recommendation.

17 **CHRISTA BIG CANOE:** The part about the  
18 program you were talking about earlier?

19 **MARK HANDLEY:** Oh, and the other thing --  
20 thank you. I just wanted to -- I've been participating in  
21 a men's group. It started off last week. It was initiated  
22 at one of the community centres and sponsored through one  
23 of the universities as non-Aboriginal. And it's, sort of,  
24 a quirky, little group that we have maybe six or seven  
25 people that attended on a weekly basis. And its

1 perspective is from a feminist point of view and being able  
2 to work with women and find different ways that we can, as  
3 men, come forward to, you know, bring -- bring a dialogue  
4 that's going to be helping us fit better into working with  
5 women.

6 And some of these men, they have been  
7 abusers and how you, sort of, reintroduce back into sort of  
8 where they have a dialogue of where they have a learning  
9 curve of being able to have a safe interaction. And that  
10 could be something that could be replicated in other  
11 communities, whether it's on reserve or off reserve. And  
12 each community is going to have its own way that is going  
13 to, kind of, nurture out what that is. And it's not having  
14 a huge group. I think, it's just having a minimal group of  
15 maybe three or four men being able to have a -- a  
16 conversation.

17 **CHRISTA BIG CANOE:** Yeah, because making the  
18 conversations bigger is part of the solution, if I've heard  
19 a lot of what you've been talking about today.

20 And I'm not letting you off the hook, which  
21 is that, though, I -- I had said something when we first  
22 had a chance to talk about, If you had one thing to tell  
23 your younger self about your identity or the life  
24 experiences that you've had and gone through, what would  
25 those encouraging words be?



1                   **VIOLA THOMAS:** We are beautiful, unique,  
2                   distinct peoples of the world.

3                   **UNIDENTIFIED SPEAKER:** Awesome.

4                   **MARK HANDLEY:** I guess basically just, Don't  
5                   be so hard on yourself, Mark, it's, like, you got a really  
6                   good gut instinct.

7                   **UNIDENTIFIED SPEAKER:** Yeah.

8                   **JAMIE LEE HAMILTON:** Just, you know, my  
9                   younger self wasn't jaded by the life experience yet, but,  
10                  I think, looking back, it was cemented in me from an early  
11                  age, through my mother and my father, to always champion  
12                  for others. No one should ever be left behind and that we  
13                  should never ever feel any guilt or shame for what our life  
14                  circumstances were. That survival is key and to just  
15                  always nurture ourselves and take care of ourselves.  
16                  And -- and to remind and talk to the newer generations and  
17                  encourage them and -- and make sure that there is  
18                  succession planning within different organizations and so  
19                  forth. Because a lot of the old warhorses are getting  
20                  pretty aged now and there needs to be that younger  
21                  leadership. And -- and so, yes, and thank you for that  
22                  question.

23                  **CHRISTA BIG CANOE:** Now, I know you guys  
24                  have done lots in the community, that's why you're asked to  
25                  be on this Panel, but I know there's other advocates and I

1 know that you all have supports behind you. So I know that  
2 you want to introduce and recognize your supports. And I  
3 also know that Viola wants to share a poem, an audio poem,  
4 so maybe we can start with the poem. Can you just explain  
5 to us what it is?

6 **VIOLA THOMAS:** I -- I have a very dear  
7 relative, Vera Manuel, who did amazing work in Indigenous  
8 communities across Canada, as well as internationally in  
9 working with Indigenous women and girls who had suffered  
10 sexual abuse. And I had the privilege -- she was also not  
11 only a -- an incredible writer and an incredible advocate  
12 for healing for Indigenous women and girls, but she was  
13 also a fabulous playwright. And I produced one of her  
14 plays called The Strength of Indian Women and we toured  
15 different parts of United States, as well as Western  
16 Canada. And it spoke to her lived experience of facing  
17 brutalization in residential school.

18 So I really wanted to share that because she  
19 was one of my heroes and we need to -- we need to honour  
20 the women who worked in the trenches. You know, in the  
21 healing work that they offer up to support and lift up our  
22 women from brutalization of their lives. And so I really  
23 wanted to share that, to pay tribute to her as one of my  
24 heroes.

25 And the music score to the poem is also done

1 by another hero of mine. I have lots of heroes, Sandy  
2 Scofield who is an amazing musician. She did the sound --  
3 the music composition to the poem and the poem speaks to --  
4 it's called Secrets. And we all have secrets in our life  
5 and so I just wanted to offer that up in tribute to Vera  
6 and in tribute to all of you who came out to support us to  
7 -- to hear our truth. And I just want to say kookschuf  
8 (ph).

9 --- **Playing of Audio Poem**

10 **CHRISTA BIG CANOE:** Wow.

11 **MARK HANDLEY:** Wow.

12 **JAMIE LEE HAMILTON:** Wow.

13 **MARK HANDLEY:** That's good.

14 **CHRISTA BIG CANOE:** Thank you for sharing  
15 that. I know it's really important for you all to  
16 introduce your supports. And I know you've been kind of  
17 talking in -- sometimes looking back and referring to them  
18 because they're also all really important advocates that  
19 are helping make change. So I'd like to offer you the  
20 opportunity to introduce the people you've brought in  
21 support.

22 **MARK HANDLEY:** Okay. Great. Mine is very  
23 simple. Penny has been a mentor of mine for well over a  
24 decade. I think we met maybe 12 years ago and this  
25 somebody I've always been attracted to, strong leadership

1 and -- of 15 years, but it's -- it's -- yeah, this is  
2 Penny, Penny Kerrigan, so it's been a good 15 years. My  
3 other two supports left.

4 **UNIDENTIFIED SPEAKER:** No, they're here.

5 **UNIDENTIFIED SPEAKER:** They're here.

6 **UNIDENTIFIED SPEAKER:** Oh, they left?

7 **UNIDENTIFIED SPEAKER:** They're here.

8 **MARK HANDLEY:** Oh, Grace. Grace, I'm so  
9 sorry, I thought she bolted.

10 **GRACE STAVERICK (PH):** (Indiscernible)

11 **MARK HANDLEY:** No? Okay, and also Grace  
12 Staverick (ph). You're always one that takes me out of my  
13 anxiety. Able to, sort of, articulate a lot of things that  
14 I'm trying to articulate, so, like, a really good friend,  
15 as well, so thank you, Kate [sic].

16 **JAMIE LEE HAMILTON:** Oh, I've had a great  
17 support network for many, many years and it's allowed me, I  
18 think, to survive. You know, my close friend here to my  
19 left, Laura McDermott, who -- we've known each other from  
20 the '70s. And -- and sometimes we tell each other off and  
21 -- but we're dear friends and I really appreciate her being  
22 here.

23 Another friend of mine, Josey, we call her  
24 Chef Josey because she's just a retired chef of 30 years  
25 from the Empire Landmark in -- on Robson and Josey

1           underwent gender transition at a later age and I admire her  
2           greatly as someone that did that. And I always said, It's  
3           never too late to be your authentic self and Chef Josey is  
4           a testament to that, so thank you, Chef Josey.

5                       And on my right, although, he would say he's  
6           to my political left on the political spectrum is John  
7           Yannel and I want to -- and he's been a Godsend. Staying  
8           with me, he was with me during my surgery. He was there  
9           when I recovered. He's been there constantly at my home  
10          and he's been here wheeling me about continuously.

11                      And -- and another wonderful woman that's --  
12          I saw her just now Gladys Radek who's done amazing work in  
13          the downtown east side and across Canada on our national  
14          missing women.

15                      And I want to recognize Musqueam Elder Kelly  
16          White, who is sitting there in the audience who's got some  
17          big projects coming up.

18                      And also Mary-Woo Sims our former B.C.  
19          Human Rights Commissioner, who 20 years ago, proposed  
20          trans-people be included in our B.C. Human Rights and  
21          finally 20 years later, it's finally happened, so we thank  
22          her for being the champion.

23                      **MARY-WOO SIMS:** (Indiscernible)

24                      **CHRISTA BIG CANOE:** I'm sorry.

25                      **MARK HANDLEY:** Go ahead, (indiscernible)

1                   **VIOLA THOMAS:** So I always want to  
2                   acknowledge Gladys, and Grandma Elder Mabel. I spent many  
3                   years in my work in the downtown east side, so I want to  
4                   acknowledge them as well.

5                   I want to acknowledge my partner, Gazonghee  
6                   Simon (ph) of over thirty -- 35 years, I think. I'm not  
7                   exactly sure. I, kind of, lost count there.

8                   As well as all my relatives that may be  
9                   watching the livestreaming, kookschuf.

10                  **CHRISTA BIG CANOE:** Thank you so much for  
11                  taking the time to introduce those people.

12                  And now finally, Commissioner Eyolfson, I  
13                  want to ask if you have any questions or comments for the  
14                  Panel?

15                  **COMMISSIONER EYOLFSON:** Thank you. I feel  
16                  like we've almost drawn to such a natural close, I hate to  
17                  interrupt with a question, but, if you don't mind, I do  
18                  have -- I just want to, kind of, back up, if you don't  
19                  mind, and go to some of the things we talked about at the  
20                  beginning of the session.

21                  We talked about discrimination and  
22                  intersectionality and one thing that I heard a bit of a  
23                  theme that came back a few times during the discussion this  
24                  afternoon was that as Indigenous people that are trans or  
25                  two-spirit or LGBTQ+, there's often places we feel safe or

1 welcome as Indigenous people, but not necessarily as trans  
2 or two-spirit and then there's places we might feel welcome  
3 or safe as a trans or two-spirit, but not necessarily as  
4 Indigenous people, so I'm just wondering -- we also talked  
5 -- or there were also comments about -- about as Indigenous  
6 people who are trans and two-spirit or LGBTQ+ being  
7 marginalized in different context, whether that be in our  
8 own communities or by government or in the LGBTQ community.

9 I'm just wondering if -- if anybody has any  
10 final thoughts or comments about solutions for making safer  
11 places for Indigenous trans and two-spirit LGBTQ people,  
12 whether that be in Indigenous communities that might be  
13 more remote or rural or in urban centres, just any final  
14 thoughts or comments about improving safety?

15 **VIOLA THOMAS:** I think -- I think, we really  
16 need to take our leadership to task. Whether it's the  
17 Native Women's Association of Canada, the B.C. Native  
18 Women's Association, the Assembly of First Nations, the  
19 Government of Canada, the Government of British Columbia.  
20 They're the ones who have the power to take the necessary  
21 steps for systemic change. And without the political will,  
22 our exercise becomes futile.

23 **MARK HANDLEY:** I just want to go back to  
24 housing. I think housing is really important. A safe  
25 place to start with. You have a place to go to, so

1 housing.

2 **JAMIE LEE HAMILTON:** Thank you,  
3 Commissioner, for raising that. And -- and, I think, you  
4 know, there are some examples where bodies of -- whether  
5 it's government or elected Boards, I use our Vancouver Park  
6 Board as an example that adopted a trans-inclusive policy  
7 where trans-people can -- who don't feel comfortable with  
8 their bodies have a trans-swim, a regular trans-swim that  
9 is carried out in one of the pools.

10 We have community centres now where the  
11 staff have been given sensitivity training.

12 And -- and, I think, within our --  
13 Indigenous organizations, there's still quite a bit of work  
14 to be done to welcome those who are two-spirit, a  
15 transgender variant that we need to be welcoming and adopt  
16 policies to ensure that we always look out and recognize  
17 that not everybody feels that they fit in because of these  
18 layers of intersectionality. And so that we keep working  
19 at that and -- and embracing policies that -- you know, and  
20 -- and policies that are written from the grassroots. That  
21 -- that they're involved in that whole process.

22 **COMMISSIONER EYOLFSON:** Thank you very much.  
23 I want to thank you, each of you, for coming here this  
24 afternoon and spending time with us and participating in  
25 the work of the National Inquiry and offering your insights



1 to the work that we're doing. And as a small token of  
2 appreciation for the gift that you shared with us, we have  
3 a small gift of reciprocity to share with you before we  
4 wrap up. And I'm going ask to Grandmothers Blu and  
5 Florence here to -- to help with that and maybe Blu could  
6 speak to the gift.

7 **LAUREEN BLU WATERS-GAUDIO:** So thank you.  
8 What a powerhouse of information sitting across from me.  
9 Matriarchs and changemakers. And I just want to say  
10 thank you very much for sharing your knowledge, your  
11 information.

12 These Feathers have come from Thompson. We  
13 had other Feathers who were here from this territory, over  
14 500. The graciousness offerings from the communities have  
15 been just making us feel overcome with joy. They've sent  
16 us all the tools we need to help show the people that their  
17 stories, their words, their wisdom is well appreciated. So  
18 we want to offer you this Eagle Feather and this copper  
19 necklace because in the Haida tradition, the copper is one  
20 of the highest honours that you can receive.

21 These were carved by one of our  
22 grandmothers, Bernie Williams. Another warrior who has  
23 been fighting for many years and it's only fitting that she  
24 has carved something and giving it to other warriors, other  
25 changemakers. So we'll bring these over to you and we hope

1           that these Feathers help you with your prayers, your work  
2           that you do. And that this copper protect you, keep you  
3           safe and keep you here with us because we need all of you.  
4           So, *hiy*.

5                           **VIOLA THOMAS:** Kookschuf.

6                           **CHRISTA BIG CANOE:** Thank you. And -- and a  
7           the Panelists are receiving friends and hugs, I did just  
8           want to indicate that there -- that a number of us would  
9           like to drum for you and to say thank you, so we'll be  
10          drumming, as well, for you.

11                          We are adjourning for today. There will  
12          be some drumming to honour the Panelists, but we'll  
13          formally adjourn for today. And, I believe, we recommence  
14          tomorrow morning at nine a.m. in this space. Thank you.

15          --- **Exhibits (code: P01P15P0403)**

16          **Exhibit 1:**       Senate of Canada Bill S-215 as passed by the  
17                               Senate December 15, 2016, 1st Session, 42nd  
18                               Parliament, 64-65 Elizabeth II, 2015-2016,  
19                               accompanied by 11 pages of background  
20                               documents in the form of one CBC article and  
21                               one Liberal Senate Forum article.

22          **Exhibit 2:**       House of Commons of Canada Bill C-262 First  
23                               Reading, April 21, 2016, 1st Session, 42nd  
24                               Parliament, 64-65 Elizabeth II, 2015-2016.

25          **Exhibit 3:**       House of Commons of Canada Bill C-337, as

1 passed by the House of Commons May 15, 2017,  
2 1st Session, 42nd Parliament, 64-65-66  
3 Elizabeth II, 2015-2016-2017.

4 **Exhibit 4:** "Keeping secrets" audio poem (2 minutes 23  
5 seconds, MP3 format, 5.48 MB).

6 --- Upon adjourning at 5:45 p.m.

LEGAL DICTA-TYPIST'S CERTIFICATE

I, Connie Sturtz, 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.



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Connie Sturtz

April 16, 2018