National Inquiry into Missing and Murdered Indigenous Women and Girls
Truth-Gathering Process
Part 1 Public Hearings
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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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*Witnesses: Jamie Lee Hamilton, Mark Handley and Viola Thomas*

Exhibits (code: P01P15P0403)
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--- Upon commencing on Saturday, April 7, 2018 at 2:31 p.m.

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

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

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

JAMIE LEE HAMILTON:  Good afternoon.

JAMIE LEE HAMILTON, Affirmed:

REGISTRAR:  That’s excellent.  Thank you.

JAMIE LEE HAMILTON:  Thank you.

REGISTRAR:  Okay.  Good afternoon, Mark.

MARK HANDLEY, Affirmed:

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

VIOLA THOMAS, Affirmed:

CHRISTA BIG CANOE:  So before we get started
with -- actually I’ve asked each Panelist to -- to introduce themselves, so that they can share their background and some about them, but just as a quick overview, this afternoon we’ll be actually doing the two hearings with one break. And the Panel will be addressing a large number of issues from their perspective, their lived perspective, perspective based on advocacy and work in their fields and areas.

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

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

MARY-WOO SIMS: (Indiscernible)

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

And around the time that my family was thrust into poverty, I was also confronting my gender
identity and so that was a double whammy for me and plus also being Indigenous and I saw the struggles that my mother went through.

And so I’m very, very honoured to be here all these years later and I don’t know how I survived, but I did. And I’m here to share some of my history, some of my ambitions and some of my hopefully desires, so that we can finally make change. And I will be speaking out of issues that do face us as LGBTQ+ citizens of this country.

So thank you, again, for being here today.

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

VIOLA THOMAS: Good afternoon, grandmothers, commissioners and witnesses here to my truth. My name is Anemki Wedom and I come from the Kamloops Tk’emlúps te Secwépemc, which is a four-and-a-half-hour drive east of the coast.

First and foremost, I want to acknowledge the unceded territory of the Coast Salish Indigenous peoples and their continued kindness and generosity for
allowing me to be a guest in their territory.

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

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

CHRISTA BIG CANOE: Thank you. And I know that we wanted to -- we had a few conversations and one of the first conversations, I was hoping we could address is the gender binaries and how people identify themselves? Because there is a lot of differences that, I think, many mainstream perceptions aren’t necessarily accurate at covering, so I open that question to all of you, but,
please feel free to start, Jamie Lee.

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

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

**CHRISTA BIG CANOE:** (Indiscernible)

**MARK HANDLEY:** I’m just going to pass on this one.

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

**VIOLA THOMAS:** I certainly don’t identify as a lesbian. The word comes from word “lesbo”, which is a Greek word. I would -- I would certainly closely identify as two-spirited, but as I said in my introduction, first and foremost I’m a Secwepemc woman and that’s -- that’s who I am. And I -- I don’t believe in those labels. My
experience is in the broader LGBTQ community is that, they’re just as racist as the Canadian society towards Indigenous peoples and don’t embrace our issues as part of their issues. So there’s a deep polarization that I see within the LGBQ community in not embracing and being inclusive of Indigenous persons that may identify as LGBQ.

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

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

CHRISTA BIG CANOE: Thank you. And I know that there’s a bit of an evolution too in terms of people identifying whether it’s their gender or sexuality and
there seems to be a move and an openness amongst a
generation which might be also missing from this Panel in
terms of not having a youth perspective. But I understood
that the Panel also wanted to acknowledge the youth
component and sort of the -- the change or wave that’s
occurring where individuals get to identify who they are.

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

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

So it seems to me that that in itself, of human rights law polarizes our collective human rights issues as Indigenous peoples. And it’s also compounded by the historic eradication of our distinctive roles as Indigenous women within our communities of whatever nation that we come from, starting way back with the Indian Act, that totally, totally dictated and continues to dictate what Indigenous peoples can or cannot do on reserve lands. And it’s compounded by the irreparable harms that were invoked through the residential school era because it made us feel ashamed of our bodies and it made us feel as if we’re dirty. Not only as ashamed in your body, but ashamed of your identity as an Indigenous person. And then it becomes compounded by the layers of systemic institutionalized racism through the state. Whether it’s the Federal Government or the Provincial Government. And we see how it gets played out today in context to so-called democratic processes that are not inclusive of Indigenous people.

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

CHRISTA BIG CANOE: M’hm.
VIOLA THOMAS: We need to revisit those structures within what they call democracy. If Canada had repatriated from England, then why are we still using a British legal system? Why are we still using a British model of so-called democracy in Parliaments, whether it’s Federal or Provincial Governments?

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

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

I think that’s -- that’s the biggest challenge that I see is that there is no political will by the state. We hear “sunny ways” Justin Trudeau talk about, you know, wanting to lift up the declaration on the rights of Indigenous people. And it continues to be statements that are really platitudes with no meaningful, substantive
JAMIE LEE HAMILTON: I love you, Viola. And I could listen to you forever. I want you to know that. Discrimination is something very prevalent in our communities and, you know, in our LGBTQ+ community, in our Indigenous communities. Time and time again, we hear of overt actions that target those who are deemed to be slightly different. That we’re othered to death often and we need to continually educate.

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

As a transwoman, I know our medical system is failing my population. As you get older -- I’ve been a pioneer in the community and as I’m getting older, it seems like we’re the forgotten ones. I -- that we’re not treated -- it seems like they have one motto, if you present as a bona fide transsexual or transgender person, that they want to move you on to surgery and, sort of, push you into those heterocentric, world that, you know, you’re going to get married and you’re going to have a -- a white -- a house with a white, picket fence and a cat and a dog and, you know, you’re going to be a part of this nuclear family.
We’re told to hide our identity. You know, just to pretend that we were born slightly different and -- and so there is that -- those obstacles that we have to overcome time and time again.

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

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

MARK HANDLEY: Good words. I think my comments are going to be a lot more succinct than both of you.
But discrimination, I think, really began for me when I was being an adoptee. It began very young, so there’s a common, I sort of say, like, I’m an adoptee, but rather I’m an adaptee. So when it comes down to being able to have a definition of where I look when I’m identifying as being two-spirited is really changes geographically for me, as well, whether I’m in an urban setting or a rural setting in a different province and it’s -- it plays itself out on so many different layers, that it’s -- it’s hard.

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

VIOLA THOMAS: I just -- just wanted to add a supplementary comment regarding the whole issue of discrimination. I lived in Vancouver for almost a decade and did a lot of work in the downtown east side, and one of the things I was always confronted with. It was always assumed that I was a sex trade worker. It was always assumed that taxi drivers or folks when they see my image, it’s obvious I’m an Indigenous woman and so it was always assumed that I was available to be bought.
So not only do you have to deal with, you know, our -- our uniqueness as two-spirited, you’re -- for me, it’s -- it’s multiple layers of -- of discrimination -- and I think that’s what really needs to be understood in terms of the historical treatment of Indigenous women. And, I think, we need to find ways to restore our -- our cultural traditions that really lift up our -- our women.

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

And the other part of that whole aspect of the homophobia in Indigenous communities, it -- you know, it gets compounded by your other differences as to whether you’re women. And, I think, it’s a shared responsibility between Indigenous governments, Indigenous communities, Indigenous -- not just the state, not just the Provincial Government, it’s a shared responsibility that we have to insist that our governments, whether they’re an Indian Act, chief and councils and/or AFN or whoever they might label themselves as a form of governance that they have to step
up to the plate, as well, and address the ostracization of our people who may be different within our communities.

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

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

CHRISTA BIG CANOE: Thank you. And actually I was hoping to follow up on -- on what Mark actually was talking about too and I think you just did it that up for me. Because when we’re talking -- you had mentioned the difference -- like, the geographical difference of where you are and how that impacts your experience in general, whether you’re facing discrimination or not or how you’re able to feel safe in how you identify. And that, kind of,
leads us to displacement and so I wanted to -- I know it’s because we’re -- we’re streaming this live and there is people all over the country, and I was hoping if I could just explore a little more with you some of those differences.

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

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

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

But one of the other things I was thinking about geographically too is, not just
geographically, it’s also going into a different age, ageism, I guess, in some ways, so it’s like you’re -- I’m -- I’m getting older, so that racism is changing on many different levels, so I find it more -- in my face, the more you get into Central Canada, Saskatchewan, and that’s -- I think it’s away from me, and then suddenly it’s like right in your face.

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

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

MARK HANDLEY: I could give you an example of basically the time of the day. I’ll -- I’ll feel safer in the morning, the afternoon. As it gets later into the evening, I feel less -- less safe in a general space, so, I
CHRISTA BIG CANOE: Yeah, and I would ask the other two Panel’s the same question actually, in terms of -- and I know that’s a very personal question, so thank you for answering it. Is, like, where do you find your safest place is? Where you have personal safety and never fear being there, but where do you identify those places you’re not?

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

But they wanted a cleansing of the community to make it more white and middle class. The west end at that time was very working class. It -- it was affordable. And I find that when you are displaced, it has a profound effect. You’re going to for sure encounter more violence. Usually often resulting in murder. You’re going to be
targeted by predators, such as, you know, pimps or -- or
those that are going to hurt you.

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

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

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

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

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

VIOLA THOMAS: Yeah, I -- I would agree with
-- with my friend here because for many two-spirited
people, they end up being displaced from their territory
and from their communities because they’re -- they don’t feel safe and they don’t feel welcome because of their uniqueness.

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

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

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

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

CHRISTA BIG CANOE: In terms of that ageing, the ageing out in this concept of displacement that, I think, Jamie Lee, you were, kind of, talking about that
pushing out and your phrase was, “out to pasture”. What about things like when -- when people find themselves at, like, a retirement phase in their life and they have to go somewhere. What’s happening in terms of, you know, how we’re caring for our Elders, particularly those in the two-spirit community?

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

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

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

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

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

Generally my whole life, I’ve been working in the Aboriginal non-profits and when you’re working within that environment, there is no -- there is no -- you’re not talking about your -- how you’re going to retire or where you’re going to retire to, but it’s -- it’s -- there’s no savings, there’s no pocket and so there’s going to be people I know better off in -- I think, in the long run, better off than where I’m going.
And I was told that if I was going to be a person that was wanting to make money within my career, I would have done it already, but my -- my basis has always been to be able to work within the Aboriginal community and there’s not a lot of money there, so, I mean, I’m searching every day for that answer to the question, so thanks.

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

CHRISTA BIG CANOE: It’s like you read my mind because the next question I was going to ask is that we’ve heard from many witnesses actually when we talk about like even, when they’re making recommendations after sharing their story, we hear from many people, well, if there were more programs or better ways to build community between the ages, so whether they’re small children, whether they’re Elders, whether they’re teenagers, that you know, coming together or creating that sense of community for all would be good.
And, again, it makes me think of some of the strengths that do exist in -- in -- within your communities where are -- where are there opportunities within Vancouver area or the Greater Vancouver area or where you’re from to have all ages come together on -- in similar communities. Does -- are there places like that in -- in Vancouver?

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

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

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

And -- but, you know, they were starved for funding. It was just -- it would have been a great space to develop some housing for our people. And I was always made to feel very welcome there. And -- and so we need to
look to models like that and -- and hopefully we can continue to press for -- and maybe this is something this Commission can do as well through the recommendation process is to ensure that there are properly funded resources that, you know, can have as a component of their operations, housing, affordable housing and care too.

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

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

MARK HANDLEY: I -- I really think that we need to get beyond thinking about the nine to five way that we work as a -- as a society. I think a lot of the issues that come out or happen from nine in the evening until nine in the morning and that’s when you have all the addiction in places like that. And there is not really many -- in safe places that are out there, community centres are great during the daytime. There’s programming and, but it never extends outside of that, that time environment. And on holidays, you know, this past Easter, that was a lonely
four days for a lot of people, I’m sure. Everything was closed, people were on holiday, Christmastime, things like that.

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

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

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

I also think that I would like to see APTN, they have an opportunity, so if the idea is to cultivate a paradigm shift in society about our truth. We need to be able to encourage and collaborate at all levels through
media, education and with our healers, with our -- our cultural traditions, which are very diverse.

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

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

And particularly I’m hoping to turn here to, you know, your guys’ experience in work and particularly the safety of street involved individuals and sex workers. So, you know, I know that you’ve already talked some about where you’ve done some of the work, but maybe if you could share with us, some of the strengths of those communities and the barriers that particularly street involved and sex
workers that also identifies two-spirited experience?

JAMIE LEE HAMILTON: Absolutely. Thank you.

You know we do have a disproportionate number of Aboriginal Indigenous people in the sex trade along with gay and lesbian and trans people because often that was our only way to survive, you know, if we wanted to transition, for instance. We didn’t have any medical assistance.

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

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

And -- and I remember calling Viola and Viola came forward. And, you know, she’s -- was the president of the United Native Nations and together Viola and I went up to City Hall and engaged in some pretty wild
antics of dumping 67 pairs of stiletto shoes on the steps of City Hall to bring attention to the scope of what was happening.

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

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

But -- but before we even get to that place, we need to -- and I don’t want to get political here and to -- you know, there’s two prevailing sides of the argument around the sex trade, and I don’t want to get into that. I want -- I always like to reframe it, that we all agree on safety, and let’s keep our focus there. That we need to ensure that those who are in the most vulnerable positions have to be cared for. They have to be -- have proper
resources, so they can live properly. They need to -- and Welfare is not a solution.

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

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

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

I find that the process of policymaking and the legislative processes are not inclusive of engaging people that are directly impacted. So if we look at
different initiatives going on, whether it’s on reserve or
off reserve, I find this perpetuation of codependency in
poverty so -- so deeply rooted that it creates a
codependency rather than empowering people to be eradicated
from poverty, and there’s real simple solutions.

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

I also think that the Provincial Government
systems and the Federal Government systems and their idea
of addressing social security is really a way to sustain
their power, state power over poverty. And I always refer
to poverty, the economics of pain because that’s exactly
what it does. It sustains the poverty, so that they
contain the reins over our people’s lives to keep poor
because, can you imagine if our people got healed in this
country, the prisons wouldn’t be filled. Our children
would not make up the bulk load of the Child Welfare
system. Our people would not be filling the hospitals or the graveyards. Our people would not be -- be continuously be subjected to, you know, the historical harms that have happened to our people.

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

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

JAMIE LEE HAMILTON: I think when you recognize the people, that they have worth, that they
have value. And -- and certainly one of the latest projects -- well, I had been working on it for eight years with Dr. Becki Ross and my good friend Laura McDermott (ph), who is right behind me as another support, and we founded the West End Sex Workers Memorial.

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

And that, you know, I had -- and so we were successful. And -- and two years ago, we had the unveiling and the city agreed, it’s the first memorial of its kind in Canada, a handful in the world. And -- and that allows people that are part of something to see that they have worth. They don’t need to feel shame for doing something that they needed to do to survive, so I think it’s important to look at it’s strength-based perspective on -- on these social issues. I would like to see -- you know, us even being here today, just speaking, I know it’s going
to give hope for other people too that might be listening in.

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

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

But -- but really specifically, looking -- looking to that leadership and looking for my role. I -- I do look for role models and I’ve always done that. And I think that’s why I’m -- I’m a content in where I’m at right now, so -- so something I’ve done recently in the last five years was help raise our child. He was six months old and that was something that was really healthy and really went
back to grounding me in being able to go forward and, you know, being part of this community, so there’s -- there’s small examples all over the place, so --

**CHRISTA BIG CANOE:** That’s excellent.

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

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

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

And there’s been research done in British Columbia whereby they did research on looking at the high suicide rates of Indigenous youth and examining, what role
did women’s leadership play? What role did culture play in the prevention of suicide of our people? And those psychologists affirmed that those communities that had a strong, cultural connection through language and tradition, as well as engagement of women and leadership, had the least rates of suicide. And, I think, that speaks volumes.

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

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

JAMIE LEE HAMILTON: I go back to the west end days, of course -- and we were a community that was
very resilient. We -- we kept the area pimp free. I don’t mean to be crude, but if any pimps came down there, we’d say, Unh-unh, unh-unh, you can’t come down here unless you can go home and throw a dress on and come back and do what we’re doing and then you can be down here. Well, that was a very easy way to get rid of them.

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

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

As we know through the Bedford decision that, you know, the law was contributing to the actual harm of those involved in street involved work. And -- and so now, you know, I think back to back in the day and, you know, there were the Shame the Johns Campaigns that would come out and target us, but really they weren’t about shaming the Johns, they were about shaming the prostitutes. And -- and even to this day, the Conservatives have brought in Bill C-36, that professed that it’s going to be there. The realize that many of those involved in the sex trade
are -- are victims and so forth and, therefore, they’d like to see the law used against, you know, predator style people that come down to the different strolls.

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

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

And so we need to keep pushing, pushing, pushing to enact change. Canadians have to join us. Like, we can’t allow -- we’re all culpable if -- if we’re allowing different segments of our citizens to be deemed
disposable. We -- we can’t allow that. Where’s the humanity in that? We need to keep fighting and -- and that’s what I think this Commission is really good.

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

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

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

CHRISTA BIG CANOE: Yes.

VIOLA THOMAS: I think that when we think about safe places for street involved, it can’t be just
thought of as street involved within the urban/rural communities, but we also need to think of the safety for folks on reserves. And it’s a huge challenge to be able to have anonymity to address safety on behalf of victims of violence on reserves because sometimes those perpetrators may be elected officials that bullied in the past.

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

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

The second thing that -- that I would like to -- like, to encourage around -- around the whole issue of public safety is that both the Provincial Public Safety Ministry, as well as the Federal Public Safety Minister, as well as the Aboriginal Justice Program, all need to reinvigorate the gender programs that used to be available specific for Indigenous women and girls. Right now there is no gendered approach within the Federal Public Safety Ministry, nor is there a gender approach. And I would add to that, culturally gendered approach to the Provincial
Public Safety Programs and Services. So, I think, it’s critical because they have the obligation to ensure public safety. And -- so, I think, we need to create space within both the Federal Public Safety Ministry and the provincial and the Aboriginal Justice Program to have programs dedicated specifically for Indigenous women and girls.

And I have some other ideas, which I’ll save for later.

UNIDENTIFIED SPEAKER: Save for the recommendations.

CHRISTA BIG CANOE: Save some for the recommendations. And, like, I know it sounds like I keep asking the same question, and I’m not, because when you were talking, Jamie Lee, you were talking about some ways that sex workers or street involved people can actually find safety in numbers and do things. And you did mention Bedford, and we know that out of Bedford, there -- there was a finding that if you -- if you -- if the provisions of the law didn’t allow workers to communicate or work together, that it put them into unsafe spaces. And if I heard you right, just a moment ago when you were talking to the Commissioner, you were talking about them being pushed back into dark spaces, so even, though, they are no longer necessarily targeting the sex workers or they’re supposed to be targeting the Johns, is it just creating the same
environment that -- that existed that led to those, as you called it earlier, the killing fields of the downtown east side. And can you just give us a little more context to that, please?

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

CHRISTA BIG CANOE: M’hm.

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

And -- and, you know, what they don’t get, they don’t understand that people gravitate more into those areas because they’re lit, there’s people around and you only want to feel safe. That’s -- that’s it. You don’t want to be -- have imposed on you by the state that you
must be in this dark deserted, industrial area at night.

So we ask people that are harassed -- the police now don’t do their own dirty work, they’re getting the -- they have a very good Public Relations Department and it makes it appear like they’re wanting to help, assist those who are street involved, but instead it’s a Business Improvement Associations who get municipal funding that target the woman and push them around and -- and harass them. And it’s just -- it’s just ongoing to this day.

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

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

But you know, we still have people in Stanley Park, which is a gay men’s cruising area here in
Vancouver. Last fall, there was a -- you know, in a very short period of time, there were two -- two men murdered and one 82-year-old man left for dead there. And -- and, you know, people still don’t trust the police to -- to take their complaints seriously.

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

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

In New Zealand, they have a very good motto where women are allowed to collectively be together, four to five. You have to be a New Zealand citizen. And -- and we know that they have zero violence towards those in the sex trade. And we need to look to models like that to -- to ensure our safety and -- and allow the women to stand together and spot licence plate numbers. Don’t disrupt
Like, you know, we know how to -- we know how to protect ourselves because we’ve had to and so we’re the best people to be able to do that, but we have to have people that will listen to us.

And I can tell, Commissioner, that you’re listening and I really appreciate that and I know you come from were we come from and I really -- I’m looking at your kind face and I want to just say, I’m so thankful that you’re hearing this Panel.

COMMISSIONER EYOLFSON: That’s definitely (indiscernible)

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

I think another thing that we could do is to start looking towards what’s happening here in Vancouver is the opiate crisis and right there you have a lot of things that are being initiated, small and large, but I think basically it’s a discourse that’s coming out of things happening. Like, two people have probably died last night and so there’s -- there needs to be a dialogue that happens
within the community, as well, so it’s -- it’s going to be grassroots based. And, I think, it’s important that we carry that dialogue on an ongoing basis.

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

UNIDENTIFIED SPEAKER: Okay.

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

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

And the other piece to that is also accommodating innovative approaches to social housing for
Indigenous women and girls such as, for example, in Vancouver, there is only one Women’s Co-op Housing initiative for all of the Lower Mainland. Why -- why can’t we create more Indigenous Women Co-operative Social Housing that -- that encourages that independence and collectiveness of wellbeing.

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

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

--- Upon recessing at 3:51 p.m.
--- Upon resuming at 4:21 p.m.

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

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

JAMIE LEE HAMILTON: Thank you for raising
this point. And we’ve recently had another case a few
years back. Her name is Roller Derby Girl. She’s a
transwoman and she -- you know, she does something such --
very benign. She directs traffic on the street with line
skates. And -- and, you know, they arrested her and she
had just had surgery and they badly mistreated her in -- in
the jail cell, they continually refer to her in the male
pronoun, using the dead name.

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

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

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

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

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

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

VIOLA THOMAS: I think I want to comment on a number of fronts regarding policing. I had a direct
experience regarding policing, which my friend, Mark, was a witness to. We were wanting to visit a dear friend who is a hereditary chief while I was living here in Vancouver. And we caught a taxi to go visit my friend because she was staying at one of the hotels. And the driver was very, very rude. He was saying very racist things about our people.

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

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

When I got out of the taxi, the street trade workers were watching and yelling out to the police, Don’t
hurt her, she’s not doing anything wrong. And the taxi
driver yelled at the police and said, Oh, she didn’t pay
her taxi fare. And, of course, the police believed the
taxi driver. And so he grabbed my purse, dug into my purse
to pay the money to the taxi fare and then allowed the guy
to -- to go. So I never even had the opportunity to get
the licence plate number, so that I could have followed up
with a complaint.

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

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

In that analysis, they affirmed that it was
racialized and Indigenous peoples that were most brutalized
and killed at the hands of police, either through tasering
or other forms of violence. So I think fundamentally, there has to be mandatory training with all levels of police, new recruits, the status quo of police services across the country, including First Nations Police Services. I think, that there has to be a mechanism through the transfer payments between Canada and the provinces because the provinces are responsible for policing. However, they do negotiate agreements with Canada for RCMP policing for those areas that don’t have their own municipal police.

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

CHRISTA BIG CANOE: I want to return to a point you brought up, Jamie Lee, in terms of the -- you know, one of the first things was the pictures. The pictures of the missing woman [sic] were mugshots and the
message that that gave, but I want to make it a little broader because, you know, the Grassroots Advocacy in Vancouver is really, I think what drew the attention to the women missing in the downtown east side and other places, but when you look at even the posters that go to courtrooms, it’s mugshots, it’s not pictures of the people -- as people would remember them, laughing and smiling and their true personalities.

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

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

And so we’ve tried to work with the police
and they say, Well, it’s important so for identification purposes, but it isn’t. It’s not needed. It’s just really not needed. You don’t -- and it’s the same when they say, Oh, drug user or sex worker, you know, people are more than that. You know, their humanity is robbed from them when you just categorize them by those terms. And there’s no need for that.

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

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

And I just -- I just want to touch on one final point, you’re seeing across Canada right now, our Pride societies are asking for the police not to be involved in our Pride marches because marginalized community members are fearful of them, and -- and rightfully so and so -- and now the police seem to be
Jamie Lee Hamilton, 
Mark Handley & Viola Thomas

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

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

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

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

JAMIE LEE HAMILTON: No-go zones where --

CHRISTA BIG CANOE: I know it sounds funny, but if we could just explain that for folks who might not
Jamie Lee Hamilton, 
Mark Handley & Viola Thomas

know what it is.

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

CHRISTA BIG CANOE: Thank you for explaining that.

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

VIOLA THOMAS: Yeah.

MARK HANDLEY: And it’s sort of interesting, they’re trying to desensitize what a drug user is, but that’s one example that you could think of, but I think what we need to also do is go back into our own society and I’m thinking of Correction Services Canada where you can actually go into the institution where a lot of these
people have -- have ended up and start working with those
staff people to be able to -- because, I think, it’s
probably ten times worse in there. And being in that
environment.

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

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

And, I think, we have to get serious with
CRTC and address, you know, their policies and legislative
processes around licensing to media. I do know that
Parliament is reconsidering examining the whole issue of
hate crimes through the internet, but also think we not
only have to revisit how lax their policies are with regard
to licencing through CRTC. We need to also extend it to
the other arm, such as coroners. And I say that for two
reasons: There was an Indigenous woman in Victoria, British Columbia who died a brutal death through alcohol poisoning by this guy who was a predator. And how her death was seen was alcohol poisoning and not murder.

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

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

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

CHRISTA BIG CANOE: Thank you. And when we talk again about the — the advocacy that goes into it, but services, I’ve heard particularly while we’ve been at this hearing, that the Indigenous Community Services are often
more accepting of two-spirited or sex workers or street
involved people regardless of their background. So even if
they’re non-Indigenous. Then some of the mainstream
services. Does anyone want to comment on that? Go ahead
first?

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

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

And, I think, we need to be able to address
that with the Crown to ensure that there are clauses in
those Tripartite Agreements that address the prevention of
MARK HANDLEY: I’m not sure --

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

MARK HANDLEY: Yeah, can you reframe it?

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

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

MARK HANDLEY: I think when it comes down to funding of a lot of these Aboriginal non-profits, there seems to be a shift of what was happening back in the ‘80s, ‘90s in the last ten, 15 years, so it’s going back to being
more -- having -- these organizations to have a continuity and the confidence in where their money is coming from federally, I think, is really important.

CHRISTA BIG CANOE:  M’hm.

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

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

CHRISTA BIG CANOE:  Certainly.

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

And, then, I look at HIV/AIDS Programs in the downtown east side, and Vancouver Native Health, which was providing really amazing services. They’ve just been
completely chopped and -- of funding, their funding stream
and not even told why. And, then, I look at other
organizations that should be, you know, supportive of
people that are more marginalized.

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

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

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

One of the things we haven’t spent a lot of
time on, although we’ve talked about poverty as, you know,
a driving force that displaces people, as well, is the
connection between substance use and poverty or the street and poverty tied to drug use. And Vancouver has been known to be very progressive in terms of some of the approaches they’ve taken to substance use in terms of, like, clean needle sites and stuff.

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

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

And so, I think, that there’s a real
disconnect to the intergenerational trauma that Indigenous peoples have faced that isn’t embraced as part of the addiction treatment approaches and so you can’t deal with addiction unless you deal with what are the root causes of that addiction. And to treat it piecemeal does a disservice to our people because it’s not getting to the root of the problem because it’s not good enough just to get clean. Part of it also has to be to address the irreparable harms through intergenerational trauma.

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

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

And we need to build capacity within our
communities to better respond to trauma related incidences, as well as crisis situations, so that we can create better intervention strategies that reflect our cultural world view and values, whether it’s Secwepemc or Haida or whatever that might be. And don’t use pan-Indian approaches.

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

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

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

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

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

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

JAMIE LEE HAMILTON: And as we know in Vancouver, housing is a number 1 priority, we’re the least affordable city. And -- and we need to push for projects that are really tailored to community. Laura just reminded me of housing that we have coming on stream in the west end, for instance, at Thurlow and Pendrell Street. And it was -- no, no, I’m right, Thurlow and Pendrell, you’re wrong.
And -- and it’s great. It’s -- you know, they’re going to place people from the community in there and -- and that’s important. We need other projects like that because what we don’t want to do is stigmatize. I know they’re building some modular housing.

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

So I look to projects like, that and -- and I’m hoping with our new Gay/Lesbian Centre that there is going to be some housing component on top of that and that will come on at Davie and Burrard because communities want to stay together and communities have the answers. You know, it comes from the ground up. We have the solutions. And, you know -- and I don’t how much time we have, but I’d like to see some great recommendations
come out of this Commission. And but -- more than that, I would hope that this Commission will recommend a champion for the implementation of those recommendations. So -- and, of course, you know, I have people that I would like to see, you know, in the position.

**UNIDENTIFIED SPEAKER:** She’s looking at you.

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

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

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

**MARK HANDLEY:** I’ve -- one thing I -- I want to sort of add there is about -- you were talking about projects and a new -- projects that happen here in
Vancouver is the new hospital that’s going to be built and so the infrastructure of what happens when people go into these places, those hospitals aren’t necessarily safe places. And I think as being able to address that and finding people that are able to articulate a program that could be placed into the hospitals. And this is -- you know, St. Paul’s is now shifting over here to the east side, so --

**VIOLA THOMAS:** Yeah.

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

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

**VIOLA THOMAS:** In British Columbia, they have mandatory education around Indigenous people’s history, culture. However, it follows a very generic approach. That’s the problem. It has a pan-Indian flavour
to it and, I think, that it needs to really reflect the
diversity of Indigenous peoples of British Columbia -- but
I also would like to see it implemented, not just in the
public schools, but First Nation run schools. But
especially at the postsecondary institutions.

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

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

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

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

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

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

And the other one would be immigration. When you’re going through your immigration test, being able to have something there that’s really from a grassroots implemented, rather than coming from them, but they have
some, sort of, committee that you would be able to initiate that, so immigration.

**CHRISTA BIG CANOE:** Yeah.

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

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

**CHRISTA BIG CANOE:** So I know that on the topic of legislation -- I feel like I’m sitting beside someone who can very fluently speak about some issues. So I want to afford you the opportunity to talk about some of the Private Member Bills that you believe should be
considered and contemplated or form the recommendations of
the Commission?

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

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

Similarly, Canada had implemented the Gladue
decision, so the idea is -- is to use that similar
approach. What Gladue invoked was to say, We need to
critically look at that life person’s lived experience in
terms of the intergenerational harms and to take that into
consideration when sentencing Indigenous persons. And that that become part of the judicial system or part of the process, so there’s a real mixed experience.

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

So that Private Member’s Bill has been passed at the Senate level and Senator Dyck is currently trying to get a -- get a sponsor within the House of Commons to have it go through the House of Commons level. So, I think, that’s a very, very important and critical Private Member’s Bill to support.

CHRISTA BIG CANOE: I’m just going to draw his attention to one thing in there is ethics.

VIOLA THOMAS: Sure.

CHRISTA BIG CANOE: Commissioner Eyolfson, I believe you have the second reading of Bill S-215 before you on page 5 of 9, there’s, sort of -- this is part of the Hansard where they are actually discussing the Bill and they’re talking about the crisis of missing and murdered Indigenous women and the tie to education and how
historically Aboriginal children were taught they were
heathen savages, pagans and that the teachings underline
the present-day stereotypes.

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

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

But not only that, when you see a history of
repeat offenders violating Indigenous woman and those --
that isn’t weighed in as part of the sentencing, then that
-- that says something to me by the justice system that
Indigenous women and girls are not valued. That to impose
harsher sentencing because of the fact that they’re
overbrutalized, to me that’s an insidious, kind of,
statement by the justice system, so I think -- I think this
particular Bill will -- will give it greater weight.

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

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

You look at cases, like, the Cindy Gladue case is a very obvious example where you had a Indigenous woman that was brutalized by a truck driver and her private parts were put up for show and tell in the court. Would a non-Indigenous women’s private parts be handled in the same way? I don’t think so.
Would the -- if -- if -- and the facts remain to itself that look at the history of this individual. So the intent really is to use it as a deterrence, so that, yes, there needs to be other tools in the toolbox, legislatively to do anything we can for better interventions in the justice system.

UNIDENTIFIED SPEAKER: Okay.

CHRISTA BIG CANOE: I know there’s other Bills, the other Bills?

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

UNIDENTIFIED SPEAKER: Yay, again.

VIOLA THOMAS: So just to give you some context to that Bill, it’s interesting because I was watching the debates in the Senate around this and they were more concerned about -- and I’m speaking to some of the Conservative members of the Senate, there were more
concerned about debating the general, neutral language of the National Hymn than to bring forward this Bill. So that says a lot about our Parliamentary system in my mind.

So the --

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

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

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

Too often, like the imposition of the Indian
Act, that was still alive and well. That was invoked without our input as Indigenous peoples. Like, what Harper constituted around the imposition of matrimonial real property, the law on reserves whereby it’s supposed to protect victims, Indigenous women and girls who are brutalized through violence, that’s supposed to protect their rights to so-called real property, but those proposed matrimonial real property law imitated the mainstream interpretation of matrimonial real property and do not embrace the Indigenous world views of matrimonial real property. So it defeats its intent. Nor did they meaningfully engage women who are violated to have meaningful input to that particular proposed law. That was instituted by Harper.

The -- also the -- the other thing that I wanted to also recommend is that -- is that we -- we look at ensuring that once the final report is launched that it be presented to the Federal/Provincial/Territorial Ministers for the Status of Women, the Federal/Territorial/Provincial Ministers for Justice, the Federal/Territorial/Provincial Ministers for Indigenous Affairs before the tenure of the Commission is closed. Otherwise, once, again, we’ll have another report stacked up beside the Royal Commission, beside the Truth Commission, besides the Penner Report, besides all these
other studies and inquiries that have done about our people
sitting, collecting dust on the shelves.

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

    VIOLA THOMAS: Oh.

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

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

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

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

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

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

And, I think, that’s also -- and, as I mentioned earlier, that the government have -- hire a champion for the implementation of the recommendations because I know with the Oppal Commission of Inquiry, there was a champion hired and then I don’t know what happened. He left the position, Steven Point, and they didn’t replace him, and most of the recommendations have been unmet.
There has been no one championing them.

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

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

CHRISTA BIG CANOE: Thank you.

MARK HANDLEY: Thank you. That’s interesting because, I think, we just need a basic template letter to share around.

I think going back to recommendations, it goes back to housing. I think that’s really a primary
issue on -- on all levels and it’s, like, the aging out. Whether you’re a teenager or whether you’re aging out or whether, like, you’re older, so community homes.

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

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

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

MARK HANDLEY: Oh, and the other thing -- thank you. I just wanted to -- I’ve been participating in a men’s group. It started off last week. It was initiated at one of the community centres and sponsored through one of the universities as non-Aboriginal. And it’s, sort of, a quirky, little group that we have maybe six or seven people that attended on a weekly basis. And its
perspective is from a feminist point of view and being able to work with women and find different ways that we can, as men, come forward to, you know, bring -- bring a dialogue that’s going to be helping us fit better into working with women.

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

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

And I’m not letting you off the hook, which is that, though, I -- I had said something when we first had a chance to talk about, If you had one thing to tell your younger self about your identity or the life experiences that you’ve had and gone through, what would those encouraging words be?
VIOLA THOMAS: We are beautiful, unique, distinct peoples of the world.

UNIDENTIFIED SPEAKER: Awesome.

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

UNIDENTIFIED SPEAKER: Yeah.

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

CHRISTA BIG CANOE: Now, I know you guys have done lots in the community, that’s why you’re asked to be on this Panel, but I know there’s other advocates and I
know that you all have supports behind you. So I know that you want to introduce and recognize your supports. And I also know that Viola wants to share a poem, an audio poem, so maybe we can start with the poem. Can you just explain to us what it is?

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

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

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

--- Playing of Audio Poem

CHRISTA BIG CANOE: Wow.

MARK HANDLEY: Wow.

JAMIE LEE HAMILTON: Wow.

MARK HANDLEY: That’s good.

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

MARK HANDLEY: Okay. Great. Mine is very 
simple. Penny has been a mentor of mine for well over a 
decade. I think we met maybe 12 years ago and this 
somebody I’ve always been attracted to, strong leadership
and -- of 15 years, but it’s -- it’s -- yeah, this is Penny, Penny Kerrigan, so it’s been a good 15 years. My other two supports left.

UNIDENTIFIED SPEAKER: No, they’re here.

UNIDENTIFIED SPEAKER: They’re here.

UNIDENTIFIED SPEAKER: Oh, they left?

UNIDENTIFIED SPEAKER: They’re here.

MARK HANDLEY: Oh, Grace. Grace, I’m so sorry, I thought she bolted.

GRACE STAVERICK (PH): (Indiscernible)

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

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

Another friend of mine, Josey, we call her Chef Josey because she’s just a retired chef of 30 years from the Empire Landmark in -- on Robson and Josey
underwent gender transition at a later age and I admire her greatly as someone that did that. And I always said, It’s never too late to be your authentic self and Chef Josey is a testament to that, so thank you, Chef Josey.

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

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

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

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

MARY-WOO SIMS: (Indiscernible)

CHRISTA BIG CANOE: I’m sorry.

MARK HANDLEY: Go ahead, (indiscernible)
VIOLA THOMAS: So I always want to acknowledge Gladys, and Grandma Elder Mabel. I spent many years in my work in the downtown east side, so I want to acknowledge them as well.

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

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

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

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

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

We talked about discrimination and intersectionality and one thing that I heard a bit of a theme that came back a few times during the discussion this afternoon was that as Indigenous people that are trans or two-spirit or LGBTQ+, there’s often places we feel safe or
welcome as Indigenous people, but not necessarily as trans
or two-spirit and then there’s places we might feel welcome
or safe as a trans or two-spirit, but not necessarily as
Indigenous people, so I’m just wondering -- we also talked
-- or there were also comments about -- about as Indigenous
people who are trans and two-spirit or LGBTQ+ being
marginalized in different context, whether that be in our
own communities or by government or in the LGBTQ community.

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

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

MARK HANDLEY:  I just want to go back to
housing. I think housing is really important. A safe
place to start with. You have a place to go to, so
JAMIE LEE HAMILTON: Thank you, Commissioner, for raising that. And -- and, I think, you know, there are some examples where bodies of -- whether it’s government or elected Boards, I use our Vancouver Park Board as an example that adopted a trans-inclusive policy where trans-people can -- who don’t feel comfortable with their bodies have a trans-swim, a regular trans-swim that is carried out in one of the pools.

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

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

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

Jamie Lee Hamilton,
Mark Handley & Viola Thomas

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

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

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

These were carved by one of our grandmothers, Bernie Williams. Another warrior who has been fighting for many years and it’s only fitting that she has carved something and giving it to other warriors, other changemakers. So we’ll bring these over to you and we hope
that these Feathers help you with your prayers, your work that you do. And that this copper protect you, keep you safe and keep you here with us because we need all of you. So, hiy.

VIOLA THOMAS: Kookschuf.

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

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

--- Exhibits (code: P01P15P0403)

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.


Exhibit 3: House of Commons of Canada Bill C-337, as
Hearing - Public
Jamie Lee Hamilton,
Mark Handley and Viola Thomas

passed by the House of Commons May 15, 2017,
1st Session, 42nd Parliament, 64-65-66

Exhibit 4: “Keeping secrets” audio poem (2 minutes 23
seconds, MP3 format, 5.48 MB).

--- 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