

SUBMISSIONS OF
EASTERN DOOR INDIGENOUS WOMEN'S ASSOCIATION
TO THE
NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS
WOMEN & GIRLS

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EASTERN DOOR
INDIGENOUS WOMEN'S
ASSOCIATION



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SUBMISSIONS OF EASTERN DOOR INDIGENOUS WOMEN'S ASSOCIATION

GUIDING PRINCIPLE #1

**INDIGENOUS WOMEN HAVE THE SOLUTIONS TO HELP INDIGENOUS
WOMEN.**

1. The Eastern Door Indigenous Women's Association supports Indigenous women, girls and LGBTQI2S in the Atlantic region through advocacy and support, with representatives of Indigenous women's organizations for Indigenous territories of the four Atlantic provinces actively forming its governance relationship. Where their interests align and regional representation is appropriate, the presidents of these Indigenous women's organizations may consent to unify efforts to benefit Indigenous women in the region. For this reason, Eastern Door Indigenous Women's Association sought and secured standing at the National Inquiry.
2. The four organizations are as follows:
 - a. Newfoundland Aboriginal Women's Network
 - b. Aboriginal Women's Association PEI
 - c. Indigenous Women of the Wabanaki Territories Inc.
 - d. Nova Scotia Native Women's Association
3. For decades, the Atlantic Native Women's Associations have shared their concerns and worked to rectify the epidemic of violence against Indigenous women, particularly as it has manifested in the Atlantic region. They've led in advocacy, demonstrations, marches, and offering one-on-one services, representation, and wrap around support to Indigenous families and communities. They've done this since long before there was an empathetic national dialogue, and even longer before Indigenous women became the subject of a federal election platform.

4. The women of Eastern Door Indigenous Women's Association are in the extraordinary company of Indigenous women and grass roots organizations across this country who have joined together creating a unified voice to compel Canada to act. The result of that unified voice has been this National inquiry. Through this process of truth-seeking, that voice has been amplified, diversified by story-telling, structured by expert testimony, shaped by regional experiences, informed by truth, and spoken by families, survivors, and the same groups of women, many of whom have held standing in this process. It is these women who are personally committed to seeing it through. And it is these women who will ensure the relevant recommendations and solutions are put in place, supported, and measured.

MI'KMAQ WOMEN'S LEADERSHIP NETWORK (MWLN)

5. The Mi'kmaq Women's Leadership Network (the "Network") was created in 2017 in anticipation of the Atlantic family and survivor hearings of the National Inquiry in Membertou, Nova Scotia. At that time, with the support of Nova Scotia Status of Women, Aboriginal Affairs, Justice and Health Canada, Mi'kmaq women's groups from the Atlantic region worked together to ensure the families and survivors who may attend the hearings would be taken care of – before, during and after the hearings took place.
6. The network, which continues to meet monthly, focusing on continued care for the families, includes representatives from the Nova Scotia Native Women's Association, the Mi'kmaq Legal Support Network, the Mi'kmaq Native Friendship Centre and other key Mi'kmaq women leaders. The organization does not have core funding, relying on volunteers, donations from member organizations, and any outside support available to facilitate the programming that is vital to support Indigenous families in the region.

7. Before the hearings, the Network reached out in confidence to the families and survivors to ensure they had the information and support needed, regardless of whether they went ahead with providing testimony. The Network hosted a ceremony to welcome the National Inquiry to Nova Scotia in a good way, respecting the needs and cultural safety of families.
8. The Network maintains a commitment to families, as the Inquiry winds up its work, theirs will continue. Agnes "Aggie" Gould was a treasured Mi'kmaq woman who gave testimony alongside her brothers and father, about their missing sister and daughter, Virginia Pictou Noyse. In the months following her testimony, Gould said "almost all of her emotional and spiritual support has come from people in her region. Hundreds of volunteers came forward with the Nova Scotia Native Women's Association and Mi'kmaq Women Leaders network to provide food, quiet spaces and spiritual outlets. Gould said many of them call regularly to check up on her family."¹
9. Gould passed away this year without justice for her sister who has now been missing for 24 years.
10. Before, during and long after the National Inquiry finishes its work, the women of Eastern Door Indigenous Women's Association have and will support the families and communities affected by violence against Indigenous women through whatever means necessary. The Mi'kmaw Women's Leadership Network is but one example of this commitment.

CHALLENGES OF THE INQUIRY

GUIDING PRINCIPLE #2

¹ Families testifying at MMIWG inquiry say aftercare support is lacking
<https://www.cbc.ca/news/indigenous/mmiwg-inquiry-families-lacking-aftercare-1.4407868>.

**THERE WILL BE CHALLENGES, BUT A UNITED COMMITMENT TO END
VIOLENCE AGAINST INDIGENOUS WOMEN WILL PREVAIL.**

11. It is recognized that a National Inquiry of this magnitude is unprecedented. The size, breadth, national mandate, diversity of communities and complex issues posed a great challenge for the staff and commissioners. The denial of a meaningful extension will affect the overall value of the National Inquiry, and recommendations are reliant on political will.
12. Eastern Door Indigenous Women's Association notes some of the challenges of the National Inquiry which could have been avoided or rectified during the process:
13. Women's voices still not valued. Eastern Door Indigenous Women's Association, women who have advocated for this Inquiry and action on violence against Indigenous women have not, with few exceptions, learned anything new from this National Inquiry. Eastern Door Indigenous Women's Association hopes that at the least, the process of bringing knowledge which was common to their directors and allies, before the Commissioners, will mean more resources are allocated to their existing and planned solutions. The irony that Indigenous women have to bring their evidence before a colonial-based National Inquiry in order to have it recorded and validated for public digestion and government action is not lost on the Eastern Door Indigenous Women's Association.
14. Eastern Canada forgotten: The national scope of inquiry, as it materialized in the expert and institutional hearings proved challenging. Indigenous communities across Canada and in the north are so vastly different. Issues are different, women are different, governments are different. Often witnesses were focussed on specific, localized issues, not necessarily helpful to the rest of the country. The Atlantic region was the least represented by far. The eastern context was not represented during the expert and institutional hearings, with focus on initiatives and historical

perspectives of the North, western Canada and as east as Quebec, with few exceptions. The absence of a Commissioner from the Atlantic region and the impact that has on the evidence tendered to support comprehensive findings of the National Inquiry was made more conspicuous by the inclusions of Commissioners representing the other regions of Canada.

15. Haven't we heard all of this before? The Commissioners of the National Inquiry have power to make non-binding recommendations that rely on political will to implement – First Nations, territories, organizations, communities, and federal and provincial governments have to be on board in one way or another to achieve actual outcomes. We've seen recommendations that could help improve these situations, under different headings, for example the Royal Commission on Aboriginal Peoples in the 90's, and more recently the Calls to Action of the Truth and Reconciliation Commission, both of which the Commissioners have taken notice of.² Eastern Door Indigenous Women's Association holds the view that if those two reports had been read, understood, meaningfully considered and given life in Canadian society, we would not be here today. So how will the recommendations of the National Inquiry differ in substance or effectiveness?

16. Sexual Exploitation/human trafficking: Sexual exploitation and human trafficking was examined during one of the extension hearings in St. John's, NL. Eastern Door Indigenous Women's Association was relieved to see this pertinent issue along with others scheduled in the extension period, and looked to the National Inquiry to procure evidence to help inform the services and supports they provide for women engaged in this deeply shrouded and complex issue. Atlantic Canada is a hotbed for trafficking and recruitment,³ with Indigenous women and girls disproportionately

² National Inquiry into Missing and Murdered Indigenous Women and Girls, Interim Report: Our Women and Girls are Sacred (2017) p 52, www.mmiwg-ffada.ca/files/ni-mmiwg-interim-report-en.pdf.

³ Human trafficking rates in Halifax above national average <https://www.thechronicleherald.ca/news/local/human-trafficking-rates-in-halifax-above-national-average-244291/> also see generally St. John's witness materials.

targeted.⁴ One witness gave useful evidence about the definitions of sex work, exploitation and trafficking and the differences.⁵ Another panel fell apart as it was inappropriately arranged to host a debate between a sex worker/activist and a survivor of human trafficking/abolitionist.⁶ The purpose of the hearings about human trafficking should never have been sidelined with an irrelevant, polarizing debate between an abolitionist and victim of trafficking – two completely different topics. Prior to the panel, parties with standing were warned by commission counsel to respectfully pose questions to facilitate a trauma-informed conversation, and reminded of rules of respectful questioning and the Legal Path.⁷ The parties indeed conducted themselves accordingly and respectfully, however the very facilitation of a panel of this nature was not trauma-informed in the first place, regardless that panelists had apparently consented. Questioning on behalf of Eastern Door Indigenous Women's Association had to be so carefully executed that testimony was not useful. This set of panels failed to get to the heart of human trafficking, and Eastern Door Indigenous Women's Association remains concerned about the lack of truth and testimony on which to base meaningful recommendations and foster safer environments for women and girls in this respect. The National Inquiry has failed in its truth-seeking mandate on this topic.

17. These challenges considered, Eastern Door Indigenous Women's Association is supportive of the National Inquiry and will make every effort to help facilitate its contribution to the eradication of violence against Indigenous women, girls and two-spirit people and healing for Indigenous communities.

WHAT WE'VE HEARD

⁴ See generally St. John's Transcript evidence of Diane Redsky Mixed Parts II and III Volume XVIII pp. 65 – 112.

⁵ Definition of exploitation at pp. 75-77 and importance of language at pp.73-75.Ibid at pp. 75-77.

⁶ See generally St. John's Transcript evidence of Robyn Bourgeois in Mixed Parts II and III Volume XVII.

⁷ Legal Path: Rules of Respectful Practice: <http://www.mmiwg-ffada.ca/files/legal-path-rules-of-respectful-practice.pdf>.

18. Indigenous people do not belong to Canada. Indigenous people, as nations, hold positions as negotiators, benefactors and contractors with the modern Canada – regardless of contrary discourse and state action.
19. Canada's claim of ownership of Indigenous people was borne out of frustrated attempts at genocide. A public relations strategy at the end of the fight for ownership of communal land, which saw the creation of Canada. The claim and the good faith and fiduciary obligations it implies, as well as the resulting relationship which has developed to facilitate Canada's furtherance, continue to colour discussions about resource development and to create ease for the strategic management of Indigenous people by various, non-Indigenous governments. All in a continued quest for power, and ownership.
20. The claim and surrounding euphemistic jargon are mere tools of modern colonialism employed by governments to keep Indigenous people engaged with a perception that they are on lower ground, beneath the government that serves them, and lucky to receive rights. Promises to breathe life into constitutional rights⁸ in the interest of protecting Indigenous people often don't reconcile with actual actions, sometimes fostering a feeling of betrayal.⁹ This patriarchal handling of Indigenous people can be insulting. Indigenous people have inherent jurisdiction over themselves, it is intrinsic, arguably inalienable, at least has not been legally ousted through a process of obtaining free, prior and informed consent, and their right to self-govern is not repatriable by non-Indigenous governments. One cannot return something that was never taken. Colonization is therefore not only a part of history, it is still in progress as Canada and Indigenous nations continue to engage in a push and pull over the land which is now known as Canada, and divisions of jurisdiction thereon. This reality may not be apparent to everyone, given the massive imbalance of power.

⁸ Trudeau Speech article: <https://www.cbc.ca/news/politics/trudeau-speech-indigenous-rights-1.4534679>

⁹ Is Trudeau's pipeline buyout a betrayal? <https://www.cbc.ca/player/play/1247316035703>

21. Canada is referred to broadly here. The actions attributed to Canada are not limited to those of elected officials in Ottawa, not even to the early settlers who attempted to eradicate Mi'kmaq and Maliseet by distributing small-pox infected clothing and blankets.¹⁰ It's not just about the unchecked European entitlement to a legendary fishery that led to the assault, enslavement and ultimate extermination of Newfoundland's Beothuk,¹¹ nor the health councils engaged in continued forced sterilization of Indigenous women. It's not just about the RCMP members who took advantage of Inuit trust and sacred family customs to use and disgrace Inuit women for their own pleasure, nor is it limited to the unfathomable legacy of centralization. Canada is also represented by a police service's explicit institutional support of its members accused of systemic abuse of Indigenous women.¹² The specter of Canada is echoed by the culture of exploitation of women that develops around work man camps in remote regions of the country. It is also apparent in the destruction of sacred Indigenous hunting grounds, perpetrated by private companies who may or may not have been granted license to do so from regulators, or specifically in the case of Pictou landing First Nation, the same Province tasked to consult the Mi'kmaq with respect to effluent being pumped into the harbour that is the lifeblood of their community, is backing the mill financially.¹³ And it certainly wasn't the Passamaquoddy who agreed to imposition of an international barrier splitting their traditional territory in two. After failed attempts to pit Maliseet against Mi'kmaq, Governor Shirley acted on behalf of the Crown to offer a bounty of fifty shillings for proof of the murder of a Maliseet or Mi'kmaq woman or child.¹⁴ It isn't just about the modern practices of removing children, akin to residential schooling, nor alone

¹⁰ Paul, Daniel. *We were not the savages*. Halifax: Fernwood Publishing, 2006.

¹¹ *Ibid* at pp. 43-44.

¹² SQ won't order officers to remove offensive symbols on uniforms:

<https://www.cbc.ca/news/canada/montreal/sq-symbol-folo-1.4832367> also see generally Quebec City Transcript evidence of Jacqueline Hansen Mixed Part II and III Volume VI.

¹³ N.S. may appeal ruling on duty to consult Mi'kmaq in mill case: <https://www.cbc.ca/news/canada/nova-scotia/nova-scotia-boat-harbour-duty-to-consult-1.4932556>.

¹⁴ Paul, Daniel at pp. 103-105.

the failure of the judicial system to prosecute perpetrators of violence against Indigenous women. To an Indigenous woman victim, these are all attributable to Canada – for without colonization, none of these would be her reality.

22. When one begins with this understanding, it becomes difficult to reconcile the legality of government policies and actions that affect Indigenous people. Unilateral state actions affecting Indigenous people are troubling at the least, illegal at most, harmful often, and have led to innumerable problems - not the least of which is the current phenomena of disproportionate numbers of Indigenous women, girls and LGBTQI2S who are either marked as missing, have been murdered, or died prematurely of suicide, overdose, or otherwise suspicious circumstances. Euphemistically, the “stolen sisters” – indeed something Canada can claim ownership of.
23. Through the application of harmful laws, continued colonial violence, and the miseducation of Canadians, Canada has created a culture which fosters harmful assumptions and generalizations to justify direct, unchecked racism toward Indigenous people. Canada is the thief, and Indigenous women the invaluable commodity.

A WAY FORWARD

NOTE: Definition of “All relevant elected bodies”:

Federal, provincial, territorial and local government, and councils elected to administer service provision pursuant to the *Indian Act*. References to these bodies include the actions of civil servants, non-governmental arms, incorporated entities, independent contractors, employees and any party that acts as agent on their behalf.

GUIDING PRINCIPLE #3
SHE DOES NOT BELONG TO YOU.

UNDRIP Standard: Preamble, Articles 4 and 23.

RECOMMENDATION: That the Commissioners, prior to making recommendations, strike an expert committee of lawyers to provide strategic advice, in the areas of constitutional law, international law and political science, in order to strategize a legally-backed proposal for implementation and enforcement of the national action plan, as advised in these submissions.

RECOMMENDATION: That Canada recognize a meaningful position for Indigenous women in the political sphere of Canadian governance.

RECOMMENDATION: That Canada exercise and give meaning to its commitment to Nation to Nation relationships with Indigenous people and fully support and fund initiatives of Indigenous governments to achieve self-determination.

RECOMMENDATION: That Indigenous leaders and Indigenous organizations commit to self-determination and self-government - with a goal to maintain jurisdiction over all aspects of life - and design the future in a way that is reflective of community values, and the best interests of their nations.

RECOMMENDATION: That all relevant elected bodies commit to upholding at least the minimum Standards of treatment of Indigenous people as laid out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

24. Canada's responsibility to protect Indigenous women is grounded in the law. It is not new, rather based on existing domestic¹⁵ and international obligations¹⁶ which as the National Inquiry was told, Canada continually breaches.¹⁷

25. Canada is uniquely positioned to leverage the informed recommendations flowing from this National Inquiry to remedy and prevent those breaches. A challenge in this endeavour is shared with the general implementation of international law, and

¹⁵ *Constitution Act, 1867.*

¹⁶ See generally Transcript evidence of Quebec City Human Rights Perspectives Volumes IV – VII.

¹⁷ *Ibid.*

that is the jurisdictional immunity of provinces, which must also be on board to give effect to elevated human rights standards, but who are not answerable directly to international bodies. Another anticipated challenge is a lack of political will.

26. Further, the National Inquiry's timing is situated advantageously in a growing climate of hot discussions, promises and organizing in the interest of achieving Indigenous self-governance. It is incumbent on the Commissioners to make recommendations which inject Indigenous women's voices into the core of a political climate and arrangements which will give life to meaningful self-determination, including self-government, while strategically addressing violence against Indigenous women, girls and LGBTQI2S - perhaps now an even bigger task than initially mandated.
27. How then might we ever see an end to violence against Indigenous women, girls and LGBTQI2S? The answer is through a nationally-mandated action plan to end the violence, with a human-rights based framework of standards ripe for regionally-tailored strategies, cooperation among local interests, and leadership of Indigenous women's organizations.¹⁸ And of course, by necessity.
28. In order to accomplish this end, recommendations and strategies of the final report will require plans grounded in undeniable human rights standards with concrete goals, deadlines, assessment tools and enforcement mechanisms. The strength of the argument for Canada's obligations, coupled with strong enforcement mechanisms (penalties) will determine the legacy of this National Inquiry's mandate.
29. The National Inquiry has heard testimony from across Canada which demonstrates the commitment of Indigenous women and organizations to working toward solutions for women, girls, LGBTQI2S and their families and communities. Often on shoe string budgets, services are provided at the grassroots level addressing the

¹⁸ See examples of Aboriginal Women's Action Network, Battered Womens' Support Society.

symptoms and root causes of the threats to the lives of Indigenous women, girls and LGBTQI2S. In addition to their work, these chronically under-funded service providers work hard to maintain careful relationships with all relevant elected bodies, just to stay afloat. A national framework which imports meaningful funding commitments with limited conditions, federally and provincially, would provide a space within which this work could continue and fulfill the needs as identified by this National Inquiry.

30. It is for these reasons that the Eastern Door Indigenous Women's Association encourage the Commissioners to recommend a national action plan to eradicate violence against Indigenous women, girls and LGBTQI2S - and implore the Commissioners to be fearless in the details.
31. The plan should have as its overall mandate: to end violence against Indigenous women, girls and LGBTQI2S. It would do so by guaranteeing minimum standards of international and domestic human rights protections. To set out the minimal national standards, the first step will be to create a set of national guiding principles and accompanying recommendations touching on each of the areas that have become known to the Commissioners as contributing to the disproportionate numbers of missing or murdered Indigenous women and girls. Each principle must be grounded in international and domestic laws which could be used to litigate breaches, as well for assessment.
32. Finally, creation of the assessment tools and overseeing body should be quite simple. Consider the grass roots Indigenous and women's organizations who have been granted standing at this National Inquiry. Each one has been given leave to participate because of a vested interest and valuable contribution. They've worked diligently to help guide the Commissioners' understanding of the issues and work that needs to be done. Many of them are the existing and future service providers, and will be the on-the-ground implementers of the recommendations this Inquiry provides. They know the issues, and some of the organizations have in fact been

constituted out of a need to service those issues. A natural role would be for them to assess on an ongoing basis, the effectiveness of efforts of relevant elected bodies to meet, support, fund and further the recommendations of the National Inquiry, and to blow the whistle where they are not. After careful consideration, it's difficult to imagine who else could effectively accomplish this mandate. Complaints of failures to meet the national standards, as reported by these regionally-mandated organizations, with respect to their relevant elected bodies, would be considered by an autonomous, national body, with equal representation from across the country, mandated specifically to oversee national adherence to the action plan, order compliance and penalize where necessary.

33. How though, will the same grass roots and women's organizations, who sometimes have to tip toe around the elected bodies in order to maintain some financial security and support, be protected in a position of authority, with the power to report and penalize? The answer is in balance, and in this case, a rebalancing of power, justified by the resounding need for substantive equality¹⁹ through their ability to offer regular report cards, register complaints, and request redress.
34. The balance would be maintained through a careful strategy in which elected bodies who are found to be in contempt of the standards as laid out in the national action plan, and who fail to rectify the same, would be fined monetarily. With an arrangement grounded in principles similar to those used to justify the nation's carbon tax and human rights oversight, the funds recovered would be distributed directly among the grass roots Indigenous and women's organizations who are service providers within the region affected by the non-compliance, and who must continue to painstakingly fill the gaps and offer services while their regional elected bodies fail to support them directly. All elected bodies – including Canada – could be required to share in the fines, depending on the finding. Fines would be significant enough to motivate otherwise unmoved elected bodies.

¹⁹ See generally Transcript evidence of Fay Blaney Part III Volume IV at pp. 89-142.

35. It is strongly recommended that the Commissioners seek the advice of a group of experts as referred to in the first recommendation in preparing their recommendations, to create a legal strategy to support the enforcement mechanisms proposed. The Commissioners have not heard adequate evidence to make findings with respect to adequate implementation. This is a critical hole in the information gathered so far.
36. This arrangement could create a path to forging the political will which is of such concern to the mandate of the National Inquiry. Rather than waiting on the utopian voluntary social shift, this approach would accomplish the goal through strategic, bottom-up enforcement, which can only be done through a repatriation of power. The social shift however will follow - it will be the result of implementation of the national action plan which will see generations of Canadians become responsibly informed about Indigenous people, for the first time.
37. These submissions outline a framework for a national action plan with recommendations that would be used to measure regional action - however it is expected and hoped that the Commissioners would expand on this plan to incorporate the recommendations and ideas as harvested throughout this process. Input from the breadth of standing parties' interests is imperative for the national mandate of this plan, and it is strongly advised that actual implementation and success be governed and measured by regional, Indigenous-led working groups acting in the best interests of the Indigenous people of the area/regions. Appropriate regions and representation should be defined through meaningful consultation.
38. A national action plan domestically could engender some of the same principles and commitments Canada has made to protecting women in other countries promoting

security and peace for women affected by armed conflict, as well as advocating for women's involvement in resolution processes.²⁰

RECOMMENDATION: THAT ALL RELEVANT ELECTED BODIES COMMIT TO A NATIONAL ACTION PLAN TO END VIOLENCE AGAINST INDIGENOUS WOMEN

GUIDING PRINCIPLE #4

SHE IS IN DANGER, AND WE HAVE AN OBLIGATION TO PROTECT HER.

International Law Standard: Due Diligence principle requires Canada to prevent, protect against, prosecute, punish and provide redress for acts of violence against women.

RECOMMENDATION: That Canada carefully construct a national plan of action to end violence against Indigenous women, supported by the truths of the National Inquiry and ongoing consultations with Indigenous organizations. That it have strategic goals, deadlines, and invoke minimum standards of treatment warranted to meet human rights standards and incorporate special considerations for women, children and Indigenous people. That standards be based on domestic and international human rights law. That regional working groups of Indigenous communities, women leaders, non-Indigenous governments and institutions be tasked to implement the standards in regionally and culturally-relevant ways – informed by first-hand Indigenous organization leadership.

RECOMMENDATION: That regional Indigenous and grass roots organizations be tasked with measuring and reporting publicly on adherence to standards, and a national body of the same be legislatively mandated to review compliance, impose conditions, and penalize non-compliance. Joint commitments of funding, federal and provincial,

²⁰ As an example, through the commitment to women, security and peace agenda: http://international.gc.ca/world-monde/issues_development-enjeux_developpement/gender_equality-egalite_des_genres/women_peace_security-femmes_paix_securite.aspx?lang=eng and action plan: http://international.gc.ca/world-monde/issues_development-enjeux_developpement/gender_equality-egalite_des_genres/wps-fps-2011-2016.aspx?lang=eng

must be secured with legislative intent, and all elected bodies must be subject to scrutiny and penalty for non-compliance.

CREATING A SET OF NATIONAL STANDARDS

GUIDING PRINCIPLE #5

**SHE IS WORTHY OF THE HIGHEST LEVEL OF PROTECTION AND WE
ALREADY HAVE THE TOOLS TO AFFORD HER THIS PROTECTION.**

RECOMMENDATION: That the national Standards be rooted in adherence to existing human rights standards to eradicate violence against Indigenous women, and all implementation be guided by analysis with a human rights lens and particular attention be given to the contexts of Indigenous and feminist realities and perspectives. Creation, implementation and monitoring success of the standards must be led by Indigenous women and organizations researching and reporting in their ways, in their respective regions.

39. Creating a set of national standards is not about re-invention, this is about breathing life and political will into adherence to basic principles of human rights protections which are already in place.
40. Section 35 of the Constitution Act, 1982, recognizes and affirms Aboriginal rights, Aboriginal title and Treaty rights.²¹ Section 7 gives the right to life, liberty and security of the person and Section 15 ensures that one cannot be deprived of these rights based on race or sex.²² Some Indigenous Nations hold strong rights in binding treaties with Canada.²³ International obligations support and contextualize Canada's domestic obligations.

²¹ *Constitution Act, 1982* at Section 35.

²² *Constitution Act, 1982* at Sections 7 and 15.

²³ See examples: *Treaties of Peace and Friendship, 1760-61*.

41. The National Inquiry heard from international law and Indigenous law expert witnesses, and learned that Canada is in breach of both domestic and international obligations with respect to its failures and harmful actions toward Indigenous women and children. Canada has been told to clean up its act by United Nations tribunals and special rapporteurs repeatedly, with little response. The National Inquiry is purported to be Canada's answer – however compliance will mean more than doling funds and lip service to the operation of the National Inquiry, and will only be evidenced through meaningful action.
42. Application of a human rights lens confirms that Canada is in breach of its international duty of due diligence to prevent, protect, investigate, punish and compensate for missing and murdered Indigenous women. Eastern Door Indigenous Women's Association submits that there is a role of Canada's justice system in failing to give adequate weight to international human rights violations. The role of judges, lawyers and public education to improve access to international human rights is undeniable.
43. The Commissioners heard that the responsibility of due diligence to uphold human rights standards extends to all levels of government to take every reasonable measure to ensure the rights to health, livelihood, culture and right to live free from violence and discrimination be respected, protected and fulfilled.²⁴ Further, Canada's responsibility of due diligence is elevated where past government actions have already harmed individuals or put them at heightened risk for further human rights violations – a principle which is undeniably relevant for Canada.²⁵
44. The National Inquiry heard of the legacy of colonialism²⁶ through a review of application of Canada's international obligations, and of where Canada is or is not

²⁴ See Transcript evidence of Hansen.

²⁵ *Ibid.*

²⁶ Amnesty International report Out of Sight Out of Mind <https://www.amnesty.ca/sites/amnesty/files/Out%20of%20Sight%20Out%20of%20Mind%20EN%20FINAL%20web.pdf> at pg. 7.

meeting the obligations, as well as how they're implemented at the grass roots level.²⁷ The Commissioners were told that the work of the National Inquiry can't be done in isolation of human rights harms – it is imperative to acknowledge historical and contemporary harms which are directly accountable for the current situation.²⁸

45. A theme throughout the National Inquiry spoke to the value of the Indigenous-led United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which sets out the minimal standards for treatment of Indigenous people. The easy-to-read, all-encompassing Declaration is indeed the peoples' tool and should be applied by Indigenous bodies, organizations and individuals at every possible application in a commitment to engage non-Indigenous governments to do the same.
46. It is for these reasons Eastern Door Indigenous Women's Association provides a set of proposed national standards, in the form of recommendations, each connecting to elements of international and domestic human rights protections. These are intended as guidelines to inspire the spirit of the national action plan and are by no means intended to be exhaustive of recommendations and applicable provisions.

VALUE OF INDIGENOUS WOMEN

GUIDING PRINCIPLE #6

SHE HAS BEEN DISRESPECTED AND DEVALUED FOR THE BENEFIT OF OTHERS. SHE IS INVALUABLE.

UNDRIP Standard: Article 21.

RECOMMENDATION: That all relevant elected bodies support initiatives that see women are aptly paid for their work. Particular emphasis must be given to remedy the chronic underfunding of Indigenous women's organizations and grass roots services for

²⁷ See generally transcript evidence of Jacqueline Hansen.

²⁸ *Ibid.*

Indigenous women and children. That core funding with multi-annual commitments be the first priority and that every reasonable effort be made in this objective.

RECOMMENDATION: That all relevant elected bodies recognize certain community-supported Indigenous elders and spiritual leaders as educators and counsellors; remunerate them accordingly, to the level of their non-Indigenous counterparts – and require funding recipients to do the same.

RECOMMENDATION: That all relevant elected bodies support and conduct gender-based wage disparity and funding allocation analyses and comparative study across the continuum of organizations providing services to Indigenous and non-Indigenous people; and address inequalities.

RECOMMENDATION: That Canada uphold its promise to the Indigenous nations of the Atlantic region to permit a livelihood through the fishery trade as guaranteed in the Treaties of Peace and Friendship, a right that was twice affirmed by the Supreme Court of Canada in *R. v. Marshall*,²⁹ but for which beneficiaries are continually criminalized. Legal implementation of these rights would directly support Indigenous women and their families through participation in the fishery, trade, surrounding opportunities and individual enrichment where resources and opportunities are otherwise starkly limited.

RECOMMENDATION: That Canada, the provinces and territories examine valuation of Indigenous women's lives throughout the judicial systems and process, including through legislative control of measurements to determine pecuniary damages and victim surcharges.

RECOMMENDATION: That media and educators adopt protocols to elevate their discourse surrounding Indigenous women, with the goal to humanize and combat discrimination.

RECOMMENDATION: That all relevant elected bodies create grant and scholarship programs to directly support Indigenous women who are engaged in resource protection.

²⁹ *R. v. Marshall*, [1999] 3 S.C.R. 456 and *R. v. Marshall*, [1999] 3 S.C.R. 533.

47. Indigenous women's lives are not valued in Canada, as the Commissioners found in their interim report³⁰ and as has been repeatedly proven through expert, institutional and family testimony heard by the National Inquiry.
48. Eastern Door Indigenous Women's Association is alarmed at the normalization of violence in communities. When a young woman dies, people are not shocked enough. Shouldn't people be more alarmed? Has this become an accepted way of life? How can that be?
49. The Mi'kmaq were observed by some early colonizers, to live in such balance, to have such civilized ways, beyond the virtues of their home nations.³¹

*The modesty and chastity of the Mi'kmaq, especially the women, were virtues well remarked upon by those who wrote about the ideals of the culture. The fact that a woman took pride in her honour and would not willingly compromise herself was seen as incredible to many European writers. From their racist points of view it was inconceivable that a people they considered heathen savages would act in a more civilized manner than they.*³²

50. Contrast this with the stereotypes designated to Indigenous women as scantily clad sexual objects, rape victims, and as having nothing much to say, in society and media as Jessie Wenthe testified.³³ Characterizations which he directly connected to the history of western perspectives, colonization and the *Indian Act*, describing a resulting disconnect between Indigenous performances and Indigenous realities which in turn, as he testified, influence the realities of Indigenous women and the way they are treated through public policy and legal systems.

³⁰ *Supra* at Interim Report.

³¹ *Supra* at Paul, 2006.

³² *Ibid* at pg. 15

³³ Transcript of expert witness Jessie Wenthe Vol II at pp. 17-18.

51. Devaluing of Indigenous women's lives is to blame for the resulting culture of blatant disregard, and it is to the heart of Canada's history and daily operations. The interconnectedness of issues affecting the perceived value of the lives of Indigenous women, girls and LGBTQI2S requires a collaborative approach across sectors which will begin to make waves of change throughout society.

EDUCATION FOR CANADIANS

GUIDING PRINCIPLE #7

REPATRIATE HER DIGNITY. LIES HAVE BEEN SPREAD ABOUT HER. IT'S TIME FOR CANADIANS TO KNOW HER TRUE IDENTITY.

UNDRIP Standard: Articles 14, 15, 21 and 22.

RECOMMENDATION: Education about Indigenous people must be Indigenous-led and regionally-informed. It must include curriculum about the active miseducation of generations of Canadians from a colonial violence lens in order to begin to reverse deeply held societal beliefs. All relevant elected bodies must cooperate in this respect.

RECOMMENDATION: Curriculum about regionally-relevant Indigenous people and their histories must be introduced to children in the first year of elementary school and continue throughout their education career. Education about Indigenous people must be moved from the sidelines and hold place as a core education topic for all students. All relevant elected bodies must cooperate in this respect.

52. To appreciate the value of this section of recommendations, it must be recognized that the miseducation of generations of Canadians who learn discriminatory prejudices and believe stereotypes to justify differential treatment of Indigenous people is intentionally used as a tool to enforce colonial patriarchy in Canada. Education must be overhauled for the Canadian public, starting from kindergarten. Education is a powerful tool, and when used properly, can help extinguish racism – it is the route toward an eventual voluntary social paradigm shift.

53. Racism is learned, and through education systems, compounded by widely-held stereotypes reinforced throughout the Canadian experience, Canada is still educating children in the art of prejudice against Indigenous people.
54. The Commissioners heard of a link between education and racism. Racism leaks in where there are omissions, errors, inaccurate information, hidden curriculum and predisposed expectations of indigenous children's abilities, and by using a Eurocentric view of the world to examine Indigenous people.³⁴
55. Attempts of eradication, assimilation, buyouts – these have not worked. They're not working now, and they didn't work in the past. It is because of this that Canada has an obligation to work within the deals it has made. If Canadians can't get on board with that, it's in part because they are not being given a thorough education about what really happened to Indigenous people who lived here long before the land was "discovered" and exploited.
56. From the Canadian voting public we witness a certain amount of Laissez Faire racism toward Indigenous people,³⁵ comments such as "why don't they just stop complaining, move on, residential school was ancient history" – while we know this is borne out of ignorance, a failed education system. The lack of general public concern does not leverage political will for furthering Indigenous protections. One only has to look as far as the comment section on a news article about an Indigenous community to get a taste for the rampant racism prevalent in Canadian society.
57. The Commissioners heard evidence of expert witness Dr. Cindy Blackstock who brought her experience with the Pan American Health Organization (PAHO) Commission on Equity and Health Inequalities in the Americas work which includes a recommendation to eradicate gender-based discrimination/violence

³⁴ See Toronto Transcript evidence of Dr. Sylvia Moore Part III Volume IX.

³⁵ See Winnipeg Transcript evidence of Dr. Amy Bombay Mixed Parts II & III Volume XI.

against women early in life, starting at pre-school, where children should to be taught how to treat people the same across a gender equilibrium.³⁶

58. Efforts are being made to rectify the miseducation³⁷ however it will be generations before the lasting effects of racism that has been planted through government-led curriculum may be erased and efforts are only scratching the surface.

59. Until education adequately demonstrates the value of Indigenous people, students will not learn it.

ACCESS TO HUMAN RIGHTS EDUCATION

GUIDING PRINCIPLE #8

SHE DESERVES TO KNOW HOW TO PROTECT HERSELF.

UNDRIP Standard: Preamble, Articles 1, 2, 34 and 40.

RECOMMENDATION: That all relevant elected bodies support, mandate and fund autonomous, region based offices of Advocacy for Indigenous Women, Children and LGBTQI2S with legislated power to investigate, gain access to private information, act as litigation guardian or intervenor in matters affecting Indigenous women and children, and with power to represent the true best interests of Indigenous women and children in all areas of their lives. Indigenous women's organizations of the Indigenous territories of the Atlantic provinces are poised to house these offices.

RECOMMENDATION: That all relevant elected bodies mandate and fund broad scope human rights fundamentals education for Indigenous people, in schools, communities

³⁶ Transcript Evidence Dr. Cindy Blackstock, Toronto, Panel IV: Racism Against Indigenous Children and Youth", Public Transcript Part III, Volume X. Exhibit code: P03P03P0301,

³⁷ See current example in Quebec: Quebec editing textbooks <https://www.cbc.ca/news/indigenous/quebec-editing-textbooks-indigenous-terms-1.4841285> and specifically note an educator commented: "The current curriculum doesn't reflect the values of an inclusive, democratic society," Green said. "It sends a message that if you are not a member of the francophone majority, you're a second-class citizen whose history doesn't count or doesn't matter."

and through online tools – including about the available monetary rewards and not limited to the structure of how to bring complaints.

RECOMMENDATION: That Canada improve access to human rights education for First Nations leadership, and all levels of government must cooperate to make adherence a priority for healthier communities.

RECOMMENDATION: That legal regulators incentivize members who use innovations to improve access to justice for Indigenous people, including through education and support to bring human rights violation claims.

RECOMMENDATION: That legal educators, regulators and those facilitating access to justice incorporate Indigenous law wherever possible to communicate legal principles such as human rights protections. For the Mi'kmaq, curriculums developed in the context of two-eyed seeing will give life to an integral cultural concept while educating.

60. The UNDRIP is an important tool for Indigenous people, although as the Commissioners heard, it is not unlike existing international obligations of Canada. The UNDRIP can be used to compliment other international obligations, and in many ways reinforces the international and domestic obligations to which Canada is already bound.

61. Human rights processes can be slow, frustrating and discouraging. Sometimes there is a fear of using human rights mechanisms within communities, as complainants may stand to lose their benefits – as perpetrators of human rights violations by definition are service providers, including all relevant elected bodies.

62. It's important to remember that for Indigenous women, human rights were not afforded until quite recently. There is therefore not a robust culture and understanding of human rights and processes passed down among generations – and human rights violations, for many reasons, go unchecked.

63. The Commissioners heard from expert witness Jacqueline Hansen about the work she does educating public in human rights, working in solidarity with survivors around the world advocating for changes and seeking justice.³⁸ It is submitted that great attention should be given to her testimony, and also to that of Fay Blaney who provided invaluable insight into the art of grass roots feminist conscious rising to enhance availability and assertion of human rights among Indigenous women.³⁹

EDUCATION FOR INDIGENOUS COMMUNITIES

GUIDING PRINCIPLE #9

IT'S TIME TO GIVE HER BACK HER TALK.

AND TIME FOR HER TO LEARN HER IDENTITY SO SHE CAN TAKE PRIDE IN HERSELF.

RECOMMENDATION: That all relevant elected bodies mandate and fund Indigenous-led education for Indigenous children incorporating regionally-relevant, true histories to instill pride in identity.

RECOMMENDATION: That Indigenous children are given access to their language in schools in community, as a core subject.

RECOMMENDATION: That federal Indigenous language legislation and accompanying funding supports be immediately committed to save and protect Indigenous languages.

RECOMMENDATION: That all relevant elected bodies recognize elders and community members as educators and culture-keepers, integral to healthy development of Indigenous children. That the relevant elected bodies mandate and fund substantial roles for these Indigenous teachers in the education system.

RECOMMENDATION: That all relevant elected bodies mandate and fund education for Indigenous children, starting at the beginning of elementary school, on topics of exploitation, trafficking and safe practices for healthy families and relationships, recognizing and taking direct aim at the legacy of residential schools in their families and

³⁸ *Supra* at Hansen transcript generally.

³⁹ *Supra* at Blaney transcript generally.

communities, and the impacts other colonial practices including current child apprehension practices have on the developing minds of young Indigenous children.

64. Education can be used to empower. Lack of education - or miseducation - leads to perpetuation of racism, ignorance, and is dangerous for everyone. It's Indigenous children who suffer the most, with their pride in identity hanging in the balance as they attempt to form self-awareness - inevitably tainted and often resulting in further marginalization and despair with lifelong consequences including actual genetic alteration.⁴⁰

SAFETY FOR WOMEN

GUIDING PRINCIPLE #10

SHE DESERVES TO BE SAFE, PROTECTED, AND SHOULD HAVE TRUST IN INSTITUTIONS AND INDIVIDUALS. CANADA HAS A DUTY TO ENSURE HER SAFETY AND REFRAIN FROM JEOPARDIZING THE SAME.

UNDRIP Standard: Article 10.

RECOMMENDATION: That all relevant elected bodies work together to give life to an updated and renewed national action plan to combat human trafficking. Funding for regional cooperation initiatives, acknowledging the interprovincial nature of human trafficking, must be made available, with particular emphasis on meaningful involvement of Indigenous organizations.

RECOMMENDATION: That all provinces enact legislation similar to the Manitoba Child Exploitation and Human Trafficking Act CCSM c C94 and adopt best practices respecting investigative standards for searching for missing persons, both with emphasis on the collaborative approach among agencies.

RECOMMENDATION: That all relevant elected bodies work together to immediately make available 24/7 shelters and safe places within reasonable distance of populated

⁴⁰ See generally testimony of Dr. Amy Bombay for a scientific lens on these issues.

areas. These spaces should be autonomous of government or other control; secret and protected; have Indigenous women available to counsel Indigenous clients; be accessible without any conditions and limited barriers; and foster a safe environment for women to bring their children without fear of unreasonable intervention from child welfare and police intervention. The process of planning and erecting these shelters and safe places must be mindful that often leaders are perpetrators, and women need protection from them.

RECOMMENDATION: That all relevant elected bodies work together to make available family incubation shelters for the safe-start of Indigenous families, with the wrap-around support of Indigenous women as caretakers and teachers. Allow these to serve as learning environments for families to heal and grow, and as one of the many alternatives to removal.

RECOMMENDATION: Stop all unnecessary removal of children from their homes, families and communities.

RECOMMENDATION: All relevant elected bodies must halt the application of the prejudiced analysis of best interest of the child and mental health analyses in every jurisdiction, and replace both with Indigenous-led principles and a commitment to exhaust every possible avenue prior to removal.

PROTECTION FROM CRIMINALIZATION

GUIDING PRINCIPLE #11

SHE IS INNOCENT.

SHE SHOULD NEVER BE CRIMINALIZED FOR HER INDIGENEITY, NOR FOR HER SYMPTOMS OF COLONIZATION.

Constitution Act Standard: Sections 8-14.

RECOMMENDATION: Canada must acknowledge and apologize for imposing the criminal system, recognizing the harm it has done, and the disproportionate and unnecessary application of the same to Indigenous people for reasons of poverty, marginalization and Indigeneity.

RECOMMENDATION: That all relevant elected bodies end criminalization of sex work and pardons are granted accordingly.

RECOMMENDATION: That Canada commit to a robust pardon initiative to alleviate the effects of the ongoing over-incarceration of Indigenous women for reasons relating to poverty, marginalization and Indigeneity, and implement safeguards against their criminalization going forward.

RECOMMENDATION: That Canada provide resources and supports for Indigenous communities to take on initiatives of alternative custody arrangements available for Indigenous people, including where appropriate, in Indigenous communities. All levels of government and Indigenous organizations must make this a priority.

65. The Commissioners heard evidence from expert witness Renee Brassard of two different kinds of women in penal system: 1. is adult women who make a mistake and end up in the system, and then lose kids, use alcohol to cope, etc. and 2. kids who are born into homes with issues already, and are taken away from home because parents aren't doing well and are in the child welfare system through life, lost, and then end up being messed up, lost, head to urban centres, etc.⁴¹

66. Brassard also indicated that generally Indigenous people do not get parole, and have to serve most of their sentence. The creation of parole mechanisms means recognizing that we don't want to punish people unduly, so rehab mechanisms have been created, but they aren't accessible to indigenous people because of the points system which is also applied to eligibility for parole.⁴²

POLICE

GUIDING PRINCIPLE #12

POLICE ARE KEY PERPETRATORS AND ENFORCERS OF COLONIAL

⁴¹ See Transcript evidence of Renee Brassard in Quebec City Mixed Parts II & III Volume VIII at pp. 24-25.

⁴² *Ibid* with example at pg. 126.

VIOLENCE AGAINST HER AND HER ANCESTORS. THEY HAVE A LOT OF WORK TO DO ON THEMSELVES BEFORE THEY MAY EARN HER TRUST.

UNDRIP Standard: Articles 19 and 34.

RECOMMENDATION: That all relevant elected bodies and police services acknowledge that there is a systemic bias among police in Canada, and that's the starting point from which to better understand how communities are experiencing policing, and how the relationship can be fixed

RECOMMENDATION: That police services are voluntarily or otherwise required to be accountable to the public when making findings of overdose, suicide, or otherwise in cases of premature deaths; and that an investigation into the deceased's experience with violence be a mandatory endeavour in *all* deaths. That police be barred from making any finding of no-fault death when there are signs of violence physically, or in any record relating to the deceased. In this endeavour, provincial legislation must be enacted to allow for collaborative information sharing across agencies and jurisdictions, and processes for collection and delivery of such information must be in place.

RECOMMENDATION: That police never be tasked to investigate other police. This includes recently retired or otherwise former police.

RECOMMENDATION: That federal and provincial decisions regarding whether to award funding to a police service should be conditional on proof that the relevant police service is making active changes and planning to meet the standards and recommendations as set out by the National Inquiry.

RECOMMENDATION: That whenever possible, Indigenous police members be given the opportunity to work within their respective communities or other Indigenous communities, and priority is given to efforts in recruitment and retention to create police forces which are reflective of the populations they serve.

RECOMMENDATION: That police services continually work on meaningful relationships with the communities they serve, and look to innovative ways to communicate with communities about ongoing investigations and measures to increase safety in the interest of fostering trust.

RECOMMENDATION: That all police members get mandatory, standardized and meaningful training about the historical context and modern realities of the Indigenous people they serve. That training be comprehensive with ideals to be adopted consistently by officers, equipping them with the tools to de-escalate situations with compassion - regardless of personally-held biases.

RECOMMENDATION: That police require mandatory, meaningful training about domestic violence with particular emphasis on their role in protecting women in domestic violence situations, identifying victims of domestic violence, and safely de-escalating the same, without further victimizing women victims. Effective training requires acknowledgement that a woman often chooses not to report for fear that she will be criminalized given past experiences of women - and that in particular male police officers are not intrinsically equipped with knowledge of the realities of domestic violence and its symptoms.

RECOMMENDATION: That all relevant elected bodies find ways to incentivize and attract experienced officers to take up long-term posts in Indigenous communities, particularly those which are geographically isolated.

RECOMMENDATION: That all police receive training for mandatory, up-to-date approaches in handling missing persons cases, with particular emphasis on a trauma-informed and collaborate approach across agencies - and provincial legislation should be enacted accordingly.⁴³

67. That it must be recognized the concept of police from the Indigenous perspective is that police represent a colonialist tool of enforcement, serving to further the business and political exploitation of Indigenous lands and environment, ensuring the economy of colonialism is advanced at the cost of Indigenous civilization.

68. While some are making serious efforts to rectify wrongs and better protect Indigenous communities, there remains a vast diversity of approaches to policing

⁴³ See generally Part II Volume IX, Evidence of Chief Supt. Mark Pritchard Exhibit 137.

across Canada, and inconsistencies even within detachments mean justice and safety for Indigenous women is not guaranteed.

69. Police officers are trained to different levels by jurisdiction. They are also individuals who are recipients of the same education systems that render Canadians generally ignorant of or prejudice toward Indigenous people and the consequences of their historical treatment in Canada.
70. Strict application of confidentiality laws often prohibit police from discussing ongoing investigations and interim measures with individuals who are beyond the scope of immediately family. In the case of some Indigenous nations, including the Mi'kmaq, entire communities are closely connected and function as extended families. This is not limited to individual reserves, rather the Mi'kmaw nation bands together in concern, advocacy and healing when a woman is murdered. Strict application of westernized confidentiality laws can endanger close-knit communities who are aware a murderer remains among them, but look to police and receive silence. This is dangerous for everyone involved, and fosters distrust in police services. Police have the ability to work with communities and affected families to offer better communication and foster a sense of safety, through simple communication and cooperation. The advocacy offices recommended throughout these submissions could provide a trusted liaison unit for communities and police.
71. Hansen and Greyeyes talked about the phenomena of over-policing/under-protecting - in the context of Fort St. John, Indigenous communities surround the city where the RCMP are headquartered, and they travel to the communities, show up for a while, then leave - it is not uncommon that police calls take 1.5 hours to be answered, so perpetrators, knowing this, can get away. Women also report not bothering to call police, for this and other reasons.⁴⁴ They also gave evidence about

⁴⁴ Amnesty International, *Out of Sight, Out of Mind: Gender, Indigenous Rights, and Energy Development in Northeast British Columbia, Canada*, Index: AMR 20/4872/2016 (2016), www.amnesty.ca/sites/amnesty/files/Out%20of%20Sight%20Out%20of%20Mind%20EN%20FINAL%20web.pdf.

the likelihood that officers working in remote communities will be inexperienced and therefore pose risks to the communities themselves.

JUSTICE FOR INDIGENOUS WOMEN

GUIDING PRINCIPLE #13

**SHE'S BEEN VIOLATED - AND THEN DENIED JUSTICE - BY THE SAME HAND.
ENOUGH.**

RECOMMENDATION: That all relevant elected bodies allocate funding to specifically support Indigenous women in pursuing complex litigation with respect to human and Indigenous rights.

RECOMMENDATION: That all relevant elected bodies commit to fund and support the continuation of, or addition of victim services advocates and lawyers to support and represent families and communities during crisis - before and outside of the criminal system, throughout any proceedings, and for after-care. These services could be offered through existing avenues, and bolstered by the advocacy offices provided for in these submissions.

RECOMMENDATION: That emphasis be given to educating lawyers - in law school and through continuing education - encouraging them of the utility of international law principles in domestic litigation.

RECOMMENDATION: That all relevant elected bodies find ways to encourage lawyers to practice in the areas of Aboriginal and Indigenous law, to alleviate scarcity of specialists and make justice more accessible. Additionally, more Indigenous lawyers are needed, and educators and regulators must make the profession more accessible and inviting to them.

RECOMMENDATION: That all Canadian lawyers are provided with a comprehensive education of the historical context of Indigenous people in the area in which they attend

law school, and that continuing education conducted by provincial bar societies continually educate lawyers about the surrounding Indigenous peoples' histories.

RECOMMENDATION: That law societies create higher Standards of understanding for Canadian lawyers, so as to alleviate prejudice among the bar and replace it with leagues of lawyers who are attuned to Indigenous issues, and able to represent individuals meaningfully in an area of law that should be as common place as business law.

RECOMMENDATION: That all relevant elected bodies work together to limit the availability of Gladue reporting and restorative justice diversions to reflect their original purposes. That Indigenous organizations be given the mandate, support and funding to train and supply Indigenous writers of Gladue reports, and that non-Indigenous writers of Gladue reports are discouraged. That Indigenous-led committees be given authority to develop criteria to determine whether a Gladue report or restorative justice should be used on a case by case basis, with an overall goal to maintain the integrity of the process.⁴⁵

72. Commissioner Robinson heard testimony from Vanessa Brooks, sister of Tanya Brooks, who was found in the window well of a school in the north end of Halifax. Further to never receiving justice for Tanya's death, as her killer remains free in a relatively close community – Ms. Brooks' body and Indigeneity continued to be violated by the police and crown as her brain was maintained for future examination. Ms. Brooks' mother died without burying her daughter – as her Indigenous values required her daughter to be intact to find peace. Her brain was finally repatriated after strong advocacy and pressure from her sister, and facilitation by a FILU worker.

LAND RECLAMATION

GUIDING PRINCIPLE #14

⁴⁵ See also generally comments of The Honourable Kim Beaudin: Transcript Evidence of the Honourable Kim Beaudin, Panel II: Criminal Justice Oversight and Alternative Programs, Mixed Part II&III, Volume VI, Tuesday, Day 2 - September 18, 2018, Exhibit code: P02-03P02P0201.

HER BODY IS INTRINSICALLY CONNECTED TO HER LAND.

UNDRIP Standard: Article 32.

RECOMMENDATION: That a gender-based analysis be undertaken to review the impacts of resource development,⁴⁶ and the pre-development impact review has to include this, not just be limited to environmental consideration. The analysis would not only look at effects of the proposed project, but consider the same in the context of who is already marginalized, and who will be pushed out further. That all levels of government give life to this analysis and reject development projects which do not foster safety for Indigenous women.

RECOMMENDATION: That all relevant elected bodies redirect significant portions of royalties collected for resource development and land alienation directly to Indigenous and women's organizations engaged in supporting Indigenous women, girls and LGBTQI2S.

COMMUNITY HEALING

GUIDING PRINCIPLE #15

INDIGENOUS COMMUNITIES ARE FAMILIES, AND THEY ARE HURTING.

UNDRIP Standard: Articles 11, 12, 13 and 15.

RECOMMENDATION: That Canada part with the comparability model in determining access to essential services on-reserves (based on provincial counterparts), instead making such determinations using a human rights lens, through substantive equality and with cultural competency.

RECOMMENDATION: That Canada reinstate Aboriginal Healing Foundation or the like, and provide this and more project-based funding specifically for Indigenous, administered by Indigenous people.

⁴⁶ As recommended through transcript evidence *Supra* of Jacqueline Hansen, and throughout her evidence and exhibits generally.

RECOMMENDATION: That Canada extend FILU funding for a period of five years, and upon evaluation at that time, reinstate programming until violence against Indigenous women is effectively minimized. That Canada engage in ongoing consultations with families and FILU workers to determine its effectiveness and make necessary changes.

73. Communities, as extensions of Indigenous families, experience the loss of their women, girls and LGBTQI2S as members of the family. When the community is together, families and communities then in turn often together become the advocates for awareness.

74. Cassidy Bernard was found dead in her home in Cape Breton, Nova Scotia in October, 2018. In the weeks following, Cassidy's family encouraged others to rally with them. Vigils and peaceful protests have since taken place.

"Bring a red dress, bring a poster! Bring yourself!" [her cousin] Annie posted on Facebook Friday, adding the event will be "peaceful protest to create an awareness to the Missing and Murdered Indigenous women and men in all of Canada!"⁴⁷ "I don't want anyone to lose an angel like I just did. I swear, I don't want any other mother to feel this kind of pain," [her mother] Mona said.⁴⁸

HEALING FOR FAMILIES INCLUDING MEN

GUIDING PRINCIPLE #16

**HEAL HER. BUT DON'T SEND HER BACK UNTIL YOU'VE HEALED THE MEN.
THEY TOO ARE SURVIVORS OF COLONIZATION.**

RECOMMENDATION: That all relevant elected bodies support men who either self-identify as violent against women, or otherwise have demonstrated so, to receive

⁴⁷ Mother speaks out about her daughter's death: <https://aptnnews.ca/2018/11/16/i-dont-want-any-other-mother-to-feel-this-kind-of-pain-mother-speaks-out-about-her-daughters-death-appeals-for-action-on-mmiwg/>.

⁴⁸ *Ibid* at Mother speaks out.

proactive, preventative help through culturally-appropriate Indigenous-led counselling services and healing.

RECOMMENDATION: That Indigenous communities examine and carefully construct policies and support for men particularly upon family breakdown, recognizing the vulnerability of men when the family unit is interrupted. Where does he go?

75. Commissioners Audette and Robinson heard from the family and supporter of Victoria Paul, who died of a massive stroke while in Truro, Nova Scotia police custody – following an undocumented physical altercation with officers when she was arrested for public intoxication. Justice has never been secured for her – largely due to administrative issues and delays in one police service's investigation of another, which was only administered after an independent advocate for the family persisted. The truths surrounding Ms. Paul's premature death provide a cogent example of the intersectionality and cumulative effects of marginalization of an Indigenous woman who has been continually denied fair process – even in and after her death.

76. While it is suggested that the Commissioners review all the intricacies of Ms. Paul's story, focus also on the intergenerational impacts of colonization on the men in her life. After her death, her son was incarcerated, and therefore unable to advocate on her behalf. In the five years following her death, two of her brothers died of overdoses, her father of cancer, and a third brother passed away as well. In testimony to the Commissioners, Ms. Paul's niece emotionally confirmed her commitment to standing by Ms. Paul's son, as their family had become much smaller.

HEALING FOR FAMILIES INCLUDING CHILDREN

GUIDING PRINCIPLE #17

“THESE CHILDREN ARE ONLY LOANED TO US; WE MAY CLAIM THEM, THEY'RE OURS, BUT THE BABIES ARE LOANED BY THE CREATOR...YOU AS A MOTHER OR A FATHER MUST WATCH OVER THEM AT ALL TIMES.”

- SARAH DENNY, MI'KMAQ ELDER AND TEACHER.

UNDRIP Standard: Articles 7 and 22(2).

RECOMMENDATION: That all relevant elected bodies commit to provide substantive equality in all services to Indigenous children to address hundreds of years of bad treatment.

RECOMMENDATION: That if an Indigenous child must be taken from her mother, and is living in an Indigenous community, after all other possible avenues for supporting her to stay have been exhausted, the priority must be to keep that child within the extended family. If that is not possible, then the child must be placed in a home within the community. If it is not safe for the child to remain in the community, the next priority housing situation would be another Indigenous community. Only as a last resort should the child be placed in a non-Indigenous family outside of the community.

RECOMMENDATION: That all relevant elected bodies support, mandate and fund autonomous offices of Advocacy for Indigenous Women and Children with legislated power to investigate, gain access to private information, act as litigation guardian or intervenor in matters affecting Indigenous women and children, and with power to represent the true best interests of Indigenous women and children in all areas of their lives. The legislation and support for these should envision a hub of support for Indigenous women, children and LGBTQI2S.

RECOMMENDATION: That all relevant elected bodies immediately address gaps in child welfare services related to geographic location. Indigenous children on and off reserve deserve the utmost and equal protection.

RECOMMENDATION: That Canada fund Indigenous-led and community-based child welfare programs including providing adequate funding for communities to execute customary care arrangements.

RECOMMENDATION: That all relevant elected bodies commit to conducting risk-assessments for children entering care – adequate funding and support must be in place to ensure the child's experience in care exceeds the quality of experience in her natural home.

RECOMMENDATION: That all provinces immediately adopt Canadian Human Rights Tribunal 2017 CHRT 14 standards about implementation of Jordan's Principle; rather than continuing to wait for Canada to determine and fulfill its binding obligations.

RECOMMENDATION: That Canada wholeheartedly commit to implementation of the binding orders of the CHRT 2017 CHRT 14.

77. Further to the above recommendations, the national action plan should adopt the recommendations of First Nations Family Advocate Cora Morgan, and those of children's advocate Cindy Blackstock as provided in their expert evidence to the National Inquiry.⁴⁹

MEDIA RESPONSIBILITY

GUIDING PRINCIPLE #18

**SHE IS NOT YOUR HEADLINE. SHE IS A HUMAN BEING, WORTH OF LOVE.
WORTHY OF LIFE.**

UNDRIP Standard: Article 16.

RECOMMENDATION: That media organizations and educators work with Indigenous communities to develop a protocol for reporting about Indigenous communities, in particular about how to report on Indigenous women who are missing, have died, or are otherwise victims of violence, with a view to humanization. The advocacy office recommended in these submissions would be well-positioned to work with media and families on an ongoing basis, and as liaison.

⁴⁹ Transcript Evidence of Cora Morgan October 1, 2018, Public Transcript Parts II-III Volume X.

RECOMMENDATION: That media acknowledge their role in dehumanizing and perpetuating discrimination against Indigenous women, and commit to a positive way forward.

RECOMMENDATION: That Indigenous communities identify internal weaknesses in media competency and make comprehensive media training for community representatives a priority.

78. Media have either portrayed Indigenous women negatively, or not at all. In the case of too many Indigenous women who have died under suspicious circumstances, been murdered, or don't have living advocates for them they are often ignored by the media. The stark juxtaposition of media portrayals of non-Indigenous versus Indigenous women has been repeatedly reported through witness testimony, and the consequences of societal responses to the same are directly connected to whether justice is delivered. As an example, the testimony of Loretta Saunders' mother that she clapped her hands when the media incorrectly reported that her missing daughter was Caucasian – because that meant that she would be searched for.⁵⁰ The media's lazy reporting and reliance on police reports to damn a missing woman with the line: "known to police", which might as well read, "not worthy of being found". Pleas for justice and a reward offered in the unsolved murder of Tanya Brooks always include the fact that she was last seen leaving police headquarters.⁵¹

79. Media are uniquely positioned to educate the masses - they can humanize indigenous women and effect how they are searched for, whether people with information come forward, and ultimately media can help create awareness and basic empathy among the general population. In addition, the availability and low cost of social media to communicate better information further limits excuses for faulty reporting.

⁵¹ See example Halifax police still trying to solve 2009 murder of Tanya Brooks: <https://atlantic.ctvnews.ca/halifax-police-still-trying-to-solve-2009-murder-of-tanya-brooks-1.3925751>.

CONCLUSION

80. It's been made clear throughout this process that Canada is in breach of its international and domestic human rights obligations owed to Indigenous women, girls and LGBTQI2S, and this must form the foundation on which to compel adherence to the solutions to be set forth by the National Inquiry. Fixing the problem of violence against Indigenous women, girls and LGBTQI2S cannot appear optional, rather must be presented to Canada and other elected bodies as compulsory. To help Canada understand - this report is as vital to economics as renegotiation of the North American Free Trade Agreement, as important to the provision of foreign aid as is annual income tax enforcement, and as integral to democracy as the guarantee of a 2019 federal election. This cannot be another dusty report, available in the library - and eventually the backroom coffers of museums. Trade, international relations, democratic process and the lives of Indigenous women, girls and LGBTQI2S - all national imperatives.