National Inquiry into Missing and Murdered Indigenous Women and Girls

Truth-Gathering Process

Parts 2 & 3 Institutional & Expert/Knowledge-Keeper
“Child & Family Welfare”

Fort Garry Hotel, Grand Ballroom
Winnipeg, Manitoba

PUBLIC

Mixed Part 2 & 3 Volume 12

Wednesday October 3, 2018

Panel 2: Dr. Cindy Blackstock
(Continuation of June 13, 2018 Toronto hearing)

Panel 3: Susan Aglukark

INTERNATIONAL REPORTING INC.
41-5450 Canotek Road, Ottawa, Ontario, K1J 9G2
E-mail: info@irri.net – Phone: 613-748-6043 – Fax: 613-748-8246
II
APPEARANCES

Animakee Wa Zhing #37 First Nation / Obashkaandagaang First Nation / Eagle Lake First Nation/Grassy Narrows First Nation / Ojibway Nation of Saugeen as a single collective party

Assembly of First Nations
Assembly of Manitoba Chiefs
Association of Native Child & Family Service Agencies Ontario (ANCFSAO)
Awo Taan Healing Lodge Society
Battered Women’s Support Services
Canadian Association of Chiefs of Police (CACP)
Congress of Aboriginal Peoples
Directeur des poursuites criminelles et pénales (Québec)
Downtown Eastside Women Centre
Eastern Door Indigenous Women's Association
Government of Alberta

Whitney Van Bellegham (Legal Counsel), Paloma Corrin (Legal Counsel)
Stuart Wuttke (Legal Counsel)
Joëlle Pastora Sala (Legal Counsel)
Katherine Hensel (Legal Counsel), Theresa Stevens (Representative)
Darrin Blain (Legal Counsel)
Angela MacDougall, Viola Thomas, Brandy Kane, Summer Rain Bentham (Representatives)
Ashley Smith (Legal Counsel)
Alisa Lombard (Legal Counsel)
Anny Bernier (Legal Counsel)
Carol Martin, Reta Blind (Representatives)
Natalie D. Clifford (Legal Counsel)
Kate Bridgett (Legal Counsel)
### APPEARANCES

| Government of British Columbia | Sara Pye (Legal Counsel)  
 Jean Walters (Legal Counsel) |
|-------------------------------|--------------------------|
| Government of Canada          | Lucy Bell (Legal Counsel)  
 Anne McConville (Legal Counsel) |
| Government of Manitoba        | Wendy Post (Legal Counsel)  
 Kendra Jarvinen (Legal Counsel) |
| Government of New Brunswick   | Heather Hobart (Legal Counsel) |
| Government of Newfoundland and Labrador | Dr. Judith Lovas (Representative), Denise Spencer (Legal Counsel) |
| Government of the Northwest Territories | Brad Porter (Legal Counsel) |
| Government of Saskatchewan   | Barbara Mysko (Legal Counsel) |
| Independent First Nations    | Diane Maracle-Nadjiwon (Representative), Josephine de Whytell (Legal Counsel) |
| Institute for the Advancement of Aboriginal Women | Rachelle Venne (Representative) |
| Inuit Tapiriit Kanatami (ITK) | Elizabeth Zarpa (Legal Counsel) |
| Liard Aboriginal Women’s Society | Carly Teillet (Legal Counsel) |
| Manitoba Keewatinowi Okimakanak (MKO) | Jessica Barlow (Legal Counsel) |
| Manitoba Moon Voices         | Tanis Wheeler & Alaya McIvor (Observers) |
### IV

**APPEARANCES**

<table>
<thead>
<tr>
<th>Organization</th>
<th>Representative/Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mishkeegogamang First Nation</td>
<td>Paloma Corrin (Legal Counsel)</td>
</tr>
<tr>
<td></td>
<td>Whitney Van Bellegham (Legal Counsel)</td>
</tr>
<tr>
<td>MMIWG Coalition Manitoba</td>
<td>Catherine Dunn (Legal Counsel)</td>
</tr>
<tr>
<td>Native Women’s Association of Canada</td>
<td>Virginia Lomax (Legal Counsel)</td>
</tr>
<tr>
<td>Native Women’s Association of Northwest Territories</td>
<td>Caroline Wawzonek (Legal Counsel)</td>
</tr>
<tr>
<td>New Brunswick Aboriginal Peoples Council</td>
<td>Amanda LeBlanc (Representative)</td>
</tr>
<tr>
<td>NunatuKavut Community Council</td>
<td>Roy Stewart (Legal Counsel)</td>
</tr>
<tr>
<td>Ontario Federation of Indigenous Friendship Centres</td>
<td>Niki Hashie (Representative)</td>
</tr>
<tr>
<td>Pauktuutit Inuit Women of Canada, Saturviit Inuit Women’s Association,</td>
<td>Beth Symes (Legal Counsel)</td>
</tr>
<tr>
<td>AnâñauKatiget Tumingit Regional Inuit Women’s Association, Ottawa Inuit</td>
<td></td>
</tr>
<tr>
<td>Children’s Centre and Manitoba Inuit Association</td>
<td></td>
</tr>
<tr>
<td>Regina Treaty Status Indian Services</td>
<td>Erica Beaudin (Representative)</td>
</tr>
<tr>
<td>Saskatchewan Association of Chiefs of Police</td>
<td>Katrina Swan (Legal Counsel)</td>
</tr>
<tr>
<td>Saskatchewan Aboriginal Women’s Circle</td>
<td>Kellie R. Wuttunee (Legal Counsel)</td>
</tr>
</tbody>
</table>
V
APPEARANCES

Treaty Alliance Northern Ontario – Nishnawbe Aski Nation/Grand Council Treaty #3

Krystyn Ordyniec (Legal Counsel), Anna Betty Achneepineskum (NAN Representative), Elysia Petrone-Reitberger (Legal Counsel)

Vancouver Sex Workers’ Rights Collective

Carly Teillet (Legal Counsel)

Winnipeg Police Service

Kimberly D. Carswell (Legal Counsel)
VI

TABLE OF CONTENTS

Truth-Gathering Process
Mixed Parts 2 & 3 Volume 12
Institutional & Expert / Knowledge-Keeper Hearings:
“Family & Child Welfare”

Panel 2: Dr. Cindy Blackstock (continuation of Dr. Blackstock’s testimony from Toronto Part 3 hearing held June 13, 2018)
Witness: Dr. Cindy Blackstock, First Nations Child and Family Caring Society of Canada

Chair: Christa Big Canoe, Commission Counsel
Second Chair: Shelby Thomas, Commission Counsel

Panel 3: Susan Aglukark, Arctic Rose Foundation

Chair: Jennifer Cox

Heard by Chief Commissioner Marion Buller & Commissioners Michèle Audette, Brian Eyolfson & Qajaq Robinson

Grandmothers, Elders, Family Members & Knowledge-keepers:
Lorraine Clements (National Family Advisory Circle - NFAC), Lesa Semmler (NFAC), Louise Haulli, Pénélope Guay, Leslie Spillett, Laureen “Blu” Waters, Bernie Williams, Dave McPherson (Firekeeper), Benjamin Morrisseau (Firekeeper), Annie Bowkett, Thelma Morrisseau & Stan Lapierre, Jenny Lay, Isabella Daniels, Velma Orvis, Mary Crate & Agnes Spence & Dawnis Kennedy

Clerks: Maryiam Khoury & Gladys Wraight

Registrar: Bryan Zandberg
# Table of Contents

<table>
<thead>
<tr>
<th>Opening Remarks</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Panel 2: Dr. Cindy Blackstock</strong></td>
<td></td>
</tr>
<tr>
<td>In-Chief Examination by MS. CHRISTA BIG CANOE</td>
<td>6</td>
</tr>
</tbody>
</table>

## CROSS-EXAMINATIONS OF PANEL 2 BY PARTIES WITH STANDING

- Cross-Examination by MS. CATHERINE DUNN: 39
- Cross-Examination by MR. STUART WUTTKE: 45
- Cross-Examination by MS. BETH SYMES: 52
- Cross-Examination by MS. AMANDA LEBLANC: 57
- Cross-Examination by MS. KRYSTYN ORYDNIEC: 64
- Cross-Examination by MS. SUMMER RAIN BENTHAM: 70
- Cross-Examination by MR. ROY STEWART: 76
- Cross-Examination by MS. CAROLINE WAWZONEK: 81
- Cross-Examination by MS. KATHERINE HENSEL: 87
- Cross-Examination by MS. JESSICA BARLOW: 93
- Cross-Examination by MS. JOËLLE PASTORA SALA: 99
- Cross-Examination by MS. JOSEPHINE DE WHYTELL: 106
- Cross-Examination by MS. CARLY TEILLET: 111
- Cross-Examination by MS. SUZAN FRASER: 117
- Cross-Examination by MS. CARLY TEILLET: 123
- Cross-Examination by MS. VIRGINIA LOMAX: 127
- Cross-Examination by MS. WHITNEY VAN BELLEGHAM: 133
- Cross-Examination by MS. ALISA LOMBARD: 145
- Cross-Examination by MS. ELIZABETH ZARPA: 151
- Cross-Examination by MS. JENNIFER COX: 157

**RE-EXAMINATION OF PANEL 2 by MS. CRISTA BIG CANOE**

## QUESTIONS BY THE COMMISSIONERS

- Questions by COMMISSIONER BRIAN EYOLFSON: 170
- Questions by CHIEF COMMISSIONER MARION BULLER: 179

## Panel 3: Susan Aglukark, Arctic Rose Foundation

| In-Chief Examination by MS. JENNIFER COX | 190 |

## CROSS-EXAMINATIONS OF PANEL 3 BY PARTIES WITH STANDING

- Cross-Examination by MS. ELIZABETH ZARPA: 243
- Cross-Examination by MS. CAROLINE WAWZONEK: 250
- Cross-Examination by MR. ROY STEWART: 255
- Cross-Examination by MS. BETH SYMES: 262

## QUESTIONS BY THE COMMISSIONERS

- Questions by COMMISSIONER QAJAQ ROBINSON: 268
- Questions by COMMISSIONER BRIAN EYOLFSON: 277
- Questions by COMMISSIONER MICHÈLE AUDETTE: 277
<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Advisory report “I Want to Grow Up in My Community: A Review of the Child and Family Services Act,” by Cindy Blackstock for the Northwest Territories Committee on Social Programs, April 27, 2010 (28 pages)</td>
<td>27</td>
</tr>
<tr>
<td>27</td>
<td>Recommendations by Dr. Cindy Blackstock (one page)</td>
<td>28</td>
</tr>
<tr>
<td>28</td>
<td>Spirit Bear Plan (one page)</td>
<td>164</td>
</tr>
</tbody>
</table>
## IX
### LIST OF EXHIBITS

<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Panel 3: Susan Aglukark, Arctic Rose Foundation</strong></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>CV of Susan Aglukark, O.C. (one page)</td>
<td>191</td>
</tr>
<tr>
<td>30</td>
<td>Biography &amp; backgrounder of Susan Aglukark (two pages)</td>
<td>191</td>
</tr>
<tr>
<td>31</td>
<td>The Arctic Rose Foundation document (three pages) and Powerpoint presentation (nine slides)</td>
<td>241</td>
</tr>
<tr>
<td>32</td>
<td>Photograph displayed during the public testimony of Susan Aglukark</td>
<td>242</td>
</tr>
<tr>
<td>33</td>
<td>“Inuit Cultural Transitioning: Re-setting a Transition Path,” by Susan Aglukark (four pages)</td>
<td>242</td>
</tr>
</tbody>
</table>
The hearing starts on Wednesday, October 3, 2018 at 8:11

**MS. SHAUNA FONTAINE:** Okay. So, I would like to thank everybody for joining us again here today on day 3 of our expert, institutional and knowledge keeper hearings on the family and child welfare. We are going to be hearing from Dr. Cindy Blackstock this morning, but to begin with, we would like to open up the day in a good way and I would like to invite Mary Crate to offer us a prayer and also Sarah DeLaronde to come on up and offer us an honour song.

**MS. MARY CRATE:** (Speaking in Indigenous language) -- our Indigenous leaders that will be entering the house again today, we think of them also. (Speaking in Indigenous language). We think of the workers that are here, that have been placed in this -- to do this work, to figure out how we can lift the pain that we all go through the loss of our loved ones. I ask for strength for them, I ask for clarity in their minds, bodies and spirits, and I ask for good things to happen and that we can walk away with lightened heart from this place when we leave.

(Speaking in Indigenous language).

(MUSICAL PRESENTATION)

**MS. SHAUNA FONTAINE:** Meegwetch. Thank
you. We would now like to ask Annie Bowkett to light the qulliq for us.

ELDER ANNIE BOWKETT: Qajaq is going to interpret for me. Thank you. (Speaking Inuktitut).

COMMISSIONER QAJAQ ROBINSON: Let us pray.

ELDER ANNIE BOWKETT: (Speaking Inuktitut).

I just -- before I -- (Speaking Inuktitut).

COMMISSIONER QAJAQ ROBINSON: Before I light the qulliq, I would like to say a few words.

ELDER ANNIE BOWKETT: (Speaking Inuktitut).

COMMISSIONER QAJAQ ROBINSON: I received a gift, something I wasn’t expecting at all from Pauktuutit, the National Inuit Women’s Organization.

MS. ANNIE BOWKETT: (Speaking Inuktitut).

COMMISSIONER QAJAQ ROBINSON: This shawl is adorned with the images of the ulu, the woman’s tool.

MS. ANNIE BOWKETT: (Speaking Inuktitut).

COMMISSIONER QAJAQ ROBINSON: It is so wonderful and uplifting when you receive wonderful gifts that were unexpected, and I am very grateful. I express my gratitude.

MS. ANNIE BOWKETT: (Speaking Inuktitut).

COMMISSIONER QAJAQ ROBINSON: The qulliq was placed further up the last couple of days. We have moved it back, because the fan was right above and it was
creating too much of a storm.

**MS. ANNIE BOWKETT:** (Speaking Inuktitut). I never knew jokes in my -- (Speaking Inuktitut)

**COMMISSIONER QAJAQ ROBINSON:** I am not one to be a joker or to tell jokes, to be funny, but I want to share that yesterday, while having coffee in the break area, it was shared with me that at the front of the room, in this state, I look like a queen.

**MS. ANNIE BOWKETT:** (Speaking Inuktitut).

**COMMISSIONER QAJAQ ROBINSON:** In my future, I wish to sit like a queen.

(LAUGHTER)

**MS. ANNIE BOWKETT:** (Speaking Indigenous language).

**COMMISSIONER QAJAQ ROBINSON:** I just express my gratitude for that, and I am going to light the qulliq now.

**MS. ANNIE BOWKETT:** Thank you.

**COMMISSIONER QAJAQ ROBINSON:** We can start.

**MS. SHAUNA FONTAINE:** Meegwetch, thank you.

I just -- before we get started with hearing testimony from Dr. Cindy Blackstock, I just wanted to remind everybody that if you feel triggered by any means, or you need to speak with somebody, or just spend some time on your own, we do have a space upstairs. We have the
Elder’s Room where you can access some traditional medicines and be able to speak to somebody.

You can also find all of our health and cultural supports, kind of, throughout the space here and upstairs. They are wearing purple lanyards. So, if you do need somebody to speak to, you can certainly go and do that. Do you want to take a couple of minutes, Chief Commissioner, to get settled? We will take five minutes to get settled before we hear from Dr. Cindy Blackstock. Meegwetch.

--- Upon recessing at 8:26
--- Upon resuming at 8:33

**MS. CHRISTA BIG CANOE:** We are going to get started. Good morning, Chief Commissioner, commissioners. (Speaking Indigenous language), the members of Treaty 1 and the Métis.

So, I have just introduced myself and my spirit name, Wind Changing Woman. I am Christa Big Canoe. I am Anishinaabe from Georgina Island. I am of the Otter Clan. The elders and grandmothers that have been part of this week have been very kind and gentle to remind us to introduce ourselves and to -- in a good way, so I just wanted to take the time to thank the Creator, the grandmothers, the grandfathers, the members of Treaty 1, the territory we are on, as well as the Métis Nation.
And, today, with great pleasure, I get to recall Dr. Cindy Blackstock.

So, there are just a couple quick notes upfront, if I might, Chief Commissioner and Commissioners. I just want to remind, for the record, before we go back into testimony with Dr. Blackstock, that on June 11th in Toronto, Ontario, Dr. Blackstock had provided examination in-chief. And, she was qualified at the time as an expert specifically in the areas of social work with knowledge in Indigenous theory, child engagement and the identification and remediation of structural inequities affecting First Nations children, youth and families.

She comes back to us today, because she didn’t have the opportunity to be cross-examined, nor were the Commissioners -- had the chance to ask questions. Today, when we proceed, I will be spending just a little more time with her in examination in-chief to get in one new report and to go in a little more detail through the recommendations that Dr. Blackstock had made. We were finding ourselves in a time crunch and we were really quickly zipping through the recommendations. So, now is a good opportunity to afford Dr. Blackstock a chance to explain in more detail what her recommendations to you are.

Before we begin, because we are in a
different jurisdiction now, I will ask that Dr. Blackstock
reaffirm on an eagle feather, since we are now in
Manitoba.

MR. BRYAN ZANDBERG: Good morning, Dr.
Blackstock. Do you solemnly affirm to tell the truth, the
whole truth and nothing but the truth?

DR. CINDY BLACKSTOCK: I do.

DR. CINDY BLACKSTOCK, AFFIRMED

MR. BRYAN ZANDBERG: Thank you.

--- EXAMINATION IN-CHIEF BY MS. CHRISTA BIG CANOE:

MS. CHRISTA BIG CANOE: So, Dr. Blackstock,
may I call you Cindy?

DR. CINDY BLACKSTOCK: Yes, you may.

MS. CHRISTA BIG CANOE: Thank you, Cindy.

So, Cindy, kind of one of the points we left off on before
we sort of rushed into some of your recommendations was
the failure of incremental equality and change. And, you
had talked to us about the Spirit Bear Plan ---

DR. CINDY BLACKSTOCK: Right.

MS. CHRISTA BIG CANOE: --- and talked
about a number of things. But, before we hop into your
recommendations again, I understand that you would like to
discuss with us a new report, a report that just came out
last week. It is called Just Societies, Health Equity and
Dignified Lives. I understand that you have provided us,
and we have provided to the parties with standing, the
executive summary of the report of the Commission of the
Pan-American Health Organization on Equity and Health
Inequities in the Americas.

DR. CINDY BLACKSTOCK: Yes.

MS. CHRISTA BIG CANOE: I understand you
were actually one of the Commissioners on Just Societies?

DR. CINDY BLACKSTOCK: Yes, I was a
Commissioner and remain a Commissioner, actually, until
the final report is published.

MS. CHRISTA BIG CANOE: Right. And so, the
executive summary itself is about 80 pages, and it lays
out the framework in some of the reasons why the
Commission was looking at equity and health inequalities
in the Americas. And, when we say “the Americas”, we are
not just talking about North America. This included South
America, Central America; am I ---

DR. CINDY BLACKSTOCK: And the Caribbean.

MS. CHRISTA BIG CANOE: And the Caribbean.

Right on page 6, they kind of explain in a really concise
manner what this is really all about. And, one of the
important things the Equity Commission’s starting point
was that “health is an end in itself”. Can you just
explain that a little bit for us?

DR. CINDY BLACKSTOCK: Right. There is a
tendency sometimes to think as health as a currency to achieving some other end. For example, a healthy society achieves good economic outcomes. And, what the Commission is arguing here is that it should be a stated goal in and of itself.

To have health is not just currency on its way to economic development. To have health is worthy of being an end in itself and should, therefore, deserve the adequate, and full, and comprehensive efforts of any states and sub-jurisdictions of governments towards achieving that end. It should get the same kind of emphasis as we see as economic development and other things amongst (indiscernible), that is still not the case, but that is certainly something we would like to see.

**MS. CHRISTA BIG CANOE:** I know that -- again, it is a large document, and we are only going to focus a little time on it, but I note that a good starting point for some of the conversations are ways to make connections between this report and what we are talking about in the Inquiry is contained at page 10. Can you tell us a little bit about the Eduardo Galeano quotation?

**DR. CINDY BLACKSTOCK:** Right. He is a Uruguayan journalist. And, part of my role on the Commission was to focus on the situation of Indigenous
peoples throughout the Americas. And, in fact, I wrote
some of the Indigenous material that will be more
fulsomely presented in the final report.

And, as I did that research, I came upon
his quote, which I think really captures, to me, the
essence of the danger of colonialism as differentiated
between -- to other forms of discrimination. And, this is
what he writes. He says, “Blatant colonialism mutilates
you without pretense. It forbids you to talk, it forbids
you to act, it forbids you to exist. Invisible
colonialism, however, convinces you that serfdom is your
destiny and impotence is your nature. It convinces you
that it is not possible to speak, it is not possible to
act and it is not possible to exist.”

And, I found that quote so important,
because too often we talk about the mechanics of
colonialism. And, we too often negate the psychology of
colonialism... ...which builds prisons around our own
lives and our own existence, and gets in the way of people
being able to live the lives they wish to have. And,
because we do not give that adequate attention, we do not
often give attention to the structural situations that
reinforce that invisible colonialism within society, and
particular in my case because the group I work with most
often is children and young people.
I think that we see those messages, covert messages that reinforce this invisible colonialism throughout Canadian society. And, indeed what we found in PAHO is that it was across the Americas as well, these messages that Indigenous peoples by and large still are the savages and that western society still is by and large the civilized, predominate the, kind of, social presentation in society.

**MS. CHRISTA BIG CANOE:** And so, when we are talking about the history and legacy, the ongoing colonialism and structural racism, what were some of the things that -- and you said PAHO, that is P-A-H-O?

**DR. CINDY BLACKSTOCK:** Yes. That is ---

**MS. CHRISTA BIG CANOE:** The acronym for?

**DR. CINDY BLACKSTOCK:** It is the Pan American Health Organization.

**MS. CHRISTA BIG CANOE:** So, why was that important to address -- PAHO to address in this particular executive summary?

**DR. CINDY BLACKSTOCK:** Because one of the focuses throughout the Americas, almost without exception -- in fact I cannot identify one exception -- Indigenous peoples in various countries experience health inequities and health disadvantages to far greater levels than other members of society.
So, we had to pay attention to what are the unique forces that would create such a disadvantage, and colonialism is one of the key themes that was identified to us by persons who would present to the Commission or persons who would send submissions into the Commission. And, indeed, some of the information we got from Canada just reinforces that message amongst First Nations, Métis and Inuit peoples.

**MS. CHRISTA BIG CANOE:** And, if I could just draw your attention to page 12, there is a conversation about healthy quality and the dignified life. Can you tell me a little bit about the dignified life?

**DR. CINDY BLACKSTOCK:** Yes. A dignified life really — that term really gave — got a lot of traction during the civil rights movement; right? We talk about human rights, but what does it mean to really live with dignity?

And so, we talked about that a little bit in paragraph 2 on page 12, and it says, a dignified life incorporated the principle of self-determination. Of course, that is one of the bedrocks of UNDRIP, the United Nations Declaration on the Rights of Indigenous Peoples, which the Commission does in fact suggest that states fully adopt and incorporate into domestic law. And, the ability to envision and seek to realize one’s life
project, which includes the right to make options -- the
options people feel are best for their own free will in
order to achieve their ideals.

And, this is something that I think I spoke
to quite significantly in my last testimony around the
importance of self-determination and the relationship to
the care of one’s children. And, to not only define for
yourself what that dream is of living with a dignified
life as an Indigenous person, but indeed to have the
ability, the tools and resources to raise your family and
your children in ways that lead -- for them to live in a
dignified life. One that honours, in my view, the dream
that your respective ancestors would have had for your
kids.

**MS. CHRISTA BIG CANOE:** And, did PAHO look
at, sort of, anything to do with connections between self-
determination, lands and being able to live that dignified
life?

**DR. CINDY BLACKSTOCK:** Yes, we talked a lot
about that. In fact, in the determinants of health, one
of the weaknesses, as I see it, is that it actually does
not include land and it does not include spirituality in
the western constructs of determinants of health. That is
a significant limitation, as is the limited scope and time
at which most people apply the determinants of health.
It was in escapable to us, given the testimony and submissions made by Indigenous peoples, that the land was more than a commodity. It has appeared in different health equity reports as a peril to health in the form of climate change and those types of things in the past, but no one has really looked at the land itself as a determinant of health. And, a land itself is having a spiritual and cultural service, an identified service and an essential part of living a dignified life for Indigenous peoples, and we do that in this particular report.

**MS. CHRISTA BIG CANOE:** Now, I understand there are a number of recommendations, but particularly recommendation 2, which is contained on page 26. 2(c) talks about policies that protect and support the relationship of Indigenous people to the land and make progress in attainment of land tenure for marginalized communities. So, the report includes specific recommendations.

**DR. CINDY BLACKSTOCK:** Yes, specific recommendations on caring for the land. And, to say that -- it is not enough to say that you should eat good foods and drink clean water. If the land is such a vital part of the living of a dignified life and the conceptions of health for Indigenous people, then it was important for us
that we included recommendations that have been made in
Indigenous community about care for the land itself.

So, for example, we have in recommendation
2(b) on page 26, protect biodiversity for soil health and
healthy ecosystems. Now, that may seem surprising to
appear in a health report, but when one thinks of it
holistically and in a way that Indigenous peoples
collective health, it is not surprising at all. In
fact, it is surprising that these types of recommendations
do not appear more frequently in reports regarding
Indigenous peoples. And, that is just one example. There
are a whole series of them, we talk about different
environmental care pieces that need to be protected,
traditional medicines for example, and water supply, et

cetera.

MS. CHRISTA BIG CANOE: And, I note in
2(c), the last point and recommendation, is establishing a
mechanism and legislation for formalizing occupation and
tenure of inhabitants living in informal settlements. Can
you tell us just a little bit about that?

DR. CINDY BLACKSTOCK: Right. So, this is
the dislocation of Indigenous peoples from their
traditional territories is something endemic to most
colonial countries and the Americas, and there was a need
to recognize that not all Indigenous peoples are living on
the -- anything that was proximal to their Indigenous territories, and yet they still should have access and indeed be able to live on their Indigenous territories. And, states should be encouraged to proactively develop, in consultation with Indigenous peoples, mechanisms to ensure that those Indigenous persons, who were displaced by a colonization, have access and indeed have the affirmation of their right to live on their Indigenous lands.

And, to also, as a secondary piece, for those persons who are not wanting to live on their traditional lands, that they have the right to be able to access those traditional lands for the purposes of visiting family, or for cultural and spiritual events, whatever that might be.

**MS. CHRISTA BIG CANOE:** And, I note that recommendation 3, as on page 30, talks about recognizing and reversing the health equity impacts of ongoing colonialism and structural racism. I believe we do have a visual we can put up, of the chart. And so, this is contained in the report, but this clearly ties to PAHO recognizing the impacts of colonialism, but the step further is making recommendations to reverse the health equity impacts. Can you tell us a little bit about these recommendations?
DR. CINDY BLACKSTOCK: Right. So, one of the important pieces that we wanted to ensure that we emphasized in this report, or at least certainly for my participation I wanted to emphasize, it is not enough that you adopt the UN Declaration on the Rights of Indigenous Peoples and provide no mechanisms to make that real in the lives of Indigenous peoples. So, we were clear that you need to go beyond these types of statements, or adoptions or principles, if you like. And, that states and indeed all of us at various levels have an obligation to ensure that the resources and the space and mechanisms are there to be able to realize it.

So, for example, one of the things -- I will just turn to 3(b), in the last bullet, we asked all states to codify the UN Declaration on the Rights of Indigenous Peoples into domestic legislation policies and practices, ensuring peoples have the resources and opportunities necessary to exercise the full enjoyment of rights.

Those things go together, they are not one or the other. And, as I testified earlier, one of the key components that I work on is the issue of substantive equality for First Nations children -- I would extend that that is probably -- that is something that should be applied to Métis and Inuit children as well. But, without
substantive equality structured in ways that respond to
that dignified life, that freedom of ability to create for
yourself that vision of a life, and a vision of how you
would like to raise your children, then you won’t achieve
it. It becomes nothing but words on paper.

And we go on there and also talked about --
under 3(a) about addressing systemic racism. Of course,
my involvement in the Canadian Human Rights Tribunal has,
as recently as February, the Tribunal has issued a non-
compliance order against Canada saying that structural
racism continues in Canadian government policies. It is
not unique to Canada however. We saw inequalities amongst
Native Americans, Alaskan Natives, and Native Hawaiians in
the United States, as well as in many peoples in central
and South America and in the Caribbean.

So we felt it was important the governments
should endorse the UNDRIP position of affirming that
Indigenous Peoples are equal to all other peoples. That
gets rid of the savage, civilized dichotomy. However,
while we need to recognize the right of all peoples to be
different. And this is not just dealing with the
diversity of Indigenous Peoples amongst the nation states
who compose the Americas, but it’s also an important
reminder, and I think a caution, of the overuse of the
work Indigenous in Canada. And indeed, the over use of
the terms Inuit, First Nations, and Métis. Because within each one of those populations there are very distinct groups, and cultures, and languages that need to be respected.

**MS. CHRISTA BIG CANOE:** Thank you. You anticipated my next question and made the tie back to the recommendations you were speaking to.

I want to just turn to one more recommendation. I know the report contains more than that, but I think it’s really relevant for the Commissioner’s purpose and for that mandate of this inquiry.

**DR. CINDY BLACKSTOCK:** Before you do that, can I just emphasize one more?

**MS. CHRISTA BIG CANOE:** Sure.

**DR. CINDY BLACKSTOCK:** And this was -- and this is 3 (b), the first bullet. You don’t need to bring it back up again on the thing if you -- I can read it out. It says:

“Recognize spatial, cultural, social, and intergenerational inequalities as human rights issues for all ethnic groups.” (As read)

What we were getting at there is it’s not just trauma that’s multigenerational. In fact, I think I said last time, I don’t use the word healing, because I
don’t think our cultures are really recovering from sickness. I think we’re building on the multigenerational strength that was handed down to us.

But it’s also true that the inequalities, the state sponsored inequalities and discrimination is multigenerational. And it’s also across time and space. So it’s not in one discrete area, for example, even the rights of women. The discrimination meted out by various colonial governments, including the Canadian government, has been wide reaching and across a time and has manifested itself in a whole array of areas at the individual level.

So not just limited to what would one would conceptualize as your physical health, but indeed in ways that touch on your spiritual health, your psychological health -- as I’m sure you heard from Amy Bombay yesterday -- and in other dimensions of your sense of being and your ability to live a dignified life. So I think this conceptualization of special, culture, and social and intergenerational inequalities has to be looked at when we -- when we talk about the multigenerational impacts.

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

And so, one of the other recommendations, and I actually think it has a direct tie to what you were just talking about, recommendation eight, which is located
at page 50. Specifically, 8 (a), “eliminated gender-based violence, especially that affecting women and girls.” And so that is, I think obviously, clearly within our mandate. And I would like you to share with us the -- what the Commission’s recommendations are in relation to that.

DR. CINDY BLACKSTOCK: We found that -- and I think it’s very timely, right, given what’s in the news broadly within society, particularly in the discussions around the U.S. Supreme Court recently, that this issue of gender discrimination is not just distinct to Indigenous women and girls.

But certainly, is amplified in many cases for Indigenous women and girls because it has a colonial overlay on top of it, and it also is affected by these multigenerational inequalities that have often been more pronounced in their disadvantage for Indigenous women and girls. And colonialisms kind of, imposition of a kind of a patriarchal kind of society, that was often at odds with some of the traditions of the Indigenous Peoples throughout the Americas, and indeed in Canada.

So we felt we needed to kind of recognize that in many countries, and indeed in Canada, and you’ll see a picture of the Sisters in Spirit Movement on the adjoining page, that we needed to emphasise that states and indeed in society, we needed to develop educational
programs in school.

And when we talk -- we mean school, I would actually extend that to early childhood education. It needs to begin at the very earliest stages of life where children are taught about how to respect people across a gender continuum. So not just that dichotomous male female continuum, but across the gender continuum. And that to prevent any forms of gender-based violence, and to understand how that manifests at the individual level and at the collective level. Because I think too often we think about gender-based violence as being at a one-person level.

But really, even if you weren’t directly experiencing that discrimination, your behaviour is often governed by that. So let me give you an example that just came up on CNN this morning, which tells you how I spend my mornings. But you know, they were talking about going into a parking lot as a woman, right? You don’t necessarily -- when I go into a dark parking lot as a woman, I’m not afraid of other women attacking me, right? But even though I’ve never been attacked by a man in a parking lot, that’s something that I know from experience that you have to kind of just calibrate your behaviour with, right?

So even when we see the murdered and
missing Indigenous women thing, it affects you as an Indigenous woman who has not even been directly affected by that. That you know that you have to mitigate your behaviour and govern your behaviour, in a certain place. And I would argue that that’s gender-based violence, it’s an extension of gender-based violence.

We need to empower women through education and financial independence, right? We can not -- the financial dependence on someone really dissipates your ability to make a decision for yourself about your own safety and well-being. And so, that needs to be supported and really circles back for me to the vital importance of Canada fully implementing Shannon’s Dream. It is atrocious to me that we still have a two-tiered education system where First Nations kids are getting substandard schooling, substandard buildings, and very often not access to culturally based and linguistically based education.

So without that, it’s hard to imagine how First Nations girls on reserve are going to be able to have the type of education that they need to be able to be -- achieve their dreams and to become financially independent. So all of this stuff is related.

Then the other kind of sub-recommendation is for women who have experienced the violence, provide
protection and support for them and their children to
reduce exposure to violence and reduce femicide. So that
is an important piece too. Again, as a recognition of
violence beyond the person who’s directly affected.

And to recognize that children in
particular, who witness domestic violence, or are in
situational or family context. And we need to remember
that in Indigenous societies the family we’re talking
about is often an extended family, so not a nuclear
family. That they have to be part of the approach, a
wholistic approach of being able to prevent that and
respond to it.

And the final one is:
“Provide information, education, and appropriate punitive
arrangements for men who commit violence against women.”
(As read)

And when I’m talking about punitive, I
don’t think here we’re implying that everybody should be
thrown into jail. But certainly, there is a need to hold
people responsible for their conduct.

Because responsibility implies that you
have actually learned, first of all, that you appreciate
that what you did was not okay. That you have learned
what you’ve done, not from a self-defined concept of what
the harm was, but that you have been open to hearing the
harm as experienced by those who are affected by it. And that you have put in place either through your own self-agency, or through guidance from Elders or service providers, mechanisms to ensure that you do not do it again. And it’s only after that that I think an apology is warranted.

And this is where I think too many states miss those first few steps. They go to apology without having done the learning and that’s why the Spirit Bear plan is so important. I think we need to implement that, because without that, I don’t think states -- I think states will continue to replicate the same types of behaviours we’ve seen in the past on inequalities for kids.

**MS. CHRISTA BIG CANOE:** Thank you, Cindy, for explaining the report to us. Chief Commissioner and Commissioners, during the last hearing on July 11th we put in 21 Exhibits, but I would ask that this be tendered as an exhibit to this hearing. The Just Societies Health Equality and Dignified Lives, executive summary.

**CHIEF COMMISSIONER MARION BULLER:** Yes, Exhibit 24 will be Just Societies, Health Equity and Dignified Lives by the Pan-American Health Organization 2018.

--- **Exhibit 24:**
Witness: Dr. Cindy Blackstock
Counsel: Christa Big Canoe, Commission Counsel

**MS. CHRISTA BIG CANOE:** I would also, if I may, please, just in terms of a housekeeping matter, there were -- there are two other reports today that Dr. Blackstock will be speaking to. And, just for ease of reference, it is on consent of Commission counsel and the witness that we put in two other reports that Dr. Blackstock will answer questions in cross-examination for. The first is Safe with Intervention: The Report of the Expert Panel on the Deaths of Children and Youth in Residential Placements, September 2018.


--- **Exhibit 25:**

Witness: Dr. Cindy Blackstock

Counsel: Christa Big Canoe, Commission Counsel

**MS. CHRISTA BIG CANOE:** And, there is one more report that a party with standing has requested, and Commission counsel is consenting to put in that Dr. Blackstock is comfortable answering questions on. The report is entitled, “I Want to Grow Up in My Community: A Review of the Child and Family Services Act”, and it was for the NWT Standing Committee on Social Programs. It is actually authored by Dr. Blackstock.

**CHIEF COMMISSIONER MARION BULLER:**

Certainly. Exhibit 26 is I Want to Grow Up in My Community: A Review of the Child and Family Services Act, NWT Standing Committee on Social Programs 2010.

--- Exhibit 26:

Advisory report “I Want to Grow Up in My Community: A Review of the Child and Family Services Act,” by Cindy Blackstock for the Northwest Territories Committee on Social
Programs, April 27, 2010 (28 pages)
Witness: Dr. Cindy Blackstock
Counsel: Caroline Wawzonek, Native Women’s Association of Northwest Territories

**MS. CHRISTA BIG CANOE:** And, at this point, we won’t be addressing those reports. I would like to return to Dr. Blackstock’s recommendations. Now, just for reference of the parties with standing, included in Dr. Blackstock’s summary were those listed recommendations. I have provided them to the Commissioners and to Dr. Blackstock as a single sheet. This is not on our list of exhibits from the June 11th testimony, and I would like to request they be made an exhibit. It is titled, “Recommendations by Dr. Cindy Blackstock”.

**CHIEF COMMISSIONER MARION BULLER:** Yes.

**MS. CHRISTA BIG CANOE:** And, they are the same.

**CHIEF COMMISSIONER MARION BULLER:** Exhibit 27, Recommendations by Dr. Cindy Blackstock.

--- **Exhibit 27:**

Recommendations by Dr. Cindy Blackstock (one page)
Witness: Dr. Cindy Blackstock
Counsel: Christa Big Canoe, Commission
Counsel

MS. CHRISTA BIG CANOE: And, this, Cindy, is where I would actually like to turn our attention to, and I have a copy here for you. These are recommendations that you actually made and drafted; is that correct?

DR. CINDY BLACKSTOCK: Yes.

MS. CHRISTA BIG CANOE: Yes. And, I just would like to invite you the opportunity, because we didn’t have as much time previously, to go over some of these or to highlight what you believe is important in the number -- you have provided eight recommendations specifically to our -- to the Commissioners of the National Inquiry, and I want to give you the opportunity to, sort of, maybe add some more details to them for us.

DR. CINDY BLACKSTOCK: Sure. I will begin with the first one where I really think it is a false metric to really try to make your goal reducing the number of children in care. And, I spoke to this last time. It is not because it is not a worthy goal that we don’t want to focus on that. It is because it can be done in so many artificial ways that don’t approve the health of Indigenous families or the children. That is what worries me about it.

I have seen governments reduce the number of children in care in a whole variety of way things by
limiting the number -- range of the definitions of maltreatment, by reducing the age of children that are in the population of those who are captured. That is not what we are after. I think that really what we should be measuring or focusing our efforts on is ensuring healthy families.

The other piece around that is I think the whole idea that we, as -- certainly, for me, the reason I have spent my life advocating for First Nations communities to be able to take over care for their children is because we want to do a better job. It is not enough to just take it over and return all of these kids back with -- into unhealthy situations. We have a higher responsibility to these children. And so, I think it is very, very important that we put all measures in place to ensure the health of these families, and that will, by nature or in a positive way, reduce the numbers of children in care.

Community-based plans. So, when we talk about colonialism, I think one of the biggest damages of colonialism was taking away the ability of some First Nations, Métis and Inuit communities to dream for themselves. What is that collective vision of what a healthy child is in that distinct culture? Because without knowing that at a communal level, then you can’t
really build towards that and it doesn’t create the opportunity for an alternative that is different than what we are doing right now.

And so, that is why we really encourage a Touchstones of Hope process or other processes that allow communities to do that collective reclaiming of what a healthy child is and develop holistic visions of healthy children. Not just child welfare visions, but things that would touch on child and maternal health, that touch on addictions, that touch on juvenile justice, that touch on culture and language and education. A very holistic vision.

The other inequalities? Like, that has got to stop; you know? I think that it is one of the great tragedies of our country that after 152 years, racial discrimination continues to be used by various levels of government as a fiscal restraint measure. It is appalling to me.

And, I think the evidence is overwhelming about the hardships of inequalities, and it is also overwhelming that the governments can afford to end them and that they have the solutions to end them. They have just chosen not to. They have just chosen to put other priorities ahead of the children. And, I think unless we fix this, nothing else will really make a difference.
Because even if you have a good community vision of
children and families, without the resources to be able to
do it, it is never going to become materialized; right?

A substantive equality lens. And, this is
something that the Canadian Human Rights Tribunal has
reinforced and that Justice Frankfurter from the U.S.
Supreme Court once said. He said, “You know, the greatest
inequality is the equal treatment of unequals.” We cannot
fall into the trap of having treated Indigenous children
in this country so unfairly, so unjustly, so unequally for
152 years, and then all of a sudden proclaim that it will
be remedied if we treat them just the same as every other
kid, because they are dealing with those multigenerational
inequalities and traumas that have been handed down to
them. So, we have to look at it from a substantive
equality point of view.

And, that includes looking at it from the
best interest of the child, but not best interest of the
child as a -- from a Western perspective, but the best
interest of the child as would be defined by a First
Nations, Métis or Inuit perspective. And, in that regard,
the United Nations Convention on the Rights of the Child,
general comment 11, provides us with a framework to be
able to interpret best interest of the child within an
Indigenous lens.
The other piece is that I think there has been way too much focus on the symptoms of colonialism and of the inequalities. If we want to get at the reasons why there are so many First Nations kids that get into care and actually reduce that, we know we have to go after the causal factors. And, that means that we need to see a far greater focus in social work training, interventions and in investments on -- to deal with poverty, to deal with the inadequate housing and the lack of housing that is available, and to also deal with addictions and the mental health issues underlying addictions.

Unless we deal with those things and truly embrace them, not just from a program perspective, but importantly, too, at a community perspective -- my friend, Terry Cross who used to run the National Indian Child Welfare Association in the U.S. said this. He said, “You know, self-government isn’t just signing an agreement. That’s the easy part. Self-government is when we embrace what hurts.”

So, what are we prepared to do in our own communities and how do we enable those systems so that we do put in place measures that get at addictions and reducing and eliminating addictions in our own communities and the factors that contribute to them? There needs to be a coordination between prevention services and these
specific drivers. If you don’t have that stuff coordinated, then you can do a lot of busy work without actually making a significant difference for families. And, services for children to promote their success and wellness need to be augmented. This is just — you know, I think sometimes we pathologize these kids, right, without thinking about the fact that they need to have fun; right? They need to have some joy in their lives. They need to be able to go and play hockey. They need to be able to, you know, listen to music. They need to be able to do whatever makes them -- their life joyful. And so, we need to take a more holistic vision of children and really enable those other parts of their lives that allows them to live a healthy childhood.

I include here two research goals on longitudinal studies, because we know so little about child maltreatment in Canada. We have the Canadian Incidence Study on child maltreatment, and I used to be part of the research team on that. But, all that does is measure what happens from the report -- a child maltreatment report from the time its made to the time that someone disposes of the actual intake and decides what is going to happen for the child.

We have zero information, other than the study I did in 2009, on what happens to kids once they are
in care. And, this, kind of, relates to one of the exhibits that will be put to me later on the Ontario study, where we find that, you know, kids in care in that particular study, and albeit these are high needs kids, all 12 of them, experienced -- or 10 of them, I think. Experienced an average of 12 placements each; right?

So, the question for me on child welfare has always been, when we remove a child -- and I do believe that some First Nations kids need to be in care. I absolutely believe that. I am not a utopian thinker. But, I do think that we have to undertake a promise to them to give them a better life from which they came, and I think that is where we fail; right? Somehow when we remove the kids, we are not continuing that sense of being able to enable them to live the dignified life we talked about in the PAHO report.

The one that is not on here, that I would like to actually put top is the Spirit Bear Plan, because unless governments reform themselves in a significant way, not just by tinkering around the edges, but by actually undertaking an independent evaluation, independent 360 degree evaluation, of themselves to identify and remediate any vestiges of colonial philosophy, policies and practices, they will continue to pile up on the hopes and dreams of our kids.
And, just to give you a very current example. When the tribunal issued its ruling on January 26, 2016, it -- there was welcome by Minister Bennett and Minister Raybould-Wilson. It took five non-compliance orders and the tribunal still has jurisdiction over the complaint, so further orders may follow, for Canada to begin to come into compliance. And, in those five non-compliance orders, there are at least 14 occasions where the tribunal references what it calls the old mindset. And so, what Canada was doing was proclaiming itself reformed without having done the work to actually reform itself; right? It needs to have that independent view.

And then the other piece around the Spirit Bear Plan that I think is important to First Nations, but -- you know, and I leave it to the Inuit and Métis communities to say whether this is important to them, but I would suggest it probably is, is to clash out all of the inequalities, housing, water, early childhood education, children’s mental health, what does that global picture look like? And then develop a comprehensive public targeted plan to remediate those inequalities in time frames that are sensitive to children’s development. Because the process for the last 152 years has not worked, and the process that has been used the past 152 years is, let’s deal with it one program at a time and one drop at a
time without ever achieving full equality.

And then the next government will say, now we are doing good first steps. The previous group did not do it, but we are making good first steps. Well, good first steps is not the answer that First Nations children deserve. No other child in this country is asked to deal with public service discrimination in order to subsidize other aims of the federal state or the provincial territory and state, and First Nations children should not be there.

It is absolutely unacceptable to me. There is no research basis for it, there is no moral basis for it, there is no legislative basis for it. It is simply the old mindset piling up on the hopes and dreams of thousands of kids. And, if you make one recommendation, I think that is the one you should make.

**MS. CHRISTA BIG CANOE:** And, Cindy, the Spirit Bear Plan, it is actually available and is a tool that the public can actually look at.

**DR. CINDY BLACKSTOCK:** Yes.

**MS. CHRISTA BIG CANOE:** Not just as a Commission, not just parties with standing and the organizations they represent, but any citizen can go to the First Nations Caring Society webpage and find a whole host of tools, right, that give them, empower them to have
ideas, how they can contribute to being part of solutions, including reviewing the Spirit Bear Plan, is that true?

**DR. CINDY BLACKSTOCK:** That is true. And, one of the things that the Caring Society -- for those of you who do not know, we are really teeny tiny; right? Now, we have two -- we are up to two full-time staff. So, this is, like, big for us.

But, one of the founding principles for the Caring Society is, despite the fact that we are small, despite the fact we do not have any government funding, we refuse to charge people for information that can benefit children. We think that all information should be available regardless of whether you are a member, regardless of your income. And so, if you go to our website, you are going to find all kinds of free information that is accessible, including on the Touchstones of Hope around that collective visioning, around all kinds of educational tools that you are able to use around Jordan’s Principle and other things.

The only thing we ask is that you not charge for it if you are going to use it, because it is available for free and that is something that is really important to us, is that -- you know, being able to improve childhood should not cost money. And so, you can find the Spirit Bear Plan and other things on the website.
MS. CHRISTA BIG CANOE: And, that is helpful, because I think we often hear people say, well, how can I help just as an average citizen? And, one of the things I often say is you can learn more. And so, having those resources available so any Canadians that have questions or want to understand these issues that you are talking with such expertise about -- it is in plain language, it is in simple language and there are good recommendations for everyone to see. So, I did not want to just give you a plug, I wanted to point out that there is information available for public to access and understand this issue much better.

DR. CINDY BLACKSTOCK: Right. And, we actually have seven free ways for anyone to make a difference and under two minutes on our website. So, go check it out at FNCaringSociety.com.

MS. CHRISTA BIG CANOE: Chief Commissioner and Commissioners, this actually concludes my examination-in-chief. We are prepared, and so are the parties with standing, to immediately go into cross-examination. And, with your permission, I would like to proceed calling the list.

CHIEF COMMISSIONER MARION BULLER: Yes, please.

MS. CHRISTA BIG CANOE: Thank you. For
cross-examination, the first party that Commission Counsel
is inviting up to ask questions of Dr. Blackstock is the
Missing and Murdered Indigenous Women and Girls Manitoba
Coalition. Ms. Catherine Dunn will have 6.5 minutes.

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

MS. CATHERINE DUNN: Dr. Blackstock, my
name is Catherine Dunn and I am representing the Manitoba
Coalition of Murdered and Missing Indigenous Girls and
Women, many of whom represent families and survivors
particularly of the child welfare system and other systems
that are imposed upon them.

And, I have six minutes to encapsulate your
incontrovertible evidence, but I will try. I think what I
understand that you are saying is that, as early as 1904,
a federal government employee, Dr. Bryce, determined that
through his research of the Indian residential school
system, two out of three residential school children --
Indigenous residential school children were dying, is that
fair?

DR. CINDY BLACKSTOCK: Dr. Bryce began his
study in 1904, it was published in 1907. What he said is
about 25 percent of children were dying each year. For
the one school for which there were complete death
records, two out of three children would be dead by the
time that they were 16.
MS. CATHERINE DUNN: And, Dr. Bryce determined that, in order to address that issue, $15,000.00 was required from Canada and, as well, it was important to return the care of children to Indigenous people, is that fair?

DR. CINDY BLACKSTOCK: What Dr. Bryce said is that -- he noted that there were dramatic health inequalities and public funding for First Nations people, then called Indian people, as compared to non-Indigenous folks. And, one of his key recommendations was to even out that inequality, and then to implement some practical reforms, for example not putting sick kids in with healthy kids.

What Brian Titley who wrote a book about Duncan Campbell Scott called A Narrow Vision, estimated that the cost of Dr. Bryce’s reforms would have been that $10,000.00 to $15,000.00 figure that you are estimating. And, had those reforms been implemented and the equity provided back in 1907, there is good evidence to suggest that many of the children who died in residential schools would not have died.

MS. CATHERINE DUNN: And, Dr. Bryce called that a national crime and you, many years later, proved that it was an international crime, what was happening to Canadians in the child welfare system, isn’t that fair?
DR. CINDY BLACKSTOCK: Dr. Bryce did call it a national crime. And, in fact, one of the things I think I spoke to last time is that one of his contemporary, Sam Hume Blake, who is a founder -- co-founder at Blake’s law firm upon reading Dr. Bryce’s findings writes that infamous paragraph that John Milloy quotes in his book, A National Crime, that, “In that Canada fails to obviate the preventable causes of death that brings itself into unpleasant nearness with manslaughter.”

What I was able to prove is at the Canadian Human Rights Tribunal is that what Canada’s actions are in terms of the inequities in child welfare are racial discrimination. We haven’t been able to prove that it is criminal -- does it reach the criminal standard. But, in fact, it is a breach of national law and a breach of international law as well.

MS. CATHERINE DUNN: And, this breach of international law has been in place for Canada since 2016. They have been called out for their failure to deal with racial discrimination on five occasions and as recently as October?

DR. CINDY BLACKSTOCK: February of 2018 is when the Tribunal issued its last order.

MS. CATHERINE DUNN: All right. And, that
is appalling.

DR. CINDY BLACKSTOCK: I agree.

MS. CATHERINE DUNN: Provinces of Canada, and in particular Manitoba, do you know whether they have, as a government, series of groups or the territories stated to Canada that your conduct is appalling? That we, as provinces, and we, as territories, will not put up with being internationally shamed with respect to our Indigenous children?

DR. CINDY BLACKSTOCK: I don’t know if they used those exact words. But, in the Manitoba legislature, there was a debate after, I believe the second non-compliance order, so this would have put it in the fall, early winter of 2016. The Manitoba legislature passed a motion condemning Canada for its failure to implement the January 2016 decision by the Canadian Human Rights Tribunal. It was a member of the legislature, Wab Kinew, who put that to the floor of the legislature and, to my knowledge, it passed unanimously.

MS. CATHERINE DUNN: And, as a result of that legislature resolution -- and you say that the child welfare system in Manitoba has changed since you were last testifying here professionally, not -- with respect to the Phoenix Sinclair Inquiry?

DR. CINDY BLACKSTOCK: What I can say -- I
don’t know if it is a result of the -- are you asking me
if it is a change as a result of that motion or a change
as a result of the Inquiry?

**MS. CATHERINE DUNN:** I am just wondering if
there is a change ---

**DR. CINDY BLACKSTOCK:** In general?

**MS. CATHERINE DUNN:** --- since you have
been -- last been here testifying at the Phoenix Sinclair
Inquiry.

**DR. CINDY BLACKSTOCK:** Well, I think one of
the things that has changed, thanks to the Tribunal, is
that there has been -- they released a funding of actuals
at least for some of the First Nations agencies, so that
is starting to happen. And, the other important
development is the implementation of Jordan’s Principle.
And, I just want to recognize Madeline Gamble in here,
because not only is she an elder, but she was Jordan’s
caseworker. So, that has made some significant progress.
There is still more work to do. But, in regard to the
more substantive recommendations of the Inquiry, in my
view, they still remain outstanding.

**MS. CATHERINE DUNN:** And, is it -- it is
proven that the Indian school residential system was a
policy to kill the Indian in the child; right?

**DR. CINDY BLACKSTOCK:** Well, actually, no
one ever said “kill the Indian in the child”. It was often described to Duncan Campbell Scott, but incorrectly so. But, I think the -- it is irrefutable that the aim of the whole thing was to eliminate any kind of Indigenous identity amongst the children. And, the Truth and Reconciliation Commission, I think, lays out a compelling and irrefutable case that Canada’s aim was to eliminate Indian people via the assimilation of their children. And, we get that and the Prime Minister’s apology acknowledges that.

**MS. CATHERINE DUNN:** And, that is still the case with the child welfare system?

**DR. CINDY BLACKSTOCK:** I would say it is still the case in some instances in the child welfare system. I wouldn’t -- I am very cautious about overgeneralizing. I think that we -- certainly I have spoken with First Nations, Métis and Inuit kids who have had good experiences in the child welfare system, some families who have good experiences in the child welfare system.

But, I am very concerned about the overrepresentation of First Nations, Métis and Inuit children. When I see overrepresentation that, to me, manifests -- is a manifestation of structural discrimination and a failure of provincial, territorial
and federal governments to implement the many good
solutions that have been put forward to them over the
decades to recalibrate child welfare so it actually meets
the needs of these families.

**MS. CATHERINE DUNN:** Thank you very much, Dr. Blackstock.

**MS. CHRISTA BIG CANOE:** Thank you. Next, we would like to invite up the Assembly of First Nations. Mr. Stuart Wuttke has six-and-a-half minutes.

--- **CROSS-EXAMINATION BY MR. STUART WUTTKE:**

**MR. STUART WUTTKE:** Good morning, Dr. Blackstock. My name is Stuart Wuttke. I am with the Assembly of First Nations.

**DR. CINDY BLACKSTOCK:** Good morning.

**MR. STUART WUTTKE:** You brought up the Canadian Incidence studies of neglect and abuse of 2003 and 2008. In those studies, would you agree that the most common form of apprehension of First Nation children is due to neglect?

**DR. CINDY BLACKSTOCK:** Yes. And, there are two sub-forms of neglect. So, one is failure to supervise, which can easily be remediated with funding; right? Having proper early childhood programs and that type of thing. And then the other is physical neglect, so that is the inability of families to meet the basic needs
of their children. So, things like, you know, housing and water. And, that also could be dealt with a lot with just providing equitable opportunities for those families.

**MR. STUART WUTTKE:** Thank you. And, also in the same study, it noted that when it comes to sexual abuse in the home, that the actual -- the First Nation rate was a bit lower than the Canadian rate. I think it was 2 percent for First Nation families and 3 percent for Canadian families; is that true?

**DR. CINDY BLACKSTOCK:** Right. That was for the reported cases.

**MR. STUART WUTTKE:** Yes.

**DR. CINDY BLACKSTOCK:** By far, the major issue for First Nations kids is the neglect/maltreatment category.

**MR. STUART WUTTKE:** So, in terms of the process of removing children, would it be safe to say that, in terms of neglect and poverty, that a lot of First Nation children are being removed from their loving parents, their loving homes, their siblings when they don’t need to be?

**DR. CINDY BLACKSTOCK:** Yes, I think that certainly was a contention that we put to the Canadian Human Rights Tribunal is that what equitable resources -- and when I use that word “resources”, I am just not saying
child welfare resources, but investments in housing, investments in water, and sanitation, electrical power, that that could substantially reduce the risk to kids and, therefore, reduce the numbers going into care.

MR. STUART WUTTKE: All right, thank you. And, you have also provided evidence on the findings of the Canadian Human Rights Tribunal in the child welfare case. I understand that a considerable amount of work was done by the Assembly of First Nations and the First Nations Child and Family Caring Society starting from the NPR reports in 2000.

DR. CINDY BLACKSTOCK: Yes.

MR. STUART WUTTKE: Can you speak about that?

DR. CINDY BLACKSTOCK: Sure. So, one of the first approaches that the Assembly of First Nations and the Caring Society took was really to work with government to try to identify these shortfalls and then how they could be fixed. And so, I was just -- I guess, my own role, I became involved in about 1997 in what became the committee that oversaw the Joint National Policy Review.

There were First Nations child welfare experts from all parts of the country. The Assembly of First Nations co-chaired along with the Government of
Canada that also had representatives. That yielded the Joint National Policy Review in 2000 that had 17 recommendations for change, and then pin holed the shortfall at 78 cents on a dollar for a First Nations child versus a dollar for a non-Indigenous kid, and that did not take into account the higher needs of Indigenous families.

Canada commended the report, but never implemented it. And, one of the things that it sadly had was a mechanism to get rid of jurisdictional disputes. So, had that been implemented in 2000, we would have not seen the sad outcome for Jordan River Anderson.

But, then, Canada wanted to do a second report, so we did, and we got 20 of the best experts, five economists that cost out all the inequalities, and that rendered the Wandy (phonetic) series of reports in 2005. Very detailed recommendations, pigeon hole then the shortfall, particularly in prevention services as it being 70 cents on the dollar compared to non-Indigenous kids, again, not taking into any account the higher needs of Indigenous children. And, the result of that was Canada agreed with it and didn’t implement it. So, we felt we didn’t have any other choice, and that is why we filed a human rights complaint.

MR. STUART WUTTKE: Thank you. And, in the
child welfare case before the Tribunal, the case itself addressed the discrimination of funding that Canada provides to First Nation child welfare agencies. And, some of those were -- that were noted were a lack of funding for prevention, a lack of funding for key elements of (indiscernible) such as salaries for child welfare staff, cost of living and capital infrastructure, information technology. So there's a whole host of areas where First Nation agencies are being underfunded compared to others.

**DR. CINDY BLACKSTOCK:** Yeah. So it was -- the underfunding was cross-cutting, and the most serious manifestation of that is, as you point out, the lack of an ability to provide the type of preventative services to keep children safely in their homes, or alternatively, for those kids who are in care, to be able to work with families and address the risks so the children can go home. That was the most serious outcome.

**MR. STUART WUTTKE:** M'hm. Thank you. And also, prior to filing the human rights complaint, the federal government was well aware of its damaging policies on First Nations communities. Is that correct?

**DR. CINDY BLACKSTOCK:** Yes. They were sitting at the table as we did the National Policy Review and the Wen-De reports. They were participants in those
studies. And not only that, they had in their hands a whole series of reports that were commissioned by the Department of Indian Affairs itself documenting these shortfalls going back as early as 1948 with the Canadian Association of Social Workers, but then also reiterated in 1967 by a guy named George Caldwell who handed in a report that dealt with the lack of funding for prevention services.

**MR. STUART WUTTKE:** All right. Thank you. And I'll give you -- the last question is multi-pronged. But in its finding that Canada is discriminating against First Nation children, the Tribunal wrote about similarities between the Indian residential school system and also the child welfare.

In your view, is Canada repeating its colonial way of history -- or colonial way of decision making and basically repeating the same mistakes in the past? And with respects to Jordan's Principle, can you comment on how provinces now are using Jordan's Principles to deny services to First Nation communities?

**DR. CINDY BLACKSTOCK:** Right. So on a first, the answer is yes. I think -- and that's why I was such a big proponent of the Spirit Bear Plan, because unless they deal with reform themselves they're going to continue to make those colonial mistakes and replicate the
harms from residential schools.

On a second, no province or territory has adopted a Canadian Human Rights Tribunal compliant definition of Jordan's Principle, and so too often what we're seeing -- and I should say that the Caring Society often gets contacted by families or by professionals who have tried to report Jordan's Principle cases and then been denied -- and what we've seen is that the provinces are kind of taking the position well the feds now are on the hook for Jordan's Principle so we're not going to step up to the plate; we're just going to try and see if the feds can pick it up. Which is totally contrary to the whole issue of Jordan's Principle.

Jordan died in that hospital because the Province of Manitoba and the Government of Canada failed to put his best interests first. So I would urge all provinces and territories to implement and fully adopt a CHRT compliant definition of Jordan's Principle and to do so and implement it in tandem with First Nations.

MR. STUART WUTTKE: Thank you,

Dr. Blackstock. My time is up. Thank you.

MS. CHRISTA BIG CANOE: Thank you. Next, we would like to invite up Pauktuutit and Partners.

Ms. Symes will have six-and-a-half minutes.

MS. BETH SYMES: Oh, there's even a timer.
I didn't even see that before.

--- CROSS-EXAMINATION BY MS. BETH SYMES

Good morning, Dr. Blackstock. My name is Beth Symes. I represent Pauktuutit, the Inuit Women of Canada, the Inuit Women of Labrador, Saturviit, which are the Inuit Women of Nunavik, the Ottawa Inuit Children's Centre, and the Manitoba Inuit Association.

Yesterday in the questioning, my colleague, Rachel Dutton, said that the Census Canada 2016 said that there were 315 Inuit living in Winnipeg and that 20 of them were Inuit children in care.

So I want to move to a higher level, and in Quebec City, Ellen Gabriel was asked there have been so many reports and recommendations that have been put on the shelf, and she was asked as an activist, how do we make government move on these issues?

And Ellen Gabriel answered, "You take them to court". And she said, "That's the only thing that I can think", and she went on to say that, "governments of all three levels, federal, provincial, territorial, and municipal, totally ignore the reports and recommendations about Indigenous people and Indigenous issues." And she said, "It's about political will", and she said, "if the leaders of this nations are only looking at the next election, then Indigenous people and their issues will
once again be on the bottom of their priorities, and this will continue and remain within Canada".

As a litigation warrior, Dr. Blackstock, I'd like to explore with you the organizational costs to the Caring Society and the cost to you personally of being a litigation warrior. Now, by this I mean the costs, for example, of your staff. Now, you said today that you have full time -- you now have full time staff of two. I think your website says you have seven.

DR. CINDY BLACKSTOCK: Yeah.

MS. BETH SYMES: So it's a very small staff; is that correct?

DR. CINDY BLACKSTOCK: That's correct.

MS. BETH SYMES: And what's your budget?

DR. CINDY BLACKSTOCK: Up until this last year, we operated on less than half a million dollars a year.

MS. BETH SYMES: Less than $500,000 a year?

DR. CINDY BLACKSTOCK: Yeah.

MS. BETH SYMES: Okay. So you filed the human rights complaint in 2006. Before you filed that complaint, because it was an amazing filing, how many months, or perhaps even years, did the Caring Society devote to gathering the information that you could put into the complaint?
DR. CINDY BLACKSTOCK: The complaint was actually filed in 2007 ---

MS. BETH SYMES: Okay.

DR. CINDY BLACKSTOCK: --- but we had -- and we had kind of created the Caring Society as an informal network in 1999. It became an incorporated society shortly thereafter. It was that entire period. Because honestly, our goal was to get the government to cooperate because if they cooperated then help would get to the families and the children far sooner than if we litigated. But what was not negotiable to me is that help needed to go to those kids and those families, and so if it wasn't going to be done voluntarily, then litigation was the next step.

MS. BETH SYMES: Now we know that the last decision, which is February of 2018, and as you say, they still have jurisdiction over non-compliance, but in that time, from filing the complaint until today, what percentage of your time has been devoted to this piece of litigation?

MS. BETH SYMES: I would say more broadly as the cause ---

MS. BETH SYMES: Yes?

DR. CINDY BLACKSTOCK: --- I would say almost 100 percent of my time. I do teach every once in a
while, so maybe if we're going to be on the cautious side,
90 percent of my time.

But I -- when I say 90 percent of my time,
I don't work 8 hours a day. I work far more than that.
So it is really -- and I don't want anyone to feel sorry
for me for that. This is a -- this is an honour for me,
and a privilege for me, and a duty for me, but it has
taken substantial personal effort.

**MS. BETH SYMES:** In fact, this type of
litigation can be all consuming for organizations, such as
the Caring Society?

**DR. CINDY BLACKSTOCK:** Yes.

**MS. BETH SYMES:** Now I want to go back to
Ellen Gabriel's answer and get your point, is that -- sue.
That was her strategy. Take them to court.

Do you agree that that is the only strategy
left for Indigenous organizations?

**DR. CINDY BLACKSTOCK:** I think it's been
the only strategy we've seen has proven effective.
Certainly, Canada has responded only to the orders when
its taken action; it has not responded to recommendations.
That's why I'm hoping to see them adopt and implement the
Spirit Bear Plan so that we don't have to litigate to be
able to get them to do the right thing for First Nations,
Métis, or Inuit children. That they do it when the
preponderance of evidence suggests that it’s the right thing to do.

**MS. BETH SYMES:** So Dr. Blackstock, Ellen Gabriel said that we have to create a political will. In order to make a significant difference on the lives of Indigenous women and girls, we have to create political will.

Other than litigation, how can that be done?

**DR. CINDY BLACKSTOCK:** One of the things that we do at the Caring Society is reach out to non-Indigenous kids and their families by really engaging with them in the joint struggle to achieve equity for First Nations children in this country. We had something called Have a Heart Day, where kids send valentines to the elected officials so First Nations kids can have an equitable chance to grow up safely in their families, get a good education, be healthy and proud of who they are. And, children from the Inuit Children’s Centre participated that day, so we, kind of, expanded it to include all Indigenous children.

But, I think we need a social movement on par with what happened in the civil rights movement. We need to continue to pile up the weight of this inequality and its transgression, not just against Indigenous
peoples, but against the moral fabric of the country to a point where people cannot accept it anymore.

**MS. BETH SYMES:** I thank you for your moral courage in being a litigation warrior.

**MS. CHRISTA BIG CANOE:** Thank you. Next, we would like to invite up the New Brunswick Aboriginal Peoples Council. Ms. Leblanc will have 6.5 minutes.

--- CROSS-EXAMINATION BY MS. AMANDA LEBLANC:

**MS. AMANDA LEBLANC:** Thank you. Good morning. My name is Amanda Leblanc, I am the interim Chief and president of the New Brunswick Aboriginal Peoples Council. We represent all the rights bearing Aboriginal people in New Brunswick who reside off-reserve, as well as others who have migrated to our province in terms of access to programs and services. The organization has existed for over 47 years, we have been doing this for quite a while, advocating for the rights of those who have been disenfranchised, various reasons, loss of status due to sexual discrimination, due to forcing either choice of staying in a community or taking an opportunity for education, to have employment, et cetera, et cetera. Preaching to the choir here, I think.

I would like to start off by acknowledging your comment to UNDRIP and the importance of Canada actually signing onto that. You made a comment earlier
about connection to land and the importance of that. So, representing those of us who are residing off-reserve and not connected to the Indian Act created communities in our province, we reside on our unseeded traditional territories. As an off-reserve community, we do not have that designated land mass, land base where we can actually go and exercise our rights, which is to simply congregate as a community. We do not have one simple spot for that. I say “we” as a collective.

Our organization is extremely lucky whereas we have a spot on a lake, very rural, that we have been, I guess, granted a 100-year lease by the province of New Brunswick to be able to do this. But, the way it came about was actually racism. So, when our leadership at the time went into the room to ask for this, there was a comment made, and it was out of shame that we got it, but regardless we have that.

Because of this jurisdictional, I guess, wasteland that off-reserve status and non-status fall within, in terms of who is responsible for us -- and you have alluded to this a couple of times this morning about, it is provincial government or it is federal government. Most recently in the Daniels decision, after 16 years of litigation, it has been proven that it is a federal responsibility, but we access services and programs
through the province.

With that, how would you suggest that off-reserve communities, in terms of litigation it sounds like is the only option we would have, be able to create programs, services, but more importantly opportunities for spirituality, for access to our cultures and language, things like that, when perhaps we would not have somewhere -- like in New Brunswick, we are extremely lucky where we have this camp, but other organizations and provinces do not have that ability for their constituents.

So, how would the off-reserve communities go about forcing the government to recognize the requirement for this and work in collaboration with the provincial governments to actually see it through?

MS. CHRISTA BIG CANOE: Sorry, before you answer that. Can we stop the time for just one minute? And, just before -- I am going to allow Dr. Blackstock to answer that, but the -- in terms of the expertise that she is here for, you have really broadened out beyond that. So, I am just going to put on the record that we will allow Dr. Blackstock to answer that to the best of her knowledge within the qualification of her expertise.

MS. AMANDA LEBLANC: I can clarity it a little bit.

MS. CHRISTA BIG CANOE: We can start the
time again.

**DR. CINDY BLACKSTOCK:** I personally have lived off-reserve all my life. I lived in the bush mostly. So, going to the reserve was going to a big town for me, right, when I was a little kid.

One of the answers, I think, to this is something that has been discussed extensively at the tribunal, is that Canada restricts the provision of child welfare services by First Nations agencies, in terms of what it will fund, to on-reserve only. And, certainly there are many First Nations who take the position that they would like to serve their citizens on- and off-reserve, and in many cases, that is very practical because the reserve is just -- abuts that off-reserved community. Where that is possible and practical, I think it should be supported, and that is something that we are having discussions with the Department of Indian Affairs -- I still call them Indian Affairs -- today, that those mandates should be expanded.

I think in regards to the PAHO report, I spoke to that earlier, where there needs to be -- states should be obligated to provide access for Indigenous peoples off-reserve, or however you want to call it, living in urban environment, to have access to traditional lands. And so, that is part of the old constellation.
But, if you are asking more generally about litigation strategies and stuff like that, despite having been involved in this, I am a social worker by training, I am not a lawyer by training.

MS. AMANDA LEBLANC: I appreciate that.

Thank you. Building off the UNDRIP again, it states that Aboriginal people have the right to self-determination and the right for representation. With the current registration system or status system, if you apply, you have to be connected to a reserve community. For those who were disenfranchised and were living third and fourth generation off-reserve and do not necessarily have a connection to those Indian Act created communities, this creates again a jurisdictional wasteland for the children accessing early education. For example yesterday, I mentioned about a Head Start program, the Aboriginal Head Start in urban and northern communities. In New Brunswick, we have one that services the entire off-reserve population and currently is only able to take six children.

So, with the registration process forcing us to connect to communities that we might not have connection to, what does this look like in terms of -- and you mentioned, and I am glad you mentioned, longitudinal studies, and the necessity of those to show the importance
of programs and such, but also the effects of negative
impacts of things like Indian residential school and some
of that we are starting to see. How can we practice self-
determination in a way that is meaningful for our future
generations now?

**DR. CINDY BLACKSTOCK:** Okay. So, I am

going to break your question into a few parts. So, first
of all, you asked about the registered status. I
personally do not support the whole colonial Indian Act
system of -- by quantum definition. But, I do believe in
First Nations determined citizenship about what that
means. And, there has not been an enabling environment
and legislation or in policy or in government approaches
to really be able to support those First Nations
citizenship approaches, despite multiple resolutions by
the AFN and other bodies. So, I would like to see that
change.

In terms of self-determination. I think
one of the key pieces is that you need to figure out what
the vision is; right? What is it that you really want to
achieve? What does it look like? And, that is where the
Touchstones of Hope comes in, is to be able to really
flush that out, about what that would look like, not only
for a First Nations on-reserve community if you like, but
also for persons living in urban environments, and that
tool has been used in that context, to provide a better sense about what are the holistic types of supports that would provide the best opportunity for children.

And, I think it is important to emphasize this point, a very diverse cultural backgrounds often living off-reserve. How can you be able to provide a series of options so that those kids can live in ways that support their cultures, their languages and their ancestor.

**MS. AMANDA LEBLANC:** Thank you very much.

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

**CHIEF COMMISSIONER MARION BULLER:** Excuse me. I have had a couple of requests for a five-minute break, please.

**MS. CHRISTA BIG CANOE:** Certainly. So, we will return in five.

--- Upon recessing at 9:49

--- Upon resuming at 10:00 a.m./L'audience est reprise à 10h00

--- PANEL II, PREVIOUSLY AFFIRMED

**MS. CHRISTA BIG CANOE:** Thank you Chief Commissioner and Commissioners. I note that Ms. Ordyniec is already at the podium, and she will have six-and-a-half minutes on behalf of the Treaty Alliance of Northern Ontario, which is Nishnawbe Aski and Grand Council
Good morning, Chief Commissioner and Commissioners. I'd just like to begin by acknowledging the Treaty 1 territory and thanking the people of the territory for a very warm welcome. The sacred items in the room, the prayers, the Elders, the families who are here, it's so nice to see all of the support in the room.

Also, Anna Betty Achneepineskum from NAN is here with me today. And the last acknowledgement I'd like to make, and importantly, the 2018 September report, Safe with Intervention, six young people from Nan and one young person from Treaty 3 were the subjects of that report, and I just wanted to acknowledge them.

Good morning, Dr. Blackstock. Thank you --

DR. CINDY BLACKSTOCK: Good morning.

MS. KRYSTYN ORDYNIEC: --- for your testimony and thank you for your endless and tireless work.

As you are aware, NAN joined the Tribunal proceedings in May 2016 as an interested party, and specifically, NAN sought to address the design and implementation of the panel's orders with specific regard
to remote and northern communities in Ontario. And in paragraph 348 of the decision, the Tribunal says -- this is the 2018 February decision:
"As part of the motion's order, the request that NAN was seeking was a Choose Life order." (As read)

And I wonder if you could explain to the Tribunal -- sorry -- to the Commissioners, briefly, what that Choose Life order is and how it speaks to community-based programming?

**DR. CINDY BLACKSTOCK:** I want to circle back to Jordan's Principle, the Tribunal's original order in 2016 on Jordan's Principle, where it ordered the immediate and full implementation of Jordan's Principle. Canada did not implement the full version of Jordan's Principle. It did nothing until July of 2016, and then adopted a definition that was limited to children with disabilities and short-term illnesses. We, and I believe NAN, disagreed with that definition and pressed for a full definition of Jordan's Principle.

During the intervening time, there was a suicide crisis in Wapekeka First Nation, and amongst worries about a suicide pact among young girls. The community did the right thing, which is apply to First Nations Inuit Health Branch for an immediate community-based mental health program to support those children and
prevent any deaths by suicide.

Canada did not respond to that case in an urgent manner, and sadly, although that request was put in in the fall of 2016, two girls, I believe both Age 12, die of suicide in that community in January of that next year.

The Tribunal looked at that particular case, specifically, when it was reviewing the motions for non-compliance on Jordan's Principle, and counsel for NAN was proposing something called the Choose Life. And Choose Life was a phrase chosen by the children and the young people of NAN communities, and really was a reiteration of the importance of community-based models for the prevention and response, not only to suicide, but also to -- more broadly, to mental health issues and to have that conceptualized within the context of those distinct communities. And so they were seeking an order, first of all, that Choose Life would be ordered by the Tribunal, it wouldn't be just an optional intervention.

The Tribunal found links in its order in 2017, May, between Canada's non-compliance and the preventable deaths of those two girls, and then issued a separate consent order between Canada and between NAN communities that ordered the Choose Life focus, specifically.

MS. KRYSTYN ORDYNIEC: Thank you. And are
you aware of the permanency of the funding for the Choose Life initiative?

DR. CINDY BLACKSTOCK: I wish I was aware of permanency and funding for Choose Life, but unfortunately, the federal government's position is although they recognize that its obligations, its legal obligations under Jordan's Principle are perpetual unless otherwise changed by law, it is really, in mechanics, only funded these things up until most -- most of the programs until March 31st, 2019.

Which places these programs in a very tenuous position, because of course, the situation of young people in NAN communities and in other communities is not going to be remedied by that time, and you need to have a long-term view of these programs so that they continue their important work. But to my understanding, that continues to be unresolved.

MS. KRYSTYN ORDYNIEC: Thank you. And you would support those programs be continued as permanent?

DR. CINDY BLACKSTOCK: I would like to see them not only continue to be permanent, but expanded, and would love to see like programs starting as early as child and maternal health and early childhood so that you're able to put those building blocks in place so that children grow up with a healthy sense of themselves and
are less predisposed to mental health issues.

MS. KRYSTYN ORDYNIEC: Thank you very much for that. In the February 2018 101-page decision, you'd agree that the Tribunal was obviously critical of Canada's continued delay in implementation of the immediate relief?

DR. CINDY BLACKSTOCK: Yes.

MS. KRYSTYN ORDYNIEC: And you would agree that trauma and traumatic experiences have substantial impact on childhood development?

DR. CINDY BLACKSTOCK: Yes.

MS. KRYSTYN ORDYNIEC: Would that be accurate?

DR. CINDY BLACKSTOCK: Yes. And Dr. Bombay probably testified to that specifically yesterday.

MS. KRYSTYN ORDYNIEC: So you would agree that there's certain short windows of time that there are key childhood development periods. Is that -- would that be accurate?

DR. CINDY BLACKSTOCK: Yes. And particularly in the early years, while the brain is really developing at an unprecedented rate, it is really key to be able to support children in healthy development during those years.

MS. KRYSTYN ORDYNIEC: So we just said that Canada continually delayed implementing immediate relief.
What happens to the children who are in care today in the child welfare system when the government continues to fail them by implementing the initiatives and the funding?

**DR. CINDY BLACKSTOCK:** I think that those children are probably highly predisposed to irremediable harm. Harms that cannot be fixed. That -- and we've seen this through -- I base this on, not only the studies like the Adverse Childhood Experiences Study, in the United States, and the work of Dr. Bombay and others, but also, from what we know about the Sixties Scoop and about residential schools.

You know, one day in a life of an adult may not seem like a lot, and especially at my age, you sometimes forget those one days, they seem to roll into long periods of time. But one day in the life of a child can be absolutely significant for them.

It can -- that one day, you can put in -- plant seeds for their lifelong healthy development, or you can alternatively, through the denial of compliance with legal orders and the failure to provide for their best interests, plant seeds that will not only create disadvantage for them in their life stage, but across their entire lives. And in fact, we know through epigenetics, predispose the next generation to trauma.

**MS. KRYSTYN ORDYNIEC:** Thank you so much
for your time.

MS. CHRISTA BIG CANOE: Thank you,

Ms. Ordyniec.

Next, we would invite up the Battered
Women's Support Service. I see that Summer-Rain Bentham
will be representing the Battered Women's Support Service,
and she will have six-and-a-half minutes.

---CROSS-EXAMINATION BY MS. SUMMER-RAIN BENTHAM:

MS. SUMMER-RAIN BENTHAM: Good morning. I
want to start with acknowledging the Treaty 1 territory
that we're gathered on, the Commissioners, the family and
survivors who are watching and who are present, and the
sacred items in the room, and Dr. Blackstock for her
testimony today.

My name is Summer-Rain. I am Gitxsan (ph)
from Keewanga (ph), and Coast Salish from the Squamish
Nation on my father's side. I am not a lawyer and I am
acting on behalf of Battered Women's Support Services.

Dr. Blackstock, would it be fair to say
that based on your testimony today, you would say that
violence against women and girls does not take place
between two people individually in isolation, but in fact,
it's actually a social context and is rooted in the
oppression of women? Further to that, that violence
against women and girls is the result of a worldview which
supports the rights of men to oppress women, and is fueled by elements like colonization, patriarchy, race, and gender?

**DR. CINDY BLACKSTOCK:** Yeah. I think that the social and societal conditions and attitudes really provide the context for individual interactions. It's still an individual choice at some level, but what you do is you create a societal situation that predisposes people to make choices that oppress women and expose women to violence. And that's something that needs to change. You can't just do the -- mediate at the individual level; you have to also mediate at the societal level for there to be sustainable and positive change.

**MS. SUMMER-RAIN BENTHAM:** Thank you. Would you agree that the contemporary inheritance of this colonial history is reflected in the conditions as systemic vulnerability in which all Indigenous people have to live. But, our experience, most accurately, by women and girls, and two-spirited people, and that the systems of extractive industry, education, health care, child welfare and social services, as well as the prison system, are all fraught with racism making the reality of advocating for change on any single front extremely challenging?

**DR. CINDY BLACKSTOCK:** I think that it is
important to add some texture into the concept of racism. I am not comfortable saying it applied in all of those different regimes in the same way. I think in many ways what we are dealing with is structural racism. Structural racism that has been reinforced by the failure of various governments to implement the solutions that could lead to a system that better responds to First Nations, Métis and Inuit children’s best interest.

And, in that way, what I am suggesting is it is not accidental. It is a conscious choice to do this. They could consciously choose to implement the recommendations, particularly in situations where they tend to appear time, and time, and time again, such as the need to implement more service for prevention. That dates back to 1907. So, when you see it coming up time and time again, the governments need to do that.

Overall, I think colonialism has an overarching impact. And, yes, racism does, but I want to texture it by saying there are different manifestations of racism. And, to me, the most dangerous is the actual structural racism when it is perpetuated by states, when it is embedded in state policy despite them having an alternative that would allow for a non-discriminatory approach.

**MS. SUMMER-RAIN BENTHAM:** Thank you. Would
you say that colonial acquisition of lands was enacted through targeted gender violence to destroy Indigenous peoples’ connection to their territory by attacking those at the heart of the connection, which is Indigenous women and girls?

**DR. CINDY BLACKSTOCK:** I think -- how do I want to answer this? Because I don’t want to overgeneralize amongst -- I will tell you what I am wrestling with, is I don’t know in a lot of detail the distinct differences between the precolonial cultures of different Indigenous communities and how that would have been impacted by colonialism.

What I am prepared to say is that, as a general principle, where colonialism introduced patriarchal views in many societies where there was a more balanced gender perspective or whether, in fact, it was a matriarchal power system, and that disrupted those power systems and introduced a more, kind of, patriarchal society, that predisposed women and girls to violence. And, certainly in the taking of lands, the separation of women, for example, in many cultures, water and women, is -- they are kind of tied together, is the destruction of the water is, in fact, a destruction of the female identity and a female role in those communities.

**MS. SUMMER-RAIN BENTHAM:** Thank you. Are
you aware of any current policies, practices or recommendations that specifically address the unique vulnerabilities of physical violence, sexual abuse and exploitation of girls and young women in the child welfare system?

**DR. CINDY BLACKSTOCK:** Yes, multiples. Not only in just community reports. Regional reports, national reports, international reports.

**MS. SUMMER-RAIN BENTHAM:** Would you agree that violence erasure and complicity dates back to before Canada became Canada, which is the social/political realities that make it possible for Indigenous women and girls to be recorded as missing and murdered in Canada?

**DR. CINDY BLACKSTOCK:** Oh, definitely. I mean, colonialism began -- it predates the creation of the Canadian state, but it was engrained into the DNA of the Canadian state. That is important to know, is all that context from pre -- from the moment of contact and the colonial policies that were pursued during those intermeeting years between when contact was made and when Canada became a state, the colonial philosophy underpinning that was embedded into the DNA of the Canadian consciousness and Canadian governance, and persists up until today.

**MS. SUMMER-RAIN BENTHAM:** Thank you. As a
Gitxsan woman that comes from a matriarchal society that honours our life givers and the special relationships to Mother Earth, would you agree that the deep internalized violence within Indigenous communities creates particular challenges around issues of anonymity for Indigenous girls and/or women who may be violated through sexual abuse to be able to heal and/or to speak out if their perpetrators are in positions of power within Indigenous communities?

**DR. CINDY BLACKSTOCK:** Yes, absolutely. And, in fact, that is why I emphasized earlier that as “reported cases”. I think that we have to ensure that we are being true to the traditional concepts of how women and girls, and in fact all children, should be treated. And, I don’t know of an Indigenous society in Canada, or indeed the world, where sexual abuse or sexual harassment was part of the fabric of the precolonial construct of that community. And, we need to absolutely courageously face it when it happens and we need to make sure it stops.

**MS. SUMMER-RAIN BENTHAM:** Thank you. Hesh-go-see-um (phonetic).

**MS. CHRISTA BIG CANOE:** Thank you. Next, we would like to invite up Mr. Roy Stewart on behalf of NunatuKavut Community Council Inc. And, Mr. Stewart will have six-and-a-half minutes.

--- **CROSS-EXAMINATION BY MR. ROY STEWART:**
MR. ROY STEWART: Hello, Dr. Blackstock.

DR. CINDY BLACKSTOCK: Good morning.

MR. ROY STEWART: First, if I stutter or don’t make any sense, it is just because I am a bit excited to engage in dialogue with you. So, my name is Roy Stewart, and I am fortunate to be legal counsel here on behalf of the NunatuKavut Community Council, which is the representative organization for approximately 6,000 Inuit peoples in Southern and Central Labrador.

And, for NunatuKavut individuals, there are, you know, as what you have explained in Toronto and here, an inadequacy of support services, whether it is mental health crisis, child services. And, our -- like, the view from our communities is what constitutes mental health and addictions counselling at a health centre in Goose Bay, for example, often involves students fresh out of an undergrad degree, which results in, you know, high turnover rates and, you know, ineffective service. Whereas the same service, for example, in St. John’s, from our understanding, it is often required that a person have a master’s degree and some experience before they can be qualified to deliver those services.

And, at the Toronto hearing related to this, you cited a U.S. Supreme Court decision where I believe it was Justice Frankfurter you said -- or who said
that there is no greater inequality than equal treatment of unequals. Well, to us, NunatuKavut Inuit, do not even receive that so-called equal treatment. And, I am just curious, you know, outside of a funding context or approach, have you come across issues such as this regarding the inadequacy or differing levels of service in different regions? And, if so, how was it addressed, you know, outside of the funding context?

**DR. CINDY BLACKSTOCK:** Definitely, I have. There seems to be very little in terms of support for persons who are working in rural and remote areas in Canada to receive the same quality of services persons living in urban areas. And, I don’t agree that all of that is just part of an impossible context. In fact, where I have seen some progress is actually with universities and Indigenous communities collaborating together to offer distant education programs for their community members so that those community members already living in the North or in a rural context can get the academic credentials and the training that they need in order to deliver the services.

There is another element. When I was working in B.C., I was the Executive Director of something called -- then called the Caring for First Nations Children’s Society. And, we were brought together by the
First Nations in B.C. who had a number of these BSW graduates showing up on their workforces.

And, what they found is that these people received almost no training at all on First Nations, Métis or Inuit people in their undergraduate degree. And, certainly, if they did receive any content, it was not enough to prepare them to actually work with -- effectively with communities. So, they asked us to work with all of the First Nations in British Columbia, which is rather a diverse group, as you know, there are a lot of different languages, and develop a training program for all social workers who were planning to work in First Nations agencies who had a BSW degree.

And so, Maggie, Dr. Margaret Kovach, she was the lead in that project. And she developed a training program where you’d bring together all the social workers; they would do things like residential schools, multigenerational trauma, addictions.

And then there was also a field component where you would work with Elders and knowledge Keepers and families in that particular community you’re working with so that you develop those relationships and that community-specific knowledge. And then, therefore, we’re better able to serve community members.

So that’s an example of something that was
Another example is Mi’kmaw Child and Family Services where Joan Gloade, back in 1973, I think was among 50 Indigenous people in the country with a degree. And she wanted her workforce to have those equitable educational programs, so she collaborated with Dalhousie University to create the Mi’kmaw Maliseet BSW Program, which continues up until today. And I’d like to see programs like that all over the country.

MR. ROY STEWART: Perfect, thank you.

I just want to switch gears, and you’ve discussed, you know, somewhat at length the Jordan’s Principle and you’ve explained how Canada is excluding non-status and Inuit children from this principle, and you explained, you know, how you disagree with this, and that you’d like to see all Indigenous children included under Jordan’s Principle. And it was at the Toronto hearing where you stated, “It’s called First Nations and Inuit Health Branch, as you know.”

Well, the NunatuKavut Inuit to date have been denied eligibility under FNIHB, and as well to non-insured health benefits. Yet they can have their own kin, for example, if they’re, say, a member of Nunatsiavut, then that person could have access to those federal services.
So we can have one family where depending on, you know, what they’re a member of, can receive access to these federal services, and another, if they’re not a member, won’t receive it.

So I’m just wondering, you know, how do we do better to break this cycle or -- for parents and ultimately children who have and are experience trauma when NunatuKavut Inuit, for example, especially the youth are having theirself and their identity questioned by government.

**DR. CINDY BLACKSTOCK:** One of the more recent developments is Canada has now partnered with ITK to develop a Jordan’s Principle type of approach for Inuit children. I’m not sure what the specifics of that are but I’m glad to see that happening. I just want to see it happen on the ground.

We have, at the Caring Society, assisted a number of Inuk children and their families to be able to access services under Jordan’s Principle. And my position is, is that any decision regarding -- from a state regarding a child should be based on the best interests of that child.

It’s up to the adults to sort out these other kind of procedural mechanisms so it doesn’t get in the way of the best interests of the kids.
Governments often say at election time that children should come first. Well, they should come first not just on election day but on every single day.

**MR. ROY STEWART:** Thank you so much.

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

Next we would like to invite up the Native Women’s Association of the Northwest Territories.

Ms. Caroline Wawzonek has six and a half minutes.

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

**DR. CINDY BLACKSTOCK:** And I bet you’re going to take me to that study, aren’t you?

**MS. CAROLINE WAWZONEK:** I am; although, to be fair, my intention is to put the page numbers on the record ---

**DR. CINDY BLACKSTOCK:** Okay.

**MS. CAROLINE WAWZONEK:** --- and not necessarily make you pick through it.

**DR. CINDY BLACKSTOCK:** Okay.

**MS. CAROLINE WAWZONEK:** In the interests of my six minutes and 23 seconds.

But good morning, and thank you.

I do want to acknowledge the warm welcome we continue to receive here in Treaty 1 territory and the homelands of the Métis people, and it is a pleasure to be
Here and an honour to be here for the Native Women’s Association of Northwest Territories.

So I appreciate the heavy lifting from Commission counsel; it is Exhibit 26 that I am going to be making reference to, in terms of page numbers; as I said, more for the record as opposed to flipping pages.

At page 5, Dr. Blackstock, one of the things you highlighted in the sort of executive summary there is that:

“There needs to be significant reflection given by the Northwest Territories government for the involvement of Aboriginal governments or communities in designing and delivering child welfare services.” (As read)

You note that we are one of the few jurisdictions where the territorial government has exclusive control, and that remains the case. And I counted no less than six recommendations, and there may be, in fact, more, that you give in this report saying why it is that they need to engage Indigenous communities.

But some of it stuck out to me, and I’d like you to comment on, is that it’s not enough for the government to wait for the communities to come to them or to wait for the communities, but that in fact -- and at page 10 you say, “They need to be proactive.”

Can you explain why?
DR. CINDY BLACKSTOCK: Because for so long, the communities have been told, “No, you can’t have it.” So I think it’s a duty on the government, and in fact, I think it’s an obligation on the government under UNDRIP, to go out to the communities and say, “Not only are we chancing the page ourselves, we realize that our previous approach was not the one we should have taken, but we are sincerely interested in this and we would like to do something around either, A, if you’ve already got a kind of self-governance type of approach you’d like to put to us, and let’s see it again.” Or, B, alternatively, undertake something like the Touchstones of Hope to allow that communal visioning to happen.

And then as a secondary and equally important step, provide the resources and the space and the technical expertise for that community to be able to realize the vision of what they come up with. I think that’s essential.

They shouldn’t just be waiting in their offices. They need to get out there and really speak to people. Because the folks I talk to were very clear; they had plans; they just needed the space and the invitation by the government to say that they’re now willing to seriously consider and, in fact, implement those plans.

MS. CAROLINE WAWZONEK: Great, thank you
very much.

Another one of the things, and it draws on your earlier recommendation already to the Commission around causal factors, and looking at the causal factors. And throughout this report comes up the issue of substance misuse.

If you could just comment for me; one option is to rely on funding foster families and sending parents south to residential treatment facilities for addictions treatment, or to take foster level funding for extended family in the communities and to have more community-based treatment, whether that’s through the community-based groups, support groups, peer groups, et cetera.

Which route is the better direction for outcomes? If you could just discuss that a bit for me, please.

DR. CINDY BLACKSTOCK: Well, for me, it’s not taking funding from one or the other; it’s actually enhancing the funding, and providing an emphasis on community-based addictions interventions. Because far too often what was happening in the NWT when I was hearing community members is these community members were being flown out, they would be disconnected from their family and support system and culture. They may address it on a
short-term basis, the addiction issue, but then they would
go right back to the social context that was arising
through the addictions issue and things would lapse back
in.

There needs to be a community- and family-
based treatment approach that supports everyone to address
the causes of addictions.

When I look at it -- I’m not an expert in
addictions, but when I see addictions it’s a symptom of
the trauma that is unresolved, and that’s where you need
to get at.

**MS. CAROLINE WAWZONEK:** Is it just --
having just said that, is it a good use of public funds to
send parents away as part of their social work treatment
plan, if you will, without investing in the aftercare in
the community?

**DR. CINDY BLACKSTOCK:** No, not in my view.

**MS. CAROLINE WAWZONEK:** Okay. At page 18
you had as one of your high-priority recommendations --
short-term back in 2010, unfortunately -- that the
government consider leveraging the then-Child Welfare
Tribunal to try to increase resources for First Nations
children in the Northwest Territories.

Now it’s eight years later, but do you have
any comments on what room there might still be to use that
approach or to use what you were getting at there?

DR. CINDY BLACKSTOCK: Right. So one of the unique things that we found in the Territories is that there’s actually an INAC-appointed commissioner that approves the Child Welfare Act. So there’s a direct relationship to the feds.

The feds were saying, “Well, because we’re not funding it directly it’s excluded from the program.” But the feds had key control over what was happening in the Northwest Territories. And we felt that the principles of non-discrimination, of substantive equality, should be drawn upon to apply to children in the Northwest Territories, particularly in relationship to what I viewed as a large segment of the population having unmet needs, and that there being a real dearth of culturally appropriate services available that were community driven.

MS. CAROLINE WAWZONEK: Thank you.

And one last question, and this one is much more specific. Page 12 you had mentioned as a recommendation family conferencing and mediation that is culturally based. If you could explain, maybe, what does that look like; what are its goals?

DR. CINDY BLACKSTOCK: Right. So right now you’ve got kind of two options. You’ve got kind of
thing that’s often not resourced to bring the family members in from different remote communities. Or you have the court system. And what I would like to see is the development of a whole continuum of dispute resolution services that really help families resolve these issues and get access to the supports they need without having to go through the adversarial court system.

**MS. CAROLINE WAWZONEK:** Waseecho (phonetic). Thank you.

**MS. CHRISTA BIG CANOE:** Thank you. Next, we would like to invite up the Association of Native Child and Family Services Agencies of Ontario. Ms. Katherine Hensel will have 6.5 minutes.

--- **CROSS-EXAMINATION BY MS. KATHERINE HENSEL:**

**MS. KATHERINE HENSEL:** Good morning, Dr. Blackstock. As you may know, I am Katherine Hensel, I am a citizen of the Secwépemc Nation and I am counsel here today for the Association of Native Child and Family Services Agencies of Ontario. And, I am honoured to be here, questioning you today, in Treaty 1 territory.

**DR. CINDY BLACKSTOCK:** Thank you.

**MS. KATHERINE HENSEL:** We heard evidence from you when you last testified that, in your view, if there were funding parity and non-discriminatory funding for Indigenous children across the board, there would be
no Indigenous child welfare problem in terms of
overrepresentation. Do you recall that evidence that you
gave?

**DR. CINDY BLACKSTOCK:** I think what I would
have said is that the overrepresentation would, over time,
be substantially reduced, that the inequalities are
clearly linked to the overrepresentation of First Nations
kids in care.

**MS. KATHERINE HENSEL:** Okay. And, we heard
evidence yesterday from Cora Morgan, who is the First
Nations Child Advocate here, that in this province, where
I think it would be fair to say that the problems of
overrepresentation are possibly most acute in the country,
or at least very acute, there is $512 million per annum
spent on child protection, and in fact, there are more
babies and children in care per capita proportionately and
in terms of gross numbers than there have ever been. And,
of course, 90 percent of them are Indigenous in this
province in care.

Is it safe to say that that is not what you
meant when -- that is not the model that you are aspiring
to, when you are talking about increases in funding for
child protection or for child welfare?

**DR. CINDY BLACKSTOCK:** When I have been
talking about increases in funding, I have also made it
very clear I am looking at the causes of children going into care. There are things like inadequate housing, which are huge in Manitoba. There is also access to clean water, poverty is an issue. So, it would be -- if all you do is create equity in child welfare without addressing the drivers of it -- which is why I need the Spirit Bear Plan; right? Unless we create equity across all those dimensions, the overrepresentation is going to continue. And so, it is vital that we look at equity not just as a program, but as a philosophy that is applied in -- within a substantive equity lens to all First Nations kids. If we did that, then I think we would achieve the outcomes that I am talking about. If we fail to do that, then we are continuing to see overrepresentation.

**MS. KATHERINE HENSEL:** Even with more money and potentially exacerbated by further resources being poured into what is termed “protection”, and I use that --

**DR. CINDY BLACKSTOCK:** Well, what we know from the Wanday (10:33:47) study is, actually, First Nations agencies are less likely to remove than non-Indigenous agencies. So, I think that is important to say, that even in an underfunded state, if you look at them globally, they are less likely to remove the non-
And, what I do not know about the Manitoba situation well enough is what the distribution of those cases are amongst those agencies, who is seeing increases, and also it is important to note that the funding on actuals for agencies just began on February 1st and was not implemented for several months after that. So, I do not think we are in a position right now to make any correlation between increased funding and the situation of kids on the ground, you know?

**MS. KATHERINE HENSEL:** ANCFSAO member

Indigenous agencies experience a phenomena -- observe a phenomena where they send either their Indigenous workers, new workers, or non-Indigenous workers who have a manifest capacity and an inclination towards family preservation and culturally appropriate practices. They send them to new worker training, they seconded into mainstream agencies and they internalize service models that are, in the view of my clients, counterproductive and it is very difficult to get them back.

Would you agree that it would be helpful to develop an Indigenous designed, sourced and targeted training system for a training program that is territorially specific and culturally specific within each territory for any and all child protection workers who are
working with Indigenous children, so that this phenomena does not occur?

DR. CINDY BLACKSTOCK: Well, that is what we did in B.C., which is that program I was talking about earlier. Now, the degree to be community specific on a pragmatic thing would depend on those communities. You have some very large communities in Ontario where that is not an issue at all. But, in other cases, they may want to collaborate and then have community specific components which should be non-negotiable, in my view, is having that community specific component so that you understand the distinct cultures, characteristics and the context of the families in that situation, but that you also then have a broader overlay of some of the more generalized kind of things like systemic trauma.

MS. KATHERINE HENSEL: Okay. And so, the communities can once again re-engage in dreaming for the future of their children in a healthy way as you described earlier?

DR. CINDY BLACKSTOCK: And, that goes beyond child welfare; right? Because you know, kids do not design their lives that way; right? This is the child welfare dream and this is the education dream. It has to be a holistic dream. And then you target the programs so that they are coordinated to achieve that dream.
MS. KATHERINE HENSEL: Okay. We also heard evidence from Ms. Morgan yesterday, just anecdotal evidence, about a mother who had aged out of care, was out of care herself, became pregnant, birth alert issued at three months unbeknownst to her, and then she never heard from any agency or service until the baby is born, when the birth alert is triggered, and then workers show up with an agency car seat to apprehend the child with the intention of apprehending the child.

And, she testified that that approach, in her view, was incentivized by the funding model at work here today in this province, and potentially elsewhere. Can you talk about, just to go back very briefly in the remaining time I have which is barely any, what a service model would look like that would -- in a more holistic way address those circumstances based on the very limited facts that I have given you?

DR. CINDY BLACKSTOCK: I would say again, I re-avert to my answer on equity. We need equitable child and maternal health, we need equitable early childhood education programs, so that you are actually creating a societal situation for that young mom, where she is predisposed to being able to have the conditions in place to give her the ultimate capacity to parent.
What happens is, child welfare engagement is often a symptom of the failure of broader society to have the supports in place, so that the families, particularly most at risk, that means most often poor families, have the ability to make for themselves the lives they wish to do for their children and their families.

MS. KATHERINE HENSEL: Right. Thank you.

My time is up. Kukshitian (10:38:05), Dr. Blackstock.

MS. CHRISTA BIG CANOE: Thank you. Next, we would like to invite up Manitoba Keewatinawi Okimakanak, and I am sorry because I know I have mispronounced that, MKO. Ms. Jessica Barlow will have 6.5 minutes.

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

MS. JESSICA BARLOW: Good morning. I would like to acknowledge the spirits of our sisters, the elders and the grandmothers, sacred items in the room, the families and survivors, and I also would like to acknowledge that we are here on Treaty 1 territory and the homeland of the Métis nation. My name is Jessica Barlow and I am legal counsel on behalf of MKO.

And, MKO is an organization that represents numerous northern and remote sovereign First Nations in Manitoba to give some context. And, I would like to thank
you, Dr. Blackstock, for the work that you do, and also
for your testimony in Toronto and again here today.

And, before I begin, I ask that everyone
protect their spirit, because the subject matter that I am
going to be bringing up is extremely sensitive, but very
important. It is not my intention to do any harm and it
is with the most respect that I wish to address these
issues in a good way, and I promise to walk softly.

And so, in your testimony in Toronto, Dr.
Blackstock, you spoke about numerous inequities that First
Nations children face. And, you said how these youth
internalize this inequity as a personal deficit and that
they believe that they are not worth the money; is that
correct?

DR. CINDY BLACKSTOCK: Yes, that is
correct.

MS. JESSICA BARLOW: And, this you have
stated, this internalization can correlate to, among other
things, increased suicide rates in First Nations youth; is
that correct?

DR. CINDY BLACKSTOCK: Yes.

MS. JESSICA BARLOW: And, is it fair to say
that we know that this inequity is linked to much higher
rates of youth suicide because it creates a lot of
hardship for youth in so many critical aspects of their
lives, and as a result, this inequity can present in our youth and in the increased likelihood of suicidal ideation and death from suicide?

DR. CINDY BLACKSTOCK: I think what it does is it -- when you deal with that many cross-cutting inequalities, these young people often do not know they are getting less funding, they just know that life is a lot easier for other kids, and that is why they begin to internalize it. It is like that quote from Eduardo where -- about silent colonization where you begin to think that you can’t talk, when you being to think that you can’t dream, that is what -- that is the poison of those cross-cutting inequalities at a very personal level.

But, then, those young people are confronted with another set of inequalities and so are their families. And, that is once they are at a place where they are having suicidal ideation, there are very few services, because of the inequalities again to be able to support them so that they can work their way through that and be able to make healthy and positive choices for themselves, and that we also, at the same time, address those inequalities that have led to the problem in the first place.

MS. JESSICA BARLOW: And, you would agree that we not only just address those inequalities, but we
address them in a substantive way?

   **DR. CINDY BLACKSTOCK:** I would say that there is no excuse for any level of inequality. I don’t care if First Nations kids are getting a penny less. The issue is that the country is founded under the charter, even under colonial law under Section 15 that nobody should be discriminated on the basis of their race or their culture, and yet that is exactly what is happening. There is no excuse for it whatsoever.

   **MS. JESSICA BARLOW:** Thank you. And, are you aware of -- and according to available statistics, my apologies if I get this number incorrect, but suicide rates for First Nations youth are 5 to 7 times higher than for non-Indigenous youth; are you aware of that statistic?

   **DR. CINDY BLACKSTOCK:** Yes, I had seen various ranges between 4 and 6. What is absolutely clear is there is a dramatic and tragic overrepresentation of First Nations, as well as Inuit children in -- among new suicide rates.

   **MS. JESSICA BARLOW:** Thank you. And, I can state that this statistic holds true in many First Nations communities in Northern Manitoba where the youth suicide has been ongoing and enduring crisis for a very long time. And ---

   **DR. CINDY BLACKSTOCK:** The tragedy is that
sometimes we use the word “youth suicide”, but the real --
another layer of the tragedy is sometimes it is child
suicide.

**MS. JESSICA BARLOW:** Right. And, while
there have been strides in these communities towards
providing essential services and supports, these
inequities that you speak of that are faced by these First
Nations communities continue to endure and are often
intensely felt by children and youth. And, you spoke of
some examples, like health services, education, clean
water, housing, poverty; right?

And so, with the limited time that I have
left, I am wondering if you can speak further to these
links between these inequities and their intense impact on
children and youth. And, how, if these inequities
continue, based on state inaction, how this can intensify
those impacts, please?

**DR. CINDY BLACKSTOCK:** The World Health
Organization did a study in 2008 headed by Sir Michael
Marmot, who was also the person who headed up our study at
the PAHO Commission that I spoke to earlier. And, the key
finding there was given word by Margaret Chan, who is a
Canadian physician, then Director of the WHO, who said,
“Social injustice is killing on a grand scale.” And, I
believe all the evidence suggests that Canada’s
perpetuation of the inequalities, First Nations children, young people and their families, continues to tragically kill on a grand scale on this country.

**MS. JESSICA BARLOW:** Thank you. And, I am wondering if you can provide the Commission some recommendations today with the specific focus on the expansion of First Nations designed and implemented programs that may assist in the prevention of child and youth suicide? And, also programs that may allow for families, children and communities to flourish?

**DR. CINDY BLACKSTOCK:** Right. So, Chandler and Lelaw (phonetic) back in 1998, two psychologists did a study that showed that really the self-determination is collated -- or correlated with a reduction in youth suicide rates. The higher the level of self-determination, i.e. if you are a young person and you look out and you see elders of your community being able to make choices, that means that you can then make choices as a child and young person. It gives you more of an expanded sense of possibility. If, alternatively, you are looking out and you see adults who are not able to make choices, you have to check with Ottawa, who then really makes the choices, that disables your sense of self-agency and the ability to make different choices.

So, we would recommend, of course -- we see
a direct line between self-determination and reduction of youth suicide rates. And so, what we have been doing at the -- as a -- in the wake of the Tribunal is really picking up again on a recommendation, that we made back in 2000 in the Joint National Policy Review, which is for Canada to expand the options of child welfare for which it funds to include First Nation self-jurisdiction. It currently only restricts it to provincial delegation.

**MS. JESSICA BARLOW:** Thank you so very much. Those are my questions.

**MS. CHRISTA BIG CANOE:** Thank you, Ms. Barlow. Next, we would like to invite up the Assembly of Manitoba Chiefs. Ms. Joëlle Pastora Sala will have six-and-a-half minutes.

**DR. CINDY BLACKSTOCK:** I think I am at the halfway mark here. Ten out of 20.

--- **CROSS-EXAMINATION BY MS. JOËLLE PASTORA SALA:**

**MS. JOËLLE PASTORA SALA:** Things are going quickly.

**DR. CINDY BLACKSTOCK:** Yes.

**MS. JOËLLE PASTORA SALA:** Thank you.

Morning, Dr. Blackstock.

**DR. CINDY BLACKSTOCK:** Good morning.

**MS. JOËLLE PASTORA SALA:** Thank you very much for all of the work you do and for your testimony
here, as well as in Toronto. My name is Joëlle Pastora Sala. I am counsel to the Assembly of Manitoba Chiefs in this Inquiry.

The first theme I would like to pick up on with you this morning is the theme of neglect. Specifically, I would like to hear a little bit more from you about neglect, not at the time prior to apprehension, which we have already spoken a little bit about today, or which you have already spoken a little bit about today, but once the children are in care. In your work as an advocate for First Nation children across Canada, have you heard of any stories of neglect of First Nation children by their foster families?

**DR. CINDY BLACKSTOCK:** Certainly, those have been well-documented in various inquests and inquiries across the country. It is important to say that is not the experience of all children in foster care, but certainly there are -- it is traumatic to see what happens to some kids in foster care and even more -- I think more prevalently the number of placement changes that kids have to experience in foster care.

**MS. JOËLLE PASTORA SALA:** Can you give us a couple examples of the types of neglect you have heard of?

**DR. CINDY BLACKSTOCK:** Well, let me just back up a point and just say that, instead of just giving
you named examples, which I really would like to avoid here, I would like to just suggest that one of the things we don’t do in child welfare is a risk assessment on the child’s placement in child welfare. So, you will do — use a structured decision-making tool to be able to determine the risk of the child and the family.

But, if you recall my earlier testimony, I really say one of the duties of child welfare is, when it is adequately funded, is when you remove a child, it is to provide them the best opportunity for a better life from where they came, even temporarily while you work with the family. What we don’t do is a risk assessment on the actual placement in child welfare, which we know also poses risk for children.

And so, when you aren’t balancing that risk, then it looks like you are taking a child out of a risky situation and putting them in a non-risky situation. And, what I would argue is that we need to have risk assessments on both. And then for that particular child, you weigh that, and then you decide what is the best option for that kid.

**MS. JOËLLE PASTORA SALA:** Can you talk a little bit about the consequences of not doing that risk assessment and the link between whether it is neglect or failure to do risk assessments and missing and murdered
Indigenous women and girls?

**DR. CINDY BLACKSTOCK:** Well, one of the things -- if you are not doing that risk assessment, and then also the other problem -- thing, I don’t know if I talked about in Toronto, but I hope I did, is my concern about the codification of structural discrimination as a personal deficit in our current definitions of neglect.

There is no need for you to -- or any kind of mechanism for social workers to meaningfully ask, “What are the risks with this child that that family can actually change on their own,” versus, “What are the risks that are facing the family that they can’t change?” So, what you have is everything being looked at, at the level of that parent and that you can ideally change all of these things, which isn’t necessarily true.

So, you have that definition of neglect, plus you have this not balancing of this child welfare placement as being a possibility of providing risk for kids. What that means together is two things. One is that you are not always going -- tackling the drivers of why kids are coming into care. For example, in a neglect -- a typical neglect response is to provide parenting courses to the family. Sometimes those can benefit, but if you don’t have water or a house, parenting programs aren’t going to do you a lot of good; right? So, that is
the problem with codification at a personal level.

The other problem is it can make child welfare placement look like it is not risky when, in fact, what we know from the experiences of children even in that Ontario example, where they often are, on average, at least in the case of these particular youth are at higher risk, facing as many as 12 different placements, and that is -- that creates harms for kids.

**MS. JOËLLE PASTORA SALA:** I would like to push you a little bit further and just to make that link -- and I know it might seem obvious to you, but just -- can you talk a little bit more explicitly about the links to missing and murdered Indigenous women and girls?

**DR. CINDY BLACKSTOCK:** So, if you are in child welfare care, you are more likely to, for example, in those placement changes and in your disconnection from family, to be placed at higher risk for mental health issues, to be placed at higher risk for addictions. And, we have seen examples right here in Manitoba where children in care have become among the murdered and missing Indigenous women.

So, I haven’t seen the detailed statistics, but I expect from the findings of this particular Commission, what we will find is that there is an overrepresentation of women who were in care or children
who were in care at the time of their deaths being amongst murdered and missing Indigenous women. The other piece that I think would be worth looking at is, amongst the young men, does that pattern replicate? And, I expect it does.

**MS. JOËLLE PASTORA SALA:** Switching gears a little bit, earlier, you stated that the province and territories continue to adopt definitions of Jordan’s Principle that are inconsistent with the Canadian Human Rights Tribunal orders; correct?

**DR. CINDY BLACKSTOCK:** They either -- none of them have, to my knowledge, adopted anything since the Tribunal has ordered. Those adoptions happened pre-Tribunal. And, in Manitoba here, it is a very narrow definition that they have not revised. It is only children with special needs.

**MS. JOËLLE PASTORA SALA:** Can you, again, comment on the link between that failure to change the definition and missing and murdered Indigenous women and girls?

**DR. CINDY BLACKSTOCK:** Right. So, if the provinces aren’t adopting the full compliant definition, then they aren’t really accepting their responsibility to provide substantive equality-level services to women and girls throughout their lifespan. And, if you are not
accepting that responsibility and just relying on the feds
to hopefully pick up the slack for you, which they won’t
in many cases, we know that, that is why Jordan’s
Principle was given rise, then what is happening is we are
creating and we are perpetuating conditions that place
Indigenous women and girls at greater risk for violence.

MS. CHRISTA BIG CANOE: Thank you.

MS. JOËLLE PASTORA SALA: Thank you. I
think my time is up.

MS. CHRISTA BIG CANOE: Chief Commissioner
and Commissioners, I know we had a short break earlier.
However, we -- I would request that we have a 10-minute
break. We are halfway through the list and apparently on
schedule, but if we could have a 10-minute break, that
would afford people an opportunity to have a health break
or do what they need to, and we would appreciate it.

CHIEF COMMISSIONER MARION BULLER: Sure, 10
minutes, please.

MS. CHRISTA BIG CANOE: So, we will be back
at 11:00, recommencing.

--- Upon recessing at 10:53
--- Upon resuming at 11:11

---PANEL II, PREVIOUSLY AFFIRMED

MS. CHRISTA BIG CANOE: I see Ms. De
Whytell is at the podium. Chief Commissioner and
Commissioners, if we could proceed again with the cross-examination? The Independent First Nations represented by Counsel Josephine De Whytell has six-and-a-half minutes.

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

MS. JOSEPHINE DE WHYTELL: Good morning.

Good morning, Commissioners. Good morning, elders. I would like to begin by recognizing the Treaty 1 Territory and the elders and the sacred items in the room. And, also thanks, Dr. Blackstock, for your testimony this morning and in Toronto.

I am here on behalf of the Independent First Nations. Now, we heard evidence that existing mainstream child welfare service models fail to recognize much less address collective intergenerational traumas arising from residential schools. Without doing so, they perpetuate harm caused by those traumas and add new ones for successive generations, as I understand. To you, what do the components of a child welfare system look like that does address residential school collective trauma, and collective intergenerational trauma to be specific?

DR. CINDY BLACKSTOCK: I need to just preface my answer by saying I am a big supporter of, like the Touchstones of Hope, so it is done in a community-based kind of configuration. But, on broad strokes, here are some of the things I would be looking for.
One is that it is based on a holistic vision of what a healthy family and child is in that distinct culture, that that is the guiding vision for it, that it doesn’t compromise children’s safety or their well-being. In fact, it seeks to augment it at every opportunity and requires of all adults and all -- actually, I would extend it to all persons in the community to accept their obligation to ensure the safety and the well-being of all children in that community.

Traditionally, that was the way it was done. We were all child protection workers, and that is the way it should be restored to. It should have full substantive equality across all services. And, that means getting back to the things around housing, ensuring clean water to drink, access to electrical power, access to appropriate IT technology, because that is such a pre-determinate now of education programs, et cetera. That whole base.

The other thing is I would like to see the visions of neglect -- the definitions of neglect modified. There are 21 U.S. States in the District of Columbia that have taken a stab at trying to get -- differentiate between structural discrimination, the causes of neglect that are beyond the ability of parents to control and the causes of neglect that are within the ability of parents
to control. Canada has done nothing like that, and I think it is really important that we look at that as an example. But, where those things have failed, in my view, in the U.S., has been when -- they have just passed legislation, but not increase the number of services to get at poverty and get at those things. So, those two things have to go together.

Another piece around the broad strokes around what -- a more culturally-based kind of child welfare system would look like is that the social workers need to be supported to really deliver culturally-based care, and that is where the funding mechanism has been a huge problem; right? Is that it not only has not provided adequate funding, sustained funding, not project-made funding, sustained funding, for prevention-based supports. But, it also has not enabled agencies and communities to develop training programs that really are tailored to the needs of their community members not just for social workers, but indeed for all people who are all working in that community.

The other piece I would like to see is that we realize that child welfare is not episodic. What do I mean by that? It is not just when you get the report, that we need to be having -- starting our ideas of child welfare even before children themselves become parents;
right? We need to be looking at the preparation of the
next generation to be healthy parents and the types of
supports that they need. So, those are just some of the
components I would look for.

**MS. JOSEPHINE DE WHYTELL:** Thank you very
much. Would you agree that development of such a service
model should take place within and through Indigenous
communities rather than outside agencies and levels of
government?

**DR. CINDY BLACKSTOCK:** Yes, that is
something I have advocated for, for much of my life.

**MS. JOSEPHINE DE WHYTELL:** And, effective
services that are actually going to protect children as
children throughout their lives, for Indigenous children,
it simply has to be targeted at the experience of
Indigenous people as Indigenous people, as you have
mentioned, not only with respect to residential school,
but racism, colonialism more generally. If the service
providers don’t understand this, they are not going to be
able to provide effective services. Would you agree that
this is why they need specific training?

**DR. CINDY BLACKSTOCK:** Yes. And, also just
-- it is not just the training. It is the opportunity to
build relationships in that community. That is what I
found so essential. I worked off-reserve as a child
protection worker for nine years and then on-reserve. And, one of the key things that really was important is to build the relationships with the community. So, it is not just the training. It is the nurturing of those relationships with community members that are so essential to doing good casework.

**MS. JOSEPHINE DE WHYTELL:** With an election coming up next year, how do we ensure that these important issues remain on the agenda?

**DR. CINDY BLACKSTOCK:** I think all of us have to speak out and we need to keep talking. Even when we think no one is listening. And, we also need to set sunsets (indiscernible) about how long are we going to wait for voluntary change; right?

I think it is so easy -- and I can only speak for my own self. I think that I, for far too long, relied on the government goodwill to change before going to litigation. And, certainly that is what you hope, is that when the evidence is that government policy is harming children and could be changed so it does not harm children, that governments can do the right thing, but they do not.

So, the question then becomes, how morally courageous are we as Indigenous people and organizations, and what are we prepared to sacrifice to make sure that
government does do the right thing whether it is willing to or not, and that involves litigation. For us, it involved a complete funding cut, but I would do it again in a heartbeat because there is no organization that is more important than children. There is no profession or position that is more important than children. I am prepared to sacrifice both those things for them.

**MS. JOSEPHINE DE WHYTELL:** Thank you very much. That is all my time.

**MS. CHRISTA BIG CANOE:** Thank you. Next, we would like to invite up the Liard Aboriginal Women’s Society. Ms. Teillet will have 6.5 minutes.

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

**MS. CARLY TEILLET:** Tansi, bonjour and good morning.

**DR. CINDY BLACKSTOCK:** Good morning.

**MS. CARLY TEILLET:** I would like to begin by expressing my joy of being able to come home to the lands of the Métis people and to be on the territory of Treaty 1. And, I would like to acknowledge all the women and girls that we are all carrying in our hearts, the families, the survivors, the elders, medicine and sacred objects that are here with us today.

My name is Carly Teillet and I am the great granddaughter of Sarah Riel who is the niece of Louis
Riel, and I am Métis born not far from here in Saint Boniface, Manitoba in our Red River Community. And, I have the incredible privilege of acting for the Liard Aboriginal Women’s Society, and I am guided by and in the presence of six of our board of directors today. They are Kaska elders, Kaska grandmothers, aunties, great grandmothers, and they have travelled all the way here from the Yukon to attend the hearing this week.

The territory of the Kaska Dene people is in northern B.C. and southern Yukon, and they are not under the Yukon umbrella agreement, and they are currently negotiating a treaty. And, the elders shared with me that they want to take care of their children and support their families, and that support has to come from the land, from their teachings and from their Kaska language. And, that they have been asking the Yukon government for over two decades to fund these Kaska family services in their community and on their lands. And, one elder said this morning, we are not being heard. Two decades of inaction at least. The Yukon government is clearly not actively, never mind proactively, addressing the health of Kaska children and families.

So, they would like to ask your advice about how they can use this incredible tool that we now have, the Caring Society’s Human Rights Tribunal decision
and the non-compliance decisions, particularly because, like the Caring Society, they are a very small organization and are reaching for whatever tool they can use to make change for their families.

So, how can they use this tool to get an independent review of all the services for the children in their communities. And so, they are talking about child welfare, education and health systems in the Yukon, and then also use that decision to hold the Yukon government to account for failing to provide services for their children.

**DR. CINDY BLACKSTOCK:** Right. So, their decision actually binds Canada. But, in my view, Canada has a duty to ensure that the needs of First Nations children are met underneath that decision. In fact, it is not just my view, it is the tribunal’s view more importantly. And, the Yukon is one of the jurisdictions that is included in the complaint. And, if you read the wording of the tribunal’s decision very carefully, they reinforce the idea that communities should be providing -- making key decisions regarding the care of their children.

I would recommend a couple of things. One is that Stuart Wuttke is there from the Assembly of First Nations and I am here, we are both parties of the tribunal. If you have documents that -- your request that
you put forward and they have not been responded to, then bring them to our attention and we will do what we can at our level to support you being heard.

The other piece is that it is important to understand is that the tribunal still has jurisdiction over this complaint. They have not released jurisdiction on the child and family service component or, indeed, on Jordan’s Principle. They want to see full implementation of their orders. They are currently holding onto jurisdiction until March 31st. So, if they have information to suggest that Canada is not in compliance with the order, then again that is really important information to bring to Mr. Wuttke’s attention or to my attention. And, we are going to be cross-examining Canada’s witnesses on child and family services as of October 30th and 31st, so that would be a timely opportunity for us to do that.

The other piece I think is important is to really explore the option of some kind of litigation, I guess, if you need to go that route with the Yukon government. When we were researching this complaint, I can only speak for the Caring Society, I cannot speak for AFN, but every piece of legislation and child welfare in this country that is offered by the provinces and territories includes the idea that the best interest of
the children is of paramount consideration. And, if the
territory is operating in such a way that the best
interest of the children is not the paramount
consideration, then that leaves open an opportunity to
challenge that in litigation.

We looked at that as an option. It was
certainly something we could have done and went forward
with. I hope it is not needed, because I just think it is
such a common sense and obvious thing to do, and I am just
hoping that these women and others like them are heard by
these governments in a different way, but if not, it is
there as an option.

MS. CARLY TEILLET: Thank you for that. In
the brief time I have left, I want to talk again about
using that tool of the decision that has come forward, but
in this way, kind of, at a negotiation table.

So, generally, what we found is that often
what is being offered is the same deal that is being
offered to all at the same time. And, it is generally the
status quo. And, what we know from the human rights
decision -- well, what we know ourselves and what we also
know now supported by the human rights decision is that is
not enough. That is not enough for healthy children and
it is not enough for our communities and families to
thrive.
And so, at that table, do you think there is a way to use this human rights tribunal decision to force a new mandate to force more to be offered as parties go forward in a treaty?

**DR. CINDY BLACKSTOCK:** I am not an expert negotiator and I am not at those tables, but this is what I would say, is that the tribunal not only ruled that it was not enough, it ruled the -- what was happening now is discriminatory. And, we actually had evidence of Carcross First Nation, where they had tried to establish their own agency, and Canada disallowed that because they did not reach the population threshold. That was the only reason that they did not allow it. Those population thresholds have been now ruled to be discriminatory. So, really, Carcross First Nation, in my view, was not given the opportunity it should have had, had Canada not been discriminating in its provision of child and family services.

So, I am hoping that those things are raised. And, the ideas of substantive equality, the ideas that this needs to be needs based, the idea that the context and culture of those unique communities need to be taken into account becomes a bedrock, the floor of the negotiation, not an aspiration.

**MS. CARLY TEILLET:** Thank you, meegwetch,
merci. It has been an honour to chat with you.

MS. CHRISTA BIG CANOE: Okay. Thank you.

Next, we would like to invite up Families for Justice.
Counsel Suzan Fraser will have 6.5 minutes.

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

MS. SUZAN FRASER: Chief Commissioner,
Commissioners, Ms. Blackstock, it is very nice to see you again; and thank you to Treaty 1 for welcoming me into the territory. It is my first time here and I am grateful to be here. Dr. Blackstock, I bring greetings from Lizzy, your devoted soldier of reconciliation who is very excited that I get to be in your presence today.

I am here on behalf of 20 families who are busy preparing for tomorrow's Sisters in Spirit vigil. I have some questions on their behalf. My aim is to do two things today, to deal with some general principles of what you have talked about at the intersection between child welfare issues and missing and murdered Indigenous women and girls, and then move to the Safe With Intervention report of the Office of the Chief Coroner of Ontario, okay? So, I am going to try to move quickly so that I can accomplish my goals.

DR. CINDY BLACKSTOCK: All right. So, let me get this out of the way and just to say thank you to Lizzy and all the children and young people like her.
MS. SUZAN FRASER: I think you are building quite an army. So they're behind you. I'll pass it on.

What I understand from what you've told us today, and earlier, Dr. Blackstock, relates to some of the family stories that we've heard. In this Inquiry, we have heard powerful stories of the loss of family members, when a mother goes missing, a daughter goes missing, and what — and the impact of that on the families, leaving children behind, sometimes in the care of grandparents and aunties, sometimes with extended family, and sometimes with strangers in foster care. And those families often deal with on a basic level how to support those children, those surviving children.

And so what I think you're telling us, either through a health equity lens, through a best practice child welfare lens, is that what we should be doing now to protect those children is wrapping them with the supports and services and meet their basic needs?

DR. CINDY BLACKSTOCK: Meet their basic needs, but also go further than that. Apply a substantive equality lens that go -- that really looks at what is in the best interests of these children. So I think that the basic needs is the floor, and that these children, particularly given the trauma that they've endured, and its relationship to colonialism, the States owe them a
higher duty than that.

**MS. SUZAN FRASER:** Right. And so in simple terms, it means that because their losses are so great and their needs are more, then in order to make them equal they will likely need more, and we should give it to them?

**DR. CINDY BLACKSTOCK:** And we should give it to them, and it should be culturally relevant to them. It should be in ways that are -- meet their needs.

**MS. SUZAN FRASER:** Okay. And we also know that when a child is apprehended, that's the -- well, the decision to apprehend or not to apprehend could be the single most important decision in a child's life?

**DR. CINDY BLACKSTOCK:** Sure.

**MS. SUZAN FRASER:** And that when care doesn't work and when children are removed to their families, one of the things that children might do is to try to go home; right?

**DR. CINDY BLACKSTOCK:** Yes.

**MS. SUZAN FRASER:** And when they run from care to go back to families, they are in harm's way?

**DR. CINDY BLACKSTOCK:** Yes. And one of the things I just want to get back to, though, is the word you used, "choice". Choice implies the ability to choose. So for far too long I think what the Tribunal pointed out is that First Nations agencies didn't
have these services to operate. They were trying to do
the best, but it wasn't there. And so the Tribunal has
pointed it out, that really in far too many cases where
children were at risk, that there was no other "there
wasn't a choice". The only intervention you could offer
was removal. That's why it's so important that we develop
those other services at the front end.

**MS. SUZAN FRASER:** Right. So for an
example, in Toronto Children's Aid Society, they
90 percent of their work in what they call the family
service model. Everything that happens before child
protection they do 90 percent of their work. So if you
can't fund that preventative work, you might not be able
to do 90 percent of the work that another society could
do. Is that fair?

**DR. CINDY BLACKSTOCK:** That's right.

**MS. SUZAN FRASER:** Okay. So children -- so
just coming back to children trying to reconnect with
their families. Really, I think of it as a modern day
Chanie Wenjack trying to get home. That children might
put their selves in harms way. But also care ends; right?
And when a child is 18 and care ends and they have no
family, they may also go home.

**DR. CINDY BLACKSTOCK:** They may also go
home, or the other thing is that they'll look for family
in unhealthy places. So that's where so many young people end up in, for example, gangs. It's not that they choose to be a part of the gang, but it's a proxy for our family, and that's what they're looking for, that sense of belonging.

**MS. SUZAN FRASER:** Okay. I have to move quickly to the Safe with Intervention report. You're familiar with that report, Dr. Blackstock?

**DR. CINDY BLACKSTOCK:** Yes, I am.

**MS. SUZAN FRASER:** It's a report of the Office of the Chief Coroner, and it examined 12 deaths in Ontario, 8 of whom were Indigenous children and youth.

And just -- Chief Commissioners, I'm going to give you page numbers for you to look at for key findings because of the interests of time: pages 2, 3, 4, 5, and 8. So I will have to go straight to page 8, which is Recommendation Number 1.

**DR. CINDY BLACKSTOCK:** And one quick clarification. I think this is a misuse of the word "Indigenous" because all these kids who were Indigenous were First Nations ---

**MS. SUZAN FRASER:** Thank you.

**DR. CINDY BLACKSTOCK:** --- according to the report.

**MS. SUZAN FRASER:** Thank you. So these
were eight First Nations youth. And what you talked about
in terms of 12 placements, this expert committee found
that on average the children were in 12 placements; right?

DR. CINDY BLACKSTOCK: Yes.

MS. SUZAN FRASER: Okay. And the coroner's
office made one -- their Number 1 recommendation of this
expert panel was found at page 8, and:
"To immediately provide equitable, culturally and
spiritually safe and relevant services to Indigenous young
people, families, and communities in Ontario." (As read)

So even though the report is dealing with
children and the death of children, the expert panel made
recommendations directed at families and communities and
equitable services?

DR. CINDY BLACKSTOCK: Yes.

MS. SUZAN FRASER: And you would endorse
that?

DR. CINDY BLACKSTOCK: Well, not only would
I endorse it, it's already been ordered by the Canadian
Human Rights Tribunal to Canada.

MS. SUZAN FRASER: Okay. Thank you,
Ms. Blackstock. I have many more questions, but that is
my time. Thank you.

MS. CHRISTA BIG CANOE: Thank you. Next,
we would like to invite Ms. Teillet back up to represent
the Vancouver Sex Workers Rights Collective. Ms. Teillet will have six-and-a-half minutes.

---CROSS-EXAMINATION BY MS. TEILLET:

**MS. CARLY TEILLET:** Tansi, bonjour, and good morning again.

And I'd like to begin yet again, because it's important to do so, to express my gratitude at being home on the lands of the Métis people and on the territory of Treaty 1 and acknowledge the women and girls that we are carrying with us, their families, the survivors, the Elders, the medicines, and the sacred items that are here to help us do our work in a good way.

As mentioned, I'm Carly Teillet, and I am Métis from the Red River community, and I have the honour of being here as counsel for Collective and Indigenous Women and LGBTQ and two-spirited individuals who engage in sex work and trade in Vancouver's downtown east side.

When I started working in the downtown east side of Vancouver, a story was gifted to me to think about on the ground advocacy, and it was the story of the hummingbird. That there was a huge forest fire and the animals were all gathered together by a lake and they saw a hummingbird go and take a drop of water out of the lake and then fly back over and drop that water on the fire. And the animals said, "Hummingbird, you're too small. One
drop of water can't put out that fire. You might burn your wings". And Hummingbird answered, "I have to do what I can."

Now, I have to do what I can, I hear that all of the time from my clients who are fighting to keep, provide services, provide a healthy home, and to get back their children.

And so again, I want to ask you about this tool because I think this is a amazing decision and I think that we could probably use it in so many different ways.

And so I want to ask about how can these women who faced so many barriers use this decision that says there is public service discrimination, in your words this morning, violating the rights of them, their children, their families as a shield to help protect them when social workers show up at their door and try and take their children for neglect and poverty.

DR. CINDY BLACKSTOCK: One of the things that kind of surprised me in kind of the litigation discourse is that there was never a case brought that I know of where the legal argument was that the State had failed to dispose of all alternative measures before considering removal. Now, this wasn't -- and I really want to reinforce this point -- this is not the fault of
the social workers; right? I did child protection on the frontlines for 13 years. I know that there are social workers who are not good at their jobs, but I also know of many who are good at their jobs.

But when you don't have the tools -- as the Tribunal has already ruled, there weren't adequate services at the front end to keep families together -- then that's a contravention of the legislation. And I have never heard of a -- provincial legislation, I'm talking about, Child Welfare Act -- I have never heard a legal argument where the State was asked to prove that in light of this decision that it had exhausted all available measures. I think that's something that is still open to someone to bring a case like that. I'd be very interested if the subject case were brought.

The other piece is to be able to cite the passages in any kind of representation that you're making to the child protection authorities. They're often aware of the case, but sometimes not. And so on our website we have really user-friendly things that break it down from all the legal jargon down to stuff that a social worker like me can understand, and the community members can understand. They are actually written for children, so everybody should be able to understand them. Use those pieces in the decision to be able to do it.
And then the other part of this process is for all of us, always, to accept our responsibility to change things that we know we need to change; right? So, that -- the decision is about dealing with those things beyond our ability to change as individuals, but we also need to embrace our responsibility to change those things that we know we need to do; right? And, sometimes you need to access services to do that, particularly if it is mental health or addictions, and that is where that -- using the case under the least disrupted measures mandate might be a useful thing to do.

**MS. CARLY TEILLET:** And so, building off of that, my next question was actually about in court, when this goes to court about the removal of the children. Often, the court lists are so long and there are so many cases to get through that you encounter a judge who may be well meaning, but doesn’t have the time or the resources to entertain a lawyer who wants to pull down or a family who wants to pull down a human rights tribunal decision or the United Nations Declaration on the Rights of Indigenous People and talk about that in that space. So, would you agree that we need more time and other mechanisms where we can actually have a full discussion about what is going on in the families when we are removing children?

**DR. CINDY BLACKSTOCK:** Yes. Like, I mean,
we got the Jordan case at the Supreme Court that deals with, kind of, that kind of issue, the hardship on the courts, and that quickly processing of these cases or not processing them at all. I think that equally should apply to family cases, and I think that they should be given the time they need to have to make the best interest on behalf of that child.

That said, I do not control the court system, but I would love to see more resources go there. I would love to see much more funding go to quality representation for families and for children themselves, because sometimes the family’s interests are not aligned with what the child and the young person wants, and I think children deserve their own representation in those matters as well. And then, again, alternative dispute resolutions outside of the litigation process itself.

**MS. CARLY TEILLET:** Thank you very much. Those are my questions.

**MS. CHRISTA BIG CANOE:** Thank you. Next, we would like to invite up the Native Women Association of Canada. Ms. Virginia Lomax will have six and a half minutes.

--- **CROSS-EXAMINATION BY MS. VIRGINIA LOMAX:**

**MS. VIRGINIA LOMAX:** Thank you. I would first like to acknowledge the spirits of our stolen
sisters, as well as the families and survivors who are with us in the room today, our elders and our health support workers, and the medicines and sacred items in the room with us. I acknowledge that we are on Treaty 1 territory and the homeland of the Métis nation today. And, I thank you all for your hospitality and for your welcome so that we can do our work in a good way today.

Dr. Blackstock, thank you for sharing your testimony with us again. I had the privilege of hearing you in Toronto as well. And, in both of your appearances, you spoke about child engagement in the creation of reports and plans, and I was wondering if you could describe what that engagement entails.

DR. CINDY BLACKSTOCK: It means just talking to them. I think often we infantilize children; right? We think that they don’t understand or can’t be engaged in these issues, but my experience is completely contrary to that. Kids are really open to talking about hard stuff; right? It is often adults who are not open to talking about the hard stuff, and that is why I find children really are able to understand and to process lessons of residential school so easily in the classroom, because they are keen to learn, even about the stuff that hurts. Because if they learn about the stuff that hurts, then they can be a part of making it better.
The Caring Society has been very focused on ensuring that all children, not just First Nations children, all children have an opportunity to have their voices heard about what they view about reconciliation, and that that voice is heard, not just by us, but by the people who are authorized in society to make the decision. So, for example, we have, Have a Heart Day, where children write letters to the prime minister or other elected officials, so that they can -- First Nations kids can grow up safely in their families, have a good education, be healthy and proud of who they are.

We have also assembled children’s letters and had those presented as part of our shadow report, the UN Committee on the Rights of the Child. We brought six First Nations young people to present directly to the Committee on the Rights of the Child. We had children in the courtroom while the -- in the tribunal room while this case was being litigated. And, we actually have a peer review journal that normally includes academic articles, but we dedicate a couple of issues to children-only submissions, where children are the peer reviewers. And, I would have to say, with respect to my academic colleagues, it is the kids’ version that is the most read version of all the editions we put out.

**MS. VIRGINIA LOMAX:** I really do agree with
you, that children know more and understand more than they are given credit for, and I think that this certainly extends to two-spirit and LGBTQ children and gender diverse children who have an understanding of their own gender identity. And, I was hoping you would be able to answer whether Indigenous two-spirit and LGBTQ children and gender diverse children have been involved in engagements that you have done, and if so, if you could share any lessons that you have learned from them.

**DR. CINDY BLACKSTOCK:** Well, we involve all children; right? And, it is an inclusive piece. And, what we are trying to do is really create an environment where children learn to be able to express their views as they self-define them. So, not as they are dictated to by adults. I even tell them, I don’t want you to believe the inequalities exist just because I say so. I want you to be like a newspaper reporter and go around and listen to everybody, and then make up your own mind about what you think. And then even after you have done that, if something new happens, then you ask yourself, does that change the way I think or feel about that? And so, we all have to be open to learning. We can’t put a period at the end of our sentence and become ideological. And, we try to model that for the kids.

With regard to all children, what we are
trying to do is show them that difference is not to be overcome, i.e. I often think that when we use the word “difference overcoming”, it is a colonial thing. You have got to come over to be the way that I am so I am more comfortable. What I want is to hopefully work with these children so that we celebrate difference, that we understand that difference is not something that drags us down as a human community, it is something that is essential to lifting us up to our highest aspirations.

And, by teaching these children peaceful and respectful ways of being heard, and indeed of making real change, that they are able to apply that to a wide array of injustices that they may experience throughout their lives.

**MS. VIRGINIA LOMAX:** Thank you. When we were in Toronto, I asked this question to other witnesses and I would like to ask it to you. At that time, I had heard this quote, and I forget the context that it was in, but it was that -- the quote was, “I don’t know how better to explain to you that you should care about other people around you.” And, I have been feeling that very acutely these days, and I would like to ask you if you had any suggestions or recommendations for how, in the context of what we are discussing today and throughout this Inquiry, how can we inspire greater empathy among the general
public for the simple fact that Indigenous children face
discrimination in Canada that no other children are made
to face?

**DR. CINDY BLACKSTOCK:** Well, I can only say
what we have experimented with that the Caring Society had
some success with. And, that is to really be able to
educate Canadians on what is happening and give them
something they can do about it. And, what we found is
that people will respond to the call, but the
discrimination and this longstanding inequality has been
so normalized in Canadian society that many people cannot
see it.

And then the other thing that has happened
is we have a whole generation, who are currently the
generation who are the power holders, that have
legitimized the discrimination by saying First Nations,
Métis or Inuit people cannot manage their money for
example. And so, that is why my great hope lies in this
new generation and the generations to follow. If we can
raise a generation of First Nations, Métis and Inuit kids
who do not accept this inequality and a generation of non-
Indigenous children that, no, it is not charity to give
First Nations, Métis and Inuit children an opportunity to
live the lives they wish to have. But, in fact, that an
injustice to those Métis, First Nations and Inuit children
is an injustice to all children, then we will have done
something for this country, then finally reconciliation
will grow.

**MS. VIRGINIA LOMAX:** Waleewen (phonetic).

Thank you.

**MS. CHRISTA BIG CANOE:** Next, we would like
to invite up Mishkeegogamang First Nation. Ms. Whitney
Van Bellegham will have six and a half minutes, please.
Oh, sorry, I stand corrected, she will have 11 minutes. I
apologize.

--- **CROSS-EXAMINATION BY MS. WHITNEY VAN BELLEGHAM:**

**MS. WHITNEY VAN BELLEGHAM:** Thank you.

Good morning.

**DR. CINDY BLACKSTOCK:** Good morning.

**MS. WHITNEY VAN BELLEGHAM:** I would like to
start by thanking the people of Treaty 1 for having us
here today. I would also like to thank the families and
the survivors that are here the elders, the Commissioners,
and the Inquiry staff, and of course those who are here to
provide us with such valuable information.

I would like to start by looking at the
2018 Spring Auditor General’s Report, which was, I
believe, Exhibit 64 in the Toronto hearing. This report
identified that Indigenous Services Canada, INAC, was
using a very limited assessment to measure a community
well-being.

DR. CINDY BLACKSTOCK: Sorry, I am just trying to find the tab. I am not going to try and eat up your time. But, I don’t have it organized by exhibit number. I have it just as organized by letter.

MS. CHRISTA BIG CANOE: If we could stop your time for a minute. Was it 2008 did you just say?


DR. CINDY BLACKSTOCK: Yes, we had the 2008 one and I think we have the 2011 one, but I don’t recall a 2018.

MS. CHRISTA BIG CANOE: I don’t think we actually have -- yes, on the record. We have 2008, and 2011 was Exhibit 57. We did not put the 2018 Auditor General’s Report on the record when Dr. Blackstock testified in Toronto.

MS. WHITNEY VAN BELLEGHAM: What was listed as Exhibit 64?

MS. CHRISTA BIG CANOE: That, I can answer. Sorry, these binders are so large. It takes me a moment. I have the list, but it’s at the front.

CHIEF COMMISSIONER MARION BULLER: So, Exhibit 64 is the 2018 Spring Report of the Auditor General.
MS. CHRISTA BIG CANOE: Oh. The Socioeconomic Gaps on First Nation Reserves? I stand corrected. 64 is almost at the end. Sorry, I stand corrected. We do have it as Exhibit 64. It’s such a large book to tab through.

DR. CINDY BLACKSTOCK: Yes, just bear with me while I get there. I will catch up to you. Okay. I’ve got it.

MS. CHRISTA BIG CANOE: And so, we can start the time again, please.

MS. WHITNEY VAN BELLEGHAM: Perfect, thank you. So, that report identified that Indigenous Services Canada, or INAC, was using very limited assessment to measure community well-being on First Nation reserves and that it failed to include critical variables, such as health, environment, language and culture. Would you agree that the quality of and access to land should also be a factor in assessing community well-being and health on reserve?

DR. CINDY BLACKSTOCK: Certainly. That is what we found in the PAHO Report, and I would agree with that. I think that that is essential to children’s well-being.

MS. WHITNEY VAN BELLEGHAM: Would you also agree that systemic discrimination and racism exist within
INAC?

**DR. CINDY BLACKSTOCK:** Yes.

**MS. WHITNEY VAN BELLEGHAM:** Earlier, you indicated that massive institutional change is needed within government departments, such as INAC, that are working with First Nations. We know that government moves painfully slow sometimes and that these issues need immediate action. What changes can INAC implement immediately to decolonize and eliminate discriminatory practices?

**DR. CINDY BLACKSTOCK:** With the Spirit Bear Plan. It has been adopted by all the First Nations across the country. There is no reason why they can’t do that. And, what I said to the department is I said my little organization, which has only been around, really, since 1999, we’ve had two independent 360 evaluations. I’m not afraid of the truth. I welcome it, because it is not being right, it is not about protecting my organization. It is about ensuring that we are doing right.

And so, if there are things that we are not seeing, even if -- or there are things that we are not paying attention to that we should be doing, or if there are things that we are doing that we could be doing better, I want to know about that. And, I would hope that the department would take that same point of view.
And, that is why an independent 360 is so important and that is why linking, as the Assembly of First Nations put in its submission to the CHRT, linking the performance bonuses, particularly of senior employees, like the deputy minister, the privy counsel clerks, the assistant deputy ministers, to their implementation of the CHRT decision, to their implementation of UNDRIP is absolutely essential. They need to be rewarded for doing the right thing, not rewarded for protecting the status quo.

MS. WHITNEY VAN BELLEGHAM: Thank you. I would like to talk now a little bit about a report that was introduced by another party with standing. That is your report, which was Exhibit 26, I Want to Grow Up in My Community: A Review of the Child and Family Service Act.

DR. CINDY BLACKSTOCK: Yes.

MS. WHITNEY VAN BELLEGHAM: Would you agree that most, if not all of the issues and concerns addressed in this report, although they are tailored specifically for the Northwest Territories, that they are applicable, they are present and substantially similar across Canada?

DR. CINDY BLACKSTOCK: Yes, I think most of the cross-cutting themes and the remedies to them are consistent across Canada.

MS. WHITNEY VAN BELLEGHAM: Thank you. You
also indicate in that report that income plays a
significant role for families who have their children
removed. What can be done to ensure that low income and
poverty are not reasons why families lose their children?

DR. CINDY BLACKSTOCK: So, for example, there was a study in the United States, which I think I
cited in the last time I was here. I can get you the
exact citation. But, it was a pool of 14,000 families.
Half of the families got to keep an additional $100 U.S.
per annum. Half of the other -- the other half didn’t get
that. For the families that got just the $100 U.S. per
annum, the substantiated child protection rates went down
by 10 percent. So, that shows us would just moving
families just that little margin out of poverty what that
can do.

I would like to see minimum guaranteed
income be provided. I think that that would be a
substantial augmentation to the safety and well-being of
kids. And, I would also like to see an immediate stopping
of the process where governments -- when families are on
social assistance being on or off reserve, where if the
community members makes a little bit of money, where the
government’s process is to claw that back, that is
completely inconsistent with the evidence.

In fact, it shows that if you are able to
leave that money, it probably would save the state a lot of money in the long run, because what you are doing is you are making -- helping the family get healthier, which means that the children are going to be healthier, which means that they are not going to be tapping into government services at the same rates. And, those arguments have been well made and well documented by people, like the Nobel Prize winner, James Heckman, the economist at the University of Chicago, by PAHO, by the World Health Organization, by many others.

**MS. WHITNEY VAN BELLEGHAM**: Thank you. Perhaps that answers my next question to some extent, but you have highlighted today, as well it is in the report that we are speaking about, that poverty, poor housing and substance misuse, until those issues are addressed and properly resourced, that there is little evidence, I believe the wording is, that substantial progress will be made on making meaningful reductions in the overrepresentation of Aboriginal children in care.

I would like to sort of focus on the issue of implementation again. And, with the understanding that these factors -- you know, improving on these factors would likely involve a lot of moving parts, is there one sort of first step that you can recommend that be taken to improve upon these factors?
DR. CINDY BLACKSTOCK: I think the Spirit Bear Plan again to cost out all of those areas of inequality that exist. We know them. Like, they have often been written up in different reports, like the Parliamentary Budget Officer in 2016 took on First Nations education. What no one has done is take them all together and then develop a plan, like the Marshall Plan after the Second World War, to remediate all of the inequalities—it is not enough to just deal with them one piece at a time—to remediate all the inequalities, including in housing and these other areas. If we did that, we could make a substantive progress.

And, I don’t see any reason why we wouldn’t move ahead with that, and I just -- or why the government won’t move ahead with that. I would like to see them do it today. It would be one of the most important announcements that they could do. It would be one of the most important steps they could take.

MS. WHITNEY VAN BELLEGHAM: Thank you. I would like to talk now a little bit about provincial legislation and the effects of that on Indigenous-run child welfare agencies. In your report, you assert that the requirement to follow provincial legislation and standards can hamper Indigenous-run welfare agencies. Can you provide some examples?
DR. CINDY BLACKSTOCK: Sure. I have already spoken extensively about how problematic the provincial and territorial definitions of neglect are, and that they don’t account for that differentiation between what parents can control and what they can’t control.

There is no real provision that really seriously acknowledges multigenerational trauma. And, also, there are -- there is not always a lot of statutory support for culturally-based practices around children’s wellness and family wellness, and I would like to see those be brought in.

Some things are similar. Like, the -- you know, dealing with sexual abuse, the definitions of sexual abuse are consistent with what I have seen in First Nations communities how they would define it. So, it is not that the entire thing is problematic but that it’s packaged in such a way that it doesn’t consider some of the fundamental things that are absolutely key to doing good work with First Nations, Métis, and Inuit families, in my view.

MS. WHITNEY VAN BELLEGHAM: And I heard you mention there that lack of addressing intergenerational violence in the legislation. Do you have any recommendations as to how that could be done?

DR. CINDY BLACKSTOCK: Well, I think it
would be good to be able to actually see it, first of all, recognized in the statute. But second of all, when we get back to that comment around least disruptive measures, that we understand that that’s an important part of least disruptive measures is ensuring that those community-based programs to address multigenerational trauma are in place, and that we include in our conceptualization of multigenerational trauma, the multigenerational inequalities that are referenced in the PAHO report. That’s part of the trauma being passed down.

**MS. WHITNEY VAN BELLEGHAM:** Also in this report you indicate that there were some alternative approaches to the delegated agency system. You talked about how some First Nations were developing their own child welfare laws and practices.

So, again, it’s been eight years since the publishing of this report and I’m wondering if you know of whether or not these alternative approaches have been implemented; and if they have, if they’ve had positive outcomes?

**DR. CINDY BLACKSTOCK:** Well, there’s many -- on a good news side, we have many more First Nations who have completed the work and community consultations that actually have their own laws drafted. So like the Anishinabek Well-Being Law.
The problem remains, however, that the federal government continues to take the position that it’s only willing to fund First Nations’ child welfare agencies if they operate under provincial jurisdiction. That needs to change. They need to say that they’re open to these other pieces of legislation, especially when you can see the law and judge for yourself that it’s not going to compromise children’s safety, far from that. I think it’s really going to augment children’s safety in many cases.

That's not to say that self-government exercise of jurisdiction in child welfare is right for every First Nation. But it is to say that for those who are ready and those who are wanting to do it and have the law on the books, they should be given the support to be able to exercise it.

**MS. WHITNEY VAN BELLEGHAM:** Thank you, and that’s my time.

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

**MS. WHITNEY VAN BELLEGHAM:** Thank you.

**MS. CHRISTA BIG CANOE:** Chief Commissioner and Commissioners, I note that it’s almost 12 o’clock, and I will take your direction on whether we should call more cross-examination or take our one-hour lunch.

**CHIEF COMMISSIONER MARION BULLER:** The vote
is for lunch.

MS. CHRISTA BIG CANOE: Okay. So on that basis, we will commence with the continuation of cross-examination at 1:00 p.m.

Thank you.

CHIEF COMMISSIONER MARION BULLER: Yeah, good decision. You never want to get in the way of lunch. (LAUGHTER)

--- Upon recessing at 12:00 p.m.

--- Upon resuming at 1:07 p.m.

--- PANEL II, PREVIOUSLY AFFIRMED:

MS. CHRISTA BIG CANOE: Chief Commissioner, Commissioners, if we could commence again, I would like to invite up the next party for cross-examination.

I would like to invite up the Congress of Aboriginal Peoples. Ms. Lombard will have six and a half minutes for cross-examination.

MS. ALISA LOMBARD: Good afternoon.

Thank you to the Indigenous peoples of Treaty 1 for welcoming us on your territory.

Elders, families, Commissioners, counsel, and Dr. Blackstock, thank you for sharing your knowledge today.

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

MS. ALISA LOMBARD: Dr. Blackstock, as a
mother of two girls, one toddler and one due to arrive in
the winter, there are no words to express the depth of my
gratitude for your work. It humanizes our babies, our
families, and our nations. Thank you for that.

The Supreme Court of Canada’s decision in
Daniels stands for proposition that the federal government
has jurisdiction in relation to non-status Indians and
Métis. The Supreme Court said that jurisdictional
uncertainty in this regard, and I quote:
“Results in these Indigenous communities being in a
jurisdictional wasteland with significant and obvious
disadvantaging consequences.” (As read)

In your testimony on June 13th in Toronto,
and building on what some of our colleagues have raised
here, you sated that, and I quote, “Canada has no adopted
a proper definition but has excluded non-status Indian
children and Inuit from the definition,” end quote, of
Jordan’s Principle.

You mentioned in your testimony that you
disagree with that and that the issue has been put to the
CHRT directly.

Is it fair to say that these exclusions are
discrete manifestations of normalized structural racism?

**DR. CINDY BLACKSTOCK:** I think so,
particularly because Canada doesn’t provide an alternative
to resolving the issue.

   It would be different if they said, “This is not the appropriate solution for this population to resolve jurisdictional abuse, and here’s a workable alternative that would even better meet the best interests of children.”

   But the proposition being put forward by the federal government is that it doesn’t apply, but they don’t provide an alternative solution that would remedy the jurisdictional quagmire that these children find themselves in.

**MS. ALISA LOMBARD:** Thank you.

   Can you speak to your perception of the rationale or intentions behind the incl -- exclusions? Excuse me. Do you think that they’re intentional?

**DR. CINDY BLACKSTOCK:** They are intentional because they’ve said they’ve -- how did they put it? Their interpretation of Jordan’s Principle is with regard to these specific populations. So they’ve clearly thought about it.

   What the rationale is; I don’t understand the rationale. Certainly I always come from the point of view that it’s not the Indian Act who defines who First Nations kids is; it’s themselves and being recognized by their communities.
MS. ALISA LOMBARD: Thank you.

Now on the intersect between non-compliance or on the issue of non-compliance with the CHRT’s rulings, bearing in mind the protections and state obligations in the Canadian Charter of Rights and Freedoms, and in particular, Article 7 which provides for the right to life, liberty, and security of the person; Article 12 which is right to no cruel and unusual treatment or punishment, and Article 15 with respect to equal access to and benefit of the law; non-discrimination, essentially, equality, with a view to the precept of the honour of the Crown, and most importantly understanding the non-neutral and devastating consequences of Canada’s non-compliance with CHRT’s rulings, and the work of Dr. Bryce which provides the state with ample foreseeability, in addition to your body of work, how do you make sense, if any sense is to be made, of the delay, the lack of diligence, and the meaningful implementation of rulings and incontrovertible law that speak to clear state obligations and Indigenous children’s rights to the substantive predomination of their best interest?

DR. CINDY BLACKSTOCK: I can’t. I don’t -- I don’t accept that it takes time, or any of these other things. That’s not the response that First Nations children want to hear, and it’s not the response that they
I would like to see full compliance immediately. Not only with that but to end discrimination that is applying in other areas, dimensions in children’s lives, in education, early childhood, these other programs.

I can’t speak for the government as to why they chose not to comply or why they’re not moving with dispatch to be able to remedy the full scale of the discrimination. That’s a question for Canada because I have no answer.

MS. ALISA LOMBARD: No. I struggle with how to reconcile clear statements of the state’s obligations, the human rights of Indigenous children and families as also clearly stated, and the state’s blatant failure to heed the rulings of their own institutions. And so in that regard, if Indigenous peoples are left to rely on the state’s political will, and the state delays and fails to heed the diligence required of it in the face of non-compliance orders from its own institutions, what can be done? Where are the teeth; what tools do we turn to?

DR. CINDY BLACKSTOCK: Well, I think we need to -- you know, that’s why we tried to nest our case within a public social movement so that you get that
building of political will, because the politicians have to respond to the Canadian public. If the Canadian public demands better, then the discrimination will end because it will no longer be tolerated, and no party that supports it will be able to maintain its position and power.

But in my view, what I have said on the non-compliance with the Tribunal's decision, is certainly I can only speak for the Caring Society, but we were and remain willing in -- to take Canada up on a contempt charge. I know it's never been done, but neither has taking them before the Canadian Human Rights Tribunal.

I recognize that they have made some progress this last year, but progress is not really what I'm looking for; I'm looking for full compliance. Because they are legal orders, and we're talking about children in a very sensitive stage of their development.

**MS. ALISA LOMBARD:** Thank you. You mentioned this morning that you've been told that self-determination involves embracing what hurts.

**DR. CINDY BLACKSTOCK:** Yeah.

**MS. ALISA LOMBARD:** And so what could that mean with regard to creating mechanisms that may contribute to the timely and diligent implementation of rulings?

**DR. CINDY BLACKSTOCK:** I'm not sure what
you're getting at. In terms of?

MS. ALISA LOMBARD: Well, you mentioned

political movements ---

DR. CINDY BLACKSTOCK: Yeah.

MS. ALISA LOMBARD: --- and so convincing

the Canadian population, the mainstream Canadian

population that these issues of discrimination are

unacceptable and something must be done.

And so what mechanisms could we have? What
types of institutions, perhaps Indigenous-led arising from

some kind of assertion of jurisdiction over the

administration of justice, might assist in that regard?

DR. CINDY BLACKSTOCK: I think we have to

speak with one chorus across different types of movements.

That racial discrimination as public policy is -- and

fiscal policy -- is happening in Canada towards First

Nations children, and that there are solutions, and in

fact, legal orders that are intended to remedy that. That

a government is choosing to only partially or not at all

implement.

I think part of it is that there are --

various movements become fragmented and that there isn't a

cohesive message being sent to the Canadian public about

the level of the discrimination, which to me is profound.

I see Canadians rising up against the discrimination in
the Civil Rights Movement or in Apartheid Movement in South Africa, or indeed, against Trump's regressive policy towards immigration or -- and the borders, the separation of children and families. All of that is justifiably offensive, but so is the discrimination happening in our own country.

And Canadians need to understand that you are not a patriot only when you show up on Canada Day with a Maple Leaf painted on your face. That to be a true patriot you need to defend the values of which this country is premised the most. And those values include a respect and honouring of First Nations' rights, including the right to be able to raise their own kids, and for those children to be able to live the lives they wish to have.

**MS. ALISA LOMBARD:** Thank you so much. Those are my questions.

**MS. CHRISTA BIG CANOE:** Thank you. Next, we would like to invite up the Inuit Tupiriit Kanatami. Ms. Zarpa has six-and-a-half minutes.

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

**MS. ELIZABETH ZARPA:** Dr. Cindy Blackstock, it's a pleasure to have the opportunity to hear you testify again today here.

It's also a pleasure to spend my days here
on Treaty 1. I want to thank the Anishinaabe, Cree, Oji-Cree, Dakota, Dene, and also the Métis people for allowing me to be on your land all week. I acknowledge the work of Annie and your ability to keep the Qulliq lit, even though it's not your Qulliq. And I also acknowledge that you do great work in making kamiks and teaching that across the country.

Thank you for the people who facilitate the pipe ceremonies in the mornings and the people from this territory who have kept the medicines flowing over this difficult week.

And lastly, thank you to the staff of the Inquiry and also the Commissioners for your continued work.

I am legal counsel representing Inuit Tupiriit Kanatami, which is a national organization that represents 65,000 Inuit across the land claims regions known as Inuvialuit, Nunavut, Nunavik, and Nunatsiavut, and also a growing number of Inuit in southern urban centres like Winnipeg, Ottawa, Edmonton, St. John's, and other urban centres across this big country.

My name's Elizabeth Zarpa.

There are hundreds and perhaps thousands of Inuit who are forced to leave their communities in the North to access universal healthcare in urban centres.
Despite the difficulties of their life, we have heard there is little support within their own communities when it comes to access to healthcare.

In Quebec City, Tracy Denniston, who is Inuit from Nain, highlighted that pregnant women have to leave their community at least a month before their due date to give birth to their children. We heard in Montreal that Inuit women in Nunavik left their families and communities to go to Montreal to access healthcare. The costs associated with flying from the North to the South is in the thousands. The cultural contrast from a community of a thousand to a few million is very stark.

We heard in Iqaluit also Inuit Elders are sent down South to access Elder care away from home. They're taken away from their communities and put into urban centres where long-term care facilities are available because it's not available within their own territory at this time.

The common thread of these real lived stories is that the people in them had to leave their community for whatever reason, usually a lack of essential service, and the predominant reason is because access to safe universal healthcare services is not extensively available in their own community.

And my question in this experience of
listening about Jordan's Principle, the aspirations like
the ones of Jordan's Principle is very relevant for Inuit
populations in Canada where Inuit have some of the highest
rates of suicide in the country and in the world. Inuit
have some of the highest rates of sexual assault in
Canada. And the median age of Inuit in Canada is 25.

And my questions to you, in regards to
this, is can you please indicate whether Jordan's
Principle can address these infrastructure or capacity
gaps, which I've highlighted above, and if so, how, and if
not, is this a completely different human rights issue?

DR. CINDY BLACKSTOCK: To me, Jordan's
Principle is a reflection of the Charter. Had Canada
fully implemented the Charter there would have been no
need for Jordan's Principle because every child would have
been given equal access to services and had the ability to
live the life they wished to have. But it's because of
the failure of the government to adhere to the principles
of the Charter and the provision of its own services, that
Jordan's Principle arises.

We -- there is a provision for Jordan's
Principle to have group requests. So if you have a group
of children in one of your communities and they require a
service, then -- and it's in the best interests of those
children to get that service, then that could be funded
through Jordan's Principle. Also true for individual cases, where there's an individual child that requires a service in order to meet their best interests, and -- keep in mind, it doesn't need to be available to non-Indigenous kids; it has to be something that meets that child's best interests and substantive equality, then yes, that service should be provided.

So I personally feel that Jordan's Principle could provide some relief to Inuit children in Northern communities given the situations you describe. I also say that there needs to be investments in these communities over the longer run so that the -- we're not using Jordan's Principle on a case-by-case basis or by communities that contact us, but that the causes of these inequalities are meaningfully addressed with Inuit-specific program solutions and they're sustainably resourced. Because if we're able to achieve that, then hopefully the number of Jordan's Principle type cases would be reduced.

**MS. ELIZABETH ZARPA:** Thank you for that. And also, as it stands now, is the Government of Canada legally bound by Jordan's Principle and its applicability to Inuit and Inuit children?

**DR. CINDY BLACKSTOCK:** That question is kind of -- I'm not a lawyer by training, so for me, it's -
- certainly they're bound by First Nations children in the legal order. But I would find it very surprising if Canada was successful in arguing because the Canadian Human Rights Tribunal or before the courts that a service provided by First Nations and Inuit Health Branch is somehow illegal for a First Nations child, but then okay to deliver to an Inuit child without modification and alignment with the order.

**MS. ELIZABETH ZARPA:** Okay. Thank you for that. And in applying -- trying to seek to apply the Jordan's Principle in Inuit specific context, say for instance, if an organization such as ITK wants to try and apply Jordan's Principle for Inuit children travelling from Inuit Nunaat down to say Ottawa. In the way that Jordan's Principle works now do individuals have to pay for things like accommodations and flights upfront and then they seek reimbursement? Or is this something that is paid for upfront by the individual service to help the individual get to the hospital or to access health care?

**DR. CINDY BLACKSTOCK:** It is an important question. We have argued that it is not fair to put families in a position often who have no money to try and front the cost of services and then get reimbursed by Canada. So, Canada has made available mechanisms for it to direct pay for things like travel, et cetera.
MS. ELIZABETH ZARPA: Thank you, those are my -- that is my time.

MS. CHRISTA BIG CANOE: Thank you. Next, we would like to invite up the Regina Treaty Status Indian Services. Ms. Beaudin will have six and a half minutes.

--- CROSS-EXAMINATION BY MS. ERICA BEAUDIN:

MS. ERICA BEAUDIN: Thank you. Good afternoon. Meegwetch to the elders for the prayer, songs and tending of the sacred fire and the qulliq. Once again, I acknowledge Treaty 1 Territory and these lands being the homelands of the Métis people. My name is Erica Beaudin, and I hold the position of Executive Director of the Regina Treaty Status Indian Services.

Ha-me-ah (phonetic) to Dr. Blackstock for your testimony in Toronto, as well as this morning. I can’t begin to tell you the esteem that I hold for you and the inspiration you provide by your example for all of us to do a little more and try a little harder.

I have enjoyed the conversation this morning, especially the higher level discussions. I have really learned a lot. However, my questions are going to be a bit more on the ground, meant to assist those of us who work directly with families and to gather your perspective that may help us to change policies and practices.
Many First Nations kids in care are in provincial systems by virtue of living off reserve. Many of these kids live with non-Indigenous foster parents. In Saskatchewan, where I live, there is little to no obligation by the state to inform the First Nation one of their members is in the provincial system. Do you believe it should be mandatory that provincial systems be required to inform First Nations, for example, a notice of protection hearing, and for those First Nations to have the opportunity to oversee in a formal manner the case plan for the child or family to ensure that the child or children are connected back to their nation and their Indigenous identity?

DR. CINDY BLACKSTOCK: I think it is -- should be mandatory for First Nations to receive -- First Nations, Métis and Inuit communities receive notification and to be enabled to be able to not just receive the report, but also to participate meaningfully in the planning for the child and for that family. That also includes the ability to design child and family and community-specific services to meet the needs of those children and those families, and, in some cases, the extended family members, because there may be an extended family member who needs some additional support in order to care for the child or to provide additional support to
the parents.

MS. ERICA BEAUDIN: Do you believe this would be another opportunity for provincial systems, as well as our own nations, to be accountable to the child?

DR. CINDY BLACKSTOCK: Yes, and I think there needs to be accountability mechanisms put in place, just as the First Nations laws, the ones that I have seen, have in place. That it is not enough just to say that you have the right and not be accountable to the child or the family or the community at large for the exercise of that authority.

I think the difference between what I would like to see in First Nations child welfare versus the current system is, one of my friends said that authority is granted and power is asserted. And, I would like to see our child welfare systems based on a position of authority, that the authority is given. And, given that it is given, it also can be receded if it is not properly applied.

MS. ERICA BEAUDIN: Thank you. One of the issues that many of our off reserve Indigenous families have is they cannot survive on the amount of money they receive from income assistance from the province. More often than not, these families use child tax to pay for better housing for the family.
When a child or children are apprehended and go into short-term care, this assistance is cut, as well as the child tax, and this often requires the families to have to move. Their new living situation is now a barrier to the family for getting their kids back. Do you believe that when kids go into care, especially for short-term situations, the provincial and/or federal system should be responsible for the family to keep the child’s home intact?

**DR. CINDY BLACKSTOCK:** I think that is part of the least disruptive measures, and certainly there should be a duty on a state to not worsen the risk factors to kids. And, because for First Nations children there is often a direct link between their housing conditions and their predisposition to going into care, you certainly don’t want to see provinces or territories or the federal government doing things like reducing the shelter allowance under social assistance or clawing back the child tax benefit. Over the longer run, that might be a different type of decision. But, for short-term stays, it should be a non-starter. You don’t want to disable the family even more through the intervention.

**MS. ERICA BEAUDIN:** Thank you. This question is a bit different, however it is a situation many human service delivery agencies, including mine, have
encountered. When a woman becomes incarcerated while pregnant and then delivers her child while she is serving time, the mother and child are separated within hours of birth. Do you believe the correctional system should take into account the well-being of both the mother and child, and provide at the very least time for initial imprinting and bonding for breastfeeding, example, colostrum after birth? So, you know, at the very least two weeks to -- or pardon me, two days to a week after the birth?

**DR. CINDY BLACKSTOCK:** Unless there is some really serious safety situation, which would be the very small, small minority of cases, then yes, I think that they absolutely should make available mechanisms to support persons who are incarcerated to be parents. And, it is not just women. It is men who are in prison too. They don’t stop being parents when they are incarcerated.

And, I would like to see not only programs in the prison system, but actually services, an enhanced degree of services for children and families whose parent or caregiver is incarcerated. Those kids need that support, and the caregivers looking after those children need support.

**MS. ERICA BEAUDIN:** Thank you. In our agency, we are now working up to three generations of survivors of family members of MMIWG2S. Definitely there
is a huge gap for under-aged children of MMIWG2S whereby
often times there is no one held accountable for the
missing or murdered person. Should the state hold
ultimate accountability for our MMIWG2S and should there
be survivors’ benefits for the children? And, should
these survivors’ benefits include a Canadian standard of
living compensation that provides opportunity for these
children to move out of the poverty cycle and further have
services available that addresses their unique trauma?

**DR. CINDY BLACKSTOCK:** I can’t answer
specifically about what obligations the state would have
for compensation, because the circumstances of various
cases vary. What I do think the state has an undisputed
obligation to do is to fulfil UNDRIP and to fulfil the
U.N. Convention on the Rights of the Child and fulfil its
charter obligations to children, which means that you act
in their best interest, you take into account the full
idea of substantive equality, and that you acknowledge and
you help ensure the full enjoyment of the rights under the

**MS. ERICA BEAUDIN:** Thank you very much.

**MS. CHRISTA BIG CANOE:** Thank you, Ms.
Beaudin. Chief Commissioner, Commissioners, this
concludes the cross-examination component of Dr.
Blackstock’s testimony. As Commission counsel, I will
actually use my right to re-direct, although I don’t anticipate taking the full time. I would ask Mr. Registrar to set to our standard 20 minutes, and I only have one line of questioning. Before -- and, actually, you can start the time.

**MS. CHRISTA BIG CANOE:** One thing though, Chief Commissioner, I would like to do is put on the record for this hearing the Spirit Bear Plan. This originally came onto the Inquiry’s record by Naomi Metallic when we were in Québec City the first time.

However, for your ease of reference to what we have heard today and the fact that Dr. Blackstock has multiple times referred to the Spirit Bear Plan, I request that it be made an exhibit to this testimony.

**CHIEF COMMISSIONER MARION BULLER:** Certainly. Exhibit 28 will be the Spirit Bear Plan.

--- **Exhibit 28:**

Spirit Bear Plan (one page)

Witness: Dr. Cindy Blackstock

Counsel: Christa Big Canoe, Commission Counsel

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

--- **RE-EXAMINATION BY MS. CHRISTA BIG CANOE:**

**MS. CHRISTA BIG CANOE:** Dr. Blackstock, I just have a couple of questions. So, essentially, at this
point, when I do re-direct, it is based on the questions
my friends and colleagues have asked you just to provide
some clarity or follow-up. A number of my friends
actually raised some really great questions, so it is
actually a theme I want to explore with you. You know,
first, with Ms. Dunn, Ms. Symes, Ms. Lomax and even as
recently as the last couple, there has been this focus on
raising political or public will.

And so, I would like to explore that just a
little with you, and I want to contextualize it in your
experience of the First Nation Caring Society case. So, I
understand that during the case, you actually testified as
a witness as well?

DR. CINDY BLACKSTOCK: Yes, several times.

MS. CHRISTA BIG CANOE: Several times.

Were there also government witnesses that testified at the
proceedings?

DR. CINDY BLACKSTOCK: Yes.

MS. CHRISTA BIG CANOE: Okay. And so, in
your experience, and to the best of your recollection, did
you find evidence was forthcoming or did you find that the
parties had to spend a lot of time getting all of the
witnesses to build the good record?

DR. CINDY BLACKSTOCK: Well, the government
was not forthcoming with the information, because we
actually had a disclosure issue with them, where the hearing started and we found through access to information that they had failed to disclose 90,000 records that were critical to the case, and many of those were highly prejudicial and were actually very essential to the tribunal’s eventual finding of discrimination on both counts, on Jordan’s Principle and child and family.

Having that full disclosure was also essential for us to be able to appraise the testimony of the government witnesses and to also bring to their attention key documents that would further illuminate the truth. And, I felt that that was an essential part of the process, is that full disclosure. Not redacted documents, not partial disclosure, but complete disclosure. And, the only documents that we were okay with them being redacted is if they referenced an individual child, that child’s name, and of course that personal privacy should be respected. But, otherwise, I think everything should be on the table.

**MS. CHRISTA BIG CANOE:** Thank you. And, the reason I ask that is to contextualize that it was a long -- like we have all heard, 2007 until just most recently, February 2018, we are talking about a long litigation process. And, I think we talked about the width of this binder about being six inches, but that that
proceeding had about 17 of these binders?

**DR. CINDY BLACKSTOCK:** Yes, about 17 of the binders. That is just what we entered into evidence, that is not just the disclosure.

**MS. CHRISTA BIG CANOE:** Right. And so -- and the disclosure was much larger than that?

**DR. CINDY BLACKSTOCK:** Oh, yes. It was probably in total 120,000 documents. Not 120,000 pages; 120,000 documents, of which I think I personally read about 80,000. I did not make it the other 40,000.

**MS. CHRISTA BIG CANOE:** Wow. And, the context for those two though, and I take this back to this conversation we are having about -- I know Ms. Symes put to you, you know, Ellen Gabriel said litigation is the only way, and you have told us that, you know, you try to act -- you are clear that you cannot just rely on good will, that you have to go through this process to ensure that you can actually raise up the public will or the political will, and that litigation is not necessarily the only option.

And so, we have talked a number of times now and heard you say, if we can get the public engaged and understand these issues, then we could push political will. So, from the perspective of the Commission of Inquiry, how do we as a Commission, engage the public to
the extent that they can understand the parameter of this issue? Because I look around this room and I see engaged parties with standing that represent organizations that are at the heart of this issue, and I see families who, with lived experience, do not need to hear what you have to say ---

**DR. CINDY BLACKSTOCK:** Yes.

**MS. CHRISTA BIG CANOE:** --- with no disrespect.

**DR. CINDY BLACKSTOCK:** Oh, no. Well, a lot of what I have said have been said a hundred years ago; right?

**MS. CHRISTA BIG CANOE:** Yes. But, what can you assist the Commissioners with, and the Commission in general, in how we can actually engage the rest of the public, so that we can lift the public will or that political will, so that when they make recommendations, people will not only hear them, but they will act on them?

**DR. CINDY BLACKSTOCK:** I think one of the key things you need to understand is how to frame the message. And, certainly, that is something I struggled with. I thought it was pretty self-evident that, you know, these little kids were getting less and that is wrong; right? That to me was, like, an obvious issue.

But, what I was not that successful at is
actually framing the issue in a way that the general public could understand it, because people assume that everybody was being treated equally. Not only were First Nations people treated equally, but they were getting more benefits because they are First Nations kids. So, this message about not being treated equally was coming up against that stereotype.

And, what I found very, very helpful is looking at the work of George Lakoff, who is a linguist in how to frame things, and also the FrameWorks Institute in the United States, is how do you frame something so that people can get it; right? And, the basic premise is to nest it into deeply held values.

So, for example, our message at the Caring Society is so that every First Nation child can grow up safely in their families, get a good education, be healthy and proud of who they are. No matter if you are from another country or from another culture, everyone understands that. And, it also is very hard to be on the other side of that question, are you going to argue to me that First Nations kids should not get an equal chance to grow up with their families, should not have a good education, should not be healthy or proud of who they are? Very few people would do that. So, it is knowing how to use that framing is really important and I really commend
to you those works of Lakoff and the FrameWorks Institute.

The second thing I think is really important is give the public something they can do. You know, often we go out and we talk about things, but we do not give the general public something they can actually do. And, here is the two provisos, number one, it needs to be free. I am absolutely against an NGO or a type of public inquiry approach that limits people’s public participation to their wallet; right?

Like, we have to understand that every person has the ability and agency to make a positive change in their community. So, that is why we, at the Caring Society, have seven free ways that anybody of any age can do to make a difference. The other piece is time limited, so all these things take under two minutes to do, because we acknowledge that people with busy lives may not have more than that to give. But, if all they do is those seven things in under two minutes, that is something more than many Canadians had an opportunity to do in the past.

So, I would direct some of your recommendations to the general public, using that framing and using that idea that all persons, regardless of income, regardless of age, should be able to a part of achieving a vision that really is not just going to uplift murdered and missing Indigenous women, or their families...
or their communities, but is indeed essential for all of us to live in a just society that we want any child to grow up in.

**MS. CHRISTA BIG CANOE:** Thank you. Those are my questions. This concludes the examination. However, the Commissioners, Dr. Blackstock, will likely have some questions for you as well.

--- **QUESTIONS BY COMMISSIONER BRIAN EYOLFSON:**

**COMMISSIONER BRIAN EYOLFSON:** Thank you. First of all, Dr. Blackstock, thank you very much for coming and sharing your evidence with us both in Toronto in June and here today. I had some questions for you related to the non-compliance with the Canadian Human Rights Tribunal decision, and as well political will, but a lot of those questions have been already asked by parties with standing and Commission counsel as well, so I think I just have a few follow-up questions related to that.

First of all, just to be clear, the government did not appeal or seek review of the Canadian Human Rights Tribunal decision, did it?

**DR. CINDY BLACKSTOCK:** No, it did not -- it did file an appeal on one of the Jordan’s Principle orders, but then retracted that before it ever went to hearing. What it did is, it did not seek judicial review,
which actually, frankly, I would have preferred if their idea was that they were not going to comply. Instead, what they did is they chose not to comply and relied on the fact that there is no enforcement mechanism imbedded right in the Canadian Human Rights Act to force it to comply. That was the strategy out of the gate.

**COMMISSIONER BRIAN EYOLFSON:** Right. Okay. Thank you for clarifying that.

**DR. CINDY BLACKSTOCK:** Quite frankly, I do not know of another Canadian Human Rights case where non-compliance by the respondent has been a problem. So, that is probably why it was not in the Act, but clearly if there is revisions of the Act, that is something to be considered, that it should be in there.

**COMMISSIONER BRIAN EYOLFSON:** Thank you. And, I believe you also referred to the recommendations in the TRC report that deal with child welfare, the first five recommendations. I am wondering if you are able to comment on the status of the implementation of those recommendations ---

**DR. CINDY BLACKSTOCK:** Right.

**COMMISSIONER BRIAN EYOLFSON:** --- at this point.

**DR. CINDY BLACKSTOCK:** I think it was really important to acknowledge that of all the
recommendations that survivors could have put forward as the top recommendation, because clearly there are many, they chose the child welfare as the top recommendation. And, the way that I make sense of that is that reconciliation at the end of the day is not saying sorry twice. They did not want to see this happening to their grandchildren, and I heard that from testimony after testimony, not only of residential school survivors, but also of Sixties Scoop survivors. And, I think that is why it is the top recommendation.

So, the TRC recommends equity, and I think that, thanks to the tribunal, and partial credit to the government because they are beginning to comply under Minister Philpott, we are starting to see that happen although the drivers of the discrimination, poor housing, et cetera, that is yet to be properly remedied. There has been some progress on that. There has been some opening, federally, to legislation and child welfare. We will have to see if that gets done in time for the next election, because I am worried about the time frame for that and the ability to have fulsome consultations on that. That would answer in part the recommendation around national standards.

And, I would also say that, you know, on national standards, certainly things like safety and well-
being of the child should be non-negotiable, but I think we have to be cautious around developing national standards that may tread on the unique context and cultural context of various communities too. So, there is that delicate balance there between what things we can make universal and what things really need to be left to the respect of those distinct cultures and communities.

On Jordan’s Principle, they are getting closer to compliance, but we still have some outstanding concerns, and that, of course, is their number 3 call to action.

COMMISSIONER BRIAN EYOLFSON: Right. Okay. I also wanted to ask you about -- you talked about the Joint National Policy Review that concluded in June of 2000?

DR. CINDY BLACKSTOCK: Yes.

COMMISSIONER BRIAN EYOLFSON: And, the first recommendation being that Canada expand its jurisdictional model beyond the delegated model. And, you had testified, I think, that it has been 18 years and they haven’t moved on that. And, are you aware of any reason that the government has given for not moving on that recommendation or have any insight as to why it doesn’t?

DR. CINDY BLACKSTOCK: We have been raising that -- we are part of what is called the Child Welfare
Consultation Working Group, which arises from the Tribunal’s recent ruling where they said it is not enough to engage with people. Like, what does engagement mean; right? That was always my question. I never knew what “engagement” meant. I did know what consultation meant, at least under the UNDRIP context and within the rulings of the Supreme Court. I was much more comfortable using a word I actually mean, that I know.

And so, the Tribunal ordered them to consult with us through the parties of the proceeding. And, in that particular piece, we have been asking questions. Why aren’t you acting on that 18-year-old recommendation? What else do you need to know in order to implement that recommendation that you don’t currently know?

All they will say is that they will do it and they will consider it at the next round of the review of the terms and conditions. I am still unsatisfied with that answer. I don’t understand why they haven’t acted on it or what information they need in order to act on it. And, it concerns me when they use that and they don’t -- they aren’t clear about why they are not doing something, or at least not able to communicate that in a convincing way.

Because what I have said to them is, if you
tell us what you need to know that you don’t already know, we might well be able to answer those questions for you and remediate those concerns. But, that information has not been forthcoming from the government and that has been disappointing to me, especially given that I see some very, very promising pieces of legislation already on the books for First Nations. They are just ready to make a difference for kids.

COMMISSIONER BRIAN EYOLFSON: Thank you.

And, just one last question, a number of times in your evidence, you referred to Touchstones of Hope ---

DR. CINDY BLACKSTOCK: Yes.

COMMISSIONER BRIAN EYOLFSON: --- but I don’t think you have clarified what that -- what those are. Could you just clarify that?

DR. CINDY BLACKSTOCK: Sure. This was a process that was actually convened by a number of us back in the early 2000s who felt that there needed to be a series of principles and a process to re-base child welfare on for Indigenous children. So, we gathered together a group of Native Americans, Alaskan Natives, Native Hawaiians, First Nations, Métis and Inuit from Canada, as well as some of our non-Indigenous allies, and we came up with five principles upon which child welfare should be based. Now, this is from the collective of 250
people, so this was a conference. It wasn’t meant to educate anyone. It was actually to draw the wisdom out that was already in the room.

So, there is self-determination. And then there is culture and language. And, there, we are not just talking about respect for Indigenous cultures and languages. We are talking there about a recognition that the current child welfare system already has a culture and a language, and that that is often a Western culture and a language that is often sometimes at odds with the experiences of Indigenous peoples.

Structural interventions. I have talked a lot about that today. Getting at those factors that families can’t control on their own, but still place children at risk. Poverty, poor housing, those kinds of things. The discriminatory service regime.

Holistic response. Again, I have spoken about that several times today that it is not enough to develop a child welfare approach, or indeed I would argue a murdered and missing Indigenous women’s approach in the absence of a more holistic approach that takes into account the societal situations that give rise to those problems. And, we also want to look at children not just as children; right? They are not going to be that way forever. Really what we are doing is, as the elders would
say, is we are raising ancestors; right? And so, we need
to take that longer term view of how do we set in play a
healthy life for that child and their descendants
throughout their lifetime?

So, that is four. Non-discrimination. So,
that speaks directly to Jordan’s Principle. And, I am
missing one of them. Let me see here. Self-
determination, holistic response, structural
interventions, non-discrimination culture and language.
No, I got them all. And so, those are the principles, and
then they are set within a four-phase process of
reconciliation.

So, the first is truth-telling, and that
speaks to what counsel was just raising about full
disclosure. If you are really interested in the best
interest of children, you have got to be willing to be
proven wrong. It is not about being right. It is about
doing right. And, you can only do right when all of us
put all of our cards on the table, and that means all of
our mistakes on the table too. And, that we are prepared
to own those and we are prepared to learn from them. So,
truth-telling is an essential precondition to being able
to engage in reconciliation.

Then, the second place is acknowledging,
which is kind of related to what I talked about truth-
telling. You tell the truth, but acknowledgment is owning
the truth and owning your duty to learn from the truth;
right? Which is what, I would argue, governments have
skipped over, is, to some degree, they have acknowledged
the truth of residential schools, but they haven’t learned
from it. They haven’t asked themselves, what did we learn
from residential schools? What did we learn from the
Sixties Scoop? What did we learn from the CHRT? And, how
has that changed our philosophy and our way of working?
And, how do we get invigilated so that we don’t lapse back
into those old unhealthy patterns? So, that is
acknowledging.

And then -- so we have truth-telling; we
have acknowledging; we have restoring. And, restoring
acknowledges that you can never make up for what has been
taken away, but surely there are some things that you
could put in place that provides some relief to those you
have harmed. And, where that is possible, you should do
that; right? For me, for example, the first question you
asked me about recognizing First Nations self-
determination and laws, that is part of restoring. That
would be a legitimate step in that direction.

The final is relating, and that is to
understand that colonialism is kind of like a bad virus
that you can -- with a lot of intent and treatment, you
can get rid of the worst kinds of symptoms of it for a short-term. But, if you are not mindful and if you are not open to having yourself critiqued on the longer term, it can resurface and flare up again. And, relating is that shared responsibility we all have to ensure that colonialism does not reoccur.

So, that -- the Touchstones of Hope process, those are the principles, that is the process. But, the intent was that those would always be given life at a community level. So, what we do is we invite community members to actually answer the question, what is a healthy, say, Gitxsan family or child in line with those principles? And, that is where those visions come in and the implementation plans of those visions. So, it really is a reclaiming of the dream centred on principles that have been well known to elders and community knowledge holders for many, many, many years as being essential to children’s well-being.

COMMISSIONER BRIAN EYOLFSON: Thank you very much for your evidence and for answering my questions. I appreciate it.

--- QUESTIONS BY CHIEF COMMISSIONER MARION BULLER:

CHIEF COMMISSIONER MARION BULLER: I want to start with the Spirit Bear Plan with just a few questions. As it is laid out now, it appears to be
directed at the federal government. What, if any,
applicability does the Spirit Bear Plan have with respect
to provinces and territories?

DR. CINDY BLACKSTOCK: I would argue that
it should be implemented by all of them as well. I mean,
clearly the Caring Society, our work is at a national
level and we will have to defer to the views of First
Nations who are in these regions. But, I see a lot of
need for the provinces and the territories to reform
themselves so they can take advantage of the many
solutions that have been put to them as well.

CHIEF COMMISSIONER MARION BULLER: Okay.
And, you just said a few moments ago that you have seen or
you know of legislation that is on the books that will
make a difference for Indigenous children. Can you give
us a hint?

DR. CINDY BLACKSTOCK: Sure. The
Anishinabek Child Well-Being Law is a great example. And,
in fact, it is not even just on the books. You can go
onto their website; you know? They're so transparent.
They've got it there and they're willing to share it with
people. So you'd be able to get a copy of the law from
there. Also, Cowichan Tribes has got a good draft of
their legislation.

So those are a couple of examples of
legislation that's already been drafted and/or completed
that you could take a look at.

CHIEF COMMISSIONER MARION BULLER: Okay.

Thank you. This is almost a rhetorical question. In
looking at the government's response to the Human Rights
Tribunal rulings, a series of rulings, and the lack of
implementation or slow implementation, does that go to
fear? Fear of economic -- a change in economic order and
a change in social order?

DR. CINDY BLACKSTOCK: I thought a lot
about why. Why if I was on the government's side would I
not do this? Because this seems to be one of the good
things about the Tribunal, and I think owes a lot of
credit too to the NMIW and also the TRC movements, is I
think Canadians want them to implement the decision;
right? There's been a lot more awareness, and people
really want them to do it. So the political cost of them
not doing it doesn't seem to be worth the trouble.

I do think it has something to do with
control. I remember when we were at the Touchstones of
Hope, there was a very progressive and thoughtful
non-Indigenous man, and he said, "The problem with control
is that you can say you're willing to give it up, but when
you get frustrated or angry it's so easy as a reflex to
take back". And that's why they need that independent
360. They don't know how to give up control. And I think when it comes to child welfare, and I extend this to the provinces and territories...

I remember one of my good friends, Deborah Foxcroft, who was the founder of Usma Child and Family Services, and of course later was former -- past president of the Nuu-chah-nulth Tribal Council, said, you know, I thank you for wanting to look after our kids. And I know that you're worried that we're going to screw up, and we probably will, but we can do it. And what I would add to that is when people -- governments are worried that we're going to screw up, is it yes, we might screw up, but we have survived our own mistakes for thousands of years. We may not survive theirs. The evidence is very good that we may not survive their mistakes. And it's time for them to learn how to give up control and to understand that it's not going to be chaos on the other side. That we demand much more of ourselves than that.

And I think about Dr. Bryce a lot too, because what some people don't know is his great grandchildren are Inuit. And I think about the duty we owe to people like Dr. Bryce to actually realize their efforts of resistance, both on the First Nations, Métis, and Inuit side, but also non-Indigenous people like him for this generation of children. Because we are, as the -
Prime Minister Harper said, sowing the seeds for generations to follow, and who knows what those seeds will be.

CHIEF COMMISSIONER MARION BULLER: Thank you. Then finally, going to the document, it's Exhibit 66, I think, the document about cost drivers. It was Tab S. I'm sorry, I'm flipping through. Oh, yeah, a variety of documents here.

I don't know if it's a proper interpretation of the document as a whole, but to say that this document stands for the proposition that any money that is going to go to child welfare, any so called new money going to child welfare and child welfare reform is going to be taking away from other places, such as housing or other types of infrastructure. Not that -- it's a matter of just re-dividing the pie, not changing the pie itself. Would that be a fair way of describing that?

DR. CINDY BLACKSTOCK: Absolutely. And in fact, one of the things we -- this is a document that was actually tendered at the Tribunal's evidence. That's why it appears in its full form. And what we found is overall Canada was transferring $98 million primarily under the infrastructure budget that funds schools, water systems, and housing for First Nations communities to try and shore up its underfunded education and child welfare programs.
And we said that's really akin to shuffling deck chairs on the Titanic, because one of the key drivers for First Nations kids going into child welfare is inadequate housing. So when you deepen the housing crisis you're actually putting more kids at risk.

And so as the Auditor General said back in 2008, and in numerous reports since then, the answer isn't just shuffling around the deck chairs on the Titanic, the answer is to properly budget for all of these programs based on the needs of the children and their communities. And that's why the Tribunal in the February 2018 order actually ordered Canada to not unnecessarily re-allocate because it wasn't helping kids, it was not in the best interests of kids to be able to do that stuff.

CHIEF COMMISSIONER MARION BULLER: Okay.

So that brings me back to the testimony that you've given, as well as to a certain extent, the Spirit Bear Plan, where you've said do a proper accounting of what needs to be spent and develop a plan with timeframes.

The Spirit Bear Plan and the full accounting is moving forward, it's looking to the future, it's not retroactive or retrospective. Is that correct?

DR. CINDY BLACKSTOCK: It could be retrospective. For example, the Tribunal's decision in and of itself has gone retroactive on a couple of these
issues, like with Jordan's Principle, et cetera, to try and restore the losses that some children would have had had Canada not discriminated.

The Spirit Bear Plan is more kind of addressing things and going forward and really about let's not repeat the same mistakes. But certainly it would be open to people, and I hope a -- and there would be a strong moral and if not legal case to say to Canada that now you know all these kids were shortchanged, what are you going to do in a spirit of reconciliation to try and restore some of those losses.

CHIEF COMMISSIONER MARION BULLER: Right. Because if I understand it correctly, the Spirit Bear Plan is more than just making it dollar for dollar.

DR. CINDY BLACKSTOCK: Exactly.

CHIEF COMMISSIONER MARION BULLER: It's a dollar plus.

DR. CINDY BLACKSTOCK: It's a substantive equality lens. It is meeting the needs of those kids, taking full account of their historical disadvantage and their distinct culture and linguistic needs. And a historical disadvantage, also contemporary disadvantage owed to the ongoing inequalities and injustices they may be experiencing.

CHIEF COMMISSIONER MARION BULLER: So
having said that, it would be a temptation for government
or governments, plural, to just simply make it dollar for
dollar. You're saying that's still -- it might not be the
Titanic, but it's still shuffling deck chairs on a ship?

DR. CINDY BLACKSTOCK: Yeah. And it's not
addressing the inequality in outcomes. And we all -- we
have good law and good examples to show that where people
are particularly not having the same opportunity to live
the lives they wish they had, they should have
accommodation. For example, in the disabled community,
right, there is an obligation on states to not just make a
flight of stairs, but you got to make sure it's accessible
to all persons to be able to actively participate in that
event.

This is the same kind of thing. When you
have piled trauma and inequality on children, you can't
all of a sudden just turn around and say we're going to
give you the same thing as other children who have not had
that same disadvantage. I can see the temptation there,
but certainly someone like myself, and I agree, I think
many others would say that that is a perpetuation of the
inequality, and that's why Justice Frankfurter says
there's no greater inequality than the equal treatment of
unequal's, is because you are just continuing to -- by
providing equal treatment, you're just continuing that
gap. It's not getting smaller.

CHIEF COMMISSIONER MARION BULLER: Those are my questions. I think what we can do at this point is -- I just would like to take a one minute or less break to just confer with my colleague here to make sure that we've covered everything off. So just -- we'll take one moment, please.

(SHORT PAUSE/COURTE PAUSE)

CHIEF COMMISSIONER MARION BULLER: Thank you. We have covered -- we have covered off what we wanted to cover off with you, Dr. Blackstock.

So I know we said goodbye to you once before but it really wasn’t goodbye in the final sense. Once again, you have changed our view of what we need to do. What you said has made a big difference, not only to our work but I think to not only the people in the room here but people who are watching online. It’s that education piece that the public knows that it isn’t the same, it isn’t better; it’s worse, and it has to change for children. Because as you said, we’re raising our ancestors right now.

So thank you very much for coming back to us. Thank you also for making a difference.

And we know you have really hard work to do, and we think that you need a second eagle feather.
Spirit Bear got the first one, I know. So both of you have the opportunity to be lifted up during those moments when you need to be lifted up, and I’m sure there are many of them, and to help you during those moments when you can soar higher than you thought you could, and I hope you have lots of those moments.

So on behalf of all of us here thank you so much for your time, for your knowledge, your wisdom, your humour, your insight, and for making a better place for all of us.

DR. CINDY BLACKSTOCK: Thank you. It’s been a privilege, really, truly.

And I’d like to honour the survivors and their families and the murdered and missing Indigenous women; they are truly the great heroes and the persons to whom we all owe a great debt, and that debt is only paid by implementing all the recommendations that will come from this Commission.

I look forward to seeing that day.

CHIEF COMMISSIONER MARION BULLER: Me too.

Thank you.

(APPLAUSE)

MS. CHRISTA BIG CANOE: And, Commissioners, as you’re gifting this eagle feather, there’s been a special request, and I ran it by Grandmother Thelma, and I
would like to invite up the parties.

There has been talk that we would like to honour Dr. Blackstock with the Warrior Woman Song, and so I want to invite any of the public or any of the parties that want to join us in singing the Warrior Woman Song to Dr. Blackstock to please, please feel free to come up to the front and to join us in a circle to do that.

(SHORT PAUSE)

(SINGING WARRIOR WOMAN SONG)

**MS. CHRISTA BIG CANOE:** Chief Commissioner and Commissioners, I’m wondering if we anticipate Susan Aglukark. We were originally anticipating her to being here at 3:00. I have asked counsel leading her evidence to see if we could start sooner.

So on that basis, I’m going to ask if we can break until 2:30.

**CHIEF COMMISSIONER MARION BULLER:** Sure. We’ll take our afternoon break, then, until 2:30.

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

--- Upon recessing at 2:10 p.m.

--- Upon resuming at 3:02 p.m./L'audience est reprise à 15h02

**MS. JENNIFER COX:** Parties with standing, my name is Jennifer Cox, and I am Commission counsel. And I'm here with Susan Aglukark. And before we get started
with Susan's evidence, we're going to have Susan share her
intentions in Inuktitut, rather than swearing an oath. So
Commissioner Robinson, and Susan, please take it away.

SUSAN AGLUKARK: (Speaking in Inuktitut)

COMMISSIONER QAJAQ ROBINSON: And for the
record, the Commissioners and I accept Ms. Aglukark's
statement of her intentions as an oath to tell the truth
and we can continue. Nakurmiik.

---EXAMINATION IN CHIEF BY MS. COX:

MS. JENNIFER COX: So Commissioners,
parties with standing, it was my intention to have
Ms. Aglukark qualified as an expert and knowledge keeper,
specifically, an expert in fine arts with a focus on song
writing based on her lived experienced in the Canadian
music industry, and her academic experience as well.

She also -- I'm seeking to also have her
qualified as a knowledge keeper based on the Inuit
cultural practices and the work she is doing with the
Arctic Rose Foundation, also, again, founded primarily on
her lived experience.

So the parties and the Commissioners were
provided with the outline of Susan's resume, which would
be Tab C of the materials, and there is also a bio or a
backgrounder, which was Tab A to the materials.

So I'm going to seek to have the resume or
the CV, which is Tab B, marked first as an exhibit, and
the bio or backgrounder, which is marked Tab A, as the
second exhibit, Chief Commissioner.

CHIEF COMMISSIONER MARION BULLER: Yes.
The CV that is found at Tab B, and just for the record,
it's one page, is Exhibit 29.

--- EXHIBIT NO. 29:

CV of Susan Aglukark, O.C. (one page)
Witness: Susan Aglukark
Counsel: Jennifer Cox, Commission

CHIEF COMMISSIONER MARION BULLER: And then
the back - bio/backgrounder that's found at Tab A, bio
backgrounder of Susan Aglukark will be Exhibit 30.

--- EXHIBIT NO. 30:

Biography & backgrounder of Susan Aglukark (two pages)
Witness: Susan Aglukark
Counsel: Jennifer Cox, Commission

MS. JENNIFER COX: So just a couple of
questions in relation to your CV, Susan, one of the things
that we can tell is that you have had numerous awards and
many experiences, particularly in the Canadian music
industry, and I'm wondering if you can talk a little bit
about some of the most significant awards and honours that you've had, particularly in relation the Canadian music industry, as it's indicated on your CV?

**MS. SUSAN AGLUKARK:** Okay. So I guess the most significant ones would be the opportunities presented to meet and to perform for some pretty incredible dignitaries who were themselves activists. Billy Graham and Nelson Mandela were high on my list of moments of realizing that the path I'm on is the right path, that there are parallel paths, and this is a good time during these performance times.

**MS. JENNIFER COX:** And of the awards that you've -- you've also had the Governor General's Lifetime Achievement Award in the Arts. I see a Governor General's Officer of the Order of Canada, Juno Awards, First National Aboriginal Achievement Award in Entertainment.

**MS. SUSAN AGLUKARK:** Yeah.

**MS. JENNIFER COX:** So Chief Commissioner, I think I've established, based on the CV, that she should be qualified in the area of fine arts with a focus on song writing.

**CHIEF COMMISSIONER MARION BULLER:**

Certainly. There are the necessary qualifications and then some to be qualified to give opinion evidence with respect to fine arts and song writing.
MS. JENNIFER COX: And with respect to the knowledge keeper category, the bio or the backgrounder speaks to Susan's journey, for lack of a better way of describing it.

And Susan, just in -- sort of in a few words, if you could explain how you feel your journey would make you an Inuit knowledge keeper?

MS. SUSAN AGLUKARK: I represent a generation of Inuit who have lived between two incredible worlds, brought up by a generation of parents whose formative years were traditional. Their first 7, 8, 9, 10 years, depending on what region of the North, anyplace in the North, Inuit Nunaat, you come from would determine when -- what your formative years would have been. My parents were 7, 8, 9, or 10 in their formative years. Very traditional.

Parented by a generation of parents who were then placed in permanent settlements. I can speak to being parented by traumatized Inuit parents, parents who came to understand that they had to fit in pretty quickly and placed us, their children, on that same path, and while doing this, figuring out what is the best traditional world for our children. The knowledge there that I can speak to is generational trauma, the effects of generational trauma.
This generation of parents were also the generation that were placed in residential schools. So many of these parents, while transitioning or non-transitioning, as I'm going to speak a bit about this afternoon, were many who were also victims of child sex abuse. So they were placed in residential schools and abused as children, physically, culturally, sexually, and then had to be placed in transitioning parenting and trying to be as good traditional parents as they could be.

So we were brought up in this environment by this generation of parents. And that's knowledge that we have to acknowledge in our healing journeys, and that's where most of my -- that experience is where most of my resource and source comes from as an artist and as a writer.

**MS. JENNIFER COX:** So Chief Commissioner, I'd like to have the further qualification of a knowledge keeper based on the Inuit cultural practices and the work she's doing for the Arctic Rose Foundation.

**CHIEF COMMISSIONER MARION BULLER:** Yes. Certainly. Ms. Aglukark can be qualified as a knowledge keeper in the areas as she's described.

**MS. JENNIFER COX:** So Susan, some of the material that we have just talked about talks a little bit about your history and song writing that extends back to
25 years, and the process that you went through to essentially relearn the culture, you know, that you became disconnected from.

I'm wondering if you can share with the Commissioners, you know, in a fairly sort of short period of time, because we don't have a lot of time, how that journey began. So let's talk a little bit about where you started and how you began sort of this knowledge keeping and this knowledge seeking role?

MS. SUSAN AGLUKARK: Okay. To answer that question, we have to go back to what was the testimony in February. I left home, home was the Kivalliq region. The Kivalliq region are the seven communities along the west coast of the Hudson’s Bay. My dad’s people are from Chesterfield, Git lax m’oon, which is people of the saltwater. My mom’s people are from inland Arviat. And so, we consider all of the Kivalliq region our home; this was my home. I lived in Arviat, Rankin, Whale Cove, Baker Lake, so -- and family in the entire region. So, this was my home; this was my life.

The testimony in February was a necessary testimony because that environment where I grew up -- as a child, I was a very happy child until this incident. And then everything -- the way I looked at everything from that incident on changed for me and that region. So, I
looked at how my life and that region stopped being home. It stopped being a safe place from that eight-year-old, nine-year-old on.

So, when I talk about that context in this testimony, it is important when we talk about the recovery work to know where that recovery has to begin. And, that was a broken culture, 25, 30 years ago, that I left. It did not provide any substantial support and it could not. It could not provide any support for me, and I understood that. Leaving was the only option that I had after I gave my testimony.

Although we won the case, the things that had changed in that community, in that region were greater than my ability to overcome them, to feel like I could continue to belong. I no longer belonged in that community or in that region because everything had changed. The whole process left me unsettled.

And, before I got involved in the case, as I said, my life was pretty awesome. I loved being home. I left because there was no emotional support. There was no place to go for an overall sense of safety or -- and this is going to be, again, part of the bigger testimony. There was no place to go to understand that I had lost the sense of self. I did not know that that is what we can call it when you have been abused, or that even if we had
known that this happened, that we have a right to recover
it. We are that deeply institutionalized that we feel
like we need permission for every part of our recovery
journey, and that is where I was at when I left roughly 27
years ago and moved to Ottawa.

There was no support in the community.
There was no support at home. There was no support at the
church. I was placed in a state of vulnerability, and I
chose that. I chose to participate in that court -- in
those court proceedings. I left to shift the state of
vulnerability into something else, whatever that something
else was. But, the state of vulnerability became and
still is a constant companion, and is for a lot of us
victims. We feel always vulnerable, so we create a life
around protecting ourselves from that vulnerability, and
this is a normal state in many of our communities.

Although I was brought up in a home
environment of love, self respect and a great
understanding of responsibility, there was always an
undercurrent of deference. In this context, I use the
word “deference”. Respect and esteem due to a superior or
an elder affected or ingratiating regard for another’s
wishes. So, in deference to.

So, our household is a very religious
household, both of our parents are strong Christians.
And, I know this was their safe place to go during their transition period from traditional to the permanent settlements. And, they did create a safe environment for us siblings to grow up in for the most part. But, the undertone was always deference. There are people who know better, who know more, and we wait for permission from them.

So, in addition to, as a victim and being victimized as a child, and then re-victimized during the court proceedings, there is always this feeling that I did not have permission, I did not have a right, and there was the undertone of somebody else knows better, I will wait for them to sort it out. Never allowing myself this path of healing, and, again, not knowing that I had a right to it, deep in my spirit, not knowing I had a right to heal.

So, coming out of a traumatic experience, which was the court proceedings, the personal environments that we would or could return to after court proceedings, even if we do win those proceedings, the places that we go back to were and sometimes are, at best, environments of emotional unrest. They are unrest. Those homes have just been placed in a state of turmoil and cannot recover back to normal, whatever normal was.

So, at best, they are states -- environments of emotional unrest. At worst, and most
often the case is, it is ground zero for returning to all kinds — every kind of abuse. So, court proceedings are one thing. If we are not going to invest in creating those safe places, we just go back to the same environment and nothing changes.

I left Rankin in 1990 to leave. As I said, would I have stayed in Rankin had there been any type of support? Yes, I would have stayed in Rankin. I would have stayed at home. I would have created a life in my community and among my family and Inuit people. I left to leave.

Some of the challenges in those environments, after you participate in a court proceeding, particularly these kinds of court proceedings where all communities in the north are isolated environments — after I gave my statement during the court proceedings, the early 1990s in Rankin, one of the shifts in the air in that community was that the people who were close to me did not know how to support me. And so, what added to that tension that was already there caused by these court proceedings was guilt and shame, because they did not know how to support me. So, our communities are compounded and built up guilt and shame and fear and waiting.

And so, my participating in those court proceedings made me an outcast. Not intentionally, but
made me an outcast. I had done something that, in our
community, fell under a cloud of, it is wrong, it is wrong
because by association with the police and with the
nurses, whoever is involved in the case, it must have been
a crime, and we must have been part of that crime that was
done.

And so, there is a lot of work to be done
in our communities in the area of understanding what is
one side and what is the other side and what is our role
in terms of creating better supports and education when we
are on this side of trying to make our communities better
by standing up against our abusers.

So, this was largely the reason why I had
to leave. There was no way that life would ever feel
normal again in that environment, for me or for the people
around me. It was hard to just visit to visit. The only
way -- and I get it. The only way that we could feel
comfortable in each other’s company is if we drink, if we
party, if we can all together shut down the feelings that
we are all fighting. And so, we create environments that
snowball into other environments of abuse. And, I did not
want to -- I had to leave to get away from that
temptation.

So, the early years of this life, long
before I became a singer/songwriter, long before I was on
this path, were a series of decisions that at the time I made them felt wrong and selfish, but were the best ones I could make for myself. I always come back to had there been any one of those groups who could support me, would I have stayed? Absolutely. I would have stayed home. I did not have a choice.

So, the case against my abuser, although we won it, at the time, I felt like I lost. I left. I moved away. I had to start over. He served his time, six months, went back home, back to his normal life. So, we fast forward to why my participation in February’s event.

So, 25 years later, it carried on, and it had to be put back on the radar. We don’t know that it was stopped, but it had to be put back on somebody’s radar. And, I thank you for the opportunity. Thank you for that time in February.

So, I moved to Ottawa. I moved there as a translator with the federal government, moved onto a job with the ITC, now the ITK, night schooling to get my pilot’s licence, but my decision at the time that I moved was to leave, never to return. I didn’t know if I return what I would go back to, and I couldn’t go back to the uncertainty and that vulnerability. So, I left to leave.

I didn’t leave with a goal to get better. I didn’t leave with a vision or this conscious deep vision
that I am going to change my life. Again, because part of
the environment we grow up in when we are parented by
transitioning parents is we are in a state of what I call
“suspended anticipation.” Somebody made promises to us,
and we are waiting to be released from those promises.
And, until we are released from them, we can’t move
forward. We need permission all the time to move forward.

I love my life when I moved to Ottawa. It
feels good. I had guilt that I was feeling good about my
life. I wanted to do better things and get better at
things, but I always had to call home. “This is
happening, what do you think of this? Is this good? Is
this bad? I feel guilty. Should we pray about it?” Just
do it. But, I needed someone to release me from that
burden of, I love my life and there is something wrong
with this picture. So, essentially, generationally
institutionalized.

So, that is what I brought with me when I
moved to Ottawa. I hadn’t started singing yet. I hadn’t
started song writing yet. I hadn’t done my CBC Radio
project. We hadn’t done the Searching video. I hadn’t
done any of that yet.

There were a couple of moments in Ottawa
that first year that I lived there that were really,
really scary. And, they were simple things. And, there
are two things that I am going to mention, because they
are -- they paint the picture of who we are as small town
Indigenous or small reserve Indigenous trying to make a
life for ourselves, and then being too afraid of the new
things in our life.

The first challenge for me was the city
buses, which is like, oh, they are just city buses. They
are just bus drivers. But, they are qallunaat bus drivers
and they are all qallunaat on that bus, and I am just a
little Arviatmiut. Maybe they are going to figure it out
that I am this little Arviatmiut Eskimo who is trying to
get from Point A to Point B, and maybe they have a right
to say, “No, you can’t get on this bus.”

I harboured that kind of fear and lived
with that kind of fear. And, fear is not the right word.
The word in this context is il-er-a (phonetic). In our
dialect, il-er-a (phonetic) is the root word for il-er-a-
suk (phonetic), il-er-a-sula-punga (phonetic), il-er-a-
sula-tunga (phonetic). I was in a constant state of
emotional fear. They had power over me. I needed their
permission to get on the bus to get to my job.

Every morning -- so some mornings, it was
too much and I would walk the 5 miles rather than confront
this bus -- thinking I had to confront the poor guy. He
had no idea, but I did. I had the fear in here. So, that
was the first thing I had to tell myself, “Don’t be silly. It’s okay. You just -- this is just a bus getting you from Point A to Point B.”

And, the other time was -- we have more access to better food now in the North than we did 25, 30 years ago when I first moved away. We had what was then the Hudson’s Bay Company and the Arctic co-ops, and whatever they could provide us for food. And, when I first moved to Ottawa, the grocery stores were pretty awesome. But, it was as simple as wanting to go and get a box of Red Rose tea. Walking up to the wall of tea options and panicking, because I just want Red Rose tea. I don’t need to look at all these types of tea and all the things that they can do. They can help you sleep; they can do this. And, like, “I just want Red Rose tea. I can’t do this,” and walked out. Simple things.

I needed someone to release me from the fear that I didn’t belong, and that I always needed someone to say, “It’s okay. Just pick one. Nobody’s going to scold you. Nobody’s going to take it away.” So, I brought that with me when I first moved to Ottawa, this really incredibly overwhelming sense of “I didn’t belong in this place, in this environment”. As much as I loved what was changing in me, I was sensing and feeling enough of this little bit of independence, but the il-er-a-suniq
(phonetic) was stronger than that independence. The fear and waiting for someone to tell me, “You can do this. You belong here,” was stronger than wanting it at that time. So, this is the first rough year of living in Ottawa.

Shortly after that, I -- we did the Searching video. This was supposed to be a documentary which turned into a music video. I wasn’t a singer/songwriter. I was not yet an artist. My heart had not engaged yet the possibility that I could be an artist, that art could be a career. I was working my day job with ITC, now ITK, and night schooling to get my pilot’s licence. This life was the furthest thing from my mind.

And then I was given, in a conversation with my first boss, an opportunity to use one of my poems that I had written in high school called (phonetic), I Have Been Searching, and turned it into a documentary about living between two worlds to get our grade 12 diploma. This turned into a music video, and I don’t know to this day how we went from a 6-minute documentary to a 7-minute music video on Much Music, but it happened.

This -- while producing this, I was invited to participate in a recording of an LP. So, for those who don’t know what an “LP” is, the big vinyl records, although mine was not on vinyl. They still called it LP at the time when they were doing the recording even though
it had switched over to CD. And, CBC Northern Services
contacted me and asked if I could submit a demo.

And, aside from being a preacher’s kid,
there is no musical experience in our family, no choirs.
We don’t read or write music. No art in our lives. And
so, this invitation comes along. And, when I met with the
gentleman who invited me to participate in this project,
my mind engaged because it was an opportunity to begin to
write about the things that I had brought with me from
home when I left the court case, after the court case.
All of this stuff was still here. It had not yet been
resolved.

And so, when I began the engaging of the
writing, the song writing, it was to let it go, to find a
place to release it. And, we recorded our first series of
songs that were on that project, the CBC Radio project.
The producer, Randall Prescott, produced it, and then
Randall and I carried on with other song writing for what
is now the Arctic Rose album.

And, I remember the initial conversations
with Randall being, “I don’t know how to write songs. I’m
not a singer/song writer. I know only what I have left
behind, and I need to write about those. That’s what I
will write about.” And, all my life, I have had pretty
incredible people who are very supportive of my processes.
They understood, for the most part, that I am -- I have no experience as an artist, and I can’t write what everybody else writes. You have to let me write what I am feeling and the demons I am fighting.

And so, a lot of Arctic Rose turned into the very personal songs. Even then, it was not a career for me. Even then, it was, I know I’m not a great singer. I’m not even a great song writer. I just got to get this stuff on this album and take it off my bucket list. I’ve done it and move on with whatever the rest of my life was going to be. What started to happen though, with the writing of that album, was a slow awakening in the pit of my belly. I began to feel a goodness I did not know that I could feel. And, I do not know how else to describe it. The more I put into writing the things that I was feeling, the better I was beginning to feel.

Then -- I mean, the extent of my English at that time was what I grew up with in small town Nunavut, so my English was not that great at the time. So, I could not describe it then what I was feeling, but it felt good. Whatever was happening, it felt good. As it turns out, what was happening was I was healing.

So, it became -- shortly after the Arctic Rose process, my life became about always pursuing that feeling. It was never pursuit of celebrity, it was never
pursuit of this incredible life I ended up living these last 25 years, but pursuing this feeling, getting better and the better I got wanting to get better.

So, the trauma that I brought with me from home, the opportunities that were given to me shortly after moving to Ottawa set me on what has become a journey that, as I have learned, as I have healed enough, as I have gotten better, I have given myself space to healthy exploration and love.

So, when I started the full engagement of the career -- and this did not happen until 1998. So, five years into this career, This Child had come out, the album -- and my son, but the album. And, I had gotten the awards. But, 1998 was the big turning point year for me where I had to ask myself, so what is the big hiccup fear? There is always going to be fears in our lives. What is the big fear that up to that point was keeping me from truly engaging in this incredible opportunity, which was life as an artist, life as a singer/songwriter.

And, I go back to being parented by transitioning parents. I was afraid to be a whole and successful Indigenous person, Inuk, because it comes with a lot of responsibility and I did not have the tools to manage that responsibility. I did not know how to be a celebrity, I did not know how to be a role model, I did
not know how to be an artist, I did not know how to run a business, I did not know anything about this industry, and yet here was an opportunity to fully engage in it. It was not just a matter of the record company is involved now. As an Indigenous artist, it is hardly ever about just having a career of a celebrity, it is -- we have this incredible history that we have to work with and represent. So, the scary part was you have to make that part of your life, and always the hurt and what I left Nunavut and home with will always be in this work that I do.

So, it became -- the decision to engage in 1998, and I chose to -- I chose to full on take this career. Take it on. I am going to figure this out, I am going to figure out what I am afraid of and fight it, whatever it is. Whatever these demons are, I am going to fight them because I had fallen in love with the journey of healing through this art, through this music, through this career, and that became more important to me than the pursuit of celebrity.

So, that has become the source of documenting my recovery process, my healing process. A little bit at a time, a layer at a time, layers peel off as I understand them. The triggers, the habits we develop as victims, all of these things become part of, okay, that
is what that means, that is what that means, so let’s
write this song, let’s write that song, let’s put it in
this art, let’s put it in that art. So, it has become a
source and resource for me to work with, to keep my career
going, but also to keep healing and to get past the layers
of our traumatic pasts. And, we have many, many layers.

I believe that Indigenous artists have an
awesome responsibility to contribute to that. And, I use
“awesome” not in, yay, we are awesome, but awesome in that
we have something pretty incredible in the area of
connecting certain dots the way that we do as artists,
very different than academics, that make it understandable
or relatable.

And so, the decision in 1998 was scary,
because I knew that whatever work I did would always
include that trauma, the thing that had driven me away
from home, the lessons I was learning, the ways I was
going better, but it also meant that it would always be
triggers. So, there is not a single concert I do not
perform where I am not triggered. There is not a single
keynote presentation where I speak, where I do not go back
to that trauma. But, as Indigenous artists, and most of
us are victims, we have made the choice and the commitment
to keep doing this, because we have to write that stuff
and we have to share it because there is going to be
several generations that have to keep doing the work and
documenting it, otherwise it stops and it ends, and we
cannot let that happen.

So, we have an incredible resource which is
lived experience every time we create and every time we
share, and a responsibility to share that, so that you can
take from it what you need for us to do the generational
healing. So, I hope that answered your question. That is
the early part of the trauma that became the source and
the resource to bring me to knowing that I loved more the
life I had been given, the opportunity I had been given,
which was to heal, than the fear of not knowing how to
stay on that journey. I chose to figure out how to work
through the fear and stay on this path, and now that has
become the source that I use to keep doing the work that
we do.

And, it is trauma-informed. Every piece we
write, every art we produce is trauma-informed material.
There is no way around it as Indigenous artists from
generational trauma pasts, parents and everything,
grandparents even. So, our parents did incredible, but it
was an undertone of deference, go back to -- they always
brought us back to, somebody else knows better, so we will
wait for somebody else to solve that problem. Put it away
and do not deal with it because we do not know how. There
is a lot of guilt attached that it happened to our family, so let’s bury it. So, all these things happened in our communities, so it is compounded trauma that we are dealing with.

The other part that happens is in generational transitioning, our parents to this generation, our parents and grandparents began parenting us from the narrative that they were told when they were placed in permanent settlements, which was that, you needed rescuing, you needed healing, you needed fixing and we are going to fix it for you. So, this put us in what I call an emotional state of suspended anticipation. Somebody made promises and we have not yet been released from those promises. Even if they have not been met, we have not been released from them.

So, what is happening is the generations and generations that are waiting to be released have -- we have created environments of trauma informed homes, communities, that are compounded by this daunting sense of waiting. Somebody else is going to release us. We're waiting to be released from these promises. And once that's done, we can move on to something, whatever that something is, but we haven't been. Suspended anticipation. We're still waiting. So that generation of parents are who parented us, and grandparents.
And it's -- I think it's important also to understand these are not criticisms, these are facts. That is what happened. Our parents and grandparents did their best, but they did the best with what situations they were placed in. So we can't look at them from a place of well they did this, they did that, but it's sharing to inform the work we are doing, and so we better understand the work we need to do and write and draw from to create whatever we need to create for the next generation.

So parented by that, transitional parenting, and trauma informed parenting and generational trauma.

**MS. JENNIFER COX:** So Susan, one of the terms that you used with me was the broken narrative.

**MS. SUSAN AGLUKARK:** M'hm.

**MS. JENNIFER COX:** I'm wondering if we could get the picture up on the screen, because I think this illustrates -- I'd like you tell the story that you told me in relation to your -- this is your grandmother?

**MS. SUSAN AGLUKARK:** This is my great grandmother, and this woman adopted and raised my mother, and her name is Tahlilq (ph). And -- so when I talk about transitional parenting and how quickly that world changed, she comes from the group of people who were photographed
and documented by Richard Harrington, contracted by the government to document this group people whose camp inland Inuit had just come through a starvation period.

So she had almost starved to death, and she was just at the end of this period. And she adopted and raised my mother, so my mother would have almost starved to death as a child. And she's around here somewhere in this picture.

And then in her lifetime, shortly after this, is when they began taking the Inuit and placing them in permanent settlements. So when I say generational trauma, transitional parenting, or non-transitional, the paper I began writing about 15 years ago is a paper called Post Colonization Syndrome Theory, and what I talk about that is they are suffering from a form of trauma. But the trauma they are suffering from is not having had adequate time to transition from traditional to non-traditional.

They weren't given the choice. It was just a matter of here's the period of starvation you just came out of, we need to rescue you. And we're -- the only way that we can help you is if we place you in permanent settlements. So the narrative that those who documented this period and these people told the non-Inuit was that we just rescued these people.

So immediately, when you use these choice
of words, the implication there is they were poor barbaric people who didn't know what they were doing and they got themselves in a state of starvation, and so we must rescue them. And so we, the following generations, identify with the people who needed rescuing.

And so when we talk about correcting a narrative, we need to go back and correct this one. Because what Elders will tell you is yes, there were period so starvation in Inuit culture over the thousands of years; it happened occasionally. In this case, the migration of the caribou route shifted slightly enough that there was not enough meat to sustain them for the winter. And Elders will tell you it happened, and they got through it each time it happened.

This time, the timing just happened to be that the World War II ended and the government decided we need to occupy the Arctic lands, and the Inuit are already there anyway, so why don't we keep them there, we'll put them in permanent settlements, we'll save them from starvation, and we'll be the heroes.

The narrative has to be our ancestors are the heroes. If we don't change this narrative, we're always going to believe that we were silly barbaric people who needed rescuing. And we need -- if we're going to heal, heal from the right place, heal from that place.
Those are the heroes, we're not. So when I talk about generational trauma and correcting the narrative, this is where we begin.

Until she was 70 in this picture they were fine, and they happened to have a year or two where there was no caribou. But that doesn't make the thousands of years of history silly old people who were wandering out on the Arctic that needed rescuing. And we need to correct that narrative to being to really heal as Indigenous people.

So that is the woman who adopted and raised my mom. In between her generation, Tahilq's generation and my mom's, is when our life changed, and that dramatically.

So the non-transition period, what I talk about in there is if -- we had two opportunities to get the relationship right and in a healthy way as Inuit. The first one was when they were placing us in permanent settlements.

The reality is it was going to happen. Even Inuit knew that. Change happens. We have no control over that. But what should have happened was when the relationships were being formed between the traditional Inuit -- so long before our political leaders -- traditional Inuit and whoever were the non-traditional
representatives, there was an opportunity that was the first opportunity where the non-Inuit could have tapped into traditional Inuit emotional intelligence.

They were intelligent people, they were an organized society, they had everything set up and in place, and they were functioning. And all the ways that they were doing this, this side had an opportunity to recognize that we could take the best of both worlds and create a really awesome relationship here, but it didn't happen.

The second opportunity to get this right was the early years of the political movement. So while we were negotiating in Nunavut, we should also have been creating a space where we could document and access that emotional intelligence.

We should have also been anticipating that whatever land we create for the contemporary Inuk or contemporary adult, we also need to be anticipating that that change is going to change them and how is it going to change them and how do we create -- I don't know what the right term is -- stop gaps so that before it gets bad we get ahead of it. We didn't do that.

So we had two opportunities to create good relationships with the Inuit who carried emotional intelligence memories and the negotiators on the other
side of the table, whoever they were. And we didn't do it. So now we're trying to play catch up with them. So that's when I go back to suspended anticipation. We're still waiting for something to change.

So that was the opportunity we had when they were placed from traditional to the permanent settlements they're in now, and how this has added to the compounded generational trauma.

So this generational trauma created a first generation, so Tahilq's generation were a -- became disenfranchised or disempowered. Institutionalized, my parents, the next generation, were in the process of being institutionalized, and parented deferring. And I hope that makes sense.

So they did incredible, but there was always, as I said, the undertone of what they didn't know what they were afraid because they didn't know they would defer to somebody who would know. And so we grew up waiting for someone to always give us permission because we thought that that was the way and that was what we had to do.

So, my generation grew up il-er-a-suking (phonetic) which is not a good Inuktituut word. My generation grew up being in a state of emotional fear all
the time. This was my emotional foundation waiting for someone to release me from that emotional fear. “It’s okay, ma’am, you can get back on the bus.” “It’s okay, there’s like 10 brands of teas. It’s okay, you don’t have to get the right one. Try them all.” Waiting for someone to give me permission to say, “It’s okay.” That was what I came into my life with. So, that was the generational trauma that I have traced as I document this through my writing and through my song writing.

And, I want to touch a bit also on the effects of while we are living in constant compounding trauma, because we are, we haven’t, as leaders, truly dealt with all of the crises in our communities. We have not dealt with them. In the meantime, they are continuing to compound the other challenge is our growing population. Yes, we are the fastest growing and youngest population.

Each generation that we aren’t getting ahead of these challenges, we are adding compounded trauma. If we don’t get ahead of this now, each generation is going to add a new challenge to it, because we haven’t resolved the previous three in Inuit history, and maybe a bit longer depending on where in Inuit Nunangat you are from and longer in the First Nations and Métis communities. So, they are more compounded trauma depending on where you are from. If we don’t get ahead of
it now, it is going to keep growing and the population is going to keep growing.

So, we are dealing with compounded generational trauma. Population growth is creating this need to urgently deal with these situations, but we aren’t, because we aren’t getting ahead of them.

I have a problem with remote locations being a cause. I don’t believe that. I don’t believe that because even though the Arctic is remote, being remote should not prevent us from accessing equal access to programming, funding for programming, education, water, housing. Why we use remote locations as one of the reasons why we can’t get ahead of these problems, I think it is just an excuse. And, I don’t agree that being a remote population is a factor.

When we were developing those relationships with the agents, whoever they were, negotiating Nunavut and earlier treaties and land claims, they knew population was going to grow. They should have factored those numbers in. Everybody knew. Numbers should have changed while population grew. Where we are should not be a factor. So, I don’t agree with that being a remote population is a deterrent for access to healthy, equal funding of anything.

So, yes, lack of funding is a challenge. I
have spent about, what are we now? 2018. So, about 15 years on volunteers on boards. And, I started about 15, 16 years ago wanting to figure out and understand what is the best way to contribute to solve -- problem solving in our communities. As we know, our environments are very different and have different challenges, and so our approaches have to be different.

And so, about 15 or 16 years ago, I started volunteer -- joining volunteer boards to get an idea of how that works and is it the best way to contribute. And, I had to do this, because previous to that time, I had approached my governments from about the mid-1990’s on. About 1998 was the first time that I went to the Nunavut government. And, I said then, “Listen, we’re -- we need to figure out a partnership of some kind.” I didn’t know what at the time. 1998, we had then high suicide rates. “We need to figure out something to create something to help our young people.” And, I was turned down.

I went back in the early 2000’s when the numbers were growing. Turned downed again. And then about four years ago, I went back and I said, “My Arctic Rose Foundation started off as the Arctic Rose Project.” And, I started it off as a project, because I wanted to, again, understand what is the best use of our time, of our volunteer time, of our fundraising time of the things that
we are going to have to do to understand and contribute to
solutions to our communities.

So, it started off as volunteer campaigns.

So, for about three years, we did four campaigns,
quarterly campaigns in the Arctic Rose Project. At that
time, I went back to my government and said, “Here is what
I’m learning from these campaigns. Shouldn’t we work
together? Leverage my celebrity and what we know is a
challenge here, and let’s together find solutions. Let’s
do something. I don’t know what that something should
look like, but we should do something now.” And, the
answer was, “Why don’t you give it a try and send us a
report?” At that point, I had had enough and I said,
“Okay, I’m going to do it myself. I’m going to do this
myself.”

So, back in 2015 or ’14, I started the
application process for the charitable status. And, what
is -- it took about three years to get our charitable
status. And, it took a bit longer, because I needed the
mandate to be as broad as possible, because the process,
we have to apply -- to the work we are going to do has to
be an organic process. There is a plan in place, there is
a method in place, but when I say it has to be “an organic
process”, what I mean by that is -- and I will use -- I
have just -- we have just finished our January to May, our
first pilot period with a program in Nunavut, in Rankin Inlet.

And, during that time -- the purpose of this space. And, the purpose of this space, it is a safe place. Here, when you need to just sit down and have a quiet space, you can do that here. There is guided art therapy, there is a program that is running there, but they all understand that this place -- sometimes you do not want to be involved or engaged, sometimes all you need is a place to just be. And, she showed up and I knew right away that that is what she needs today. So, she just simply sat down and leaned into me and sat there for 10 minutes, and that was enough for her. And then she got up and she went to the art table, and she started her art and she sat there and did her art for the next hour.

So, when we say organic -- and what I mean by that is we have to be flexible. When we have a space that has a purpose and a goal, and we are meeting that purpose, we are meeting that goal, also we have to have that flexibility. And, we train our facilitators to know. And, we select them based on the fact that they know most likely, once or twice a week, we are going to get somebody who needs special care, does not want therapy, but needs a different kind of an approach, and that is what this space offers. So, that is what I mean by organic. And, organic
because we recognize the need when it is there and we know how to offer it. So, we have to be flexible in an organic -- in our approach.

So, the foundation does that. I just came in yesterday from setting up the room again in Rankin -- so that is going to start up again for the school year in Rankin. So, we are filling a void where they are not getting the emotional support they need at home, we are filling a void where they do not need therapy per se, but they know -- sometimes just knowing the space is there can be enough for them. The space is a controlled space, so it is not just where you put music on and you hang out. It is not a drop-in centre, it is guided therapy.

The therapy -- and I do not use the word “therapy” in that space. We do use music. And, music has been my career. Where I have healed enough is that -- every part of the art I have been introduced to in my career, all of the art I have done, that is what has healed me. The writing has healed me. Having that outlet is what has allowed me to stay on this journey these last 25 years. And so, what we do with the art is give them the opportunity to do the same, what do you need to practice today and how do we provide it for you.

So, it is not just music therapy, it is every form of art that we can make available to them, with
the goal of, this is where you put your crazy, this is
where you put your frantic, this is where you put not
knowing. And so, that space has become that safe space
for them. And, that was created from my experience these
last 25 years on this journey which, as I said, I have
been a fortunate one. I have been able to land
emotionally in one place and create, write, document --
where I got fed up with not getting results, making them
happen myself. And so now, what is exciting about having
the Arctic Rose Foundation, is also teaching that the
government does not have all the answers. They do not
have to have all the answers. At some point, we are going
to have to engage as a people and find other ways and
resources to contribute to solutions in control.

And so, it has become an exciting project
for us, the foundation work, because it is work, writing,
exploration, research, facilitating for Inuit by Inuit.
Organically as victims to help victims. While we are
identifying the culture crisis, developing programs to
address the culture crisis from our lived experience.
That is what the foundation is doing now and it started
with that searching video, that cassette tape, and then
the Arctic Rose album, and then the last 20 years. It
started -- having to leave and start over, whatever
starting over meant. And then 25 years later, finding
ways to find the best of those lessons and turning them into programs and opportunities for others to use to heal or to draw from. So, that is what the foundation does.

**MS. JENNIFER COX:** One of the things that you provided to us, Susan, was a PowerPoint that has some pictures in it. And, I am wondering if perhaps it would help if they put that up on the screen and you could talk ---

**MS. SUSAN AGLUKARK:** Yes.

**MS. JENNIFER COX:** --- a little bit about what is in the pictures so that it illustrates some of the work that you have been doing with Arctic Rose.

**MS. SUSAN AGLUKARK:** Yes. Sure. So, this is from our pilot period, January through to May. So, if they want to just go through the pictures and I can talk you through what they are. So, the first picture is -- so the campaigns that I started with were basic morale boosting campaigns. What you see hanging there are grad gowns and dresses.

So, I collect grad gowns and dresses leading up to graduation ceremonies, because what we learned during the campaign period, before we became a foundation, was that sometimes, often in fact, a high school student will drop out of high school because they have worn the same clothes for four or five days, and they
are ashamed to go back to school because of the same
clothes and because they smell bad. They might be doing
great in school, but they are ashamed of their appearance,
so they drop out because they cannot afford new clothing.
So, we collect clothing and we bring clothing up, and we
privately, secretly give them access to clean clothing.

Graduation ceremonies are a critical time
for a lot of young girls. Many cannot afford to fly south
to get a grad dress, so we collect graduation gowns and we
bring them down with everything, and they select what they
want to wear for their graduation ceremonies, or as dates.
Whatever they want to do. But, the purpose of those
campaigns is to boost morale, to let them know that
somebody has their backs, they are not alone in this
struggle in this journey.

The other picture is we had a young boy who
was coming to this program regularly and we offer -- the
first part of the program, when they come into the room
is, about 15, 20 minutes of a healthy snack and a sit-down
conversation, and that is where the work happens. The art
is not the work. The work is sitting down and having
these conversations with them. And so, for 15 or 20
minutes, they will sit down and have a snack that we give
them. But, the young boy would come and this was his only
meal for the day. If a child is hungry, they are not
going to learn, they are not going to get healthy.

So, the campaigns were all about boosting their morale, saying somebody has got your back, we hear you, we are working on it. So, these pictures just represent the project that turned into the foundation. So, the next picture -- this was our first group. So, we had, as I said, 25 girls, a couple of young guys, who accessed that room every day. So, these girls are from the middle school which is across the lake from the high school. So, in 30 below weather, 40 below weather, January, February, they were walking every day after school from across there to utilize this space. They understood the value of this space. So, every day, they were there and we were guiding them through art after the conversation. So, this is just to show you what that room looked like in that pilot period.

The next picture is, I think, a group photo of the same group. So, mostly girls, but a couple of young guys in this picture. And then I think the next few photos will show you some of the art that we showed them. We include culture in all of their art. So, that first piece is just a tear sheet project, where they utilized art materials from all around them. So, what we did with that first piece with the heart is, newspaper magazines with Inuktitut language in them can be art, can become art
material. So, we showed them how they could do this with their own magazines at home. And then other pieces that they drew. And then the next one will be -- I think it is a young girl with her project.

So, this campaign was, at the end of the pilot year, we left them with a project that they took home. And, what this week’s project was, was on their more vulnerable days when there is no one to go to, the space was being closed down, because the funding had run out, and this was in May, so they wouldn’t have access to the space for the summer.

What we left them with was they are their own personal angels, that they are their own personal space where they can draw strength from. And so, this is the project that represents the work that they did. I think the next picture is the same one. So, this is her angel. So, they created art that reflected themselves as their own angel, their own inner angel.

And then the next one is a video clip. I don’t know if we can hear it. I forgot to mention. This is a young girl who gave her testimony of how the art program had helped her. Maybe it is not...

(VIDEO PRESENTATION)

MS. SUSAN AGLUKARK: So, these are girls who gave their little testimony about what they had
learned from this process. And, this is January through
May. And, what you see in the background is just some
of the work that they created. There is more in that
space. But, they learned a lot.

If I can share a quick story, one of the
stories was two friends came into the space together one
day, and then I put one of the girls on the radar that
day, because I could sense that she was having a bad day.
And then I had my friend, who was my co-worker in this
project, keep an eye on the other friend. And, sure
enough, they both stormed out about a half hour into this
project.

So, I happened to be out in the hallway on
the phone, so I stopped the young girl and I said, “I
gotta go, I’ve got to deal with this.” So, I asked her,
the girl I had -- my co-worker had the other girl. I
asked her, “So, can you tell me what happened?” And, she
said, “I don’t like the way she was looking at me.” And, I
said, “Okay. So, how did the way she was looking at you
make you feel that you got so angry?” And, she goes,
“Well, she was looking at me like she was better than me,
like I was not good enough to be here,” that kind of a
comment.

And so, I said to her, “Well, maybe she
wasn’t looking at you that way. Maybe it was just a
reaction to something she heard that you think maybe it
just got a little crazy and you feel bad?” “Yes, I do. I
think I reacted.” So, then I asked her, “Do you think if
you had a chance, would you like to apologize?” “I would
like to.” And, she started to cry, “I would like to
apologize.” I said, “Well, why don’t we practice an
apology? I’ll help you, and then we’ll go over and see
your friend.”

So, we came up with a way for her to
apologize, and then we went over to her friend who started
crying. She was bawling as well. And, it was the same
process with her, “Maybe something just got out of hand
and you misunderstood.” And, it came down to that. “Your
friend wants to apologize. If she apologized, would you
guys -- we would love to have you back in the room. Would
you come back in the room?” So, they apologized to each
other, and then they hugged, and they came back in the
room.

So, the space is designed, when we train
the facilitators, to watch for these things. And, for her
to share “the way she looked at me made me feel
uncomfortable”, that is what I mean by culture-specific
observation. We don’t know where they come from when they
come to us. They don’t have the tools to manage this
frantic space, and we can’t let them slip through the
cracks, because they don’t get the support at home, so the space provides it.

So, that was a big telling sign for me from her to say, “She made me feel bad by looking at me.” All that tells me is, okay, at this age, if you feel that bad that immediately, then your home environment is not the greatest. Let’s talk you through a simple apology that will diffuse it right away for you, and then we’ll get you back in the room. And, that is all they needed.

It didn’t escalate. It didn’t become a bullying situation. It was just a matter of recognizing the signs and talking them through the process. And, they have been friends -- they were, in fact, waiting at the door yesterday, “Can we start the program?” “It’s not ready. It’ll be ready in November.” “Okay,” those two together.

So, that apology to each other was another bonding experience for them they otherwise wouldn’t have had. You know, so recognizing those things through the foundation was a culture-specific management and training is what we are doing through the foundation.

MS. JENNIFER COX: So, just as a point of clarification, I think it -- is it fair to say that really the founding piece of the Arctic Rose is to have the physical space? Would that be a fair comment?
MS. SUSAN AGLUKARK: The physical space is the critical one, and this space is -- what is important about the space and why they come to it is they know that is their space. They have set the rules for how that space operates and they respect their own rules. One of their first rules is, “We don’t want access to our phones and the internet. We leave our phones or we put them away, and we are just going to learn to have a comfortable, productive time together in this space.”

But, they get the purpose of the space and they utilize it the way it needs to be utilized. They get the art. They get those moments of bonding. They get those moments of conversation and they walk away with it. And, they come back every day.

MS. JENNIFER COX: So, there isn’t necessarily a one-size fits all answer as to the type of therapy, whether it is music or art, that is appropriate. And so, to use the words that you use, it was organic or it needs to be organic. So, it needs to meet the child where they are emotionally and culturally; is that a fair...

MS. SUSAN AGLUKARK: That’s right. So, what we have in that space is a resource manual. So, when we train the two young girls we have hired to run the space in Rankin Inlet, for example, we are going to train
them in two weeks when we go back, they are given a
resource manual. So, there is that source for them to
draw from for each day.

But, there is a day where they can have an
“Anything Day”, because while they are watching and
observing the participants, they might say, “Oh, it looks
like they need to do this today.” Maybe it is a music
day. Maybe it is just a messy paint day. Maybe it is
just a conversation day, but they are going to be trained
to watch for this and be able to facilitate that kind of a
day if they need to. But, the space is and has to be
organic, because they also know we don’t know what they
are coming from.

I think part of what draws them to the
space is -- it is a -- I can’t think of the word in
English. It is an organized space. So, you come in, take
your coats off, register, you sign-in, you eat your snack.
Fifteen, 20 minutes later, we go into the facilitated art.
So, it is not just art for the sake of art. “Here is what
we’re doing today.”

MS. JENNIFER COX: There is a schedule?

MS. SUSAN AGLUKARK: It is a schedule. It
is a routine for them. It is something they don’t have to
think about, but they know they are going to get something
out of it. I think that helps them stay calm for that
hour-and-a-half.

**MS. JENNIFER COX:** One of the other things you talked about with me was a Messy Book.

**MS. SUSAN AGLUKARK:** Yes.

**MS. JENNIFER COX:** And, I am wondering if you could describe for the Commissioners what that is.

**MS. SUSAN AGLUKARK:** Yes. So, what -- the afterschool program, as I said, the 15, 20 minutes when they first come to us while they are having their snack, it is a really special quiet time. Everybody loves that quiet time, because the three questions we ask them that everybody gets to share in that time is, how was your day -- how are you, how was your day and what did you learn or what did you not learn today? What would you like to have learned? And, everybody wants to share, but they are never given an opportunity to share. So, everybody takes a turn and has that 15, 20 minutes of conversation, and then it is guided art.

But, the guided art, and I brought the wrong book today -- this afternoon. I have it up in my room. What they are given at the beginning of the program is what I call the Messy Book Kit. And, what it is, is a book of blank pages, a set of pencil crayons, a pen, a pencil, an eraser and a glue stick. And, what they do in there is -- it is your one thing in your life you know
absolutely you have control over. So, when they come to
us, like I said, we don’t know what they are coming from,
we don’t know what they are going back to. Many of them
are living in a house of three bedrooms and 12, 13, 14, 15
people. They might not have had a meal that day.

So, we give them this Messy Book Kit as a
symbol of, we would love to change your personal
situation, but we can’t do that right now. We have no
control over those personal circumstances. Here is what
you have control over, your Messy Book Kit. What you put
in this book, what you write, the art you create, whatever
you want to put in here, you are in control of that. And,
they get it, they understand, and they create, and they
fill in this Messy Book Kit. Every single day, they put
something in that Messy Book Kit.

**MS. JENNIFER COX:** So, just a couple of
other questions, because we are running out of time here,
but to talk about a little about the Arctic Rose
Foundation. You did tell me a little bit about the
history of trying to seek support financially for it, and
I am wondering if you can tell the Commissioners a little
bit about that.

**MS. SUSAN AGLUKARK:** So, the couple of
times that I had gone to -- the first time was -- it was
between the Nunavut and NWT governments. They hadn’t
fully transitioned yet. So, the first time was the NWT government. The previous -- after that were approaching my government, the Nunavut government.

And, I understand the need before they make a commitment, a financial commitment, for traction. I understand that, "We need to see how this works. What is your plan? How is it going to," -- any of that, that they initially didn’t even contribute to the development of the idea of it, invest in the ownership of its development and progress, because why this works is it is organic. There is -- there has to be that flexibility.

And, I wonder sometimes if their fear was that there was no -- there was. There was a proposal in place, but a way to measure outcomes. And, because -- the real work we are doing is we know for the next couple of generations, the root of our problems is specifically child sex abuse. Most of us, lots -- many of us are victims of child sex abuse, violence. And so, the girls we get, the young people we get, are probably victims of that, and that is not a pretty picture. How do you package that and sell that? So, I don’t know. I don’t know why it is such a hard thing to fund.

Ms. Jennifer Cox: And, in this current day, it is still not funded?

Ms. Susan Aglukark: It is not. No. I got
pilot year funding, and then I got another seven months.

**MS. JENNIFER COX:** And so, how do you
support the program financially right now?

**MS. SUSAN AGLUKARK:** Well, now we are
developing a fundraising plan, so I would go into homes,
people who host home events and fundraise privately that
way. I am leveraging my celebrity. I am leveraging my
name to keep the funding going, to keep this program
running.

**MS. JENNIFER COX:** And, even though you
have had some success in the past couple of years, there
is not really any recognition still?

**MS. SUSAN AGLUKARK:** Not yet, no.

**MS. JENNIFER COX:** So, in terms of going
forward, if there was a recommendation that the
Commissioners could make in relation to specifically Inuit
children, what would it be?

**MS. SUSAN AGLUKARK:** I -- we really have to
invest in a period of -- we have to -- and I mentioned
this in February. There has to be a period of time --
because there is so much healing that needs to take place
in our communities, there has to be a period of time where
we understand -- funding has to be accessible and the
right amount of funding. How did I get seven months when
a year would have been better? I need a full school year
to really make a difference here. How did I get seven --
September to March? Who decided that that was enough to
make a change in that one community?

We have to take a look at that model and
figure out, what do we do differently to make sure that
our communities, for a period, a generation -- and I know
that is a long time. It is going to take more to really
heal. How do we make sure that the money is in place to
do the work that needs to be done? To really truly get
ahead of this healing process we need to get ahead of?
Whatever the language needs to be to ensure that the
funding is there, we got to figure that out.

I have a champion in Rankin Inlet who made
sure that I had that space again, otherwise I wouldn’t
have space to facilitate this program. And, because space
is at a premium in our Northern community, we need
facilities. We have none.

**MS. JENNIFER COX:** So, it is not just
funding, it is also -- you need infrastructure and
buildings, places ---

**MS. SUSAN AGLUKARK:** That’s right. Yes.

**MS. JENNIFER COX:** --- for healing and
activities?

**MS. SUSAN AGLUKARK:** Yes. Yes. Yes, I
think that is pretty much it for me, for my presentation.
MS. JENNIFER COX: So, Commissioners, what the parties had agreed prior to Ms. Aglukark’s testimony that there would only be four parties that would do cross-examination, and we are prepared, obviously, to go right into that. Each party has been given 10 minutes. It is my understanding all four are going to continue to -- my colleague, Ms. Big Canoe, is -- there are going to be five more parties? I can’t read your fingers.

MS. SUSAN AGLUKARK: Two more.

MS. JENNIFER COX: Two more? Two-minute break.

CHIEF COMMISSIONER MARION BULLER: Two minutes.

MS. JENNIFER COX: Yes, thank you.

--- Upon recessing at 16:27

--- Upon resuming at 4:33 p.m./L’audience est reprise à 16h33

--- PANEL III, PREVIOUSLY AFFIRMED

MS. JENNIFER COX: Excuse me, we're going to have to get started with the cross-examination so that we can move through given the limited amount of time we have with Ms. Aglukark.

And just to sort of clarify, there are four parties that will be cross-examining Ms. Aglukark. The remaining parties with standing had agreed to waive their
right to cross-examination because we had a very short period of time with Ms. Aglukark today and everybody understood that. And so they were prepared to basically give their time to those parties who have a direct interest in the issues that Ms. Aglukark is raising in her evidence.

And just a couple of housekeeping matters, Chief Commissioner. I have a couple of exhibits that I would like marked. Particularly, it's Tab C, which is the description of the Arctic Rose Foundation, and I'd like to mark that with the PowerPoint presentation that was presented during Ms. Aglukark's testimony as one exhibit, please.

CHIEF COMMISSIONER MARION BULLER: Okay. The Arctic Rose Foundation and the PowerPoint collectively are Exhibit 31.

--- EXHIBIT NO. 31:

The Arctic Rose Foundation document (three pages) and Powerpoint presentation (nine slides)

Witness: Susan Aglukark
Counsel: Jennifer Cox, Commission
Counsel

MS. JENNIFER COX: And further, I'd like the photograph that was shown of her great grandmother to
be also marked as an exhibit.

CHIEF COMMISSIONER MARION BULLER: The photograph will be Exhibit 32, please.

--- EXHIBIT NO. 32:

Photograph displayed during the public testimony of Susan Aglukark

Witness: Susan Aglukark
Counsel: Jennifer Cox, Commission Counsel

MS. JENNIFER COX: And finally, there is a document called Inuit Cultural Transition: Resetting A Transition Path, which Ms. Aglukark has authored and I'd like to have that marked as an exhibit as well.

CHIEF COMMISSIONER MARION BULLER: Yes, 33 is Inuit Cultural Transition: Resetting A Transition Path, by Ms. Aglukark.

--- EXHIBIT NO. 33:

“Inuit Cultural Transitioning: Resetting a Transition Path,” by Susan Aglukark (four pages)

Witness: Susan Aglukark
Counsel: Jennifer Cox, Commission Counsel

MS. JENNIFER COX: So we'll go right into the cross-examination. The first party which -- with
10 minutes, is Inuit Tupiriit Kanatami, or ITK as I know it, Elizabeth Zarpa.

---CROSS-EXAMINATION BY MS. ZARPA:

**MS. ELIZABETH ZARPA:** Hi. Good afternoon, Ms. Agluakark. It's a pleasure to hear your testimony today. It's nice to see another Inuk woman, which is not too common down in these southern settings. I've learned so much by just listening to your experiences and your travels from living in Nunavut or Rankin Inlet, and then moving to Ottawa.

One of the common -- and this is not meant to be sort of like -- if this is a difficult question to answer, just please let me know and we can move to the next one.

And I think one of the common themes throughout many of the hearings, which focuses on Inuit-specific issues, a common thread is the experience of Inuit sexual assault in Nunavut, and Inuvialuit. And I wanted to highlight a little bit around what the root causes of that sort of experience, may it be a residential school era, may it be like that historical knowledge of understanding where it comes from, I think is important in trying to move forward to move past that, so you don't pass on that trauma to the next generation like you mentioned.
And I just wanted to highlight to get an idea of if you have any ideas around where it originated, if you...?

**MS. SUSAN AGLUKARK:** M'hm. So as we know, when we trace the political movement of our leaders in the early years of Nunavut, late sixties and early seventies, there was literally no suicides. As we moved forward in terms of becoming politically empowered, I guess is the right word, and one of the things I talked about was we should also have been looking at what's going to change in our communities in our environments in terms of socially.

Too much change too fast from traditional to the contemporary Inuit world we now live in. Part of that was as the social relationship was changing, our interaction with ourselves and our communities, we were getting access to other things outside of Inuit Nunaat. Television, now Internet, all kinds of things. Access out and access in, and this is just one of the possible theories.

We weren't keeping up with managing what they were accessing. That was one thing. Too much too fast. And maybe, also, when our community environment was changing, changing for the good, and changing for the bad, we weren't providing resources as we should have been to keep those communities on par with change.
So if there was a challenge in something that happened in a home, before it escalated and became a generational thing, a normal thing -- incest, child abuse -- before those became more prevalent -- they weren't as prevalent in the early years -- before they became this way, we should have also been providing resources, and we weren't. So they've gotten and turned into this bigger problem, and it is a big problem, I know.

So those are just some of the possible connections to why it's become such a problem now. Having said that, also, many of those -- that generation were first and second year residential school, and then they became adults. And whatever they learned in residential school became normal behaviour. So we're compounded a couple of things that might contribute to why it's such a problem in our communities.

**MS. ELIZABETH ZARPA:** Okay. Thank you. And you mentioned that you -- when you experienced a traumatic event 27 years ago, there was a lack of services or spaces, safe spaces for you to feel as though you can somewhat process what was happening in a way where you didn't feel -- where you felt supported. And you mentioned the work of the Arctic Rose Foundation.

It's 27 years later now, and like (indiscernible) Nunavut will be your home is your home.
Are there things that have risen, services, programs, mandatory places where individuals can access services to deal with things such as sexual assault?

**MS. SUSAN AGLUKARK:** I think where access has grown is we have got more social workers, we have got mental health workers. I think where we need to do more work, and investment research and understanding is how do we provide truly effective culture-specific services. We can provide only so much within the parameters that a social worker is allowed to work, only so much within the parameters that a mental health worker is allowed to work. It is not culture-specific. We need to understand then, what is that culture currently, so we know what kind of work to develop around that.

So, there are more services, but they are bound to whatever department or level of government they work for. And, it is a much needed service, but I think we also have to invest in independent as well, who know a culture-specific approach and can do that.

**MS. ELIZABETH ZARPA:** Right. And, earlier this week, we heard of the child advocacy centre that is being built in Iqaluit.

**MS. SUSAN AGLUKARK:** Iqaluit, yes.

**MS. ELIZABETH ZARPA:** And, is it an initiative such as this one, that you think is going to
help capacity?

**MS. SUSAN AGLUKARK**: I think we need one in every community, but I would settle for every region for now. I think it will make a world of difference.

**MS. ELIZABETH ZARPA**: Okay. And, you highlighted earlier that the Arctic Rose Foundation, CRA number 800801879RR001, is unique and it sounds like you have taken your experience, traumatic experience 27 years ago, and put in place a foundation that tries to address those things that you feel that were not prevalent or present when you left to go to Ottawa.

**MS. SUSAN AGLUKARK**: Mm-hmm.

**MS. ELIZABETH ZARPA**: In terms of fiscal funding, what is needed to make sure that these types of culturally Inuit-specific safe spaces, who do you think is best suited to be responsible for funding them and core funding?

**MS. SUSAN AGLUKARK**: The Catholic church, the Anglican church, the government -- all levels of government. But, I think there needs to be a meaningful investment. It does not have to just be the Arctic Rose Foundation, the Arctic Children and Youth Foundation out of Iqaluit is doing really incredible work as well. But, there has to be a commitment from our leadership to prove -- Nunavut leadership, to prove that they are truly
invested in our communities and in our culture.

Investment in the Arctic Children and Youth Foundation and the work they are doing. And, my foundation, if they would. It is going to carry on with or without their support and partnership.

But, if we are talking about healing, and there is lots to do, lots of layers of healing that we need to do, they all need to invest in it. We cannot just say, only you and only you. Anyone who made the problem, perpetuated the problem by ignoring it, and we have leadership that has, they need to make that investment as a commitment to -- yes, we are committed to changing the problems in our communities. So, I cannot say one, but I think there has to be a meaningful contribution in that area from our people, our leaders.

**MS. ELIZABETH ZARPA:** Great. And, one last question for, say, Inuit youth who might be going through some difficult times, and they do not have those safe spaces in Inuit Nunangat, what are some words that you would like to share with them, if they are watching?

**MS. SUSAN AGLUKARK:** I would say that what we are developing -- I am not patting myself on the back -- because we are engaging youth leaders right now, we are training community workers to run this program in the community. Hang in there. It is just one organization.
We are going to grow it to every community as soon as we get the opportunity. It is just one program. There’s really great -- other great programs in Rankin Inlet. And, the goal is to have so many that they have no choice but to go somewhere else besides drugs and abuse in our communities. No, just too much. Let’s give them too much.

We are working towards that, so hang in there. They are not forgotten. They are not forgotten. We are working on solutions and independently outside of, you know -- I cannot say rules and regulations because we do follow them. Finding funding to make this happen. But, it is happening.

MS. ELIZABETH ZARPA: Thank you so much.

MS. SUSAN AGLUKARK: Okay.

MS. JENNIFER COX: The next party with 10 minutes is the Native Women’s Association of the Northwest Territories, Caroline Wawzonek.

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

MS. CAROLINE WAWZONEK: Good afternoon.

Thank you very much. And, I acknowledge the warm welcome we have had this week here in Treaty 1 and in the homeland of the Métis people. I am very privileged to be here for the Native Women’s Association of the Northwest Territories, they represent women of course across
Northwest Territories, including Inuvialuit women and girls. And, as you said, I think some of the issues that are faced in Nunavut are still very similar in our neighbouring territory.

I am mindful of my clock, so I want to ask you my big question first if you will, and that is around -- I think you had written in the materials that there is really no Inuit art programs available for youth. I assume that that is not just as an extracurricular, that is in school programs as well?

**MS. SUSAN AGLUKARK:** I do not know that I wrote that. I do not think I have made that claim. What we are offering through the foundation is a little bit different in that it is an organic process, so whatever art they want to explore, we are going to bring it to them. But, there is a lot of great art programs in general, so I do not recall ever making that claim.

**MS. CAROLINE WAWZONEK:** Okay.

**MS. SUSAN AGLUKARK:** Yes.

**MS. CAROLINE WAWZONEK:** I may have misread it, absolutely. But, from what you are saying, the youth are finding a voice and expression through art that seems to be very powerful?

**MS. SUSAN AGLUKARK:** Mm-hmm. Mm-hmm.

**MS. CAROLINE WAWZONEK:** Is there a broader
recommendation around the use of art for Indigenous youths
-- again speaking quite broadly, would there be a
recommendation in favour of having programs for art for
youths so that they can heal and learn to express
themselves in a positive way?

**MS. SUSAN AGLUKARK:** Yes. And, one of my --
-- one of the girls that comes to the program -- so the
Messy Book Kit we gave them is probably about 70 pages.
Between January and when I came back to the program in
February, she had been through the whole book. She filled
it cover to cover. She created her own art.

So, I sat down with her and I was stunned.
She was producing more art than I was, and it is my job.
So, I sat down with her and I asked her, so if you could
do this as a job, would you do it? And, she goes, yes,
what kind of job would it be? Well, you can be an art
therapist. We could guide you through school, get you
graduated, then we can get you through college, we can get
you through university, you could come back here and you
could take over the program. You could take over the
development of this, grow it for the next generation.

So, it is much bigger than just art
therapy. They are dreamers. We are waking up dreamers.
And, dreaming, as we know, we do not have these
conversations with our Indigenous children and youth.
Dreaming is not this willy-nilly, just butterfly thing that, you just -- oh, it feels good and I am going to wish for this. We have to take it seriously and nurture the dreamer. And so, that is what we have done and here is the possible next part that now this young girl is seriously looking at doing.

**MS. CAROLINE WAWZONEK:** That actually takes me to my more specific questions around the participants themselves. And, I am just wondering, do they self-select to participate or are they sort of ---

**MS. SUSAN AGLUKARK:** It is entirely volunteer. They are not required to show up every day, but they do.

**MS. CAROLINE WAWZONEK:** Can you say whether there has been any specific efforts to outreach to LGBTQ and two-spirit youths specifically?

**MS. SUSAN AGLUKARK:** I would say that there have been two so far that have come out with me, because they are comfortable enough to in that space. So, we are not advertising it, but we are certainly not turning it away.

**MS. CAROLINE WAWZONEK:** And then with respect to the program delivery, is there focus on using local artists or ---

**MS. SUSAN AGLUKARK:** Always.
MS. CAROLINE WAWZONEK: Okay.

MS. SUSAN AGLUKARK: Always. We bring them in, or if we can't find -- well we hire them, if we can't, we bring them in. They're all Inuit facilitators.

MS. CAROLINE WAWZONEK: Okay.

MS. SUSAN AGLUKARK: Yeah.

MS. CAROLINE WAWZONEK: And so the facilitators, are they trained both in art and in sort of the program delivery aspect in terms of emotional supports, or is it one or the other?

MS. SUSAN AGLUKARK: No. So what we do is there will be the emotional support worker and then the guest artists, and both in Inuktitut.

MS. CAROLINE WAWZONEK: M'hm.

MS. SUSAN AGLUKARK: Yeah.

MS. CAROLINE WAWZONEK: And then I guess one other question on that. I know you did mention that so many artists themselves are survivors. How do you go about, or what steps do you take to ensure that they're safe to be with the vulnerable youths themselves?

MS. SUSAN AGLUKARK: Well, when we -- so I'm in the fortunate, sometimes, unfortunate position of hearing everybody's story. So I have a -- kind of a database, if you will, of artists whose stories I've heard. I've seen them and witnessed them in action, so I
have this database. And so what I'll tell them is if we grow this foundation program to your community, would you consider being an art facilitator? Absolutely. So we would have to sit down and make sure that you feel safe doing this. Here's what you are, here's what you're not.

They all understand you're not a counsellor, you're not a mental health worker, you're not a trained expert. We're just here to share art as an outlet and to talk through what creating art, how it makes you feel, and focus on the positive stuff. Work through the negative.

So they're trained to do that, but they -- everybody there, including the participants, understand we're not social workers, we're not psychiatrists, we're not mental health workers. Everybody knows that when they come to that room. But yes, the artist facilitators are given opportunity and support when they need it.

**MS. CAROLINE WAWZONEK:** Okay. And just a last question. To the extent that you are engaging with those artists and seeking them out, has there been any efforts to date in terms of identifying artists with an LGBTQ and two-spirit background?

**MS. SUSAN AGLUKARK:** Yes.

**MS. CAROLINE WAWZONEK:** Okay. Thank you very much.
MS. SUSAN AGLUKARK: You're welcome.

MS. JENNIFER COX: So the third party that will be given 10 minutes is Roy Stewart with NunatuKavut Community Council Inc.

---CROSS-EXAMINATION BY MR. STEWART:

MR. ROY STEWART: Good Afternoon. Thank you for being here (inaudible) to share your story with us.

I guess first to introduce myself. My name is Roy Stewart, and I'm here representing the NunatuKavut Community Council, which is the representative organization for the Inuit in Southern and Central Labrador. So you know, a bit far from where your home territory is, but I feel like there's a lot of similarities with, you know, the history that you shared today, and so I think the few questions I have for you are going to be based on that.

So in the document that we were provided, the Arctic Rose Foundation information, it states that youth have identified areas they need help with, and two of those are cultural disconnect and access to healthy foods.

And so NunatuKavut youth face similar barriers or have similar concerns. You know, their ancestors too were forced to settle into communities, you
know, which is rather recently, and the impact from that has been, you know, great.

But you know, I agree with you that we can't blame that remoteness factor on, you know, why some NunatuKavut communities have, you know, no running water, why members have to drink soda because there's no drinkable water. I just don't think we can use that remoteness as a -- as an excuse.

But compounding that, you know, the impact of -- or compounding the remoteness is that, you know, government, private proponents continue to develop NunatuKavut territory, continue, you know, stealing the resources. And impacts from this are that the land spaces for NunatuKavut youth is shrinking, the access to healthy country foods is increasingly getting smaller or poisoned, you know, whether it's methyl mercury, and what have you.

And you know, during the racism hearing in Toronto, Dr. Barry Lavallee said that -- and I'm paraphrasing -- he explained that the killing and stealing of our lands is, you know, it's killing our bodies, it's killing our Indigenous cultures. And to seemingly, you know, counteract that, or to address that, you explain that the development of programs to help address this identity and culture crisis through art.

And I was just wondering, you know, you
explained that for art therapy you ask the youth what they need to perform or carry out the form of art they want. And so what if the youth needs access to their traditional territory? In your view, how important is that physical connection for youth to carry out whatever form of art they want and heal, or begin the healing process of this intergenerational trauma?

**MS. SUSAN AGLUKARK:** So when you say access to traditional territory, the program is -- right now the pilot community is Rankin Inlet. You mean literally access to the territory, the land, and its resources?

**MR. ROY STEWART:** Well, I mean, you know, say if a youth comes to you, and say he or she doesn't, you know, want to sing or draw, and there's some form of art where they want to be, you know, where their ancestors were, you know, whatever form of art that may be. I guess, does your programming or have you thought about that aspect of the healing process?

**MS. SUSAN AGLUKARK:** So the second part of the program is called Creative Cultural Reflections. So this is the academic part. And what they do in that program is participants are challenged to identify an ancestor, an Elder, a grandparent, or something in their past, traditional past, that they would like to explore. They could say I want to understand how they knew the
technology and science behind building a kayak. How did they know it wouldn't sink? So if they ask us these questions, they get access to a local expert who knows how to build a kayak. Same with the igloo.

These are all creative processes. It may not be art as we know it, but they are all creative processes and culturally informing processes.

So the Creative Cultural Reflections program combines that kind of a culture connection, research, writing, and then if they want they can turn it into other art. But I think that's what you're asking, is they have access to traditional knowledge still in their community.

MR. ROY STEWART: So if that's the option that they're choosing then they need that physical access?

MS. SUSAN AGLUKARK: Yeah.

MR. ROY STEWART: Right.

MS. SUSAN AGLUKARK: We'll make those partnerships happen. Yeah.

MR. ROY STEWART: So my second question is on that -- the Arctic Rose as well. In the document provided, I think you're the author of, it says, "We", you know, the Inuit:

"...have an extraordinary past, much of which has been kept from us and removed from the history books."
Now that quote resonates with a presentation that Amy Hudson gave at the -- earlier in this Inquiry. She presented on the history of the Inuit of NunatuKavut and the lived realities of the women and youth in those communities. And Ms. Hudson explained how, you know, reporting, studies, academia, until rather recently, have all been told from a non-Inuit male perspective, which has essentially erased the role of Inuit -- of NunatuKavut Inuit women, you know, in the stories and communities begin to internalize that.

And -- but instead of, you know, just reflecting on, you know, the wrong that has been done, Ms. Hudson takes a strength-based or a community knowledge approach and uses that approach, you know, to attempt to begin revitalizing the culture in the communities.

And I was just wondering, you know, this afternoon you explained how finding appropriate programs to heal must be created by Inuit for the Inuit. Now, given that, you know, the story has been told one-sided, what recommendation would you give to the Commissioners to ensure that, you know, we get reset on that path where Inuit women and Inuit youth have their stories told and, you know, whether it’s articles, history books or the education system?
MS. SUSAN AGLUKARK:  I would recommend that -- and a lot of it is documented, what I’m going to recommend. Sorry. So, in my region, we had for many, many years the Inuit Cultural Institute, which was started up by our local leader, Mark (Galuak phonetic), and he did a lot of recording and documenting of elders and Kivalliq specific history. It’s -- the institute no longer runs, but there’s all this documented research recorded -- recordings of our elders from that region.

What I recommend is that we have to believe and acknowledge that at this stage, it’s a stage of urgency in that we still have access to traditional Inuit where this is our parents’ generation. We need to include them in the correcting of that narrative, and I had a profound moment with my mother about three years ago when I was beginning to write the (Iliak page, Illigasuk), this emotional fear, and my mother wanted to understand what that was for me. Why do I Illigasuk? And, I tried to explain maybe these are the generational disconnects that contribute to this generation feeling Illigasuk all the time.

So, she asked me -- I’m the middle child of seven -- “Do you Illigasuk?” I said, “Mom, every day. Every day, even now, I still harbour this little bit of fear that I’ve done something wrong and somebody is going
to go and correct me.” I asked her, “Don’t you?”

“Never.”

Seventy-years-old and we had this conversation. She had never, ever once said, “I have never Illigasuk.” So, there’s something to those formative years and the traditional ways that they were brought up that speaks to the healthy way that traditional Inuit taught, and we can still access that information, but that’s -- they’re in their seventies now, and we need to record them now and record everything about how they tell their story, because that’s how they taught; their body, their face, their inflection, their voice, the words they chose. We have access to that still, and we need to do that urgently now. So, that would be my recommendation, because that’s where some of that cultural connecting healing can happen.

MR. ROY STEWART: I’d like to keep you talking, but unfortunately, I’m out of time. Thank you.

MS. SUSAN AGLUKARK: Thank you.

MS. JENNIFER COX: And, the last party with 10 minutes is Pauktuutit Inuit Women of Canada, and I will -- with Beth Symes.

--- CROSS-EXAMINATION BY MS. BETH SYMES:

MS. BETH SYMES: Thank you. Ms. Agluark, Rebecca Kudloo and I came to Rankin Inlet, and we heard
you tell your story in February of this year. I was blown away by your story, and I am inspired by you turning it into a life work to make the lives of Inuit children better. Thank you.

I also wanted to thank you for agreeing to -- that I can ask you certain questions, and I will be careful.

You told the story in Rankin Inlet that you were one of several Inuit girls who had been sexually abused by a neighbour when you were all children; is that correct?

**MS. SUSAN AGLUKARK:** Yes.

**MS. BETH SYMES:** And then at some point later, when you were -- were you actually then an adult that he was then convicted?

**MS. SUSAN AGLUKARK:** In my case?

**MS. BETH SYMES:** Yes.

**MS. SUSAN AGLUKARK:** Yes.

**MS. BETH SYMES:** And, despite multiple children who were affected, he was sentenced to six months?

**MS. SUSAN AGLUKARK:** He was sentenced to 18 months; served a third.

**MS. BETH SYMES:** Eighteen months. Okay. And, you said then, of course, after whatever time is
mandatory, he came back to Rankin Inlet?

MS. SUSAN AGLUKARK: Yes.

MS. BETH SYMES: And, you used a word of deference, and you said that he was accepted back into your church, and that the idea was “forgive him”.

MS. SUSAN AGLUKARK: Yes.

MS. BETH SYMES: Susan, you didn’t have a safe space back then when this happened, did you?

MS. SUSAN AGLUKARK: No.

MS. BETH SYMES: And, you, I guess, using this deference, left. If he was welcome back into your community and into your community of faith, then you left; is that fair?

MS. SUSAN AGLUKARK: Yes.

MS. BETH SYMES: There was no room for you.

MS. SUSAN AGLUKARK: No.

MS. BETH SYMES: Because you didn’t feel safe.

MS. SUSAN AGLUKARK: Right.

MS. BETH SYMES: And, when you told the story in Rankin Inlet, what was just shocking to every person in that room was that he had been charged again with sexually abusing other Inuit girls.

MS. SUSAN AGLUKARK: Mm-hmm.

MS. BETH SYMES: And, shortly after you
told your story in Rankin Inlet, he pled guilty shortly after; meaning in the month of February, he pled guilty.

**MS. SUSAN AGLUKARK:** Mm-hmm.

**MS. BETH SYMES:** And, on June 13th, 2018, he was sentenced to 15 months in jail.

**MS. SUSAN AGLUKARK:** Mm-hmm.

**MS. BETH SYMES:** Susan, that’s less than he got the first time.

**MS. SUSAN AGLUKARK:** Mm-hmm.

**MS. BETH SYMES:** Is that correct? And, of course, according to our system, he will be free to, if he wants to, return to Rankin Inlet in the spring.

**MS. SUSAN AGLUKARK:** Mm-hmm.

**MS. BETH SYMES:** This is a man who has, over many years, damaged many, many Inuit girls.

**MS. SUSAN AGLUKARK:** And boys.

**MS. BETH SYMES:** And boys. I didn’t know that. You talked about the life long impact that that sexual abuse has had on you even, as you said, you are incredibly successful as an artist. And, yet, within you, that remains; is that so?

**MS. SUSAN AGLUKARK:** Mm-hmm.

**MS. BETH SYMES:** And so, would you agree with me that child sexual abuse is a huge problem for Inuit children?
MS. SUSAN AGLUKARK: Yes.

MS. BETH SYMES: And, that for each of these children, they undoubtedly carry the same or different, but scars, that will be with them for the rest of their life?

MS. SUSAN AGLUKARK: Absolutely.

MS. BETH SYMES: Susan, we’ve heard in the various places where Inuit families and survivors have told their stories that they actually told teachers or nurses or police that they had been sexually abused, in one case by a grandfather, in another case by an older brother, you by a neighbour, and that nothing happened, that they took out of that that was their fault. How can we change that?

MS. SUSAN AGLUKARK: I don’t know that that’s a one answer solution; right? That’s what I mean about layers. I think we need to take a look at all the things that are in crisis in our communities. Housing is one. Child, provide adequate -- I don’t want to say -- the best possible child services that we can provide for Indigenous children and youth, and I actually wanted to add to one of my recommendations that we do need to have a better look at the Child Protection Act, if it hasn’t already been done or started, for Indigenous children and youth. That needs to be rewritten to reflect the time
that we’re going to need to invest in understanding, researching, developing and facilitating whatever we need to, to make our communities safe for children to be innocent children. I don’t know what that is going to look like, but that is what we need to do. If it is $10 billion, it is $10 billion, but that is the future of our children.

**MS. BETH SYMES:** And, in terms of housing, the problem with respect to housing in Inuit Nunangat is that it is terribly overcrowded.

**MS. SUSAN AGLUKARK:** Mm-hmm.

**MS. BETH SYMES:** And, it then is not a safe place for some children.

**MS. SUSAN AGLUKARK:** Mm-hmm.

**MS. BETH SYMES:** And then in terms of there being a lack of services when a child comes forward with the story that what has happened to them and their family, how do you say priorities should be set, you know, in terms of the provision of the utter fundamentals to make Inuit children safe?

**MS. SUSAN AGLUKARK:** I always say that there isn’t -- we can’t invest in one generation. So, for example, the work we are doing with the Arctic Rose Foundation, the afterschool space is for middle school to high school aged children and youth. What we are also
doing are private grief and trauma sessions for the
parents of those children who came to me and said, “I need
help. How can you help me?”

So, when we talk about developing
multigenerational programming, we have to do that. We
have to make investments in programming to
multigenerations simultaneously, because two generations
are hurting in one household.

I think the same has to be applied to any
kind of solution we are looking at to healing our
communities. If we are investing in a solution to the
housing prices, we have to invest just as much into
program services. If we are investing the equal amount
into program services, we have to invest equal amounts
into several generations being provided in terms of
services. It is not one or the other, or we can only give
you this much for this and only this much for that.

I think also it is not just Inuit in Inuit
Nunangat. It is also urban Inuit.

MS. BETH SYMES: Absolutely.

MS. SUSAN AGLUKARK: We have a large
population that lives outside of Inuit Nunangat. We have
to make those same investments for those people.

MS. BETH SYMES: Susan, you have this
dream, the dream of having a safe place, safe space for
Inuit children in every community. I wish you well.

MS. SUSAN AGLUKARK: Thank you.

MS. BETH SYMES: Thank you.

MS. JENNIFER COX: Those are all the parties with cross-examination, and I don’t have any questions on re-exam.

--- QUESTIONS BY COMMISSIONER QAJAQ ROBINSON:

COMMISSIONER QAJAQ ROBINSON: (Speaking Inuktitut). I do have some questions. You spoke about correcting the narrative. And, a lot of previous recommendations and other reports talk about the importance of understanding and really knowing the true history of Canada and how Canada was established.

And, as you were talking, understanding that narrative of your (Speaking Inuktitut), your great grandmother, and those relocations, I mean that truth is coming out with (Speaking Inuktitut) recent settlement for that forcible relocation, but those are still not in the education system. And, you spoke about how important it is for that narrative to be corrected and to be educated for as many people as possible to know that.

And, of course, I think fundamentally, and we have heard from Dr. Bombay, the power of knowing the history and the narrative to understand the current context. She was talking about how it is actually a piece
of building resilience for the children of residential
school survivors to know that history. It lifts that,
“Well, this was me, I was bad or my people were bad.”

When you talk about the importance of
correcting that narrative on a personal level, what Ms.
Bombay shared with us, (Speaking Inuktitut), is that how
you understand it as well? Like, what I want to build on
what you see is the importance of that.

**MS. SUSAN AGLUKARK:** So, the first year of
the work, we started this work, we got seed funding from a
private family fund early 2017. And, the work I was
developing was actually the Creative Cultural Reflections
work, not just the Messy Book work. The CCR program was
the piece that I was investing in at that time.

I worked with a young girl, Inuk, and she
came and worked with me for six weeks in Toronto. And,
one of her tasks was to try the CCR program with me. And
so, what she was tasked with was select an ancestor and
have at it. Do research. Let’s see what is out there for
information on our ancestors. She selected her
grandfather on her dad’s side, Inuk from Baffin, and she
now lives in Neki-valuk (phonetic).

And, about two days into her research, into
her internship working with me, she came to me, and she
sat down and she said, “I had no idea.” So, I said, “Tell
me. What did you find?” And, she said that she discovered that her father -- her grandfather had been engaged in a research project by the University of Manitoba mid-nineteen -- late 1950’s to early 1960’s, because her grandfather had a lot of it -- not the most for that region, traditional knowledge on roots and berries, and nutrients from Inuit Nunangat. He knew what was what there. And, the University of Manitoba was collecting information on this stuff, traditional Inuit knowledge in this area.

And, she got pretty emotional and she said, “I’m so ashamed. I was ashamed of him thinking he was just a silly, old, poor Inuk man. But, the more I learn about what he had in terms of traditional knowledge and that he could contribute to a university research project, at that time, at that level, probably all Inuktituut translated,” (speaking Indigenous language).

So, probably because he couldn’t speak English, most likely, all Inuk -- so with all those challenges that he met them at their level, contributed his knowledge and now he is acknowledged in these research documents. And, she said her take away was, “I understand now correct (indiscernible) because we believe the one we have been told and we are living by the one that we have been told.
So, when I invest in correcting the -- the idea of correcting a narrative, mine is to say this generation needs to shift the line of where our heroes are, and they are much further back than we realize. If we find those stories and make those connections like she did, she will stand up differently. She will be a prouder Inuk. It is not just we need to be more knowledgeable about Inuit. We need to be engaged in that story. We need to know that story.

So, in that way, that is where I come from when I talk about correcting that narrative. That is the one that we need to -- those are the gaps we need to fill in for the next generation.

**COMMISSIONER QAJAQ ROBINSON:** One, because it is the truth and, two, because of the power it has for healing. (Speaking Indigenous language). Having to switch back to English in my brain. One of the things that I am also thinking about is how fundamental healing be in the objective of all the institutions that a child encounters within their formative years and within their developmental years, from birth till death, realistically.

And, you know, to have that safe space and to have that period of time to do that healing I think requires that these institutions, particularly school and any early childhood programs or institutions that get
involved in a child’s life, and then that would also
include child and family services, health centres. You
name it, any of these institutions, that healing and well-
being has to fundamentally be the goal.

I think about your program and it would be
beautiful if an entire school was that space for all the
children. And, in the community centre was that space.
And, to keep just growing those spaces from being that one
room to being your entire community.

Cindy Blackstock, earlier today, talked
about the need to have time to dream about the future, and
one of the key things that has to be done. And, when you
talked about allowing kids to be dreamers, it just fit
with what Cindy was saying about to dream as nations, to
dream as communities, you need -- what you have identified
the children to be dreaming.

So, I have connected those dots and I
wanted to share that with you so you could either tell me
I am wrong or help me (speaking in Indigenous language),
to make sure I am fully understanding.

**MS. SUSAN AGLUKARK:** So, the facility is in
the high school because that is where we had access to
space. I do not disagree with you that I wish our
learning environments were also healing environments, but
I think when we talk about a period where we are going to
have to invest in everything for a period of time, part of that investment -- I was not a good student. Like, I really struggled in school, to the point where I thought I was an idiot.

I dropped out of high school. I ended up in a private school the next year. In that private school, because they taught differently, I was a month late, and because of the standard of learning being lower, I was supposed to be grade 10, I was dropped to grade 9. So, technically, I was going to be two years behind when I finished that year. I finished grade 9 and 10 with an 89 percent average and I left realizing I am not stupid, I am not an idiot, I just learn differently and I loved being a student. I realized I want to be a better student, I want to learn.

So, I think when we make these investments, an education facility has to be an education facility, and we need better access to whatever we need to create better learners, because we can. We need to teach them differently if that is what we have to do, but we can create more passionate students and we have to. The healing spaces I think should be separate from that. I think learning should be a separate love than healing. Right now, it is there and it is working where it is, but I think it should be two separate spaces.
I think the community also, during that time, needs to learn to invest in a stronger community, and part of that is teachers and educators should not have the additional role of being social workers, nurses and parents. Learning in education facilities should be separate, and then all the other stuff should be a community thing, stronger -- because we can and we should. We have beautiful communities, we need to make them stronger. Investing for a time in creating strength and healing in separate things, I think -- that is what I think would work in our communities.

COMMISSIONER QAJAQ ROBINSON: Nakurmiik. The power of art and -- you go into any -- even the galleries here, you see so much Inuit art. Yet, there are not any institutions or centres even within Nunavut to foster and grow Inuit art. And, I know right now there is a push to create Qaggiq, Nunavut Performing Arts and Cultural Learning Centre. I am wondering if you have thoughts on the importance and the need for centres focused on art, Inuit art.

MS. SUSAN AGLUKARK: Yes. I believe we cannot have a healthy community without having a healthy artist community. Even if I were not a recovering person, even if these last roughly 20 years had not been a healing journey versus just a creative journey, art would still
have contributed to something powerful inside of me. Art is never just about art. This is the greatest lesson I have learned from it, my greatest takeaway, the thing I am the most proud of is, art has made me a whole balanced person. And, if we do not provide a facility where we can offer people access to university education, sports and/or arts, we are not investing in the whole person. Art is a great equalizer, is a great balancer. We need balance. It cannot just be sports. It cannot just be academics. It has to be a balance. And, that is a healthy community. We need that arts facility in Iqaluit. I think we need -- Inuit need their own space.

And, part of what is exciting about that possibility is Inuit -- Inuyugung (phonetic), Canadian Inuit right now, we have an incredible opportunity. We are talking about correcting the narrative and we need the right people to write that narrative. Like, I am not a writer, I am not an academic at all. I struggle to write these things. But, I know that about myself and I am okay with that. And then I have a sister who is a brilliant lawyer, who is the opposite side of the brain. And, giving young people opportunities to access both sides, I think, is critical.

We have to be able to offer them those opportunities, because when we correct the narrative,
somebody has to write that and that somebody has to also
be a culture-specific person. A person who is Inuk or
grew up among Inuit who understands how we process
information, share information, it becomes resource to
learn and teach in the schools, in the universities. Art
has to contribute to that, you know? So, they are
connected. They have to be. They have to be connected
and they both contribute equally to the balanced person.

COMMISSIONER QAJAQ ROBINSON: And, I think
if both can connect the dots, then to -- what that means
for our healthy community that has -- provides safe space.
So, the link to safety is apparent.

MS. SUSAN AGLUKARK: Yes.

COMMISSIONER QAJAQ ROBINSON: (Speaking in
Indigenous language).

MS. SUSAN AGLUKARK: (Speaking in
Indigenous language).

COMMISSIONER QAJAQ ROBINSON: (Speaking in
Indigenous language).

MS. SUSAN AGLUKARK: (Speaking in
Indigenous language).

COMMISSIONER QAJAQ ROBINSON: (Speaking in
Indigenous language).

--- QUESTIONS BY COMMISSIONER BRIAN EYOLFSON:

COMMISSIONER BRIAN EYOLFSON: Ms. Agluark,
I just want to say, thank you very much for coming here and sharing with us, telling us a bit about your journey and sharing with us about your work with the foundation. I do not have any additional questions, so thank you.

**MS. SUSAN AGLUKARK:** Thank you.

--- **QUESTIONS BY COMMISSIONER MICHÈLE AUDETTE:**

**COMMISSIONER MICHÈLE AUDETTE:** Merci. On vous a remis des écouteurs, là, pour...

**MS. SUSAN AGLUKARK:** Oh.

**COMMISSIONER MICHÈLE AUDETTE:** Yes. I wish I spoke Inuktitut, but I am still waiting for some teaching two years after. Well, I speak more English because of her, so. Bien, merci, je vais attendre.

**MS. SUSAN AGLUKARK:** Yes. Yes.

**COMMISSIONER MICHÈLE AUDETTE:** C’est correct? Yeah? Je ne sais pas quand est-ce que vous êtes venus à Maliotenam, au Festival Innunikamu, avec... dans ma... ... nous étions très très jeunes à cette époque-là, j’étais étudiante et je veux juste vous dire : vous ne changez pas, physiquement! (LAUGHS/RIRES)

**MS. SUSAN AGLUKARK:** Add a pound to make up a year.

**COMMISSIONER MICHÈLE AUDETTE:** (LAUGHS/RIRES) Déjà là, à cette époque, les gens de ma communauté, les Inuits et les Innus, ma nation, on a
côtoyé les mêmes territoires dans le nord du Québec et mon grand-père était un guide pour les Américains, les Français qui se rendaient jusqu’à Fort Chimo. Alors, il y a eu beaucoup d’amitiés avec le peuple inuit et quelques gens, parfois, venaient à la maison, à Schefferville.

Donc, c’est une culture qui a été tranquillement introduite dans ma vie, mais très mythique, très proche de ses légendes, de sa richesse, tant par les étoiles, les animaux, l’art, les dessins, les chants. Mais jamais je n’avais été confrontée à cette réalité, une fois rendue à Montréal, où je travaillais, au Centre d’amitié de Montréal, où j’étais impliquée avec les femmes autochtones, où là, nos sœurs inuites vivaient des difficultés que... c’était frappant.

Alors, j’avais 16 ans la première fois que j’ai vu cette grande tristesse, mais aussi cette grande résilience. Et c’est là où j’ai vu Susan Aglukark à Maliotenam amener de l’espoir pour les femmes inuites, bien sûr, mais aussi pour les femmes autochtones. Donc, je voulais faire une petite parenthèse, vous dire un gros gros merci pour ce que vous faites.

Et pourquoi cette parenthèse? Vous avez parlé de héros dans votre témoignage ; aux yeux de bien des gens, même si nous ne sommes pas Inuits, vous êtes un grande héroïne. Alors ça, c’est important de rapporter ça
dans votre cœur et le travail que vous faites.

Mais si jamais vous aviez... je ne sais pas si, dans vos légendes, on dit « baguette magique », mais quand je raconte des histoires à mes enfants, on dit « baguette magique » par moments, je vous offrais cette capacité-là de venir tout d'un coup magicienne et, dans cette magie-là, vous devenez la Première Ministre du Canada, ça serait quoi les changements que vous apporteriez pour votre peuple? Première question.

MS. SUSAN AGLUKARK: Jeepers. She’s looking at me. I would start with putting -- placing an Indigenous person in positions of decision-making power, whatever area that is in. What’s the level of decision making in the world of justice? Is that a justice? Is that what it is? Put an Indigenous person in there. Why don’t we have an Indigenous person as the Minister of Indian Affairs of Indigenous Affairs?

You know, all the positions where decisions are being made, I would start with let’s put an Indigenous person as part of a decision-making team; meaningful, real decisions. I think I’d start with that. And then I would go and make sure that Jordan’s Principle was passed. I want to be Cindy Blackstock’s magic wand.

I would want to understand why it’s taken so long to solve the housing problem and the water --
healthy water problem in our Indigenous communities.

We’re not getting all that information. Why aren’t we getting all that information? What’s going on? Where is it stopping, and why is it stopping there? If I were the Prime Minister, maybe I could just say, “Well, let’s fix it all.” I would want to understand why they’re not being solved. They can’t be that big a problem that we would let the housing crisis carry on for as long as it has. I don’t understand that.

I would just -- why should Indigenous people live in Third-World conditions in a country like ours? I don’t understand that. I would want to know why. I would want to fix that. And, not to say it should be unequal for the non-Indigenous, not to -- “we’ve got to fix this because we’re owed this.” Just basic humanity. Make it equal across the board. That’s what I would -- that’s just some of the things. We could talk all day, go down the list. I think that’s where I would start.

COMMISSIONER MICHÈLE AUDETTE: Well, you would do an amazing Prime Minister. You would do an amazing Prime Minister.

MS. SUSAN AGLUKARK: Let’s ask me if I would. No.

COMMISSIONER MICHÈLE AUDETTE: My last comment/question, you talked about... l’éloignement ne
devrait pas... being far. I’ll speak French. Thank you.

MS. SUSAN AGLUKARK: Yes.

COMMISSIONER MICHÈLE AUDETTE: Merci.

Sorry. Vous avez parlé de l’éloignement, que ça ne
devrait pas être un motif... un motif de quoi, pour bien
comprendre? Un motif de discrimination ou d’injustice?
Juste pour être sûre?

MS. SUSAN AGLUKARK: That’s right. It
shouldn’t factor into who gets more services and how much.
You know, it shouldn’t. I think of the high Arctic
regions, and why should a litre of milk cost five, six,
seven times more up there than it does here in Winnipeg?
It shouldn’t in this day and age, in this country. We
have to find solutions for that stuff.

COMMISSIONER MICHÈLE AUDETTE: Bien, merci
beaucoup! Thank you so much, and too bad you said no. No,
thank you.

MS. SUSAN AGLUKARK: Thank you.

CHIEF COMMISSIONER MARION BULLER: I don’t
have any questions. That’s one of the benefits of going
last. I just want to say I’m very glad that you never
lost your ability to dream, and I hope you never lose your
ability to dream. By coming here today, you’ve really
impacted how we do our work and how we will continue to do
our work. You’ve made a big difference. And so, we’re
very grateful for that.

    I think sort of with hindsight, maybe 10 years if I live that long, I look back on doing this work I’m going think, “There’s somebody who took what could have been amazing tragedy and turned it into something wonderful.” So, I want to thank you.

Also, on behalf of all of us, I want to say thank you for changing it, how we do our work here, and making such a big difference. Please, on behalf of all of us, pass on hugs and love to all of the children in your program.

**MS. SUSAN AGLUKARK:** Yes.

**CHIEF COMMISSIONER MARION BULLER:** On behalf of all of us. We have a small gift to give you in exchange for the gifts that you’ve given us today, and it is an eagle feather, to hold you up, oh, during many moments, I’m sure, that you need holding up, and to help you fly higher when you know you can.

So, it’s a small gift, but it’s an indication of how much we truly appreciate your work. So, thank you. Thank you very much, and we wish you safe travels as well. So, on that note, we will adjourn to tomorrow morning at 8:00.

**MS. JENNIFER COX:** I just have one housekeeping item, and that is that the parties with
standing are to report to the Assiniboine Ballroom by 7:30 a.m. to draw their numbers for cross-examination tomorrow, and we will close the draw at 8:25 a.m. So, please see us at the -- if you're looking to cross-examine tomorrow, between 7:30 and 8:25 in the Assiniboine Ballroom, please.

(GIFT PRESENTATION)

--- Upon adjourning at 5:41
LEGAL DICTA-TYPIST’S CERTIFICATE

I, Félix Larose-Chevalier, Court Transcriber, hereby certify that I have transcribed the foregoing and it is a true and accurate transcript of the digital audio provided in this matter.

Félix Larose-Chevalier

October 3, 2018