National Inquiry into Missing and Murdered Indigenous Women and Girls
Truth-Gathering Process
Part 4 Closing Oral Submissions of the Parties with Standing
The Westin Ottawa - Ottawa, Ontario

Monday December 10, 2018
Part 4 Oral Submissions - Volume 5

Congress of Aboriginal Peoples
MMIWG Manitoba Coalition
Native Women’s Association of Québec
Families for Justice
Institute for the Advancement of Aboriginal Women
Assembly of Manitoba Chiefs
Treaty Alliance Northern Ontario-Nishnawbe Aski Nation/Grand Council Treaty #3
Government of Québec
II

APPEARANCES

Assembly of Manitoba Chiefs
Joëlle Pastora Sala & Anita Southhall (Legal Counsel)
Grand Chief Arlen Dumas,
Marcel Balfour (Representatives)

Congress of Aboriginal Peoples
Robert Bertrand (Representative), Alisa Lombard (Legal Counsel)

Families for Justice
Suzan Fraser (Legal Counsel)
Maggie Cywink, Bridget Tolley (Representatives)

Government of Québec
Marie-Paule Boucher (Legal Counsel)

Institute for the Advancement of Aboriginal Women
Lisa Weber (Legal Counsel)
Rachelle Venne (Representative)

MMIWG Manitoba Coalition
Catherine Dunn (Legal Counsel), Sandra DeLaronde, Hilda Anderson-Pyz, Leslie Spillet, Gerri-Lee McPherson Pangman, Corley McPherson (Representatives)

Native Women’s Association of Québec
Rainbow Miller (Legal Counsel), Viviane Michel (Representative)

Treaty Alliance Northern Ontario-Nishnawbe Aski Nation/Grand Council Treaty #3
Krystyn Ordyniec (Legal Counsel)
Truth-Gathering Process
Oral Submissions - Transcript Volume 5

Chair: Christa Big Canoe (Commission Counsel)
Second Chairs: Meredith Porter & Shelby Thomas (Commission Counsel)

Heard by Chief Commissioner Marion Buller and Commissioners Michèle Audette (via Skype), Brian Eyolfson & Qajaq Robinson


Eagle River Drummers: Shady Hafez, Yancy Thusky, Awema Tendesi, Steve Tendesi, Jordan Jacko

Clerks: Bryana Bouchir & Maryiam Khoury

Registrar: Bryan Zandberg
## IV

### TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Opening Ceremony</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening Statement by Commissioner QAJAQ ROBINSON</td>
<td>12</td>
</tr>
<tr>
<td>Opening Statement by Commissioner BRIAN EYOLFSON</td>
<td>17</td>
</tr>
<tr>
<td>Opening Statement by Commissioner MICHELÉ AUDETTE</td>
<td>20</td>
</tr>
<tr>
<td>Opening Statement by Chief Commissioner Marion Buller</td>
<td>26</td>
</tr>
<tr>
<td>Submissions by MR. ROBERT BERTRAND AND MS. ALISA LOMBARD OF CONGRESS OF ABORIGINAL PEOPLES</td>
<td>34</td>
</tr>
<tr>
<td>Submissions by MS. CATHERINE DUNN OF MMIWG MANITOBA COALITION</td>
<td>64</td>
</tr>
<tr>
<td>Submissions by Me RAINBOW MILLER AND VIVIANE MICHEL OF NATIVE WOMEN'S ASSOCIATION OF QUEBEC</td>
<td>82</td>
</tr>
<tr>
<td>Submissions by MS. SUZAN FRASER OF FAMILIES FOR JUSTICE</td>
<td>113</td>
</tr>
<tr>
<td>Submissions by MS. LISA WEBER OF THE INSTITUTE FOR THE ADVANCEMENT OF ABORIGINAL WOMEN</td>
<td>141</td>
</tr>
<tr>
<td>Submissions by GRAND CHIEF ARLEN DUMAS AND MS. JOELLE PASTORA SALA AND MS. ANITA SOUTHALL OF ASSEMBLY OF MANITOA CHIEFS</td>
<td>168</td>
</tr>
<tr>
<td>Submissions by MS. KRYSTYN ORDYNIEC OF TREATY ALLIANCE NORTHERN ONTARIO-NISHNAWBE ASKI NATION/GRAND COUNCIL TREATY #3</td>
<td>200</td>
</tr>
<tr>
<td>Submissions by MS. MARIE-PAULE BOUCHER OF GOVERNMENT OF QUÉBEC</td>
<td>232</td>
</tr>
<tr>
<td>Closing Ceremony</td>
<td>272</td>
</tr>
</tbody>
</table>
# LIST OF EXHIBITS

<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Colour digital image of Erin Anderson Bruce and Tamica Anderson Bruce leaning on their mother’s Headstone</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>Submitted by: Catherine Dunn, Counsel</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MMIWG Manitoba Coalition</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>“Key Draft Recommendations” document</td>
<td>164</td>
</tr>
<tr>
<td></td>
<td>(three pages)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Submitted by: Lisa Weber, Counsel</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Institute for the Advancement of Aboriginal Women</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>“Outline of Draft Recommendations” document</td>
<td>198</td>
</tr>
<tr>
<td></td>
<td>(two pages)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Submitted by: Anita Southall, Counsel</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Assembly of Manitoba Chiefs</td>
<td></td>
</tr>
</tbody>
</table>
Upon commencing at 8:09 a.m.

MS. CHRISTINE SIMARD-CHICAGO: Good morning, everyone. Bonjour. (Native word).
(Speaking in Anishnaabe).

My name is Christine Simard-Chicago. I'm from Lac Seul First Nation and I am going to be your MC this week along with my friend Christian.


MS. CHRISTINE SIMARD-CHICAGO: So first of all, I'd like to acknowledge the Algonquin territory that we're having our final submission in this week. I'd like to acknowledge the drums, the bundles, the elders, the Commissioners, the men, women, Parties with Standing, our viewing audience, and of course, our missing and murdered loved ones that we have, and survivors.

M. CHRISTIAN ROCK: Bonjour à tout le monde. Je voudrais commencer en remerciant la nation algonquine de nous accueillir sur son territoire. Je voudrais profiter aussi de l’occasion pour remercier les aînés qui nous ont accueillis ici, la cérémonie de la pipe qui a eu lieu ce matin et l’accueil chaleureux que les
MS. CHRISTINE SIMARD-CHICAGO: So we're having our sessions this week bilingual in both official languages, as if you couldn't tell, but that's what we're doing.

So right now, I'd like to call up Vince and Elaine Kicknosway. Vince is a father of four, grandfather of 13, great-grandfather of one, a member of Walpole Island and the Loon clan. He has worked at Odawa Native Friendship Centre for the past 41 years and is presently the Cultural Resource Coordinator.

Elaine is Wolf clan, originally from northern Saskatchewan, and a member of Peter Ballantyne Cree Nation. She is a singer, women's traditional dancer, participant in ceremonies, an ongoing learner. Elaine supports and helps within drumming circles, ceremonies, talking circles, and she has been a blanket exercise facilitator for the past five years.

M. CHRISTIAN ROCK: Donc, merci Christine. Je voudrais profiter de l'occasion pour souligner la présence de l'aîné Vince Kicknosway, un père de quatre enfants, grand-père de 13 petits-enfants et arrière-grand-père d'un petit enfant. Il est membre de la nation Walpole Island du clan Loon. Il a travaillé dans les 41 dernières
années au Centre d’amitié autochtone, où il occupe aujourd’hui le poste de coordonnateur des ressources culturelles.

Elaine Kicknosway, du Wolf Clan, est originaire du nord de la Saskatchewan. Elle est membre de la Peter Ballantyne Cree Nation, une chanteuse et danseuse traditionnelle. Elle participe à des cérémonies et apprend de nouvelles choses chaque jour. Elaine apporte son aide et son soutien lors des cercles de tambour, de cérémonies et de cercles de parole. Depuis cinq ans, elle anime des exercices de couverture.

**MR. VINCE KICKNOSWAY:** Bonjour. (Speaking in Indigenous language.)

**(OPENING PRAYER)**

**MS. CHRISTINE SIMARD–CHICAGO:** Now, I'd like to call for a Métis elder, Reta Gordon. She's a founding member of the Métis Nation of Ontario and she's been active since 1993 teaching about Métis culture, and she is an honorary citizen of the Métis Nation of Ontario.

**M. CHRISTIAN ROCK:** Donc, maintenant, je voudrais inviter Mme Rita Gordon à se joindre à nous. Elle est une aînée Métis, elle est membre fondateur de la nation des Metis de l’Ontario. Elle enseigne la culture Métis depuis 1993. Elle est sénatrice honoraire du MNO. Merci, Madame.

I would like to share with you something I wrote for the first time I went to the vigil for the murdered and missing women on Parliament Hill.

Creator, when we were born, you gave us the gift of life. Today we are gathered here to stand up and remember First Nations, Métis and Inuit sisters, mothers, daughters, grannies, aunties, nieces and friends who are impacted by all forms of violence and abuse, including those that have gone missing.

Creator, lift the veil of denial, ambivalence, ignorance, and attitudes of uncaring and help us to find our loved ones. We do not know where they are or if they are alive or dead. Help us to bring each of our sisters, mothers, daughters, grannies and aunties, nieces and friends home.

Creator, as we remember the women, we must also remember their loved ones. Our families and communities are in pain. Give us the strength and comfort during these dark times.
When we tell our stories, open the ears of the listeners so it touches their hearts and calls them to action.

Creator, give the wisdom and courage to our leaders, lawmakers, police and anyone who is called to help a woman who is suffering abuse and violence or who has gone missing. May they see she is a woman who has loved ones, is a member of our community, and not first to look to see if fault can be found on the woman.

Creator, we now turn our prayers to the men. In order for the violence against our women to stop, our men need to resume the role of taking care of and protecting their mothers, sisters, daughters, grannies, aunties and spouses. Give the men who have abused the strength, clarity and courage to admit their harm, seek help and change.

For the men who have harmed or killed a missing woman, we pray that guilt will cause them to come forward so she may be reunited with her family and put to rest in a proper manner to allow her spirit to be at peace.

Finally, Great Spirit, we pray for all women who give us the wisdom, strength and courage to stand up for ourselves and make a commitment to end violence and abuse in all of its forms.
We pray that if there are women with us today who are in harm's way that you place helpers in their lives and place courage in their hearts to find safety and to know safety is their inherent right.


**MS. CHRISTINE SIMARD-CHICAGO:** So we have young men with us who are from the Algonquin Territory, the Eagle River Drummers.

They're composed of young men from Kitigan Zibi and Rapid Lake of the Algonquin Territory. They have been singing together for well over 10 years, and they can be found singing at local and regional powwows across Canada.

**M. CHRISTIAN ROCK:** Donc, merci. On accueille aujourd'hui le groupe Eagle River Drummers, qui est un groupe formé de jeunes hommes provenant de Kitigan Zibi de Rapid Lake, sur le Territoire Algonquin.

Ils chantent ensemble depuis plus de 10 ans. On peut les entendre dans tous les powwows locaux et régionaux à travers le Canada. Messieurs?

**(CEREMONIAL DRUMMING)**

**MS. CHRISTINE SIMARD-CHICAGO:** Migwetch.

Thank you.

So now we'll start with our lighting of the qulliq with our Elder, Eelee Higgins.
Eelee is one of the Inuit Elder residents in Ottawa. She's a retiree. She taught as a long-time teacher in Iqaluit, Nunavut, at Jomees School. Eelee has two children, grandchildren and, more recently, a great-grandchild.

**M. CHRISTIAN ROCK:** Donc, merci aux joueurs de tambours. Nous allons maintenant procéder avec l’allumage du qullip. Le qulliq sera allumé par Madame Elee Higgins.

Madame Higgins est inuite qui est résidente à Ottawa ici en Ontario. Elle est retraitée. Elle a enseigné pendant de longues années à Iqaluit au Nunavut et à l’École Jomees School. Madame?

**ELDER EELEE HIGGINS:** (Speaking Inuktitut)

**COMMISSIONER QAJAQ ROBINSON:** I’m going to translate. This qulliq is new for Eelee so she’s going to be learning it today and over the week. Each woman usually has their own. This is the Inquiry’s that has had many elders and women tend to it.

The qulliq in -- I’m going to speak in first person as if I were speaking on Eelee’s behalf -- was used for so much in Inuit life to warm space, to cook food, dry clothing.

**MS. EELEE HIGGINS:** (Speaking Inuktitut)

**COMMISSIONER QAJAQ ROBINSON:** I recall from
my childhood watching my mother light the qulliq ---

MS. EELEE HIGGINS: (Speaking Inuktitut)

COMMISSIONER QAJAQ ROBINSON: --- we were
told that we weren’t to run around and be hyper within the
house, within the tent for fear that the wind that we
would create might blow out the flame. So everyone had to
be very mindful within the house of how you impacted the
flame.

MS. EELEE HIGGINS: (Speaking Inuktitut)

COMMISSIONER QAJAQ ROBINSON: I have
memories of my mother preparing food on the qulliq for us,
drying the clothes -- our clothes. These are the things
that I remember.

MS. EELEE HIGGINS: (Speaking Inuktitut)

COMMISSIONER QAJAQ ROBINSON: It brought me
great joy and it was the most beautiful thing to wake up
in the morning to the smell of the qulliq and to the light
of the flame. It brought me a lot of joy.

MS. EELEE HIGGINS: (Speaking Inuktitut)

COMMISSIONER QAJAQ ROBINSON: In our lives
today the qulliq is used more ceremonially to gatherings,
and I’m grateful for the life and the role the qulliq
continues to play in our lives.

MS. EELEE HIGGINS: (Speaking Inuktitut)

COMMISSIONER QAJAQ ROBINSON: Thank you.
MS. CHRISTINE SIMARD-CHICAGO: Thank you. Now I’d like to call upon Laurie Odjick to do the welcoming for the territory.

M. CHRISTIAN ROCK: Maintenant, nous voudrions inviter Madame Laurie Odjick pour faire ses remarques d’ouverture. Madame Odjick.

MS. LAURIE ODJICK: Good morning, everyone, and welcome to our Algonquin territory. Again, my name is Laurie Odjick. I’m from Kitigan Zibi.

I’d like to thank our traditional helpers. I’d like to acknowledge the drum, the bundles, the family, and PHAC family, Commissioners, and parties with standing, and especially the family members that are here today.

As Algonquin people we also need to -- I would like to extend that we listen with our hearts as well as our ears.

It’s going to be a difficult week. We need to remember to be kind and loving to each other regardless of whether our opinions -- different family members have different opinions and we may not agree, but we also need to remember that we need to respect the other opinions as well because not all opinions are the same.

And I just want to put that out there for a reminder, because it’s going to be a difficult week for
everyone.

And I just again would like to say miigwech to everybody for coming, and thank you.

**MS. SIMARD-CHICAGO:** Miigwech, Laurie.

Now we have our national family advisory circle. I’d like to ask them to come up. We have Barb Manitowabi, Sara N -- I can’t say her last name so I’m not going to try and disrespect it, so I’ll just say Sara N -- and Ceejai Julian.


**MS. BARBARA MANITOWABI:** That’s my son Mike. He’s my strength today.

Good morning.

I’d like to thank the Algonquin people for welcoming us, and I’d like to thank all the family members and survivors.

It’s been a long two years. We’re almost done.

I love the Commissioners for what they’ve done and what they’ve witnessed, what they put their heart and soul in.
This week is going to be really hard so it’s important we take care of each other. Lots of hugs, lots of gifting, check in on each other.

Yesterday we lost another boy, just 17.

A lot of what we’ve been working towards is, you know, sharing a light on where those problems exist that are making our women weak. We’re trying to find solutions on how to make us stronger, because when we make the mother strong the families will get strong, and when the families are strong they make the community strong.

A lot of this process is about processing pain, and with that comes all kinds of terrible things our families go through because of this pain. Pain is from poverty; pain is from violence; pain is from addiction; intergenerational trauma. It’s just layer, after layer, after layer, and we’re trying to peel all those layers back, and we’re asking the government to open its eyes and see what we see.

Because when we lose our women there’s a vacuum and a void that happens in our communities and you can feel it in our young people. They continually fall.

So just keep in mind that we’re going to be doing some heavy work this week and keep each other in our hearts -- in our good hearts and our good minds and take
care of each other.

Thank you, Commissioners.

And thank you, Mike. Miigwech. (SHORT PAUSE)

**MS. BARBARA MANITOWABI:** I guess one last thing. Braedon Jacob (ph) is his name, and if we could just take a minute, and I'll stand in silence.

(MOMENT OF SILENCE)

**MS. BARBARA MANITOWABI:** Meegwetch.

**MS. CHRISTINE SIMARD-CHICAGO:** Meegwetch for that.

So now I'd like to call upon our Commissioners to come up and do their opening remarks. I'd like to call upon Commissioner Robinson.

--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR

**COMMISSIONER QAJAQ ROBINSON:**

**COMMISSIONER QAJAQ ROBINSON:** Ullaakut.

Good morning. Bonjour.

I'd like to acknowledge that we are on unceded Algonquin territory, and I would like to thank the Algonquin people for welcoming us here.

It's quite significant that we're here in this territory, that we are concluding the hearings here at the -- in the national capital region where so many decisions are made that affect the lives of Indigenous
people across this country.

We also must remember the women and girls who have been murdered and who have gone missing in this territory. I want to thank you, Barb, for reminding us that this is something that's every day. And I'd like to draw attention, and remember, and call to action in the name of Maisy Odjick and Shannon Alexander, who have been missing since 2008; Mary Papatsie, who has been missing from this region as well since 2017. People know something. Speak up and speak out.

I also want to acknowledge the murder of Kelly Morriseau in 2006 within this territory, whose case goes and remains unsolved. Families want answers, and there is people who have those answers. Speak up.

Families and survivors watching, those who have shared with us over the last two-and-a-half years, those who have guided us, I want to acknowledge you. Members of the National Family Advisory Circle here with us today, CJ, Myrna, Gladys, Charlotte, Micah, Norma, Barb, Sarah. I'd also like to acknowledge Laurie Odjick as a family member, a member of our team, as well as a member of the National Family Advisory Circle. Thank you for having us in your territory and walking with us.

I'd like to acknowledge our grandmothers. Commissioners have grandmothers that guide us. Louise,
Kathy, Penelope, Bernie, and Blu, merci, nakurmiik, thank you. Those that are guiding us here in this land to walk properly, Vincent and Elaine Kicknosway, Rita and Eelee, nakurmiik, thank you, meegwetch.

I'd also like to acknowledge Elaine and Vincent Kicknosway's son, Theland, who is not here, but he walks the talk. I see him sing and dance and walk every year in the name of the women and the girls and calling men to action. And that example in that young man is just something that is so powerful, and I want to acknowledge him. I see him. I am so humbled by him. So I want to acknowledge him. I hope we see him sometime this week.

Drummers, thank you for reminding us of our heartbeats, the heartbeat, always. As well, I'd like to thank our staff and the Inquiry team.

Although it's ultimately our -- the four of us -- our obligations to make findings and recommendations, the role of Parties with Standing is tremendous, and I want to talk a little bit about that role.

The scope of this Inquiry being so vast and so huge has meant that there are many, many, many people who have an interest. We have over a hundred Parties with Standing, which is quite unique for an Inquiry. During these closing submissions, we will be hearing from almost
60 parties, verbally, and from all the other Parties with Standing, we're receiving written submissions.

As I said, although it's our responsibility, it's so fundamental that we receive your perspective, the perspective of your clients, the perspective of your governments, and how you think we must take what we have heard from the families and survivors who are at the heart of this work, their lived experience, their knowledge, their expertise, as well as how we should understand and apply what we have heard from knowledge keepers, experts, and institutions throughout the last few months of hearings.

You will help us not only understand but help apply what we've learnt. What does that mean to your jurisdiction? What does that mean for your community? What does that mean for your families? And it's so valuable because we are only four and we are here to learn, and what you teach us guides us tremendously.

So I want to thank you for that and look forward to hearing from those of you who are going to be sharing with us your perspectives this week.

We have heard from, I believe, close to 30 Parties with Standing when we were in Calgary, and we heard a number of reoccurring themes about the need to support and lift up Indigenous women's organizations and
communities to properly fund and support these organizations that are doing the grassroots, frontline work for their community, that are actively engaged in nation building day to day, and how current project-based-one-time-pilot-project-type funding's that come with restrictions and state set priorities creates these cycles of projects and services no longer being available and how devastating that is.

We have also heard about the need for equitable social services to properly fund and support community-led initiatives driven to preventing violence and supporting and uplifting Indigenous women and girls and families.

We have heard that at the regional and national level, governments have to start giving up power and embracing Indigenous-led and designed policies, projects, and programs and best practices, and giving Indigenous women and girls the space and the place to what they’ve been saying for 150 years needs to be done.

I suspect we will hear much more this week and some of those sentiments will be echoed. I want to thank you all again and look forward to learning from you this week.


MS. CHRISTINE SIMARD-CHICAGO: Migwetch.
I’d like to call upon Commissioner Eyolfson to come up and
do some opening remarks.

--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR

COMMISSIONER BRIAN EYOLFSON:

COMMISSIONER BRIAN EYOLFSON:  Boozhoo.

Ahneen. Tansi. Good morning. Bonjour. Welcome to the
final week of closing submissions of the National Inquiry.
And it’s a pleasure to be with you all here in Ottawa this
week. And as a guest here I too want to acknowledge that
we are gathered this week on the traditional territory of
the Algonquin people.

I also want to acknowledge and thank some
people. First of all, our respected elders, Vincent and
Elaine Kicknosway, Rita Gordon, Eelee Higgins. Thank you
for your prayers for getting us started in a good way.
Thank you for the lighting of the quilliq, Eelee.

Our grandmothers, elders and woman
warriors, our earth song, blue waters, Golden Spruce
Woman, Ernie Williams, Louise Holly, Elder Kathy Louie,
And Penelope Gray. Thank you for being here with us and
thank you for your guidance and support.

Members of the National Family Advisory
Circle that are here with us this week – CJ, Myrna,
Charlotte, Norma, Barbara, Sarah, and Gladys and Micah who
I think are arriving as well. Thank you for walking with
us and guiding us and providing us with your advice and support.

    Also Laurie, thank you very much for your opening remarks and welcoming us here this morning. Gerry Pagnin and Corey Lee McPherson, for offering beadwork as healing and selfcare this week.

    And I want to acknowledge the drum and thank the drummers, the Eagle River Drummers, for helping us get started this morning in a good way.

    And all of our staff and our teams for your hard work and dedication, thank you very much. And thank you to our MCs, Christin and Christian, this morning.

    Those who have joined us in person and via webcast to honour the spirits of missing and murdered Indigenous women and girls and trans and two-spirit people, thank you very much for joining us. I especially want to thank the Parties with Standing this morning.

    Thank you for joining us in this journey in this National Inquiry, helping us examine the systemic causes of all forms of violence experienced by Indigenous women and girls, including trans and two-spirit people.

    I know that many of you have been long-time advocates for the elimination of violence against Indigenous women and girls, and you’ve called for this Inquiry, and I appreciate your valued input and working on
this with us, alongside us.

And together we've heard a great deal over
the past several months about issues surrounding missing
and murdered Indigenous women and girls. And we've also
heard many recommendations for improving safety in our
communities.

So two weeks ago we started in Calgary with
Parties with Standing making final submissions there, and
in Calgary, we were provided with many recommendations to
help us in the development of our final report. And this
week is our final week of submissions and I again look
forward to the perspectives and recommendations of the
Parties with Standing who are here with us this week, here
with us to make submissions in light of the evidence that
we've heard and to assist us with the development of our
final report, which is due April 20th, 2019 to address the
safety and healing of Indigenous women and girls and
2SLGBTQ people in our communities across the country. So
I know you've put a lot of thought and work into your
final submissions to honour the spirits of the Indigenous
women and girls who are missing and murdered, and I thank
you for taking this opportunity to come here and share
your submissions with us. And I very much look forward to
hearing your submissions this week. So chi-miigwech.
Merci. Thank you. Merci and (Native word).
(APPLAUSE/APPLAUDISSEMENTS)

MS. CHRISTINE SIMARD: Miigwech. So now we're -- I'm going to call upon Commissioner Audette who is going to be making her comments via Skype. What that looks like, I have no idea, but we'll try.

M. CHRISTIAN ROCK: Donc, maintenant, nous allons accueillir la commissaire Michèle Audette qui va se joindre à nous via la plateforme Skype. Voilà. Commissaire Audette?

--- OPENING STATEMENT BY/DÉCLARATION D'OUVERTURE PAR

COMMISSIONER MICHELE AUDETTE:

COMMISSIONER MICHELE AUDETTE: Merci.

Alors, kwei, bonjour tout le monde! Je vais commencer en français pour rester le plus zen et saine. Alors, merci au peuple algonquin de nous accueillir sur votre territoire. Moi, je suis encore ici, en territoire wendat, près de Québec.

J’ai compris ce matin par mes collègues qu’il y avait une cérémonie de la pipe, quelque chose que je suis de façon... l’expression qu’on dit en français, de façon religieuse et respectueuse à chaque rassemblement de l’enquête, je participe à la cérémonie de la pipe. Alors, un gros merci à Elaine, désolée de ne pas avoir été là ce matin.

Merci aussi aux messages de Laurie Odjick,
très fort, très très sincère et un discours qui va très bien, qu’on entend souvent sur la colline parlementaire.

Alors, un gros merci, Laurie. Merci aussi de t’être jointe à l’équipe de l’Enquête nationale.

J’aimerais aussi dire merci à Barbara, C-J, Charlotte, Norma, Mika, Sarah, Mary, Gladys et toutes les femmes qui ont contribué depuis les tous débuts à l’Enquête nationale en tant que membre du NFAC. Merci à toutes nos anciennes qui avaient commencé ce grand chemin avec nous et, par le temps, qui nous ont quittés.

J’aurais aimé ça être avec vous cette semaine, j’aurais vraiment vraiment aimé ça, mais des circonstances hors de mon contrôle fait en sorte qu’aujourd’hui, je dois rester ici, auprès de ma famille. On traverse une période difficile et l’une des forces qui fait que je peux continuer aujourd’hui, ça a été le message de beaucoup de familles puis de survivantes qui m’ont expliqué, une fois qu’on a perdu notre maison sous les flammes, que la leçon de vie qu’elles m’ont enseigné, Melanie Morrisson était présente et d’autres femmes et d’autres personnes importantes dans ma vie, qui m’ont dit : « Personne de blessé, tu n’as pas perdu un être cher, ce n’est que du matériel. » Alors ça, ça a été la meilleure leçon, sauf que je dois me retourner, cette semaine, pour relocaliser et loger tous mes petits-enfants.
et ceux que j’aime.

C’est une semaine importante ; comme je le disais, j’aurais aimé ça être avec vous cette semaine parce qu’on va accueillir une deuxième fois et dernière fois les parties qui ont une qualité pour agir. Et nombreux et nombreuses d’entre vous qui ont cette qualité-là avez représenté les organisations. On vous a vu grandir, on vous a vu réagir, on vous a vu partager l’expérience de vos clients, de vos clientes de ces familles et survivantes et je vous en remercie.

Les parties ayant la qualité pour agir, cette semaine, vont déposer leurs observations finales, des observations qui vont nous permettre, à nous les commissaires, de pouvoir faire en sorte que dans la réflexion pour un rapport final et des recommandations, on puisse y mettre l’expertise et l’amour auquel les familles vous ont fait confiance.

Cette dernière audience me rend fière, même si je la vis dans des émotions assez mélangées. Elle me rend fière parce que je sais que ça a été une expérience difficile, une expérience remplie d’émotions, mais une expérience surtout avec un... apprentissage unique et incroyable. Vous avez accompli un travail avec nous tous et nous toutes, un travail difficile, mais un travail qui démontre aussi qu’il y a de l’espoir – moi, j’y crois.
Maintenant, l’effort qu’on a mis, tout le monde ensemble, il faut donner vie à la suite de cette enquête-là, il faut honorer les paroles et les recommandations qui émanent des familles et des survivantes. Alors, ça, pour moi, c’est fondamental. On a trouvé des façons d’assembler cette connaissance-là sur l’Enquête nationale ; c’est ce qui va nous permettre d’amener un rapport –et je le répète– des recommandations.

Alors, tous les Canadiens et Canadiennes qui nous ont écoutés, qui ont participé, ont jugé ou qui ont soutenu ces travaux-là, je vous demande, encore une fois, de faire en sorte qu’une fois cet outil, cette Enquête terminée, on doit honorer cette vérité et faire en sorte qu’on changement réel arrive.

I want to say thank you for the people of the Anishinaabe territory for welcoming us. As you can see, I am here in the Wendake territory, and it's not something -- I wish I was -- I was with you, with you first of all, to hug you, first of all to open my mind and my spirit and my heart to listen to truth coming from the families who gave that voice to the Party with Standing.

I heard this morning that a ceremony, a pipe ceremony was held by Helene and I have to say thank you. Thank you for this ceremony because everywhere we went, the Commissioners and the staff, we participate in
those ceremony because for us, this is important and this is the protocol, and this is our Indigenous law. So I have to say thank you.

I was able to listen your speech, Lori, to see your face, and proud to say that your message resonates through here, to my heart. I have to say thank you for your words and your teaching.

I was very touched by your message, Barbara, for the opening remarks and to see the families with you, surrounding you, and the moment of silence. So thank you. Thank you for being there in this important journey.

You can see again I'm not with you today, and I feel sorry. I wish I was there, but my family and I are going through a difficult moment, difficult experience right now. Last week we lost our home. It burned. But the teaching and the lesson came from you, families and survivors, that we have to stay strong because nobody, nobody, my children, Serge, my family wasn’t hurt. We're still there. We're alive. So thank you for your teaching.

So I have to relocate and reorganize this week, but my heart, my stubbornness, and my willingness for a real change is there with you.

The Party with Standing is in this room.
You will share with us your comment, your concern, your knowledge that came from the family that you represent. And with that, it will help the work of the Commissioners, the work of the Inquiry to make sure that -- and the report and the final recommendation, your concern or your hope is brought there.

It is also, for me, the last hearing, so another reason why I'm sad that I'm not with you. But I have all my trust, all my love to Marion, Qajaq, and Brian, and all the staff, but most of all, with the (inaudible) and the families, survivors, and the staff that are families and survivors, all my trust and heart to you and with you.

So in conclude, I have to say that I have hope, big, big hope that what we heard, what was mentioned by Qajaq and Brian, that it will resonate and we have that responsibilities, us as citizen, as human being, but also as government, the Government of Canada, every government across Canada, our own government, the Métis, the First Nation, and the Inuit, to make sure that we honour every words, every tears, every hope that came from the families and survivors.

I will be there Friday for those hugs that it mentioned by Barbara because believe me, I believe to receive and I need to give the love.
So I wish you a wonderful day and my colleagues, I miss you. Merci.

(APPLAUSE/APPLAUDISSEMENTS)

MS. CHRISTINE SIMARD-CHICAGO: Merci.

Miigwetch, Michèle.

I'd like to call upon Chief Commissioner Buller to come up and make some opening remarks.

M. CHRISTIAN ROCK: Merci. Je voudrais demander à la Chef Commissaire Marion Buller de venir pour vous adresser ses commentaires d’ouverture.

---OPENING STATEMENT BY/DÉCLARATION D’OUVERTURE PAR CHIEF COMMISSIONER MARION BULLER

CHIEF COMMISSIONER MARION BULLER: Tansi.

Good morning. Bon matin.

I want to start by acknowledging and welcoming the spirits of the missing and murdered Indigenous women and girls. Their memories and their strength and their legacies inspire us every day and guide us in our work. I welcome them, their spirits, to join us this week.

I also want to acknowledge that we're on the land of the Algonquin, Anishinaabe people. Of course, it's their traditional land and as importantly, unceded land.

Thank you to those who have joined us
today, either in person or through our webcast. We know that we may not see you but we know that you're watching, so thank you.

I offer my warm welcome to our elders and knowledge keepers, Reta Gordon, Vincent and Elaine Kicknosway. Thank you for your prayers and starting us in a good way today.

Thank you also, Eelee Higgins, for lighting the qulliq so that we have light and warmth as we do our work this week.

Thank you and welcome to our grandmothers. Also, thank you and welcome to families, survivors, who are joining us in person and by webcast. And thank you also to the members of the National Family Advisory, who are here. And also, welcome to those who are watching on our webcast.

And also, thank you Eagle River drummers for our opening song today and reminding us in a very measurable way that our collective heartbeat across Canada is strong and getting stronger.

Thank you also to the National Inquiry staff, our AV people, our translation people, the logistical people who have made and continue to make the magic happen all across Canada in some very challenging circumstances, I might add.
Laurie, thank you for welcoming us.

Christine, Christian, merci beaucoup. And I do watch the
clock. Thank you.

(LAUGHTER/RIRES)

CHIEF COMMISSIONER MARION BULLER: I also
want to extend a very warm welcome to members of our
Ottawa office staff who are going to be able to join us
from time to time. Welcome. Always happy to see you.
You're an important part of our work. And also, from time
to time, some of our government partners will be joining
us, and again, welcome. And now you can see what all the
paperwork does, and we're very grateful that you're able
to join us.

We can't do this work without Parties with
Standing. The organizations and individuals from front
lines to government to Indigenous organizations, all of
you have been a great help so far and we're looking
forward to hearing more from you as we go along this week.

Two weeks ago in Calgary we received final
submissions from several Parties with Standing who called
for a change in the Canadian social order, a new social
contract. Colonialism was highlighted as a catalyst for
the ongoing systemic violence against Indigenous women and
girls and members of the LGBTQIA communities.

Parties outlined issues of poverty,
unemployment, racism and discrimination, isolation in harsh environments, lack of supports and services, and inadequate and unstable funding. In general non-Indigenous governments continue to control the lives of Indigenous peoples, and as they pointed out, to the detriment of Indigenous women and girls.

I value the suggestions and recommendations we heard in Calgary, especially around reconciliation and the distribution of power, or redistribution of power, where Indigenous people will reclaim their power and their place over their own policies, practices, laws, governments and community structures. It’s our time.

We were also told quite clearly Band-Aids, lip service, government handouts simply are not good enough. Our women and girls are dying and going missing as a result. That has to stop.

So parties with standing, you’ve got a lot to live up to. The people in Calgary set a very high bar. I look forward to hearing from you this week. Your submissions will help us contextual what we’ve heard, the important truths that we’ve heard from families and survivors, almost 2,000 of them, across Canada. They are providing the foundation for our work.

I can’t stress enough the importance of the work that we’re doing this week. This will provide, as
I’ve said, framework for our final report that’s coming up all too quickly at the end of April 2018 (sic). The recommendations that we make with your help, and also with the help of families and survivors across Canada, will bring about the necessary change to create healing, justice, and reconciliation so that all of our women and girls can be safe. The dying, the murders, the deaths just simply have to stop.

Thank you very much.

(APPLAUSE/APPLAUDISSEMENT)

MS. CHRISTINE SIMARD-CHICAGO: Miigwech.

Just some quick housekeeping notes. We have Gerri-Lee McPherson and Corley McPherson here that will be doing healing by beading in the Elders’ room, which is directly across from this room in the Quebec room.

We have health workers here, our health support team. They’re wearing beautiful vests with nice designs on them. I don’t see -- I wish one would stand up. There she is, looking fabulous.

And for smudging, we have smudging available. Because of the requirements of the hotel smudging will occur in the Elders’ room right across the way.

Thank you for everything, and I hope you
all have a wonderful day.

M. CHRISTIAN ROCK: Donc, afin d’ajouter quelques notes complémentaires pour bien lancer la journée, j’inviterais ceux qui ont besoin de traduction simultanée d’utiliser les équipements qui sont situés à l’arrière pour un atelier qui porte sur le perlage, donc qui est mené avec Madame Gerry-Coralee qui se trouve dans la salle Québec.

Il existe également une salle qui est destinée pour les aînés, et une salle qui est destinée pour l’aide en matière de santé.

J’inviterais également aux gens qui sont, qui représentent en matière de santé de s’avancer un peu, comme tout à l’heure. Donc ceci étant fait, il y a une salle aussi qui est destinée pour le smudging.

Donc je vous souhaite une bonne journée, on est prêt à commencer.

MS. CHRISTINE SIMARD-CHICAGO: So we’ll just take a quick two minute break just to reorganize the podium, et cetera. A five minute break I’m being told her. So five minutes. And please come back to re-

M. CHRISTIAN ROCK: On va prendre un cinq (5) minutes pour réorganiser la salle. Je vous invite à entrer dans cinq (5) minutes dans la salle pour procéder.
Merci, au revoir.

--- Upon recessing at 9:13 a.m./L’audience est suspendue à 9h30

--- Upon resuming at 9:29 a.m./L’audience est reprise à 9h30

**MS. CHRISTINE SIMARD-CHICAGO:** Grab your seats.

**MS. CHRISTA BIG CANOE:** (Speaking in Native language)

Thank you, Commissioners.

If we could formally start the record for the purpose of closing submissions.

Today, just for the purpose of the record, I’m Christa Big Canoe. I’m Commission counsel. Sitting beside me is Meredith Porter, who is also Commission counsel.

Throughout the week you will see some of the Commission counsel inviting the parties up to make their submissions to you.

I have just a couple quick housekeeping notes, if I may.

So good morning, Chief Commissioner and Commissioners.

One of the things that we did in the hearings at Calgary in the closing submissions was every
day at the end of the day there would be an honour song, and that honour song is done to thank the parties that have come and made their submissions.

So I just wanted to let parties know that in advance because, you know, I know people do have flights, or coming or going, but please, if you can, and you’re making submissions, stay around for the end of the day.

Also there will be some other things that are related to you and small gifts based on a gift from one of the party’s last week at the last hearing in terms of a commitment stick. And we have some of those here for parties with standing. And that will happen at the closing today.

And those were the couple of housekeeping announcements I wanted to make sure everyone had the opportunity to know about.

So, as you know, and the Commissioners have already spoken to this in their wonderful opening remarks, but just again for the purpose of the record, we will have 34 parties this week presenting to the Commissioners. They’re closing submissions. Each party will have 40 minutes in which to provide those submissions, and then there will be 10 minutes’ worth of questions -- clarifying questions by Commissioners to the parties. We do have a
time set and that just allows the parties to know where they’re at in their submissions.

The very first party that we would like to call up and invite to make their closing submissions is the Congress of Aboriginal Peoples. Mr. Robert Bertrand as well as other counsel will be speaking.

---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ROBERT BERTRAND:

MR. ROBERT BERTRAND: Bonjour. Good morning, Elders and family, Commissionaires, and the Inquiry staff, Indigenous leaders, and parties with standing, and guests.

I am Robert Bertrand, National Chief of the Congress of Aboriginal Peoples, and with me is Ms. Lisa Lombard, legal counsel for CAP, et Madame Danielle Bédard, I wish to acknowledge the land on which we are gathered is the unceded traditional territory of the Algonquins, which we are all presently privileged to be gathered on.

I would like to start by thanking the National Inquiry for your work.

Over the years we have several resolutions at our assemblies calling for a national inquiry and CAP joined our voices with family who have lost loved ones.

We also joined your call for a two year extension and were disappointed with the limited six
months the government agreed to. The short timelines for
the Inquiry’s work led to real challenges for delivering
on this critical mandate.

CAP has been honoured to participate as a
party with standing to contribute to the thoroughness of
these proceedings and support the needs and the priorities
of the families, survivors, and communities we serve.

We are here today to speak to the
considerations you must take into account for your final
report.

Since 1971 CAP has been the national voice
representing the interests of Métis status and non-status
Indian living off reserve and southern Inuit Indigenous
peoples.

Our vision is that all Indigenous peoples
in Canada will experience the highest quality of life
founded on the rebuilding of our Nations; all Indigenous
citizens will be rightfully treated with respect, with
dignity, integrity, and equality.

From coast-to-coast CAP’s 10 provincial and
territorial affiliates are instrumental in providing us
with a direct line to the needs and interests of our
constituents living off-reserve.

Our constituency is made up of diverse
Indigenous peoples. CAP arose as a national
representative of the Forgotten People; those who have
been systematically excluded by the government.

In 2016, the Supreme Court of Canada’s
Daniel decision confirmed the Government of Canada’s
jurisdiction and responsibility to Métis and non-status
Indians.

The Court also documented that these people
are the most underserviced and disadvantaged of all
Canadians. We believe that the result of this
marginalization of our peoples through lack of proper
service and supports has created an increased risk for our
Indigenous women and girls.

As Indigenous peoples we have been
resilient. We will not allow ourselves to be left behind
any longer. To the survivors, their families and
communities; we have not forgotten. Canada knows your
story and our hearts are with you.

It is our belief that the Inquiry’s
recommendations are not optional.

I will now turn it over to Ms. Lombard to
explain the legal imperatives and obligations for Canada
to deliver actions in response to the issues of missing
and murdered Indigenous women and girls.

Migwetch. Merci beaucoup. Thank you.

--- FINAL SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR MS.
MS. ALISA LOMBARD: Thank you. And thank you to the Algonquin and Anishnaabe People for welcoming us on their un-surrendered and unceded traditional territory today; the Elders for their beautiful prayers, for sharing and for lighting the Qulliq this morning; the Eagle River drummers for setting us on the right path with their inspiring sound and voices; the families, the colleagues, the parties with standing, thank you to everyone attending and watching today.

I’d also like to acknowledge the sacred items in the room and their critical importance.

We must remember, before we get into these legal technicalities, that the Inquiry was born from the spirits of our stolen sisters and the loving, fierce advocacy of their families and allies who rightfully refuse to accept excuses as justifications for their losses, pain, and suffering.

These foundational truths must inform our work today and always.

Commissioners, Chief Commissioner, to anchor my client’s proposed contributions to the work of the Inquiry, we think it may be helpful to briefly recall the role of a party with standing before an inquiry, generally.
The role of a party with standing in an inquiry’s proceedings is in the advancement and protection of the party’s special interest and contribution to the inclusiveness and thoroughness of an inquiry. Standing is habitually granted where the party has an interest which is direct and substantially affected by the subject matter.

Further, the role of a party with standing in an inquiry proceeding is to be responsive to the inquiry’s terms of reference and the subject matter of its investigation. The primary objective is to be helpful to the inquiry in discharging its mandate. And here the party with standing may do so by making legal representations further to the Terms of Reference and the legal path.

CAP’s submissions today advance legal arguments respecting the legal imperatives underpinning Canada’s obligation to implement the Inquiry’s recommendations with due diligence, in good faith, and in a manner that upholds the honour of the Crown, as well as identifying broad themes emerging from institutional and expert hearings, and a broad framework for recommendations.

So the first point is that there must be action because of legal imperatives.
The Inquiry’s recommendations and findings are not optional. They cannot be ignored like so many recommendations before them. They are legal imperatives arising from human rights, the Canadian Charter of Rights and Freedoms, the Canadian Constitution, including the Honour of the Crown.

At the first level, internationally, the incidence and rates of violence and disappearance of Indigenous women and girls in Canada unequivocally violate multiple and myriad multiple human rights that Canada has pledged to uphold through binding international covenants. As such, under international law, Canada has a positive obligation to act to prevent such violations. The Inquiry is the mechanism Canada has chosen to determine how to meet those obligations.

As such, Canada is not at liberty to disregard its recommendations or delay their implementation. To do would amount to a conscious continuation of the human rights violations.

The entities responsible for monitoring compliance with the Convention on the Elimination of Discrimination Against Women and the Convention on the Elimination of Racial Discrimination, as well as the Inter-American Commission on Human Rights, the Special Rapporteur on the Rights of Indigenous People, and the UN
Human Rights Committee have all found the disproportionate prevalence of violence, murder, and disappearance of Indigenous women and girls to be a violation of human rights and called on Canada to take measures to protect Indigenous women and girls and hold perpetrators of violence accountable in order to fulfil its human rights obligations.

As stated by the UN Special Rapporteur on the Rights of Indigenous Peoples, the issue involves, and I quote:

“Complex multidimensional and mutually reinforcing human rights violations which routinely exclude Indigenous women and girls from enjoying the rights otherwise guaranteed to citizens.” (As read)

We submit that these rights attach to the most basic functions of human dignity.

Canada’s breach of its international obligations has been noted by experts testifying before the Inquiry itself. Professor Brenda Gunn, qualified as an expert in international human rights as it relates to Indigenous people, noted that international human rights documents form normative obligations that exist for Canada, in addition to being within treaties to which
Canada is explicitly a party. She stated that, and I quote:

“There is a recognition that the prohibition of gender-based violence against women has evolved into a principle of customary international law.” (As read)

She summarized reports from international human rights bodies that establish that:

“Canada has failed to take sufficient measures to ensure that all cases of murdered and missing Indigenous women have investigated and prosecuted, and that those failures constitute violations of human rights under both the Convention on the Elimination of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination.” (As read)

International bodies also note Canada’s need to address gaps in the law on violence against women, gaps in its data collection to monitor performance, to develop a national action plan, address root causes in terms of economic, social, and cultural rights, and to
properly strengthen resource service delivery; in short, many of the areas that the Inquiry is investigating.

International human rights obligations are at least part of the legal reason the Inquiry was called. CEDAW and the Special Rapporteur specifically called for a national inquiry on this issue. And Canada held out the Inquiry as the action it was taking on the issue in its reviews by human rights monitoring bodies. This is important.

As such, we submit that Canada has a positive obligation to act. International human rights obligations bind the state not only to refrain from violating human rights directly, but also to prevent and eliminate their violation within their countries. Professor Benda Gunn called this obligation basic; a foundational principle of human rights. And she said, and I quote:

“The basic obligation that relates to the situation of murdered and missing Indigenous women and girls in Canada is Canada’s duty of diligence; duty of due diligence to prevent, investigate, prosecute, punish, and compensate. This requires prioritization and resourcing of these measures.” (As
She further stated:

“Where Canada has legal obligations to fulfil, it means that when prioritizing budgets and engaging in certain activities that Canada is required to fulfil and address these areas and others of social and economic and social marginalization.”

(As read)

Canada has thus been found to be in breach of its international obligations, and elected in 2016 to call an inquiry as the means by which to address the issue and meet its obligations. In terms of -- in the terms of Reference for the Inquiry, Canada states that:

“The purpose of the Inquiry is to make recommendations for effective action and then commits to take effective action to prevent and eliminate violence against Indigenous women and girls in Canada.”  (As read)

Under these circumstances, Canada is not at liberty to disregard the Inquiry's recommendations. The Inquiry is the vehicle by which Canada is meeting its legal obligations. Canada convened it in order to
identify the effective action it must pursue to address
the issue. To disregard the Inquiry's recommendations
would be to consciously continue to violate the rights of
Indigenous women and girls in a wilful and deliberate way,
and its legal obligations and commitments at the
international level.

No one is demanding perfection here, I
don't think, but due diligence is not a complex concept,
and usually gives rise to some meaningful progress.

Several Charter rights are also implicated
in the Inquiry's mandate. Again, as a vehicle through
which the Crown seeks to satisfy its Charter obligations,
it cannot ignore the Inquiry and its recommendations.
This is even more clearly the case given that the Charter
rights at issue are constitutional obligations being
breached in their application to Indigenous people, and
thus invoke the honour of the Crown, which requires, at a
minimum, that the Crown follow through on its promises.

Section 7, 12 and 15 of the Charter are
potentially implicated in the issue of missing and
murdered Indigenous women. Section 7 provides that, and I
quote:

"Everyone has the right to life,
liberty and security of the person and
the right not to be deprived thereof
except in accordance with the principles of fundamental justice."

While it is often invoked in the sphere of criminal law, section 7 rights may be extended where there is -- and I quote:

"State action which directly engages the justice system and its administration."

To date, section 7 has only successfully been invoked to restrict the State's ability to deprive individuals of rights or liberties, arguing that inaction by the State that leads to a deprivation of life or liberty in its failure to hold perpetrators of violence against Indigenous women and girls accountable, breach of section 7 may be a novel argument. But it is not a huge conceptual stretch, particularly as such an action is in the context of the administration of justice.

Section 12 provides that:

"Everyone has the right not to be subjected to...cruel and unusual treatment or punishment."

Treatment is cruel and unusual when it outrages standards of decency or conscience, which the individual as well as the collective stories of missing and murdered Indigenous women clearly do. Providing
greater elaboration in the standards involved for this
type of illegal treatment, section 12 has a parallel in
international law in the convention against torture and
other cruel, inhuman, or degrading treatment to which
Canada is a party and under which there is increasing
recognition that gender-based violence against women may
be considered torture in some circumstances.

The committee that monitors compliance with
the convention has recognized that the principle of
non-discrimination is fundamental to the interpretation
and application of the convention, and that the -- and I
quote:

"Discriminatory use of mental or
physical violence or abuse..." (As
read)

Is an important factor in determining
whether a State has committed torture.

The committee has emphasized State's
obligations to protect minority or marginalized
individuals or populations who are especially at risk of
torture or ill treatment and has found that gender is a
key factor in the forms of torture or ill treatment. It
has specifically connected murdered and missing Indigenous
women in Canada to violations of the UN Convention Against
Torture and has separately found that law enforcement
officials who fail to provide adequate protection against racially motivated attacks is a violence. The disproportion of violence against Indigenous women and girls clearly constitutes clear and unusual -- cruel and unusual treatment, and in some cases, torture.

Section 15 is the Charter's equality and non-discrimination provision. To show discrimination under section 15, a claimant must prove a distinction based on an enumerated or analogous ground such as race, and that the distinction's impact on the individual or group perpetrates -- perpetuates a disadvantage or disadvantages.

It is discriminatory conduct that section 15 seeks to prevent, not the underlying attitude or motive of the conduct. The disproportionate prevalence of violence against Indigenous women and girls most certainly perpetuates disadvantages.

Section 15 is usually directed at express legislation or rules. Here, it is the State conduct or inaction in the administration of the law that is based on exclusionary racial distinctions which are no less egregious or deserving of rectification.

The prevalence of violence and the disappearance of Indigenous women and girls constitutes human rights violations under Canada's own human rights
framework. Canada's obligation to address systemic violations is heightened by the particular group being affected here, thus being Indigenous peoples.

Courts have recognized that the honour of the Crown is at stake in all of its dealings with Indigenous peoples. This arises from the Crown's assertion of sovereignty over the Indigenous occupants of the land without conquest and its resulting commitment to protect and act honourably towards those occupants.

Regarding constitutional obligations, in particular, the Supreme Court has long since made clear that the Crown must fulfill its constitutional promises in an honourable way. It first invoked this idea in 1990 in Sparrow in the context of the constitutional recognition of Aboriginal rights in section 35 of the Constitution Act, stating, and I quote:

"...the honour of the Crown [is at stake] in dealings with aboriginal peoples. The special trust relationship and the responsibility of the government vis-à-vis aboriginal[s] people must be the first consideration in determining whether the legislation or action in question can be justified."
The Supreme Court has reaffirmed the relevance of the honour of the Crown and the fulfillment of constitutional duties in subsequent cases. The *Manitoba Métis Federation v. Canada* decided in 2013 the Supreme Court found in violation of the honour of the Crown in the way that the government had implemented the *1870 Manitoba Act*, particularly those sections that promised to land -- to grants lands to Métis children and which recognized their existing land holdings.

The process of allotting land to the Métis was subject to inordinate delay and resulted in lesser holdings than originally envisioned. As a preliminary point, the Court restated the nature of the Crown honour -- of Crown honour as a doctrine affecting existing obligations in a real and substantial way. It reaffirmed the statement in *Haida Nation* that the honour of the Crown is -- and I quote:

"...not a mere incantation, but rather a core precept that finds its application in concrete practices..."

And -- and I quote again:

"...'gives rise to different duties in different circumstances'"

Further, it -- and I quote again:

"It is not a cause of action itself;"
rather, it speaks to how obligations
that attract it must be fulfilled."
The Court then re-established the Crown's
obligation to diligently implement constitutional
promises.

The Crown's honourable obligations in the
context of the Constitution are further elaborated later
in the same decision, the Haida Nation decision, and the
Court says that:

"...the law assumes that the Crown
always intends to fulfill its solemn
promises, including constitutional
obligations..."

It also said that:

"...if the honour of the Crown is
pledged to the fulfillment of its
obligations, it follows then that the
honour of the Crown requires the Crown
to endeavour to ensure its obligations
are fulfilled."

The Supreme Court requires that an
obligation be owed specifically to Aboriginal peoples,
which of course Charter promises are not. The Supreme
Court may view the requirement that an Aboriginal group is
the sole beneficiary rigidly.
Justice Harry LaForme of the Ontario Court of Appeal was critical of its approach in *R. v. Kokopenace* where he said:

"The Supreme Court now appears to have retreated from this position. Instead, 'not all interactions between the Crown and Aboriginal people' engage the honour of the Crown; more specifically, it will not be engaged by 'a constitutional obligation in which Aboriginal peoples simply have a strong interest' or one 'owed to a group partially composed of Aboriginal peoples'."

This was in *Manitoba Metis Federation*, at paragraph 68 and 72.

However, with respect to the violence against and disappearance of Indigenous women and girls, it is well-documented that Aboriginal peoples are the disproportionate victims of the rights violations. The obligations may not be owed specifically to them, but their violation is disproportionately experienced by them.

All peoples are equal beneficiaries of Charter rights, but Indigenous peoples experience those rights very differently, if at all. With full knowledge
of this fact, it would be disingenuous to argue that Crown honour applies to obligations that explicitly target indigenous people, but not to those whose breach does do.

Moreover, essential humanity requires an extension of the state’s obligation of diligent implementation to the benefit of indigenous women so they can equally access protections and the benefits of the law. This is the principle underlying section 15 of the Charter.

These are the promises made in our Constitution, and we all have a right to its equal protections by its own terms. There are no defensible exceptions to the meaningful benefit substantive equality rights for indigenous peoples. None. Not a single one.

Crown honour requires diligent implementation of promises and, at a basic level, the intent to keep promises. Further, the delay in implementation is not an option. That is also made clear in Manitoba Métis. At paragraph 82, the Court said:

"A persistent pattern of errors and indifference that substantially frustrates the purposes of a solemn promise may amount to a betrayal of the Crown’s duty to act honourably in fulfilling its promise."
Finally, the honour of the Crown also lays at the heart of reconciliation, an objective that is also at the heart of this Inquiry.

Canada has stated that the Inquiry is part of its efforts to achieve reconciliation. As such, the honour of the Crown requires that the government work to diligently support its work and implement its recommendations.

This is an obligation of the Crown regardless, as the continuing violation of Charter rights owed to indigenous peoples requires concerted, diligent action as will be identified by the Inquiry pursuant to the honour of the Crown and the rule of law.

Our final point concerning the legal issues relevant to the Inquiry's recommendations concern how those recommendations must be structured and implemented. The inherent right of self-determination arising from section 35 and other constitutional and legal instruments, which is universally recognized internationally as well as for indigenous Nations in Canada, requires a principled and inclusive approach to the beneficiaries or targets of Inquiry recommendations, one that transcends the limiting criteria of the Indian Act and current administrative structures.

The right of self-determination is
recognized for indigenous Nations. It is uncontroversial in Canada.

It is embodied in Article 1 of the Covenant on Civil and Political Rights and the identical Article 1 on the Covenant -- of the Covenant on Economic, Social and Cultural rights which have been almost universally ratified.

Identical language has been expressly applied to indigenous people at the international level in Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples, which says indigenous peoples have the right to self-determination.

This guarantees the right to freely determine their political condition and the right to freely pursue their form of economic, social and cultural development. There's nothing unclear about this provision.

Canada has recognized self-determination as an inherent right of indigenous Nations and states as its principle of its reconciliatory relationship with indigenous peoples, and I quote:

"The Government of Canada recognizes that all relations with indigenous peoples need to be based on the recognition and implementation of
their right to self-determination,
including the inherent right of self-
government."

The core requirement of self-determination
is the ability to determine membership. This is one of
the key areas in which colonialism and its legislation, in
particular the Indian Act, has undermined indigenous self-
determination and identity.

The definition of belonging captured in the
treaties was abandoned, and the Indian Act imposed
definitions of indigeneity with the express intent of
reducing the indigenous population. This we know.
Resulting in harmful exclusions, structural racism and
consequences that non-status people continue to experience
today alongside their brothers and sisters and kinship
family members who do have status.

Canada has made moves to alter the Indian
Act criteria and devolve some authority over membership.
Bill C-31 allowed Indian Bands to determine their own
membership.

The federal government continues to
determine status, however, and Indian status is the basis
on which services are generally provided and largely
political consultation conduct.

The federal government continues to grapple
with the Daniels decision, to put it lightly, and has not provided decisive leadership in the area of recognizing the rights of non-status people.

Some of the consequences of these strictures were discussed by experts before the Inquiry, and we will elaborate on those in our final submissions.

The right of self-determination and the remediation of harmful past exclusion demands a principled and inclusive approach to the populations targeted by the Inquiry's recommendations. Limiting programs to status or on-reserve Indians or the implementation through existing bureaucratic structures that restrict their programming based on status and the presence of an on-reserve component would reinforce existing divisions and disadvantages and continue to undermine the right to self-determination, not empower it.

Canada must start recognizing the Nations' ability to determine their own membership, their own people, who belongs to them, who their families are as they are today. As they are today, they do not look the same, as they would not after all these years. And must cease its practice of dividing and limiting indigenous peoples and political entities.

An inclusive approach to the question of who is indigenous must inform the Inquiry's
recommendations and the government's actions that follow.

In our final submissions, which we will give to the Inquiry on Friday, we essentially provide a summary of the evidence into seven key themes that then inform the framework of our recommendations, which will also be submitted on Friday.

The first key theme is colonial disruption of membership determination. The second key theme talks about what experts before the Inquiry had to say about the debilitating effects of exclusion from community.

The third key theme talks about the vulnerability of those without community, which was a resounding theme in proceedings before the Inquiry, talks about support structures based on status and their glaring inadequacy.

Notably on that particular point, Professor Naomi Metallic testified that Daniels plus the Caring Society cases by the Human Rights Commission means that equal obligations with respect to service delivery are owed to Métis and non-status Indians. It's an important point.

We also identified the need for more resources for off-reserve indigenous peoples as well as the existence and participation in racism regardless of status.
That particular point was echoed by two family physicians who appeared before the Inquiry. Dr. Barry Lavallee, who was a qualified expert in anti-indigenous racism, indigenous health and medical education elaborated on this in the health care system, stating that dehumanization, which is a very important point that I would encourage you to consider seriously, of indigenous peoples occurs in health care as well as policing and justice sectors, and that medical school, and I quote, "reinstalls racist attitudes or reinvigorates them" and the use of stereotypes that go on.

Dr. Janet Smylie -- full disclosure, who's my mother-in-law -- testified about how humans, and I quote, "in-group and out-group people based on their appearance", which leads to implicit or unconscious race preference bias.

Our last theme that we identified was the value in restoring membership determination, and this brings us to the framework for our recommendations which will all be structured around the principle of inclusivity or exclusivity where there is a choice in addition to the need for community building, citizenship determination processes -- processes are important.

We often ask ourselves, so how do we go from this point to this ideal point, and I think that the
answer lies in something that none of us know, which is a
transition process. And that transition process will look
different for everybody, and that's okay as long as it
does not pre-determine outcomes.

Secondly, we'll group our recommendations
under substantive equality and resourcing services and, of
course, an inclusive approach to resourcing in area-specific jurisdictions such as child welfare, justice and corrections, et cetera.

Those are our submissions for today. ...Thank you very much for listening.

(APPLAUSE/APPLAUDISSEMENTS)

MS. CHRISTA BIG CANOE: Are there any
questions for Ms. Lombard?

COMMISSIONER QAJAQ ROBINSON: First, I'd like to thank you both, National Chief Bertrand for your words and your presence today and Counsel for your submissions. I look forward to reading them in full.

I only have one question and we've been taught throughout this how important words are. And as you speak of the implications of the recommendations flowing from this Inquiry and legal framework that you have outlined, which, in your submissions create not recommendations but legal imperatives, is there a word other than "recommendations" that you think we may want to
consider using in the language of our report?

MS. ALISA LOMBARD: Imperatives.

COMMISSIONER QAJAQ ROBINSON: Thank you.

Those are all my questions.

COMMISSIONER BRIAN EYOLFSON: I just want to thank you both very much for your submissions. I don't have any additional questions at this point, but I look forward to reading your written submissions. Miigwech.

CHIEF COMMISSIONER MARION BULLER: I think this one is on. Thank you.

Yes. Thank you both very much. It was hard to stay seated and not start jumping around with excitement.

Perhaps you can help me with one issue I'm wrestling with. As you've very ably stated, there are international obligations that Canada has, or under international instruments. There's the Charter of Rights. It's one thing to have rights as Indigenous people, but under these same instruments and the Charter, are there meaningful remedies? And if so, what are the remedies?

MS. ALISA LOMBARD: I think -- are we talking about the Charter or are we talking about the international instruments generally?

CHIEF COMMISSIONER MARION BULLER: Both, because -- and my question arises from wrestling with, as
you’ve very capably pointed out, all the international instruments that Canada has embraced in some shape or form, very clearly states that we as Indigenous people have certain rights. But none of those instruments, in my reading, show opportunities of recourse or remedies when they’re violations, in a meaningful way. Canada can be slapped on the wrists by the United Nations and other bodies, but that really doesn’t change what happens at the grassroots level.

Then, in the Charter, of course, you properly pointed out the appropriate sections of the Charter that apply. There are options for remedies under section 24 of the Charter, but under the Charter, are we, as Indigenous people, able to claim remedies for many of the difficulties that — challenges that are clear cases of discrimination as a people or peoples across Canada or as individuals? And then what meaning would that remedy have under the Charter?

So it's a big question and you may not be able to answer it today. I know it's difficult at times. If you want to address these issues in your written submissions, that's fine as well.

**MS. ALISA LOMBARD:** Absolutely. If I may, a very preliminary response, that would be that at the international level, there are various covenants that call
for the prevention, protection, punishment, and for reparations that go beyond, I recently learned, the simple damages that include psychological damages, damages to the whole, to the collectivity.

In terms of article 24, I actually wrote my law school thesis on that, but it's pretty far back in my mind so I’d have to have another closer look. From my recollection all those years ago, I do remember that it was extremely under-utilized and that, I think that there may be some opportunity there to examine what use it could be.

CHIEF COMMISSIONER MARION BULLER: And next question. Assuming for the moment that remedies under the Charter, section 24 of the Charter -- and perhaps elsewhere -- are confined to domestic courts, what role do you think international courts play in providing remedies and recourse? Again, tough question.

MS. ALISA LOMBARD: I'd have to give that some thought, but I will address that in our final submissions.

CHIEF COMMISSIONER MARION BULLER: Okay. That could be critical of anyone, but I'm also wrestling with the question of what point, if we consider ourselves Nations, why are we asserting our rights in domestic courts?
MS. ALISA LOMBARD: That's the space that we have, I think is the most pragmatic answer I could perhaps provide. There are -- there is international for -- but as we all know here, it can be a persuasive forum but it's not -- whatever happens there is not always enforceable, depending on the circumstances and with whom you're dealing.

Domestic courts are but then again, we can look at the experience of, you know, Dr. Cindy Blackstock's work and the five non-compliance orders she's dealing with.

And so as effective as the remedies and the orders from domestic courts may be, they don’t always realize their full potential, that being the primary example.

MS. CHRISTA BIG CANOE: Well, Ms. Lombard, thank you for your thorough and very persuasive and helpful submissions.

Mr. Bertrand, President Bertrand, thank you for coming today and thank you for providing a wonderful framework for our very first set of submissions. It's a pleasure to work with both of you. Thank you.

MS. ALISA LOMBARD: Thank you.

(APPLAUSE/APPLAUDISSEMENTS)

MS. CHRISTA BIG CANOE: Thank you. Next,
we would like to invite up the Missing and Murdered
Indigenous Women and Girls Manitoba Coalition. Ms.
Catherine Dunn.

--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. CATHERINE DUNN:

MS. CATHERINE DUNN: Good morning. My name
is Catherine Dunn and appearing with me this morning
behind the podium are two co-chairs of the Manitoba
Coalition of Murdered and Missing Indigenous Women and
Girls. And as well, in the audience are some family
members and survivors who have come personally here today
to listen to our submission.

I am struck by how complex murder can be.
Listening to my learned friend who was the last speaker,
murder can be almost incomprehensible. But if we peel
back the layers of the onion, murder is a simple thing.
It is one human being eliminating the life of another.

And in Winnipeg, there are a number of
family members, a number of survivors, who are banding
together today to watch what happens, who have been
watching for the last two years, the path and the roadway
of the National Inquiry, because as we heard at the very
beginning of this day murder results in silence. And it's
not a minute of silence, it is a silence that goes on
forever. It is a silence that keeps from you your mother,
your children, your sister, your grandmother.
And the families and survivors behind me and in Winnipeg are here to speak to that silence because that silence is hopefully going to be addressed by the National Inquiry. That silence has gone on for 150 years. That silence has affected the community in Winnipeg, the communities across this country. That silence is reflected in the children's faces who look for their mothers and find silence. That silence is reflected because their mothers, their sisters, their daughters, are Indigenous.

And in Manitoba, we have been described by various Ministers of government as the "epicentre" of this particular issue, if you can call murdered women an issue, if you can call murdered girls an issue, if you can call murdered and missing children an issue.

We are not here today or for this week for an issue. We are here to let Canada know what we all know in this room. The purpose of the National Inquiry, among many other things, is to create a public record, a public record which will identify 150 years of oppression against one section of Canada, and that is Indigenous people.

There are international rights that Canada has signed up for which protect all people, who talk about the human family and the need for equality. And today is December the 10th. December the 10th, 1948 was the date
that the United Nations Declaration on Human Rights was
proclaimed in another national city, this time in Paris.
And that proclamation was the result of a number of United
Nations determining that after two world wars, enough was
enough. And that declaration was their intention to end
violence.

How does that affect Indigenous women and
girls? It affects them in this way. I'll draw your
attention to the picture on the screen. Those children
are touching the grave marker of their mother. Those
children lost the chance to have a parent show them what
being a mother was about. The young woman in the grave
died too young. She died because of violence. And we are
here today in the nation's capital to accept our
responsibility and our role, moving forward.

Those children deserve a mother. All
Indigenous women, all Indigenous girls deserve to live a
life in Canada like every other Canadian, but it has not
happened.

We have to consider, as part of our
journey, why that hasn’t happened. We have to consider
political will and what role, if any, that plays in why we
are here today. We have to consider what action is
required and how we can implement the laws and the
policies, internationally, nationally, provincially, or
otherwise, which will result in a review of the laws and legislation in Canada which will provide accountability for those children.

They have not read the United Nations Treaty on Indigenous rights, but they have felt the hands of their mother and they have felt the loss of their mother.

With me today is Ms. Anderson's sister who you’ve heard as part of the community hearings who spoke to the National Inquiry.

What she said is that,

"My sister Dawn was the youngest and I just wanted to share a little bit of who I am."

She stated,

"I am a very strong Indigenous woman and I work hard. I work hard at trying to change the pathway for us. "I come from a very strong family who is deeply rooted in their culture and their language. It is very difficult for us to share our truth, but it is also important for us to share our truth."

"We come from a family of 11 and now
we have 10 after losing my sister.

We're very protective of one another in our family and we're also very supportive and we grew up a lot.

"We grew up most of our childhoods living off the land. My father was a commercial fisherman and a trapper, and that taught us as a people and as a family, survival."

"And I feel I know that when we're gathered here today, we're gathered here in strength for one another and also, you know, to create a pathway for change for Indigenous women and girls across this country."

A pathway for change does not come from laws, it comes from political will.

Before this Inquiry started, the research team of the National Inquiry compiled a master list of previous recommendation organized by 17 different themes on why Indigenous women and children are not respected, on why Indigenous women and girls are murdered and missing. This master list comprised 1,200 recommendations. Do we need 1,200 recommendations to accept that murdered women is a concept that Canadians will not abide for? Do we
need 1,200 recommendations or do we just need this:
children who will go home tonight and find family, yes,
because Indigenous people are resilient and Indigenous
people gather around each other and hold each other up.
And these children are the leaders of tomorrow, but it
also true that these children have no mother, and that is
our responsibility, for these children, for all children,
and in particular, for Indigenous children.

There are international laws that say that
everyone is created equal. That was the purpose of the
United Nations Declaration of Rights. Specifically, in
that declaration, it stated that everyone is equal no
matter what the race.

That declaration was followed up, as if we
needed it, by another declaration by the United Nations,
saying, in particular, Indigenous people have collective
rights, have individual rights to language, to culture, to
freedom, to education. These children are what we mean by
that declaration.

Yes, we have laws; yes, we have policies;
yes, we have commissions and reports and parliamentary
committees and truth and reconciliation proposals and
inquiries, but we do not have the one thing that we need,
which is justice. Justice for those children and all
Indigenous children, women and girls in this country.
It's not hard to do to be just, but it becomes complicated, as I said at the beginning.

We have the Charter of Rights, which appears to give equal rights to every person in Canada, no matter what, and yet in Winnipeg today, while I am speaking, an Indigenous girl will go into the Health Sciences Centre, she will be young, she will be poor, she will have a baby, and because she is Indigenous her baby will be apprehended. Not because she is poor. Not because she is young. But because she is Indigenous.

And 150 years ago, it was determined by the Europeans who came to this country that Indigenous people were not the same, would not be treated the same, would never be treated the same. A 150 years is many generations. There have been many reports and many inquests, and many children who stand at the grave of their mothers or their sisters waiting for justice.

Justice is a simple thing. Justice means one human being holding their hand out to another and saying come with me. Not what is the law on any particular thing, it is an emotion. Come with me. Let's do this together.

That's what we are asking Canadians to hear this morning. Let us do this together because if you do not protect that young Indigenous girl with the newborn
baby, they will come for yours. Because justice and
injustice has a way of coming around, and if we do not
protect the vulnerable then everyone is at risk.

But I'm not here this morning to threaten.
I don't think Canadians need to be threatened. I think
Canadians, as a result of this National Inquiry, will have
a public record, a public record that shows them, without
exception, that systemic racism exists in Canada, in the
child welfare system, in the police system, in the courts
system. That these systems which were created to protect
have done the opposite. That the police we look to for
support and protection are in fact secret societies that
have their own rules when it comes to Indigenous peoples.

It was the police who decided in the case
of this young woman who was murdered that she wasn't
murdered. Tell that to her children. Tell that to her 10
siblings.

Political will. We have laws. My
colleague from -- the last speaker very adroitly and with
great precision told you what the law is. What do you
know the law is? The law is that we should be just to one
another. And if you need to write that down, then you're
in trouble, because by writing it down someone will say
you didn't write it down the right way. And these
children are the result.
And maybe you will say well how does an international law, how does a Charter of Rights at the national level affect these children. Well quite simply, these children before they were born, before their parents were born, before their grandparents, and grandparents were born, lost their land. Not lost it, but settlers came to this country and took it by treaty, sometimes by treaty, sometimes not. And for 150 years, these children have suffered, and children like them.

Because if you have no land then you have no home, and if you have no home, you have nothing, because you cannot get past the fact that you have no home. If you have no home you have no family. If you have no family then you have nothing.

This Inquiry is not about the law. This Inquiry, in part, is about political will. There are laws. There are reports. We know what to do and we know how to do it.

What is political will? How does one harness this if the state has a statutory duty to recognize Indigenous self-determination what happens if that duty is breached?

Well, what happens is that every Canadian who goes out into the world and says “Look, I am from Canada. We are a just nation. We are an example to the
world of what democracy is.”

If our own government is unable to recognize the rights of Indigenous people in our own country then the average Canadian who believes that we are a just and free society is wrong, and this may be the first time in 150 years that they’ve heard why this is wrong.

I suspect that there are many, many Canadians, and in particular many people in government, in federal government, in provincial governments, in municipal governments who know what they’re doing is wrong, who have picked up the bodies of murdered women and said somehow the fault lies with them because they are poor, because of their lifestyle, because they are Indigenous.

Why does Canada use the language of double-speak to use as a political weapon against women and children? They announce support for Indigenous self-determination on the one hand and on the other they take it back or deny it completely. They say to LGBTQ2 spirited people you don’t matter the law doesn’t apply somehow to you.

Government funding is provided in minutiae for problems in society that are monumental because they won’t let go. That’s what Ellen Gabriel said, they won’t
let go. She said so if it’s about political will and if
the leaders of this nation are only looking on the next
election then we will once again be at the bottom of their
priorities, and so she suggested the way of
implementation, in her view, was to sue.

I’ve listened to the questions of the
Commissioners. They want to know what they can do to help
this along. Well this is an attitude, an attitude that
can be changed through education; that can be changed
through community-based organizations that go out into the
world and show each other and other Canadians what justice
is, but we need to start now.

On February the 1st 2018 the Canadian Human
Rights Tribunal Commission for the fifth time found Canada
to be racially discriminatory in its treatment of
Indigenous peoples. This ground-breaking decision and the
five non-compliance orders has garnered lukewarm
journalistic response.

Why is it that Canada can be found not
once, not twice, not three times, but five times to be
racially discriminatory to Indigenous people -- children --
not people, children in Canada, and nothing happens?
Where is the political will? Where is Canadians horror of
who we are? After today there is once again a public
record and we must call on Canadians to protect these
children, to bring their mothers, who are missing, home.

We have heard on February the 8th, 2018, seven days after Canada was found to be, in essence, in contempt of its duty not to be racially discriminatory against Indigenous people, the federal government endorsed the United Nations Declaration on the rights of Indigenous people. What happened in a week? Nothing. You cannot endorse a right unless you believe it, and if you believe in something then it happens.

You cannot, as the federal government, endorse a declaration without something inherent, and that something inherent is justice.

We have the opportunity, yet again, to permit the federal government, to permit the Manitoba government -- because that is where I am from -- to do the right thing. It’s a small thing really. It’s a permission to Indigenous children to be like all other children, to go to school, to go to the hospital and be born without the threat of apprehension, to have medical services, to have access to land and cultural resources. It’s not a big thing really.

And your job I don’t envy, because how do you create political will if it’s not really there.

No ministers came to this inquiry. No ministers of the government sat here and dialogued with
the Commissioners about what they should do. Why would they? The very first thing that you do in reaching an understanding is listening. And the way to listen is to come and hear the evidence. The evidence here is overwhelming that in every system in this land, education, child welfare, medicine, land resource, language, Indigenous people are betrayed again and again by their own governments.

For what reason? Why do you take away the rights of the child? What reason is there that can take away the right of a child to have a normal life? That is my question, but it is the federal government's obligation to answer that question. And with your assistance, perhaps they will provide the political will that is necessary to move forward.

How do you do that? You sue them. How often do you do that? Every day. Who sues them? Every political organization in this country, every NGO and community-based organization in this country, every individual, every guardian of every child, has got to take a step forward together or individually to protect each other, because the federal government, the Manitoba government, is not protecting them, as is their duty.

And so I hope that the National Inquiry will be able to create, in this government -- who may or
may not be listening because they're not here in person -- accountability and responsibility. We teach these things to our children, how to be accountable, how to be responsible. It's not a difficult concept because you teach your children those things.

One more murdered and missing Aboriginal woman is too many. The time for recommendations is over. The time for recommendations has left us. Now is the time for implementation. And as we go forward, the Manitoba Coalition of Murdered and Missing Indigenous Women and Girls will go forward with the National Inquiry.

And to those families and survivors watching in Winnipeg, I hope I have explained your position on your behalf, but I have not brought back your mothers, your sisters, your daughters. But perhaps the survivors and the families can protect or stop, at least, the next murder, the next missing person. Thank you.

...(APPLAUSE/APPLAUDISSEMENTS)

MS. CHRISTA BIG CANOE: Thank you, Ms. Dunn.

Do the Commissioners have questions for Ms. Dunn?

COMMISSIONER BRIAN EYOLFSON: Thank you very much, Ms. Dunn, for your submissions. I was really interested in what you had to say about political will,
and I just have maybe a general follow-up question related to that.

Do you have any thoughts, recommendations, about -- in terms of shifting or moving political will, the involvement of the attitudes of all Canadians and how to affect that or improve that? I know you referred to education, for example. I was wondering if that's what you were talking about or if you could expand on that a bit?

**MS. CATHERINE DUNN:** Yeah. I think that's the beginning, but if it -- the education of the average Canadian about what has happened over this last 150 years has been minimal thus far. And hopefully, when it is explained to the average Canadian what happened here over the last 150 years, that is a beginning.

But I think it's simpler than that. We are all human beings and we all have to accept each other. You can't go to school to do that. You have to simply do it.

**COMMISSIONER BRIAN EYOLFSON:** Thank you.

I just want to acknowledge your clients who are here as well and those that may be back at home watching. Thank you.

**COMMISSIONER QAJAQ ROBINSON:** I don't have questions. I thank you for your submissions and I look
forward to the written submissions which I trust will expand on this issue of harnessing political will.

I have said it in my closing and opening remarks that we really have to start recognizing that this is not an Indigenous problem, this is a Canadian -- it's Canada's problem.

So I thank you for that.

I also want to acknowledge the amazing women behind you, Sandra, Hilda, Geri (phonetic), Coralee (phonetic), Thelma, and Leslie, and the families in Winnipeg, and the survivors.

You’ve kept our feet to the fire. Thank you. And we speak of accountability and keeping the heart of this Inquiry focused, and your clients have been instrumental for me -- I'll speak personally -- staying focused. So thank you.

CHIEF COMMISSIONER MARION BULLER: I have just one question. Would you like the photograph marked as an exhibit?

MS. CATHERINE DUNN: Yes, please.

CHIEF COMMISSIONER MARION BULLER: Okay. Just so we have the record clearly, could we have the names of the two young girls, please?

MS. CATHERINE DUNN: Erin Anderson Bruce and Tamica Anderson Bruce. Tamica is T-a-m-i-c-a.
CHIEF COMMISSIONER MARION BULLER: Thank you. That will be Exhibit 1.

MS. CATHERINE DUNN: Thank you.

--- EXHIBIT NO./PIÈCE NO.1:

Colour digital image of Erin Anderson Bruce and Tamica Anderson Bruce leaning on their mother’s headstone
Submitted by: Catherine Dunn, Counsel for MMIWG Manitoba Coalition

CHIEF COMMISSIONER MARION BULLER: And Ms. Dunn, thank you very much for your very moving submissions. And to the women who are behind you and listening in Winnipeg, thank you. It has been an honour and a pleasure to work with you. Thank you.

MS. CATHERINE DUNN: Thank you very much.

...(APPLAUSE/APPLAUDISSEMENTS)

MS. CHRISTA BIG CANOE: Chief Commissioner, I will be requesting a break, but just one point of housekeeping. I just want to remind any of the Parties with Standing or Public in the room that we actually do have translators in the room and we do have the headsets, so some of our parties today may be making submissions in French too, so after the break, you may want to ensure you sign out a headset.

And I am going to request but follow your
direction on whether we have a 15 or a 20-minute break.

CHIEF COMMISSIONER MARION BULLER: A 15, please.

MS. CHRISTA BIG CANOE: Thank you.

-- Upon recessing at 10:53 a.m./L'audience est suspendue à 10h53

--- Upon resuming at 11:16 a.m./L'audience est reprise à 11h16

MS. CHRISTA BIG CANOE: If we could get started again, we are a little bit behind schedule, so if we could just keep the flow moving that would be helpful.

The next party that we would like to invite up is the Native Women's Association of Quebec. Maître Rainbow Miller will be presenting on behalf of the Native Women's Association of Quebec. And I understand she'll be doing it en français, in French.

--- SUBMISSIONS BY/REPRÉSENTATIONS PAR ME RAINBOW MILLER:

Me RAINBOW MILLER: Bonjour, Mesdames et Messieurs les commissaires. Me Rainbow Miller pour Femmes autochtones du Québec. J’aimerais juste vous indiquer que ça va être Mme Viviane Michel, présidente de Femmes autochtones du Québec qui va commencer les présentations et aussi faire les introductions et également vous
expliquer certaines recommandations que nous vous avons envoyées vendredi dernier.

--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MME VIVIANE

MICHÉL:

MME VIVIANE MICHEL: (Langue autochtone parlée)

Est-ce qu’on a eu la traduction? Non, pas encore? Bonjour tout le monde! Je me permets toujours de remercier le Créateur, je me donne toujours ce droit et je lui demande de me guider, justement, dans ce que j’ai à vous présenter.

Évidemment, c’est important aussi de souligner le territoire où on dépose les pieds. Je remercie la nation Anishnabe de nous accueillir dans son vaste territoire non cédé.

Je vous salue, Mesdames et Messieurs le commissaires ; je salue Michèle qui est, je pense, via le FaceTime ou quelque chose comme ça. Et j’honore les femmes, j’honore les familles. Et un grand merci aussi au cercle d’Echocom (phon.), qui sont présentes avec nous, en plus des objets sacrés présents aussi qui vont nous aider à passer dans ce passage.

Évidemment, j’ai besoin de faire un bref historique quand on parle de violence faite aux femmes, l’importance, justement, de toucher des points. On parle
de racisme qui est flagrant, un flagrant problème. La théorie de la supériorité raciale, qui a justifié la colonisation agressive en Amérique et dans les autres pays qui ont été colonisés et nous en faisons partie.

Est-ce qu’il reste des traces de ce racisme au Canada? Oui, évidemment ; on voit tout l’héritage de la colonisation qui nous a été retransmis et qui est encore exercé en 2018. Elle est omniprésente. Ce racisme est ce qui justifie les attitudes déshumanisantes envers les femmes autochtones, ce qui alimente les attitudes paternalistes envers nous, les autochtones.

Nous devons lutter contre ce type de racisme afin de protéger nos femmes autochtones. Nous devons éradier (sic) toute trace de ces théories qui justifient la supériorité raciale dans nos cursus scolaires et des services publics. Il serait important qu’il y ait une évaluation des théories pour cibler celles qui peuvent être utilisées pour justifier le sentiment de supériorité.

Le préambule du projet de loi de Roméo Saganash, il est écrit que toutes les doctrines politiques et pratiques qui invoquent ou prônent la supériorité des peuples ou d’individus en se fondant sur des différences d’ordre national, racial, religieux, ethnique ou culturel sont racistes, scientifiquement fausses, juridiquement
sans valeur, moralement condamnables et socialement injustes.

Au Québec, lorsqu’on parle justement de violence faite aux femmes et aux jeunes filles, en 2015, un petit rappel, en 2015, il y a des femmes qui ont dénoncé la Sûreté du Québec sur la brutalité policière exercée sur elles. On parle d’agressions physiques, sexuelles, purges géographiques, harcèlement et intimidation. Ce sont des formes qui sont inacceptables, surtout venant d’une entité qui devrait protéger le citoyen et sécuriser le citoyen, dont nous en font partie.

On a vu le port du bracelet rouge par la Sûreté du Québec, soutien aux pauvres policiers. Et on peut voir, encore une fois, l’agresseur qui devient victime ; encore, cette autre forme qui continue encore.

Femmes autochtones du Québec a bel et bien exprimé que ce sont des formes d’intimidations et on l’a exprimé à la Commission Viens. 37 plaintes, deux retenues et on peut voir que la Sûreté du Québec a été épargnée au niveau criminel. Et les raisons de cet épargnement, c’est vraiment des causes syndicales : l’État ne veut pas être confronté au processus de négociations syndicales. D’ailleurs, les bracelets rouges ont été enlevés après une entente avec le syndicat ; évidemment, on voit encore, ça nous prouve encore que le gouvernement n’a pas envie
d'être en guerre ou d'être mêlé dans ce processus de syndicats.

Les femmes autochtones ont hérité d'une discrédibilité (sic) de leur personne et je pense qu'en tant que victimes, on n'a pas à subir ce genre de processus.

Pour combattre le racisme, premièrement, éradier (sic) les services publics et du cursus scolaire les théories qui prônent la supériorité raciale, tel que mentionné dans le projet de loi de Roméo Saganash C.2.2.6.2.

Secondement, l'importance de l'éducation des Canadiens sur l'effet du colonialisme. Troisièmement, l'éducation populaire, la responsabilité des médias de ne pas véhiculer une image sexuée ou stéréotypée des femmes autochtones. Les effets dévastateurs de la colonisation, la discrimination des femmes autochtones dans la Loi sur les Indiens, elle est tellement flagrante! Violence structurelle, institutionnelle et systémique y est présente, encore aujourd'hui.

Dans les recommandations, pour réparer l'effet de la colonisation, quatrièmement, intégration dans la législation des droits énumérés à la Déclaration des Nations Unies sur les peuples autochtones, financement des projets qui s'inscrivent dans l'esprit de la
Déclaration.

Cinquièmement, que le Gouvernement du Québec et du Canada reconnaît le droit des peuples autochtones à l’autodétermination et qu’il s’engage à accompagner graduellement les Premières Nations vers l’autonomie gouvernementale — sans doute un rêve encore!

Sixièmement, un système de justice autochtone ; création de comités de travail pour rétablir les droits autochtones traditionnels.

Septièmement, une Commission d’enquête pour les enfants autochtones disparus au Québec. On pourrait prendre exemple sur Me Arsenault qui est vraiment dedans présentement.

Les hommes qui veulent agresser une femme savent que les femmes ne sont pas protégées par le système. C’est ce qui met les femmes à risque des pires prédateurs ou des assassins. Je dis toujours que c’est une porte ouverte à une violence gratuite où nous, les femmes autochtones, sommes les meilleures cibles.

Dans les violences faites aux femmes, les violences sexuelles, les violences intergénérationnelles, les femmes autochtones disparues et assassinées, le projet de recherche que Femmes autochtones du Québec a fait, dont Debout et solidaire, déposé devant vous, une recherche qualitative avec les familles et les familles des filles
et des femmes autochtones disparues, leur expérience avec les services publics, expérience des travailleurs terrain, leur expérience avec les services publics.

Notre conclusion? La discrimination quasi systémique que subissent les femmes autochtones de la part des institutions et en particulier des policiers. Les familles se butent à des policiers qui sont trop souvent... ne leur transmettent pas d’information, démontrant peu d’intérêt pour la piste poursuite de l’enquête ou refuse de coopérer avec elles. Désintéressement généralisé des violences faites aux femmes autochtones.

Pour cesser le cycle de violence, que le Gouvernement du Québec et du Canada se mobilisent pour travailler en coopération à un plan national et provincial pour éradier (sic) toute forme de violence envers les femmes autochtones.

Des centres d’hébergement adaptés aux réalités autochtones, des centres d’hébergement adaptés aux réalités autochtones. A) financement de base accrues pour les maisons des gens implantés, B) une maison d’hébergement par communauté ou plus, des maisons d’hébergement de deuxième étape, des « hut shelters » dans les villes, établir des protocoles d’entente inter-organisations entre les maisons d’hébergement autochtones et allochtones avec les policiers et les services sociaux,
de la protection de la jeunesse et à toutes les ressources susceptibles à travailler en violence conjugale et familiale.

Onze (11), ressources 24 heures sur 7 jours pour les femmes en difficultés. On parle d’itinérance dans la prostitution, et cetera. On a d’autres modèles évidemment.

Douze (12), ressources pour de l’aide au transport aux femmes autochtones en ville ou à l’extérieur de... ou à l’intérieur de la ville, évidemment.

Treize (13), centre de guérison de traumas locaux et régionaux. On parle de cliniques de trauma. Je pense que je vous en avais déjà parlé, Madame la Commissaire en chef, depuis le début de l’enquête nationale on entend que des traumas n’ont jamais été travaillé, d’où l’importance d’avoir une clinique de trauma.

La mise en œuvre d’un plan d’action et solutions émanant du forum des Premières Nations sur les agressions sexuelles présidé par femmes autochtones du Québec et la Commission de santé et services sociaux des Premières Nations Québec - Labrador, déposés devant vous évidemment.

Reconnaissance par le gouvernement du rôle qu’occupe la médecine traditionnelle, les aidants naturels.
et les aînés dans leurs soins psychosociaux.

Prévention et implémentation de maisons de guérison pour les hommes et les femmes, plus les enfants.

Financement de projet et de sensibilisation pour les communautés sur les agressions sexuelles et les risques d’exploitation sexuelle pour les jeunes filles.

Que le gouvernement reconnaîsse la corrélation entre l’augmentation de la violence faite aux femmes autochtones et l’exploitation des ressources naturelles.

Que les permis d’exploitation naturelle soient attribués sous condition qu’il y ait des subventions pour le logement à prix modique pour les femmes autochtones et des centres d’aide aux femmes autochtones.

Évidemment Femmes Autochtones du Québec n’est pas en accord avec l’exploitation de nos ressources naturelles, mais on avait déposé... on fait référence, justement, au mémoire sur l’exploitation sexuelle qu’on vous a soumi encore, où est-ce qu’on va parler des impacts que cela amène lorsqu’y’a le... les dévastateurs de notre environnement soient présents dans nos territoires.

Qu’un financement accru et récurrent soit octroyé au programme Ishikawa(phon.) de Montréal où ils élaborent des kits de bienvenue pour les filles et femmes
autochtones qui arrivent dans des villes où elles sont à risque d’être recrutées par les proxénètes.

Protocole d’entente en cas de disparition de femmes comme celui du SPVM à étendre aux autres corps de police un peu partout au Québec.

Que le gouvernement fédéral donne son appui au projet de Loi S-215 de la Sénatrice Lillian Dyck. Il s’agit d’un projet de loi modifiant le Code Criminel, qui obligerait un tribunal lorsqu’il impose une peine pour certaines infractions violentes à considérer le fait que la victime est une femme autochtone comme une constance aggravante.

Plusieurs provinces canadiennes se sont dotées d’une loi sur les personnes disparues en lien avec la recommandation du rapport de la Commission Opale.

Nous recommandons que le Québec se dote d’une telle loi, afin de faciliter les enquêtes dans les cas des personnes disparues au Québec.

Recommandations des familles debout et solidaire. Il y a un besoin urgent supplémentaire en milieu policier sur la question des femmes autochtones disparues et assassinées, que ça soit au sein des corps policiers ou québécois; à la page 52.

Les familles se sont senties abandonnées, sans avoir eu l’occasion de raconter leur histoire ou de
partager leur vécu. La possibilité de rencontrer d’autres familles ayant partagées les mêmes expériences et qui peuvent réellement comprendre leur situation est bénéfique. Ça c’est à la page 54.

Évidemment, en annexe, que nous allons déposer, la continuation des rassemblements des familles est vraiment importante pour leur propre processus de guérison et les outiller, évidemment, en terme juridique.

Et, dans ce même processus, continuation des rassemblements des femmes qui ont dénoncées la brutalité policière, évidemment dans le même processus pour le soutien et le processus aussi de guérison.

Je vais céder la parole à notre avocate Rainbow, qui va toucher l’aspect juridique.

**Mme RAINBOW MILLER:** Bonjour. Comme vous pouvez voir, messieurs et mesdames les commissaires, nous avons fait des recommandations qui sont vraiment pratiques étant donné que cette violence là et la disparition des femmes touche spécifiquement les femmes autochtones du Québec, donc nous voulions vous donner des recommandations vraiment pratiques.

Et je vais parler maintenant sur le système de justice et aussi sur la police. Comme vous allez... je n’ai pas encore déposé notre mémoire écrit. Par contre, vous avez reçu en fin de semaine des demandes en vertu de
l’Article 33 pour déposer certains documents.

Et on a aussi demandé de déposer des transcriptions de la preuve qui était entendue devant la Commission Viens, qui pour nous c’est important que cette preuve-là soit déposée devant vous étant donné que ça démontre tout le climat et toutes les représailles qui ont été faites à Val-d’Or lorsque les femmes ont décidé de dénoncer. Y’a des preuves concrètes qui démontrent que les policiers de la SQ du Poste 144 ont fait des représailles aux femmes.

Par exemple, il y a un cas où une dame elle a fait une plainte et par la suite elle a été... elle disait qu’elle se faisait harceler par la police et ça l’a été effectivement prouvé par les policiers qui ont fait l’enquête qu’elle a été journalisée trois fois plus.

La « journalisation » ce que ça veut dire c’est qu’il vérifie dans l’ordinateur puis ils cherchent là de voir si elle est... elle a un mandat contre elle.

Excusez-moi, je vais parler plus... moins rapidement. Donc ces événements-là ont été démontré devant la Commission Viens et aussi des cas où on a pu... où est-ce qu’y’a eu une enquête, par exemple, et ça va... ce dossier-là va se retrouver dans le mémoire écrit.

Il y a un policier à Kawawachikamach qui faisait de la brutalité policière. Il a même mis une
laisse de chien sur un individu autochtone.

Y’a des gens qui se sont plaints. Ça l’a pris une reporteuse(sic)... cela a pris un... le fait qu’une journaliste appelle et se déplace sur place pour qu’il y ait réellement un changement. Pour que quelque chose se fasse.

Et par la suite lorsque on regarde les dossiers d’enquête, on réalise que ce même policier là s’est retrouvé à Maniwaki et a brisé les jambes d’une femme.

Et lorsqu’on fait l’enquête encore plus profondément, la Commission Viens a demandé à la déontologie policière de savoir si cet individu-là - ce policier-là - avait fait l’objet de plaintes. Il avait fait l’objet de 10 plaintes en déontologie et celui-ci continuait à servir dans des communautés autochtones, où il a des femmes autochtones, comme vous le savez, qui vivent une situation avec les policiers. Ils peuvent vivre de la brutalité, de l’intimidation.

Donc ces cas-là particuliers devant la Commission Viens ont démontré que les systèmes en place pour protéger les femmes autochtones et le public en général ne fonctionne pas. Elles sont comme une passoire.

Si il y a un policier qui fait ce genre d’acte et qui fait l’objet de plusieurs plaintes et qui
continue de travailler c’est un cas vraiment important pour nous, parce qu’il démontre spécifiquement les problèmes au niveau de ces mécanismes-là.

Donc effectivement on a fait des recommandations pour que les mécanismes de plaintes soient beaucoup plus robustes comme l’organisme des Nations Unies, le CIDA, lorsqu’ils évaluaient la question des femmes autochtones disparues et assassinées. Ils disaient l’importance que... pour que les femmes autochtones puissent avoir confiance au système de justice, au système de... aux services policiers, il faut que les... mécanismes de protection du public soient beaucoup plus robustes - c’est le terme qu’ils utilisent.

Donc, dans les recommandations, je vais commencer par la police. Ce que nous recommandons, Mesdames et Messieurs les commissaires est qu’il y ait, premièrement... que le Ministère de la Sécurité publique - ça, c’est à la recommandation 30 - que le Ministre de la Sécurité publique reconnaisse, premièrement, qu’il y a de la discrimination systémique envers les femmes autochtones au sein de ses services, que le Ministère de la Sécurité publique doit mettre en place des mesures drastiques pour s’assurer de l’efficacité des mécanismes de protection du public et aussi effectuer des réformes si nécessaires afin de lutter contre l’impunité.
Je vous ai envoyé, Mesdames et Messieurs

les commissaires, je crois samedi, des extraits de la Loi
sur la police, je suis désolée, ils sont en français, mais
ils peuvent être obtenus en anglais. Et il y a un article
dans cette loi qui est l’article 260 ; j’ai posé des
questions à la SQ à Régina sur cet article-là.

L’article 260 est un article qui... c’est un mécanisme
interne dans la Loi qui oblige un policier, lorsqu’il voit
qu’il y a un acte criminel ou déontologique qui est commis
par un confrère, de dénoncer son confrère. Et c’est un
mécanisme qui, sur papier, ça paraît bien : ah, il y a un
mécanisme dans la loi qui fait qui fait que les policiers
doivent dénoncer. Mais dans la réalité, ce mécanisme-là ne
fonctionne pas toujours.

Par exemple, devant la Commission Viens,

nous avons demandé au chef de police Jean-Pierre
Pelletier, qui était le chef du poste 144, qui était le
poste qui était écrit sur le bracelet rouge, on lui a
demandé : « Pendant que vous étiez là... » -il était là,
lui, il était chef de police de 2010 à 2015- « ... est-ce
qu’il y a un policier qui a fait une dénonciation en vertu
de l’article 260 à votre poste, pendant que vous étiez
chef? » et il nous a répondu que non.

Donc, effectivement, cela démontre que
c’était un poste de police où la preuve a démontré du
profilage racial, de la discrimination systémique, des
abus policiers envers des femmes et ce sont tous des actes
qui auraient dû être dénoncés en vertu de cet article-là
et ça n’a pas été fait.

Donc, ce que nous demandons, c’est que cet
article-là soit respecté. Il devrait y avoir aussi un
amendement au Code de déontologie et au Code de discipline
pour inclure l’obligation de dénonciation et que si un
policier ne dénonce pas, qu’il y ait une sanction.

Et que le Ministère de la Sécurité publique
exige qu’il y ait aussi des statistiques pour vérifier
l’efficacité de ce mécanisme afin d’identifier les postes
de police, justement, où il n’y en a pas. Parce qu’on
s’entend que les policiers, c’est comme la population
générale ; il y a tout le temps un pourcentage de gens qui
ne respectent pas les règles. Donc, s’il y a un poste de
police qui ne génère pas ce genre de plaintes là, il
faudrait qu’il soit analysé.

D’ailleurs, c’est l’une des questions que
j’avais posées au Capitaine Charbonneau, à Régina, je lui
ai dit : « Est-ce que ça ne serait pas bien qu’il y ait
des statistiques qui soient faites sur cet article-là? »
et il m’avait répondu que oui, effectivement.

De modifier la loi, aussi, afin d’augmenter
l’accessibilité des mécanismes de plaintes contre des
policiers et augmenter la représentativité des autochtones dans des postes qui ont un pouvoir décisionnel.

Présentement, au Québec, il y a trois... si une femme, par exemple, vit une situation soit un abus, que ce soit, par exemple un abus sexuel ou un abus de brutalité policière, elle a le premier choix, qui est de faire une plainte au criminel. Mais comme on l’a vu, d’après les dossiers de Val-d’Or, sur 37 dossiers, il n’y en a seulement deux dont il y a eu la poursuite. Ce n’est pas vraiment un mode qui fonctionne bien pour les femmes autochtones qui, malheureusement, vivent tous les stigmatismes qu’on retrouve partout ailleurs dans la société, ils se retrouvent dans le système de justice. Donc, c’est encore, comme on dit en bon québécois, la pente est vraiment très haute à monter.

Le deuxième mécanisme, c’est de faire une plainte en déontologie policière. Le comité de déontologie, comment ça fonctionne, c’est que la personne doit faire une plainte écrite, soit en français, soit en anglais et ça ne peut pas se faire au téléphone, donc effectivement, ce n’est pas du tout... c’est un mode de fonctionnement qui n’est vraiment pas adapté à la réalité. Il y a des femmes autochtones, encore plus si elles sont dans une région éloignée et dans ce mode de processus de plainte, le commissaire à la déontologie peut imposer la
Et la conciliation, c’est un principe de base ; normalement, la conciliation doit se faire si les pouvoirs, selon moi, sont égaux. Donc, dans une situation où il y a une disproportion de pouvoir comme ça, c’est imposer un fardeau à la plaignante qui est insurmontable et si elle ne veut pas faire de la conciliation, si le commissaire décide qu’il doit y avoir une conciliation, elle doit s’opposer par écrit. Donc, qu’est-ce qui se passe dans ce cas-là? Probablement qu’elle va juste abandonner sa plainte.

Et l’autre processus, c’est le processus interne de discipline interne et comme je vous l’ai mentionné au début de ma présentation, il y a des cas devant la Commission Viens qui ont démontré que ça ne fonctionne pas, le processus interne. Par exemple, quand à Régina, si vous vous rappelez, Jean Vicaire, qui est chef de police du Lac-Simon, a témoigné devant vous qu’il y avait eu... il y avait des femmes qui étaient allées faire une plainte à leur chef et la chef était venue le voir et elle lui a dit qu’il y avait des allégations, soit d’abus sexuels ou abus physiques de la part de policiers de la région de Val-d’Or, M. Jean Vicaire est allé voir son supérieur et devant la Commission viens, on a posé des questions à la SQ. Qu’est-ce qui s’est passé avec cette
plainte-là? Et je vous l’ai mis par écrit, mais Mesdames, Messieurs les commissaires, j’ai fait référence à la preuve : ils disent qu’ils n’ont pas de trace écrite.

Donc, il s’agit ici d’une plainte qui est vraiment sérieuse et ça s’est comme perdu. Donc ça, ça démontre à quel point le système interne ne fonctionne pas.

C’est pour ça que… la raison que nous avons fait recommandation, selon nous, premièrement, il faut des… il doit y avoir des changements au niveau des mécanismes de protection du public. Et nous suggérons qu’il y ait la création d’un ordre professionnel pour les policiers, pour redresser la qualité des services, tout en permettant aussi aux plaintes du public de procéder sans que les syndicats puissent avoir des pressions sur les employeurs. Parce que ce que… la question de Val-d’Or a démontré, c’est que, derrière, le syndicat exerçait vraiment une grosse pression et c’est ce qui faisait en sorte qu’il y a eu vraiment des luttes de pouvoir dans ce cas-ci.

Et évidemment, ce que nous suggérons, c’est une réforme de la déontologie policière. Et ce que je ne vous ai pas dit, d’ailleurs, en parlant de la déontologie policière, la prescription est d’un an. Et dans les cas, par exemple, des femmes de Val-d’Or qui, si leur plainte
au criminel ne passait pas, leur recours en déontologie était déjà prescrit. C’est un recours, une prescription d’un an.

Donc, ce que nous suggérions, c’est de l’étendre à trois ou même plus, mais en tout cas, je ne sais pas si le gouvernement serait prêt à faire un recours en déontologie sans prescription, mais il faut que ce délai-là soit augmenté et aussi, que la conciliation soit à la demande de la victime, que ça ne soit pas imposé.

Et au Québec, il y a un nouveau processus, qui s’appelle le Bureau d’enquête indépendant. Il s’agit d’un bureau qui a été créé à la demande de la société civile afin qu’il y ait un bureau… que ça ne soit pas la police qui enquête sur la police. Présentement, ce bureau d’enquête là engage des civils, mais pour l’instant, ils sont venus témoigner devant la Commission Viens, il y a encore beaucoup d’anciens policiers qui sont les enquêteurs qui forment les civils.

Donc, pour nous, au niveau de la représentativité, c’est important, parce qu’on veut… si on a demandé ce type de bureau là, c’est pour s’assurer que ça ne soit pas la police qui enquête sur la police. Et, depuis le 17 septembre 2018, toute plainte qui… d’une personne autochtone qui veut faire une plainte contre un policier –il faut spécifier que ça va être dans des cas où
ça va être un acte criminel – le BEI va enquêter ces... va faire ces enquêtes criminelles.

Par contre, pour l’instant, ils n’ont pas d’enquêteurs qui sont autochtones. Donc nous, pour nous, c’est important qu’il y ait cette représentativité-là.

Également, on considère que les policiers dans la région de Val-d’Or qui n’ont reçu aucune sanction pour des actes criminels, pour nous, c’est important que ces policiers qui ont fait des représailles et des brutalités reçoivent une sanction importante pour envoyer un message que les femmes autochtones sont protégées par les policiers.

Nous voulons également faire des recommandations au niveau du système de justice. Je ne vous apprends rien quand je dis que le système de justice n’est pas adapté pour les femmes autochtones. Malheureusement, lorsqu’elles décident de dénoncer, le système de justice, souvent, va revictimiser les femmes autochtones et elles font face au racisme et aux stéréotypes de la part des différents acteurs du système. Pourtant, elles sont nombreuses à être judiciarisées et elles sont surreprésentées dans les prisons au Québec.

Donc, on peut venir à la conclusion que malgré la surjudiciarisation des membres des Premières Nations, les crimes contre les femmes autochtones...
perdurent et elles ne sont pas protégées par le système actuel. Donc, nous avons fait des recommandations de mesures pratiques qui pourraient être mises en place pour créer un début de confiance, parce que les femmes autochtones ne font pas confiance au système de justice. Par ailleurs, comme vous le savez, elles font malheureusement l’objet, souvent, d’agressions sexuelles et pour la plupart, ne vont même pas décider de dénoncer parce que le système n’est juste pas là pour elles.

Donc, ce que nous suggérons et que nous aimerions que Messieurs et Mesdames les commissaires, que vous puissiez faire comme recommandations, c’est qu’il y ait une création d’une clinique d’aide juridique pour les femmes autochtones au Québec. Présentement, premièrement, il n’y a pas de clinique juridique pour les autochtones au Québec, mais nous aimerions en avoir une spécifiquement pour les femmes, parce qu’elles se retrouvent trop souvent dans des positions désavantageuses alors qu’elles ne peuvent s’offrir d’avocat et cette clinique permettrait d’offrir un service adapté à une clientèle qui, trop souvent, se sent démunie face au système de justice.

Parce que lorsque les femmes connaissent leurs droits et les exercent, cela a pour effet de les remettre en position de force et de empowerment. Une telle clinique pourrait faire avancer les droits des femmes au
Québec... les droits des femmes autochtones, excusez-moi.

Par ailleurs, comme vous le savez peut-être, dans certaines provinces, le gouvernement finance des services d’avis juridiques pour les femmes et les hommes qui sont victimes d’agression sexuelle. Pour nous, ça serait un programme qui pourrait aider les femmes à recevoir de l’information juridique si elles décident d’aller porter des plaintes. C’est un projet qui, déjà, existe en Ontario, où ils offrent quatre heures d’aide juridique.

Mais l’aide juridique, c’est bien, mais ce que nous, on croit qui pourrait réellement aider les femmes, c’est de mettre sur pied un projet - je vais le dire en anglais, parce que le terme n’existe pas en français, *independant legal representation* pour les femmes autochtones victimes de crimes sexuels. Comme vous le savez probablement, plus les femmes dans le monde demandent à ce que les lois sur les agressions sexuelles soient réformées et dans plusieurs pays, des programmes permettent à des victimes d’agression sexuelle de bénéficier de leur propre avocat qui veille à leur intérêt pendant le processus judiciaire.

Nous souhaitons un tel programme pour que les femmes autochtones victimes d’actes criminels puissent avoir une avocate de confiance. Mais ce sont des services,
comme on dit en anglais, d’advocacy qu’ils ont besoin : quelqu’un qui est là à leurs côtés, qui sont là pour leur intérêt, parce que comme vous le savez, dans le système de justice actuel, le procureur de la Couronne, lorsqu’il rencontre la victime, la première chose qu’il va dire, c’est : « Je ne vous représente pas vous, mais je représente l’État, mais je vais quand même être votre avocat. » Alors, pour des femmes qui déjà ne font pas confiance à l’État, ne font pas confiance au système de justice, je pense que ça peut donner l’une des raisons pour dire : « Regardez, j’abandonne ma plainte. »

Donc, on n’est pas les seules à le demander, ça. J’ai soumis un article de journal qui reprend la position de Rape Relief Ottawa qui dit que c’est ce que les femmes demandent, elles ont besoin du advocacy, elles ont besoin de quelqu’un qui soit à côté d’elles et qui représente leur intérêt.

Donc, il est de connaissance générale que les femmes autochtones sont nombreuses à subir des violences sexuelles et elles sont surreprésentées malheureusement, dans ce type de violence. Donc, cette recommandation viserait à rétablir un équilibre pour les femmes autochtones qui sont victimes de discrimination systémique dans le processus judiciaire. Et une telle représentation pourrait leur garantir une chance de
s’exprimer, plus de respect de la part des acteurs de
justice et des meilleures chances de succès.

Nous avons... l’une des autres
recommandations, Mesdames et Messieurs les commissaires,
ça serait de recommander une création d’une chambre
criminelle pour les agressions sexuelles au Québec. Selon
l’étude sur l’abus sexuel chez les Premières Nations,
89,1 % des femmes autochtones affirment que les victimes
ne veulent pas dénoncer leur abus parce qu’elles ne
veulent pas se rendre en justice. Dans la foulée des
evènements de Val-d’Or, par exemple, où le DPCP a décidé
de poursuivre qu’un nombre très très mince de dossiers,
les femmes autochtones au Québec ont encore moins
confiance au système de justice.

Donc, nous croyons que la création d’un tel
tribunal, jumelé à de la formation spécifique sur les
agressions sexuelles et sur la réalité de la violence
faite aux femmes autochtones aurait comme effet
daugmenter la confiance de certaines plaignantes
autochtones à l’endroit du système de justice et ce
tribunal devrait être instauré de manière à offrir un
endroit respectueux pour les plaignantes.

D’ailleurs, ce projet a déjà été proposé
dans la sphère publique lors des dernières élections
provinciales par le Parti Québécois et répondrait à un
besoin criant qui a été de plus en plus exposé avec le
mouvement #metoo et #onguéritensemble, où les victimes
d’agression sexuelle se retournent plutôt vers les médias
et les réseaux sociaux pour dénoncer les abus, alors que
le système de justice est tout simplement inadéquat pour
les victimes d’agression sexuelle.

Pour terminer, parce qu’il me reste deux
minutes, ce que nous suggérons, ça serait qu’il y ait un
plan d’action pour la déjudiciarisation des femmes
autochtones. Comme vous avez pu l’entendre pendant tous
les témoignages, malheureusement, les femmes autochtones
sont souvent surjudiciarisées pour des raisons souvent qui
émanent de la discrimination systémique.

Donc, on considère que cette
surjudiciarisation remet encore les femmes dans une
situation... les remet dans une situation où elles sont plus
à risque d’être encore judiciarisées. Et lorsqu’elles font
face à des policiers, il a été démontré, par exemple, que
quelqu’un qui a déjà un casier judiciaire, le policier,
avec son pouvoir discrétionnaire, va souvent la
surjudiciariser encore.

Donc, ce que nous proposons, ça serait un
plan d’action pour la déjudiciarisation où il y aurait
egalement une formation des policiers et du système de
justice, faciliter la demande de pardon – présentement,
une demande de pardon, c’est 600 $. Et c’est ce que l’une
des témoins à Newfoundland nous disait ; elle demandait
que les femmes qui ont un casier judiciaire pour avoir
fait de la prostitution, que ce dossier-là leur soit
pardonné, et la création de protocoles d’intervention pour
les femmes autochtones, un modèle d’intervention pour les
femmes autochtones.

**MME VIVIANE MICHEL:** J’aimerais rajouter ;
c’est sûr qu’on eu une Commission d’enquête nationale et
d’où l’importance d’avoir un comité de suivi, après la
Commission d’enquête, pour savoir qu’est-ce que, dans les
recommandations, a été concrétisé.

On a eu l’expérience avec l’ACVR, avec les
96 recommandations. On n’est pas à jour à savoir qu’est-ce
qui a été concrétisé dans les 96 recommandations. Donc,
j’apporte qu’il va être ajouté à l’annexe, justement,
d’avoir un comité de suivi sur les recommandations qui
vont être déposées à la Commission d’enquête.

Évidemment, on fait... on subit encore le
génocide, c’est vraiment un génocide – je ne veux pas dire
un génocide culturel, un génocide, point final. Et quand
est-ce que cela va cesser? Quand est-ce que nos femmes,
nos filles, nos sœurs, nos mères, vont avoir protection,
voir avoir accès à la justice comme tout être humain?
Donc, on a besoin de protection, on a besoin que le
politique puisse prendre position afin de rétablir... même
pas de rétablir, de créer une meilleure ambiance
juridique, judiciaire, pour nos femmes autochtones.

Merci.

(APPLAUSE/APPLAUDISSEMENTS)

MS. CHRISTA BIG CANOE: Just before you ask
questions, I understand that Commissioner Audette will be
joining us by Skype.

Avant de passer aux questions, si j’ai bien
compris la Commissaire Audette se joindra à nous par
Skype.

Mme VIVIANE MICHEL: Je le sais pas où
regarder.

COMISSAIRE MICHÈLE AUDETTE: Moi je vous
vois. Est-ce que vous m’entendez? Est-ce que vous
m’entendez? Oui?

Mme VIVIANE MICHEL: Oui.

COMISSAIRE MICHÈLE AUDETTE: Ah, ta voix.
Alors en 30 secondes je sais que Marion elle a un setup...
je crois que les questions vont être posées par mes
collègues en premier.

MS. CHRISTA BIG CANOE: Go ahead.

Mme VIVIANE MICHEL: Est-ce qu’elle me pose
une question?

Mme CHRISTA BIG CANOE: Je le sais pas.
Mme VIVIANE MICHEL: J’ai pas compris.

Est-ce que c’était... est-ce que la question était vers nous? J’ai pas compris.

COMMAISSAIRE MICHÈLE AUDETTE: Non. Je pense, Marion, ils demanderont la question, Brian et Qajaq d’abord?

COMMISSIONER QAJAQ ROBINSON: Merci, Viviane. Merci, Rainbow.

J’ai aussi envie de vous remercier d’avoir bien voulu me recevoir à votre rassemblement l’année dernière pour présenter sur l’enquête. C’était un honneur réel.

J’ai une question sur le soutien juridique et l’affirmation dans le domaine de la loi pénale.

Nous avons entendu beaucoup de familles dire que lorsque vous êtes engagés dans le système judiciaire, d’autres systèmes deviennent impliqués, parfois les services de protection de la jeunesse, parfois les institutions médicales. Et l’un des problèmes, vous savez -- on a entendu des plaintes lorsque ce concernait les cliniques d’aide juridique, c’est -- vous êtes seulement éligibles pour l’aide avec la gestion d’un établissement ou d’un processus.

Donc une femme qui gère avec le système pénal, les services de protection de la famille et ensuite peut-être le logement public, que cette avocate qui l’aide à la clinique d’aide juridique ne peut pas l’aider avec tout le reste.

Would you agree with the proposition that
that legal clinic should be not just criminal law, that it should be a Legal Aid clinic for all legal services required and advocacy services required and advocacy services required for an indigenous woman or girl regardless of the institution she's dealing with?

**MS. RAINBOW MILLER:** Yes, of course. I'm sorry. Maybe the way that I approached it was like within the criminal law, but yes, this kind of clinic could give, you know, all kinds of legal advices and advocacy and representation.

And actually, one of the -- you know, of the things that we were thinking about is that -- because when you ask -- when you -- when you are eligible to a legal clinic, it's specific things, you know, that are in the law, but I do understand that some -- I believe it's Toronto -- what's the name -- Aboriginal, yeah, they -- like I went on the internet site and I could see they received funding from other resources, not just, you know, from Legal Aid so they're able to do more services.

That's what we would like, you know, to have like a powerhouse where these women can come in and we take care of them and we take care of their legal issues, you know, because this is lacking. In Quebec there's absolutely nothing.

And if there would be funding from Legal
Aid but also funding from different sources -- for example, you know, the cases of Val d'Or, you know, like these women could probably have gone through civil litigation but, you know, like the problem was there was no -- nobody available to do that and, you know, it's not very paying.

So this is the kind of, you know, file that could have been taken by Legal Aid, you know, to take those files and bring them forth in front of the Court and, you know, send a message, you know, stop, you know, this violence against us. We will fight back.

COMMISSIONER QAJAQ ROBINSON: Thank you.

COMMISSIONER BRIAN EYFOLSON: I just want to say thank you both for your thoughtful submissions, and I will pass the mic on.

CHIEF COMMISSIONER MARION BULLER: Okay, Michèle.

COMMISSIONER MICHÈLE AUDETTE: Bonjour. Ah, bien là je vois que vous vous tournez. Alors en quelques secondes je veux dire de… à Viviane, surtout là, pour commencer, je t’ai écouté attentivement puis c’est beau de voir ta force. Et je le sais pas ça fait combien d’années-là que t’es la femme autochtone du Québec et c’est… un voix que c’est pas un travail là. Que tu détiens et tu maitrise très, très bien cet enjeu-là.
Et j’ai beaucoup aimé la partie « recommandations », donc j’ai hâte de lire ce rapport-là... ce mémoire-là, pardon, et avec les recommandations.

Comme tu le sais y’a un exercice national mais avec les groupes particuliers, le Québec en est un, comme les Métis, puis la communauté deux esprits. Donc au Québec ayant un gouvernement qui traite juste en français et avec une culture et une police provinciale qui est très politisée donc je vais lire attentivement aussi les propos de Maître Rainbow Miller.

Puis je veux juste te dire, Viviane, tu as été très, très bien représenté là par Rainbow tout le long là du mandat quand elle a pris la parole, puis elle l’a pris là... elle a dit ce qu’elle pensait avec beaucoup d’émotions. Des bonnes émotions fortes.

Alors moi ce que j’ai hâte de voir aussi, Maître Miller, c’est de voir là ces documents-là. On voit qu’y’a deux parties de recommandations. Tant pour le national que pour le Québec. Et on a une petite équipe pour le Québec, donc je veux m’assurer de ne pas en échapper et si c’est le cas on va s’assurer d’entrer en contact avec vous-là pour que le message résonne là de façon officielle lors de la remise du rapport et des recommandations.

Encore une fois félicitations et surtout
d’avoir soulevé-là la réalité que les femmes ont subie en termes de traumatismes et aussi ce qui s’est passé à Val-d’Or qui est malheureusement représentatif à travers le Canada. J’ai juste un modèle, puis j’ai changé mes écouteurs pour toi, Viviane.

_Mme VIVIANE MICHEL:_ Elle est bonne.

_CHIEF COMMISSIONER MARION BULLER:_ Thank you for your very compelling and thoughtful recommendations and submissions today. It's been an absolute delight to work with both of you. Thank you so much.

_MS. CHRISTA BIG CANOE:_ Thank you, Chief Commissioner and Commissioners.

We would next like to invite up the Families for Justice. Counsel Suzan Fraser will be speaking on behalf, and I think they just may need a moment to set up behind the podium here.

**(SHORT PAUSE/COURTE PAUSE)**

---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. SUZAN FRASER:

_MS. SUZAN FRASER:_ Good afternoon, Commissioners. My name is Suzan Fraser. I'm here on behalf of Families for Justice.

I'd like to thank you for receiving us today.

Commissioner Audette, our thoughts are with
you. Nous passons à vous et votre famille dans cette temps difficile bonne chance à vous in rebuilding your house and getting things organized.

We wish to acknowledge the traditional territory from which I am joined Ms. Bridget Tolley on my right, and on my left Maggie Cywink. Bridget I will introduce you to in a minute.

I want to also acknowledge that I am a beneficiary, a beneficiary of the assistance of the Haudenosaunee people, who assisted my family 250 years ago, both in receiving them and the land that our family settled on and took. Also, in the assistance provided in the American Revolution when my ancestors fought -- persuaded Haudenosaunee people to join them, that their lives would be better with the British than the Americans, and for their continued support when my ancestors were held hostage in America and the Haudenosaunee people returned with my ancestors to help rescue them. We would not have survived without that assistance. We would not -- I would not enjoy the privilege that I do today without those gifts, and as I indicated previously I will continue to try to repay the debt.

We stand here today for the 20 families who engaged in this process in the national Inquiry in order to seek justice for their loved ones; for their murdered
and missing members of their families, households, and communities. We are here on behalf of Families for Justice. Our families span the land, coming from different communities now known as Saskatchewan, Manitoba, British Columbia, Quebec, Alberta; they are Cree, Haudenosaunee, Anishnaabe, Algonquin, Inuk descent.

Bridget you will know, she wanted to ensure that her mother was remembered; that she wasn’t just another woman who suffered misfortune. She battled -- and I’m going to tell her a little bit more about her battle -- in order to get information in order to get justice. You will know her because she did not want her mother to be forgotten, and in 2006 asked that a vigil be held at Parliament Hill to honour -- to honour her mother and the 500 -- then-500 missing and murdered Indigenous women and girls.

Those -- that vigil became known as Sisters in Spirit. Bridget, when that was unfunded, founded Families for Sisters in Spirit, and she’s continued to ensure that her mother is not forgotten.

She is here reluctantly today; reluctantly because she has not engaged with your process; reluctantly because your process failed families. And I’m going to have to talk to you today about some of those failures, because I think that’s an important part of what you have
to do in your final report, is to acknowledge where you went wrong, acknowledge who was hurting, acknowledge what is left to be done, and at the heart of everything that you do, remember the very basic needs of the families.

Bridget and Maggie are going to stand for as long as they can.

I also want to just tell you that my sister is here today. My sister, Heather, is here. We were in this room many, many years ago. Not in this room but in this hotel many years ago when she got married. And we got prepared for the wedding, which actually took place on Parliament Hill, in this hotel and this is the first time I’ve returned, so I return with happy memories.

But having a sister here, everyone knows what it means to have a sister to be grounded in the strength of a sibling, to be grounded in a sister who has endured hardship, heartache, trauma. Heather is a reminder of all that has been lost. So I’m very grateful that she came and accepted my invitation to come today.

I want to tell you about the stories. I want to honour the family members in our group to ensure that their loss is never experienced again. That is how the families will be honoured; that is how they will be commemorated. They will be remembered when the violence stops. They will be honoured when they -- there are no
more missing, when there are no more murdered. They will be honoured when traditions are restored; when women are empowered; when communities are built up, when children are embraced, raised with their language, with their ability to go between one world and another; and when the worlds return to a two-row path.

I’m not going to speak to you today about human rights; I’m going to speak to you about the humans. What did they tell you? What did you hear? What did they need? I want you, when you prepare your report and you think about all that you have heard, is to ground yourself in the critics. There have been many; some criticism fair, some unfair. I have the unenviable task of being critical. I don’t like saying critical things to people but in order for you to be honest about what you’re doing you’re going to need to do that.

So as a bit of a roadmap for the remaining time, I’m going to reintroduce you the families in our group; to remind you of the promises that you made to the families that came before you; to remind you what the families told you both inside and outside the Inquiry about the work that you needed to do; and to tell you how the families have attempted to act with integrity, and what they need from this Inquiry process.

The families: In February 1982, Danielle
Ewenin’s sister, Eleanore “Laney” Theresa Ewenin, was ejected from a vehicle and died from exposure on the outskirts of Calgary.

You’ll remember Ms. Ewenin because she helped you structure support, she told you what you needed in the early days of those community hearings about how you should be serving families, what families needed, how they need to be supported.


Commissioners, you will remember her story because three of you sat and heard from the Blackned family. You will remember that she was banished from her community after going after her sexual abuser with a butter knife.

You will remember that when she was banished, she was taken from her house after kneading her bannock. Her bannock was on the counter when she was taken from her house. That banishment took her to Val-d’Or where she was beaten to death and found frozen to death. She left two boys, Silas and his brother, who were five and two at the time that she died.

On January 28th, 2017, 26 years after her death, the family found out the truth of what had happened to their mother, their sister, their daughter. That case
was reopened and closed again.

You made promises to that family; promises I will remind you about towards the ends of my submissions, about documents you would get; the way that the stories would be remembered.

In 1994, before I was even a lawyer, Sonya Nadine Mae Cywink went missing from her London home 24 years ago, 25 years in August of 2019. So we’re coming up on a quarter of a century being without her sister. She was found dead on the Southwold Earthworks in Elgin County in the Province of Ontario. There was an extensive investigation but no-one was charged in her death.

Maggie will tell you that the work that was done in her sister’s file was exemplary. Sonya’s family, including Maggie; her brother, Alex; her sister, Anastasia; her late brother, Ana (phonetic); her sister, Naomi; a brother-in-law, Tom; and brother-in-law, Ozzie; nephews, Scott, Jordie, Ali, Wyatt, Jack, Len, and Mark are all looking for answers.

Maggie also mourns Melissa Nicholson, who was the daughter of her common-law spouse, a spouse she had for five years, who died in -- on June 11th, 1991.

I should have started in 1972. In 1972, 19-year-old Audrey Anderson was found dead at the side of the road. Her niece, Jolene Banning, is a member of our
group. I want you to know that that death, that was
determined an accident, has recently been re-opened. The
coroner has changed the finding from accident to
undetermined in a very public announcement. And there’s a
new hotline and they’re looking for tips. That is a
success that has come from some of the work done by the
family information liaison office.

I introduced you to Bridget. On October
the 5th, 2001, Bridget’s mother, Gladys, who was an
Algonquian Great Grandmother from Kitigan Zibi First
Nation, was struck and killed by a Sûreté du Québec police
cruiser when she was walking along Highway 105. No
charges were ever laid. The case was ripe with conflict,
conflict of police officers who were related to the other
police officer, so the investigating officer related to
the officer who was driving the cruiser. For 17 years,
she sought answers. Most recently, Bridget has given her
testimony to the VIAN’s (phonetic) Inquiry, and you’ll
receive the transcript of that by way of a Rule 33
submission, and you can look forward to receiving that
hopefully within the week. But as I said at the
beginning, what Bridget said at the time, “I don’t want my
mom’s death to be another Indian woman’s misfortune.”

On December 14th, 2003, on Friday it’ll be
15 years, Vanessa Brousseau’s only sibling and sister,
Pamela Jane Holopainen of Shumacher, Ontario, went missing. She was last seen in Timmins after a house party. She was 22 years old. Pamela and Vanessa’s grandfather was from -- and I’m -- I’m going to -- try to pronounce it properly, Sanikiluaq on the Belcher Islands, he was given a number by the government. He suffered many of the indignities that others have getting tuberculosis, being sent far away to home. His daughter, Holly, Vanessa, and Pamela’s mother was 14 when she was sent to boarding school in Timmins. She became pregnant and had Vanessa and Pamela.

Pamela’s case remains under investigation of the South Porcupine Division of the Ontario Provincial Police. The family, having inquired of all of the other family members whether they had seen Pamela, informed the local police that their loved one had not been surn (phonetic) for days, and they were concerned for her whereabouts. Can you imagine what the police said to the family when they attended at the station? I bet you can because you heard it over and over and over. “Oh, she’s probably out drinking.” How many times did you hear that story in the course of this Inquiry?

They were informed -- they informed the police that there was a history of domestic violence, that she had two children, that she would never leave children
who ended up in foster care. She was probably out
drinking, she’d come home in a few days, so they said.
After a few months, the family were called in for the
police for an interview and were shown nude photos. They
suggested that Pamela was a prostitute in Hamilton,
Ontario. This was not believed. She would not leave her
children. Her case was turned over to the OPP a full year
later and remains unsolved.

On October -- on December the 9th, 2004,
Marie Burke’s daughter, Maggie Lee Burke, was last seen
leaving her residence in Edmonton, Alberta to meet a
friend. She was 21 years at the time of her
disappearance. Maggie Burke was the first missing and
murdered Indigenous woman’s case publicized by the OPP in
October 2015 during a national 10-day social media
campaign. Police stated that it was coincidental how
their news conference was scheduled one day after the
public -- national public Inquiry into Missing and
Murdered Indigenous Women was announced. “Please help us
find Maggie. She’s missed and loved,” her family pleads.

On February the 11th, 2007, Diane Big
Eagle’s daughter, Danita Faith Big Eagle, was seen for the
last time in Regina, Saskatchewan. She was a mother of
two children, Cassidy and Talon. She was 22 years old.
Her missing persons case is handled by the Regina Police
Service Cold Cases Unit. Her mother, Diane, raises her grandchildren. She no longer communicates with the investigators.

On April 26th, 2008, Tashina Cheyenne Vaughn General, the daughter of Denise General of Cayuga Nation, Wolf Clan, Six Nations of the Grand River Territory, was murdered along with her unborn child. Her body was found at Six Nations near Chiefswood Road and Indian Line, Ontario. She was 21 years of age.

In the summer of 2009, Judith Evelyn (phonetic) Anderson, Shelley May Anderson -- sorry, Judith Evelyn Anderson’s sister, Shelley May Anderson, was last seen in Haileybury and Cobalt, both towns in Ontario. Shelley Mae was 51 years old when she vanished. She wasn’t reported until -- missing until July 23rd, 2010 when an employee of the Ontario Disability Support Program got in touch with the OPP, reporting that support cheques had been returned without being cashed for more than a year.

On September the 3rd, 2010, Patricia Sturgeon-Gliddy was killed. Her sister, Charlotte Murray spoke to you in Thunder Bay last year. She told you how difficult it was for her because they weren’t blood sisters, and that she wasn’t considered a victim under the Victim Assistance Program, and so wasn’t consulted during
the trial.

In 2011, Linda John’s daughter, Helyna Lynn Rivera of Six Nations was murdered in Buffalo, New York state. She was 25. Her four young children became orphans when their father fatally shot Alanna four times in a last violent act against her. He was sentenced to 25 years to prison by an Erie County court.

On July 30th, 2011, Roberta Dawn McIvor was killed in Sandy Bay First Nation. She was 34. Roberta was asleep in her car when two teens, then 17 and 15, stole her car. While trying to push her out of the car, she got tangled in a seatbelt and was dragged down the road and eventually decapitated. The teens were sentenced. She was pre-teen -- predeceased by her three sons. Her cousin, Alaya McIvor, spoke about her cousin and the senseless loss of her life. Alaya also spoke to you eloquently about her experiences as a survivor of human trafficking, laying out the bear, raw truth of that existence, grounding the work that would later come, in my view, on your panels on human trafficking. Those stories -- those stories are going to be the hardest for you to remember, the most important for you to remember.

I want you to know that on July 20th, 2013, Billy Joe Laboucan’s daughter, Bella Laboucan-McLean (phonetic), from Sturgeon Lake Cree Nation, fell 31...
stories to her death from a downtown Toronto condo building. She was 25. The Cree woman had moved to the city, was very excited about her work, from northern Alberta to study fashion design. Toronto Police say they do not have enough evidence to prove whether or not the case is a homicide, but there are no leads to pursue. Their investigation remains open.

In 2013, Maxine Goforth’s daughter, Kelly Nicole Allision Goforth of Regina, mother of a baby boy, was murdered in Regina. She was 21. A 32-year-old man was charged with second degree murder in connection with her death. Maxine had been – has in caring for her grandson since her daughter's death. Many people have celebrated Kelly's life. He has been sleeping with a blanket with Kelly's face on it every night, saying, "That's my mommy, that's my angel."

Maxine also mourns Baby June. Baby June was a 4-year-old child who was in care, whose mother was trying to get her back to the family, but then she was given to other people who were thought worthy to raise her. Instead, they locked her in a closet and starved her and she died.

On April 20th, 2014, Laura Lynn Oochoo's mother, Elsie Marie Oochoo, died in Muskowekwan First Nation, Saskatchewan. She was 63.
On February 28th, 2016, Anita Ross's daughter, Delaine Corinna Copenace, one of the very first stories you heard in Thunder Bay, was reported missing in Kenora, Ontario. She was a 16-year-old girl. After a highly-publicized search and 22 days of looking, her body was found in Lake of the Woods, steps from the police station in a place that had been searched many times.

The Office of the Chief Coroner of Ontario determined that there was no foul play. A regional coroner overturned the decision and said the investigation was not complete. Her mother, Anita, does not have answers. She believes Delaine was murdered and that the authorities have it wrong.

Elwood M. Ashawasega is the son and brother seeking justice for the loss of his mother and his sister. Mother, Shirley Caroline Asawasewega and Caroline Dawn Asawasewega.

Michelle Robinson is a daughter and community members who honours her living mother, Mary Anne Elliott and speaks for Janel Squirrel, 26-year old, mother of three, whose body was found in the basement of a Whitmore -- Whitmire Bay, Calgary home, northeast end where she was staying with her boyfriend who pleaded guilty to manslaughter. She most recently gave her statement.
Stacy Odone (ph), a Haudenosaunee woman, is seeking justice for all missing and murdered, and you met her in Calgary.

These are my families who, together, have been without their loved ones and their unborn children for a collective total of 377 years; 377 years of loss, of absence.

These are the families, some who told you their stories. These are the families, some who refused to come before you because your process did not appear to serve families. They did not trust you with their stories. These are the families who asked me to come here to talk to you about promises that were made.

When I spoke with Ellen Gabriel in Québec City, I asked her about what families need. She knew many people who had lost family members, either because they were missing or murdered.

What did they need? They need to make sure that their loved one did not die in vain. The death, the disappearance has to have some meaning. And for everyone who came before you to tell you their truth, that truth has to have meaning. Those stories have to ground your report. Those tears that were cried have to have a purpose.

People gave themselves to you completely
without reservation and at great personal cost. That has
to have meaning. They want to know -- they want the
State, and Prime Minister, you're not too far from here,
we could probably -- if somebody has a good arm -- throw a
stone to your office. Prime Minister, you have to
acknowledge the loss and the oppressive structures that
allowed these losses to take place.

Ms. Gabriel acknowledged that families want
security in their communities. They want freedom from
oppression from outside people in their communities. And
within, they want their communities, they want their women
and girls and children and men to be safe.

I asked her what good would look like, what
would good look like. She told me that she doesn't have
the answers; that she could only tell me what she thinks.
That we have to look at the loss, what we've lost, the
attacks on our communities, the issues with our justice
system, but we also have to have an awareness of where we
come from, where we were going, and what we want.

And I'm not in the "we"; right? This isn't
-- the white woman, "me", has no part in the "we" of this.
This is the words of my clients. Because the solutions
will come from the bottom up, and not the top down.
Nothing has ever been built from the top down. It is only
from the bottom up. And that is why when you make your
recommendations you have to look at families.

I'm going to run out of time before I can
tell you everything, I want to tell you, so I'm going to
go back to where I think you'll find some of the answers
about what you need to do. And those are found, I think,
in many ways in the open letters. The open letters urged
you -- open letters to the Prime Minister that were copied
to you that will -- that talked about some of the things
that needed to be done.

First of all, in terms of the integrity of
your work. You need a reputable coalition of community
leaders, academics, research institutions to oversee the
ethical collection and storing of your data that you've
obtained from this. You took stories from family members,
those family members should receive those stories back,
either by the transcript.

But how are you going to do that? How are
you going to say this is what we learned from you, this is
how we are honouring you? That is very, very delicate
work.

The families came to you with their
stories, many we retraumatized by it, some are still
waiting for support. Charlotte Murray, who testified
almost a year ago in Thunder Bay, still has not received
aftercare funds. She's filled out form after form. She
has a lawyer. There are still people waiting, still
people struggling. You need to ensure that you do right
by those families, that their stories don't just sit on a
shelf in an archive in a research department, but they're
returned to the family in an appropriate way.

You need to urge -- your recommendations
should be focused on resources and capacities for
families. It would be a tragedy if you built up only
agencies and service providers and the families were yet
again left without resources. Because the true
rebuilding, the true healing will come when they are
empowered to find ways to commemorate their loved ones, to
develop their own strategies for anti-violence, to develop
their language and their culture.

I want to give you a list of grievances.
You promised the families that your process would look
different. You created advisory committees without
letting the families know how people were chosen. You
held directed roundtables without being transparent. You
promised a forensic file review, and no details ever came.
You'd urged families to engage with you, promised them
that they would be prepared, that they would have support,
and left them scrambling to attend last minute hearings
with last minute travel with aftercare that was cobbled
together. You promised them that you would hear their
truth and to some, you told them that there would be time limits on that truth.

You invited them to register by April of 2018 when you were requesting your extension, but then you were silent.

You promised them that you would help them find answers, and they heard nothing from them.

You told them they didn’t need to apply for standing, that they could be witnesses without telling them that standing had meaning, that standing would give them certain participatory rights, that standing might allow them to have counsel.

Families are waiting.

I want to tell you what happened to Vanessa Brosseau (phonetic) because her story is emblematic of how the Inquiry failed families.

In March of 2017, she received an email from Susan Vella acknowledging Pamela as a missing woman and encouraging her participation. On March the 17th, Vanessa emailed Susan Vella and Jennifer Lord a document with her sister's story and indicating her interest in participating.

That was acknowledged and then she asked if there was time for her to read her submission.

In August of 2017, she received an email
asking to do an intake. There was a back and forth of correspondence throughout September and eventually, she spoke with an intake worker. So there were basically a back and forth of about eight emails.

She finally speaks with Lyne Watson on September the 11th, 2017 who called her to say, "Let's do this," promising her that there would be a conversation with legal folks afterwards, that she didn’t have a spring schedule yet, suggesting that Vanessa would get a check-in call monthly, asking her for details about what her ceremonial practise was, about what health support she had, indicating that she would be supported throughout the whole process and that she would be put on a check-in list.

And then there was silence, silence as the hearings were scheduled in Thunder Bay, silence as many of the Ontario families felt, not knowing where Thunder Bay was for northern families, not knowing when they would come, not knowing if this would be the only Ontario hearing.

In March of 2018, she received an automated email from the Inquiry saying that a Member would be in touch shortly. Then she emailed her sister's story again in March of 2018, showing that a year had passed.

She heard nothing. I wasn’t able to get
answers for her. She heard nothing until November the 4th -- until late October when the Inquiry invited her to make a statement. So there was silence for all of these months.

She was given a date, November the 4th, and a time, 2:00 p.m. to attend in Timmins to give her statement. I made arrangements to fly. Dr. Smiley, who provides her support, was going to come as well.

When she followed up on the 2nd of November to find out where is the statement going to be taken, the very same person who had confirmed November the 4th told her, "Who gave you that date and time?" She couldn't even remember that she had confirmed the statement her very self.

I will take Vanessa's statement for her. I will send it to you. But this is why people did not engage with your Inquiry process.

For almost two years she was waiting, for almost two years she was willing.

I echo the comments made by the Carly Teillet in terms of the issues that lawyers had, in terms of documents last minute, lawyers who had a hard time following the proceedings simply because of the volume and the speed, and what appeared to be a lack of a plan in terms of going forward.
But if the lawyers have complaints, what complaints do the families have? How do they know? How are they engaged? How have you been communicating with them?

This is why, at the end of the day, you have to return to the families. What did we promise them? To the Blackned family, you told them that you would -- you had powers, that you had powers to obtain documents.

You told them, Commissioner Buller, "All of the stories, the truths that we hear from families will be collected and saved. They will not be destroyed."

And so Commissioner Eyolfson, you were not there that day, but "he would be listening to people in private, he will be able to follow your story as well as we will be able to follow the stories of the people he hears from."

You promised all of those families that you would hear their stories, each of you.

And Commissioner, Chief Commissioner, you said,

"So we all know what is being said by families, even though we might not be in the same room and all of the records will be kept. They won't be destroyed and they will go to the
archives and they will be kept there for researchers, for other people who will want to do further studies. Not only will we hear from you, we will do our homework and we will keep the stories to honour the missing and murdered Indigenous women and girls. Their stories are a legacy."

These are living stories. These are lives that continue to be lived. Yes, it is important to remember but it is more important to act. I want to tell you -- and I know, Commissioner Audette, you are in a time of great difficulty -- but I want to know that when the extension was not granted and you said that you were going to think about whether you were going to continue with the Inquiry, Commissioner Audette, that was like a gut punch to the stomach of the families who gave you their stories. It was very -- they were extremely hurt by that.

We trust that you all take these responsibilities very seriously. We will be setting out in our final submissions ways that we think you can empower the communities. But we think that what you must do is you must account not only for what you see as your successes, but also for the missteps and where the process
went off the rails.

In order to do your job, you need to account and you need to honour those families. And it's for that reason that I spent the time today taking you back to the stories or the families of the people that you've heard from, the people that you didn't hear from, so that you can have an understanding, that you can reground yourself.

It's not easy work. I understand. But nor is living with the tremendous loss and pain and wondering whether it is all in vain.

So I thank you very much for listening to me and I thank Bridget and Maggie for being with me today. And if you have any questions, I'm happy to answer them.

(APPLAUSE/APPLAUDISSEMENTS)

COMMISSIONER QAJAQ ROBINSON: I don't have questions. I would like to thank you for your submissions. I'd also like to acknowledge and thank Maggie and Bridget for being here and sharing with us tough truths.

We do have to look at the missteps. We do have to look at the unfinished business and we can't pretend that this was everything and the only thing.

So I want to thank you for your guidance
and teachings. And I receive it with an open heart and an open mind because I recognize that our responsibility is, as you said very eloquently, we're responsible for is nothing, compared to what you've lived with and continue to. So thank you. (Native word).

COMMISSIONER BRIAN EYOLFSON: I also don't have any questions and I agree with the comments that my colleague Qajaq just said. So thank you for coming here and making your submissions.

And I want to acknowledge Bridget and Maggie for being here as well. But thank you for giving –- reminding us what we need to think about in preparing our final report. And you've certainly set out some things that are giving me things to think about. So I don't have any questions, but I just want to say I appreciate your submissions.

CHIEF COMMISSIONER MARION BULLER: Thank you. I know Michèle Audette is on standby. Michèle.

COMMISSIONER MICHÈLE AUDETTE: Merci. Merci, Chief Commissioner.

Alors, Suzan, thank you very much and I have to say in this journey, you were a very, very -- like I said to Viviane Michel with her lawyer, same thing with you -- we saw passion. I saw passion. I saw dedication and a good and strong warrior for the families and
survivors. And that, I commend you. You were very --

très forte comme avocate.

And of course, it was -- I have to say, when we started, one of the toughest journey -- and it's still very tough and we have to make sure that -- I really think it's important when you say it is important to remember, yes, but most of all, it's to act on it. And this responsibility is huge and it belongs to all of us, including me as a mom or as a Commissioner.

So I can't wait to continue this with my free moccasin at the end of this journey.

And I echo or heard your message about me thinking should I stay or not, and I have to say thank you to the families across Canada who reached me or I reached to see what do we do, what do we say for this government who says no to this historical Inquiry, historical movement in order to honour what many of us for many decades asked. If we were perfect? No, we weren't perfect. If we could have done better? Yes, we could have done better. And that, very honest with you, very honest with the people who are listening. We can always do better. And I believe we could.

What we have to do for the rest of this Inquiry, this point that left front of us, we have many warriors, many fighters, many people that will continue to
paddle and bring that report, bring those recommendations
to the federal government, provincial government, our own
government also -- I just finished speaking with the Innu
Nation, reminding them that they have a responsibility
towards the women and the children -- and of course,
municipalities and so on.

So I commend the two women that are with
you, Bridget, very strong women since 2003, 2004, and
2006. I heard your voice, your message, and your
frustration.

And you too, just here. Okay. I see you.

Very powerful and you speak your truth and you helped me
to go through this. Sometimes it was "ouch", sometimes it
was amazing, but for me, what I keep in my heart, it was
your transparency, your honesty, and your willingness so
something that could change among us in this work so we
could be and do better for the families and survivors.

So Maggie, merci beaucoup, and for your
advice also.

And this fight -- for me, I call it a fight
or this -- maybe it's not the right word in English, it's
not over. After the Inquiry, like I said, we're -- it's a
tool. I see myself as a tool. We have to continue
because racism, discrimination, and justice is still there
and families deserve response. And we have to push. And
some of our recommendations will continue to push for
those response that Canada will not give or the
municipality will not give and so on and so on.

You can reach me. You know me. You have
my numbers if you have any questions, and thank you for
your honestly, Maître Fraser. Merci beaucoup.

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

**CHIEF COMMISSIONER MARION BULLER:** Thank you. I just want to echo what my colleagues had said
perhaps more eloquently than I can.

Bridget Tolley, Maggie Cywink, thank you
for holding our feet to the fire. We've listened with
open hearts and open minds, and I've always said we
welcome criticism. So I want to thank you both for your
honesty and your courage and your strength. You're truly
inspirations to all of us.

Ms. Fraser, it's been an absolute pleasure
to work with such a gifted advocate. Thank you.

Thank you, all three.

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

**(APPLAUSE/APPLAUDISSEMENTS)**

**MS. CHRISTA BIG CANOE:** Chief Commissioner
and Commissioners, we would like to request a lunch break
now. And I'm asking that we come back for 2:00 p.m. we
originally were to come back for 1:40 but we're running a
bit late. So if we could recommence at 2:00 p.m. please?

COMMISSIONER MARION BULLER: At 2:00 p.m.

MS. CHRISTA BIG CANOE: Thank you.

--- Upon recessing at 12:53 p.m./L'audience est suspendue à 12h53

--- Upon resuming at 2:02 p.m./L'audience est reprise à 14h02

MS. MEREDITH PORTER: Good afternoon. Good afternoon, Chief Commissioner, Commissioner Eyolfson, and Commissioner Robinson. I'm Meredith Porter. I'm Commission counsel and I will be inviting the parties up to the podium this afternoon to give final submissions.

And the first party I'd like to introduce who's at the podium right now is the Institute for the Advancement of Aboriginal Women. Ms. Lisa Weber is counsel for the party and I'll allow her to introduce her accompany support.

---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. LISA WEBER:

MS. LISA WEBER: Thank you very much. So my name is Lisa. I am counsel for the Institute for the Advancement of Aboriginal Women. I will talk about the organization as I proceed through our submissions this afternoon.

I do have with me, however, Ms. Rachelle Venne who is the Executive Director and CEO of the
organization. And Rachelle will be with me both in
support of our presentation as well as to take any
specific questions that any of the Commissioners may have
with respect to some of our programs and deliveries. So
I'm very happy that she's here with me and confident that
she'd be able to answer specific questions.

So thank you for that.

I would like to start, as most of us have
been doing and as proper to acknowledge the Indigenous
territory within which we are gathered today -- that's an
important thing that we must do -- and introduce myself
and my role, not only as counsel for the Institute in
these proceedings but as an individual, as an Indigenous
woman.

I am Métis. I am from northern Alberta.
I'm a member of the Métis Nation of Alberta, also
affiliated with one of the eight Métis settlements in
Alberta, so lots of history in that part of the world.

I'm also a mother, a grandmother, a
daughter, and a sister. So that's a bit of my own
background and a reason why I'm committed to this very
important work.

So I want to thank the Commissioners and
Chief Commissioner for the opportunity now to make final
submissions before you.
I also want to acknowledge the many witnesses who have come forward to speak their truths through this process, recognizing and acknowledging that they took great risk in doing so, risk, for example, of alienation from perhaps funders for their programs, but I think probably most importantly, the recognizing the strength in coming forward and acknowledging and speaking about their experiences and perhaps making themselves vulnerable and opening up either fresh or closed wounds. So that's very important to acknowledge.

I want to really acknowledge the work of my client and its steadfast commitment to seeking change. I want to acknowledge the staff. Hopefully they're all watching at home, Rochelle. IAAW has a non-profit volunteer board and I really want to acknowledge the decades of work that this organization has done for this important work.

In many ways these hearings we feel are really only scratching the surface of the important work that we do and the important work of many others. And I really want to acknowledge all of the other Parties with Standing, and their counsel, and themselves if they are in the room today or watching. It's been an incredible journey, I can say that, professionally and personally for myself.
So with regards to our submissions, this Inquiry has heard firsthand from families and survivors who have shared their experiences about how they have been impacted by violence. Wisdom and knowledge keepers, experts from diverse disciplines have provided you with testimonial evidence on matters which they believe to be relevant to address this national strategy.

IAAW is a party with national standing, and we have participated in many of the proceedings, but not all. At various points we were, unfortunately, not given the opportunity to call witnesses for a variety of reasons. However, as I say, we do appreciate the opportunity today to, with 40 minutes, give more fulsome submissions on what we feel are very important issues, and also, very importantly, what we believe are concrete achievable remedies.

So I want to talk a little bit about the organization. So IAAW, as I say, is a non-profit organization. It was founded in 1994 by Indigenous women to promote the rights of Indigenous women. It has operated for more than 20 years and provides much needed programs and services through education, family violence workshops, mediation and advocacy, entrepreneurial and wellness programs, women's transition programs, and youth leadership workshops. We provide these important services
to hundreds of Indigenous women every year.

We also provide cultural support and advocacy services for women who are incarcerated or leaving corrections in helping them to transition to life in the community.

I want to take a moment and formally acknowledge the work of IAAW's founder and president, Muriel Stanley Venne. Muriel has been recognized locally, nationally, and internationally for her tireless work as an advocate for Indigenous women. She is the recipient of a National Aboriginal Achievement Award, the Order of Canada, the Alberta Centennial Award, and the Diamond Jubilee Award. Along with three other notable Indigenous leaders in Alberta, Muriel was honoured just yesterday with her own display at the Royal Alberta Museum in honour of her persevering work to achieve justice.

An important point to keep in mind with our submissions is while IAAW is open to First Nation, Métis and Inuit women, our organization has traditionally only been comprised for First Nation and Métis women, and it is for this reason that our submissions will focus primarily on those two groups, First Nations and Métis women.

We want to emphasize that this focus is by no means intended to suggest that the issues facing the Inuit are any less important. We respect the role of the
organizations who have been representing Inuit women and
girls and communities in this process, and we give full
support to what their representatives have said.

We simply did not feel it was our place to
make comment on what might be unique circumstances facing
Inuit women, girls, and communities, and we truthfully
have not had much opportunity to work directly with them.
So that -- we just want to qualify, if you will, our
submissions in that respect.

Through its advocacy work, IAAW has always
strived to collaborate with government, with law
enforcement, and the justice system on the impact of law
and policy on Indigenous women and to create action plans
to reduce and prevent violence. But we are growing weary.
Like many organizations working directly with women, we
have come to question the ability to make real change
within existing structures. This becomes more and more
apparent every time we hear about another death, another
violent assault, another case of injustice, that the
status quo much change.

So with this backdrop, I will begin by
saying that we agree with the key finding of this Inquiry
as was outlined in your interim report that violence
against Indigenous people, including Indigenous women and
girls is rooted in colonization and that for the violence
to end that ongoing colonial relationship must also end.

Our final submissions today are based on years, in fact decades of direct involvement with Indigenous women who have been subjected to the forms of violence that have been the focus of this Inquiry.

So the first topic that we want to talk about is program service delivery, so given our area of expertise. We did note with interest through the institutional hearings that there is significant disparity amongst provinces with respect to program delivery. For example, we heard that victim services in the Northwest Territories is community-based, delivered by community organizations, Indigenous governments, and hamlet councils, rather than delivery by public servants.

Funding we heard is provided from government to those organizations to provide the service funding and support. Perhaps most importantly on the topic of program delivery is that we know that the most effective program delivery is through the direct involvement of women with lived experience.

A consistent message that we have heard for most of the nongovernment organizations participating throughout this Inquiry is there is consistently a lack of secured sustainable funding for that program delivery. We agree with that statement. It is extremely difficult and
often impossible to make multi-year plans to address the
needs of our women and families when funding is often
provided on a project-by-project basis or tied to
government fiscal year end. I take note of
Commissioner Robinson's comments this morning regarding
program delivery and funding issues, and that gives me
hope.

And in support of what I believe we will be
finding in your final report then we wish to make the
following first set of recommendations:

Number 1, that Indigenous-led organizations
with the mandate, demonstrated experience, and expertise
in given program areas be given first and formal
preference over other organizations for the design and
delivery of programs and services to meet the needs of
Indigenous women.

Two, that this Commission recommend that
grant funding provided to Indigenous organizations to
address the systemic causes of violence be provided on a
multi-year basis.

Three, that adequate funding shall be
provided to such organizations, as well as resources for
training and support for the workers dealing with trauma.

Now my good friend, Mr. Blain, said during
his oral submissions for Awo Taan Healing Society that we
must break down the veil that separates provincial
governments and federal governments.

And so while formulating your
recommendations our wish is that you not be stifled by
jurisdictional questions. Do not worry, for example,
whose responsibility is it to provide for First Nations
women fleeing domestic abuse on reserve.

It was also apparent through the hearings
process that there is significant disparity of services
between regions and between First Nations, Métis and other
Indigenous organizations -- excuse me -- communities. In
the Yukon, for example, we heard that every First Nation
is receiving funding for assistance and culturally
appropriate assistance for accused people in the justice
system. I can guarantee you, as will become evident
through our presentation, that we do not see an equivalent
in place in other provinces and certainly not in Alberta.

As an organization whose membership, as I
said, is almost entirely First Nations and Métis women,
IAAW notes that there has been minimal involvement or
consideration to the needs of Métis women and girls in
this process. Given this reality, we make the following
recommendation:

That this Commission must formally
recognize that Métis women and girls are as vulnerable to
victimization as are other Indigenous women and girls in Canada and that further research and evidence should be considered about their experiences, and that specific recommendations that target Métis as a group is warranted.

We have a few words about research. Throughout these proceedings, as many of my friends before me have said, there have been thousands of pages of research, reports, findings, and recommendations that have already been tabled. We have heard through several witnesses that we Indigenous people have the answers, we know what is needed in order to address the continuing violence. And yet, as expert Jesse Wente testified before you, and as we have seen in these thousands of pages, we cannot -- we continue to see ourselves represented by external sources, including some who hold themselves out as Indigenous law experts. This leaves us feeling in this constant state of other. We submit that this is also the experience of Indigenous women and families when programs are delivered by government or government agencies with no connection to our communities. And so we say, Commissioners, stop studying us, stopping meeting as experts about us. Do not talk about us as your Aboriginal people. We are not objects, we are not statistics, and we are not just issues. As aptly noted by this Inquiry, decolonizing will require governments to recognize the
inherent jurisdictions of Indigenous peoples and properly resourcing the solutions. These solutions must be led by self-determining Indigenous people, communities, and nations or their organizations.

This brings me then to recommendations five and six, that any post-Inquiry research, which is proposed by you, must be Indigenous developed, led, and/or owned and subject to strict ethical and protocol requirements as articulated by leading Indigenous research scholars and Indigenous women with lived experience. Six, that Indigenous women must be active leaders in the design, implementation and review of programs and policies directed to increase their safety.

I want to shift gears now and talk about the criminal justice system, which was identified also in your Interim Report as playing a key role in perpetuating violence against Indigenous women and girls, and we agree with that finding. The criminal justice system is a source of the violence. As a result of our advocacy work, IAAW has gained first-hand insight into this fact, and we would like to talk about three key contemporary cases from Alberta in the last few years, and I emphasize that fact, with -- that these have happened in the last few years, to support our recommendations in this area.

Angela Cardinal was an Indigenous woman
living on the streets in Edmonton when she suffered a
horrific attack by Lance Blanchard. She was brutally
beaten, stabbed, and sexually assaulted. An experience
that she later described in court as making her feel
disgusted, disempowered, and afraid for her life. In June
2015, Ms. Cardinal was the Crown’s key witness in the
preliminary inquiry of Mr. Blanchard. During her
testimony, she was clearly distraught. Although, she
expressly said that she was experiencing anxiety, she did
not at any point refuse to testify. Despite this, Ms.
Cardinal was ordered to be reprimanded -- or excuse me,
remanded, reprimanded as well, under Section 545(1)(b) of
the Criminal Code. Now, that’s a rare provision that’s
used, which allows for a judge to retain a witness if they
have refused to answer the questions without any
reasonable excuse.

Ms. Cardinal was incarcerated at the
Edmonton Remand Centre, and she remained there in custody
for five days during the preliminary inquiry. She was a
witness. At several points during her testimony, she was
held in shackles, and she questioned, why was that
happening to her. She said, “I am --” This is quoted, “I
am the victim here. Look at me. I’m in shackles. This
is fantastic. This is a great system.” She expressly
advised the court of the difficult conditions at the
remand centre and asked to be released to stay with her
mother. She was deprived of her liberty without being
provided proper legal representation. In addition to
being forced to testify in shackles, during court
adjournments she was handcuffed. She was held in cells
that were in direct proximity to the man who had assaulted
her. Lastly and astoundingly, on
two -- at least two occasions, she was transported to and
from court in the same van as this perpetrator.

In this situation, no consideration was
given to less coercive measures that could have supported
her in court. Her incarceration was justified as if it
were for her own good. It was only later when the trial
judge characterized her treatment as appalling that this
inhumane treatment came to the public’s attention. Now,
there is legislation in Alberta which requires criminal
justice actors to -- treat victims with courtesy,
compassion, and respect, and to take all reasonable
measures to minimize inconvenience. Similarly, under the
Canadian Bill -- Victims Bill of Rights, complainants are
entitled to be treated with courtesy, compassion, and
respect, including respect for their dignity.

Notwithstanding these legislative
protections, rather than being treated as a rights bearing
individual entitled to dignity and respect, Ms. Cardinal
was subjected to harshly punitive treatment and reduced to being a mere instrument of the prosecution. When this case did come to light, the province did order an investigation, which we acknowledge, into the treatment of Angela, and the Minister of Justice acknowledged that there was enough blame to go around for this mistreatment. As an organization, we continue to ask what progress has been made or changes implemented to ensure that our women do not have to endure such abuse within the criminal justice system.

The inhumane treatment of Angela Cardinal, though, is not an isolated incidence in Alberta. In 2014, in a -- the criminal trial in Wager, former justice Robin Camp, used widely discredit -- discredited myths and stereotypes in Calgary where, as a sitting judge, he asked the 19-year-old Indigenous victim in open court, quote, “Why couldn’t you just keep your knees together?” And commented that, “Sex and pain sometimes go together. That’s not necessarily a bad thing.”

So we say, Commissioners, with such cases in mind, and given the myriad of other very common instances of women being treated with injustice in the criminal justice system, we offer specific recommendations regarding the system as follows. Number 1, we -- we ask that you recommend that an Alberta Indigenous justice
inquiry be struck to examine the treatment of Indigenous people involved in the criminal justice system in Alberta, both as victims and accused, with specific attention to the experience of Indigenous women. Two, that an Indigenous human rights commission be formed comprised of Indigenous human rights groups and organizations, led by women, with a monitoring function to track Indigenous interactions within the criminal justice system. Three, we ask that culturally relevant independent legal represented -- representation for Indigenous women be guaranteed through reviewing of existing programs and policies for legal services. And I believe my friend just before me this -- this morning, spoke about a similar recommendation. Number 4, we ask for a recommendation that the legal aid counsel appointment process be amended so that Indigenous accused, and persons seeking coverage for civil and family matters, may elect to have Indigenous legal counsel appointed. Number 5, that victims of crime shall be provided support services in their traditional languages, with proper funding support allocated to enable such services.

The last -- I -- I said I would speak about three cases. So the last one I’ll speak to has actually been spoken to at past institutional hearings in Calgary. But I’ll bring it -- bring it up today, again, for the
purpose of our recommendations. And it’s the case in R. v. Barton. So at the Calgary institutional hearings, we tendered evidence to this Commission concerning the criminal trial of Bradley Barton in the death of Cindy Gladue. Cindy was an Indigenous mother of three. She bled to death as a result of an 11-centimetre injury to her vagina. In March 2015, following a trial by jury, Barton was acquitted of the charge of murder. In fact, he was acquitted of all charges relating to Cindy’s death.

Now, we acknowledge from a pure legal perspective, that there were errors of law. That the trial court’s uncritical admission of irrelevant and prejudicial information about Ms. Gladue, references to her as Native, that she may have been engaged in sexual activity for payment, and that she may have been drinking with the accused, coupled with the inadequacy of its jury charge, there was findings that these -- these errors constitute clear errors in law. Now, we bring this forward today, though, for the purpose of looking at it through a social justice or human rights lens. And we say that the manner in which Ms. Gladue portrayed throughout the trial, by all active participants in the trial, the Crown, defence counsel, and the trial judge, was a reflection of the pervasive racist and sexist myths about Indigenous women that too often make its way into legal
proceedings.

But perhaps, the most horrific aspect of this -- in this case, was the ultimate violation of Cindy within the courtroom. I spoke about this -- or through my agent, I spoke about this in Calgary. That during the trial, an application was made by the Crown to tender Cindy’s preserved pelvis and reproductive organs into court. That application was allowed to be made and, ultimately, her body parts were indeed admitted. Now, Judge Graesser’s voir dire decision resulted in the presentation of her actual body tissue in court. This was a first in Canada’s judicial history apparently.

So at the Calgary hearings, through my agent Sarah Beamish -- and I thank Ms. Beamish for doing that -- making that difficult submission that day for me -- we had Justice Graesser’s voir dire decision admitted, and it is on your record as Exhibit Number 53 already, from the Calgary hearings.

So during the cross-examination in Calgary we posed to each of the witnesses on the panel whether, in their opinion, the effect of introducing Ms. Gladue’s preserved pelvis into court, in the manner in which it was presented, in the manner in which it was discussed by the parties, whether that dehumanized Ms. Gladue.

These witnesses were asked are these
actions or were these actions a violation of basic fundamental Indigenous beliefs.

Whether the fact that Ms. Gladue’s mother was in court when this happened without any prior notice, was this a manifestation of violence against Indigenous women.

And finally we asked those witnesses whether or not if by virtue of the fact that the rules of admissibility of evidence allowing for this to happen once and thus that it could happen again is this also a manifestation of violence against Indigenous women.

Unanimously the witnesses on that panel, who had been qualified by this Commission as experts, all agreed with these statements.

These witnesses were also asked, to their knowledge, what was the reaction of Indigenous women across the country about what happened to Cindy and then the way in which her body parts were introduced into evidence, the way she was treated.

Sandra Montour from Six Nations shared that women gathered in protest in her community and across the country.

Nakuset, also a witness qualified as an expert, commented that there were no words, and that her hope was, and I quote, “that the people involved in this
are held accountable.”

Cindy Gladue, Indigenous woman, mother, and victim, reduced to an object, dehumanized to be a specimen of tissue rendered admissible pursuant to the common law.

Her preserved pelvis has never been returned to her family. It remains as an exhibit, marked as an exhibit, somewhere in the Canadian criminal justice system, admitted by the Crown representing the interests of society.

We submit that the criminal justice system in this case steered so far from humanness that it’s unfathomable to think that it would ever happen again. However, given that we operate within a system based on stare decisis we must contemplate that and, therefore, in consideration of these three cases, and in particular the case of Cindy Gladue, we request that this Commission recommend the following.

Number one, to ensure that the human dignity and rights of no Indigenous woman is ever violated, as was Cindy Gladue, we recommend that all governments undertake law reform to prevent the use of human organs or tissue as real evidence in criminal prosecutions.

Now, we acknowledge that is a very odd recommendation to make, but I would encourage you, plead
with you, to consider the fact that this did happen once
and it can happen again and therefore there is rational
for such a blatant recommendation.

I then went back to the specific Orders-in-
Council establishing this Inquiry and tried to hook this
issue onto what is actually within your mandate.

And so our second recommendation is that
pursuant to the authority granted to this Commission by
that Alberta Crown Prosecution Services be advised that
any proposed future application to admit the preserved
pelvis of Cindy Gladue in the retrial of Bradley Barton
for her murder or death shall be reported to the
authorities by this Commission as being a gross violation
of fundamental Indigenous beliefs, and secondly, pursuant
to Article 2(2)(c) of that same Order-in-Council that such
actions would constitute misconduct on the part of Alberta
Prosecution Services.

Number three, at the Calgary institutional
hearings we asked whether the panel would support the
following recommendations and they unanimously agreed, and
those recommendations are that all provincial and
territorial Crown prosecutors and Provincial and superior
Court judges complete mandatory training on the human
response to sexual assault victimization, including a
component addressing the unique circumstances pertaining
to Indigenous victims, with such educational programs to
be developed in consultation with appropriate Indigenous
representatives or agencies.

Lastly, that government agencies such as
Crown prosecutions in the provinces and territories
color mandatory reviews of existing processes and
procedures with a view to reducing systemic discrimination
and prejudicial policies which may violate the rights and
beliefs of Indigenous peoples. Policy amendments to
include specific content regarding Indigenous complainants
developed in collaboration with Indigenous organizations.

Now, I wasn’t sure when I prepared, as my
friend reminded me that we had 40 minutes and not 20, so
I’ll proceed with the other recommendations that we have
identified. They’re also criminal justice system related.

So we know, and we’ve also heard throughout
this Inquiry, that our women are over represented in
corrections often for poverty related offences or as a
result of offences which have been contributed to by the
social circumstances that they find themselves.

Consequently, we believe that these
mitigating circumstances ought to be taken into
consideration when sentencing Indigenous offenders and we
offer the following recommendations.
That the provincial ministries of justice review and amend provincial victims of crime legislation and related justice policies and procedures with a view to addressing the over representation of Indigenous women as victims and accused; that the Minister of Justice Canada implement necessary amendments to the Criminal Code which will enable a judge when sentencing an Indigenous accused when the court believes it is warranted to deviate from sentencing precedent for reasons relating to the unique circumstances of the offender.

Three, that the Minister of Justice Canada amend Section 515(10) of the Criminal Code to enable a judge when considering the release or detention of an Indigenous offender that his or her unique circumstances as an Indigenous person shall be taken into consideration, i.e. the Gladue factors.

I’ll close with some final words about implementation, although we are of the opinion that many of the recommendations we have made don’t necessarily need to be tied to, you know, very long-term plans for implementation, but rather we believe that they’re very achievable, and I harken the words of my friends this morning about political will and acknowledge that that certainly is a factor here.

In the words of Dr. Cindy Blackstock, who
also provided evidence before you, and also, ironically, the words of IAW’s founder Muriel Stanley Venne, “enough tinkering, there must be reforms in ways that matter.” We believe that these recommendations that we’ve suggested are readily achievable and they can be acted upon in reasonably short order.

We do acknowledge that some of them are more complex problems and this will require complex solutions.

We remind you when you’re formulating our recommendations that please remember we are not a monoculture Indigenous people and we need to remind government that we are not monocultural and Indigenous people.

If we are to truly address the systemic causes of violence against our women we must address colonialism. This Inquiry is not only about the law it is also about political will.

Like our CAP, like the calls to action of the TRC, the many other reports, commissions, and inquiries, we know that your recommendations will not be binding on government institutions, or frankly Canadians. We understand that this Commission does not have the power or authority to direct government to make legislative change or policy change. However, we believe it is
important in fulfilling your mandate that we identify and
assist you in examining the systemic causes of violence
against women and girls and to make recommendations for
effective action.

In this sense, we hope that this Inquiry
and your resulting recommendations can be a tool for such
action, and that is, in fact, what we intend to do with
this work and your resulting report is to use it as a tool
in moving forward with our work.

So that will be the end of my submissions.

I would allow Ms. Venne to make some direct comments, if
she wishes.

MS. LISA WEBER: One final comment, then.

Thank you to Commission counsel for
reminding me we did submit our two-page recommendation, so
we'll actually ask that be admitted as an exhibit today.

CHIEF COMMISSIONER MARION BULLER:

Certainly. The two-page recommendations, correct, will be
Exhibit 2, please.

---EXHIBIT NO./PIÈCE No. 2:

“Key Draft Recommendations” document
(three pages)
Submitted by: Lisa Weber, Counsel for
Institute for the Advancement of
Aboriginal Women
MS. LISA WEBER: Thank you.

That would conclude our submissions unless there are any questions from the Commissioners.

COMMISSIONER QAJAQ ROBINSON: Thank you for your presentation, and thank you for both -- to both of you for being here.

I want to talk a little bit about the statement you want us to make with respect to the use of Ms. Gladue's parts by the criminal justice system, and I look forward to reading more about that in your closing submissions, the finding you wish for us to make, the declaration.

It reminded me of testimony I heard in Membertou from Ms. Brooks, who talked about how her sister's head was kept for years. The case was unsolved.

And in their beliefs and their laws, a spirit can't rest without all her parts, to the point where her mother wasn't prepared to even bury her and have ceremony until she was fully intact again.

Ms. Brooks described a process of having to fight to get those after years -- I think it was eight or nine years -- to get her sister's remains back together so she could rest. And it took an investigator and a pathologist with will to do additional autopsies and forensic reports because the concern was if they made an
arrest, the original autopsy or forensic or pathologist report that was relied on needed to be challenged so the accused, whomever that accused may be -- and this is a case where there was no one ever arrested -- would have a right to examine her head.

They resolved that legal challenge, protecting the individual's rights, by having multiple pathologists do an examination so that there would be an array of opinions that a Court, if it were ever adjudicated, could rely on.

And I was wondering -- and you may not have heard that testimony, so I don't want to spring it on you, but I think it's related and I wanted to draw your attention to that testimony in the event that that might assist you because I think they are absolutely related. And the solution that was found met multiple interests, and I think that that process was something to think about as well.

So I just wanted to flag that with you. I guess it's more of a flagging of some of the evidence on our record as opposed to a specific question, but if you have thoughts about the parallels between how the prosecution of Ms. Gladue's death was handled and this case, I welcome you to comment.

MS. LISA WEBER: Yes, and thank you for
that.

I think I -- what comes to my mind right away is the fact that we have discussed and we keep in very close contact with her family. And I can tell you that that was raised an issue, that they have not had a final burial, if you will, for Cindy. And that's why.

And I can also tell you that her surviving children, we talked about that because IAAW was very supportive of advocating for the return of her remains, her body parts, from the Crown or wherever they are, and they're afraid. They're afraid to ask.

They're afraid that they may impact any potential retrial of the man who killed her, and so they're afraid to ask. And I think that goes to the whole issue of colonialism and the impact and our fear or asking for something that we should never have to ask such a question, but they're afraid to go there. They're afraid to ask that.

But thank you for pointing that -- that other case out. No, we wouldn't have been present when that evidence was ---

COMMISSIONER QAJAQ ROBINSON: I think if -- you're right. It's that -- it was a combination of demanding and the will of specific individuals and institutions, so perhaps there's a need for policy
declarations with respect to remains, perhaps even legislative reform.

Thank you.

COMMISSIONER BRIAN EYOLFSON: I don't have any further questions, so I just want to thank both of for attending and providing your submissions.

Thanks very much.

CHIEF COMMISSIONER MARION BULLER: I also want to say thank you both very much. Thank you for coming.

And I also have to say, Ms. Weber, it's just been a real privilege to work with you and such a committed advocate, so thank you.

MS. LISA WEBER: Thank you.

MS. MEREDITH PORTER: Thank you.

The next party I would like to invite to the podium is from the Assembly of Manitoba Chiefs. Representing the Assembly of Manitoba Chiefs will be Grand Chief Arlen Dumas.

---SUBMISSIONS BY/SOUMISSIONS PAR GRAND CHIEF ARLEN DUMAS:

GRAND CHIEF ARLEN DUMAS: (Speaking in Native language) Good afternoon, Elders, grandmothers, families of the murdered and missing indigenous women and girls, survivors, Chiefs, leaders and Commissioners. My name is Grand Chief Arlen Dumas.
I'd like to acknowledge the Algonquin territory that we're on. I'd also like to acknowledge all of the sacred items that are in the room.

I would like to begin by acknowledging and honouring the murdered and missing indigenous women and girls, survivors of violence and exploitation, and their families. It is important for the Assembly to begin with this acknowledgment, as it is only the result of the advocacy by the families and the survivors that we are here today.

It is our responsibility to ensure that the families and the survivors who have shared so much with us during the Inquiry feel heard and that their recommendations are acted upon.

My role here today is to draw attention to what the AMC has heard from a regional perspective about MMIWG and to convey the sense of urgency. A complete paradigm shift is required to reverse the course and keep First Nation women and girls safe.

Western ways are incapable of dealing with the crisis of MMIWG. Keeping First Nations women and girls safe requires us to return to First Nations ways of being and knowing.

Flowing from my remarks, AMC legal counsel Joelle Pastora-Sala, will be grounding our submission
today in the seven phases of life, and co-counsel Anita
Southall will be introducing AMC's recommendations to you.

As the Grand Chief of the Assembly, I have
the honour and privilege of advocating on behalf of 62
First Nations in Manitoba. These First Nations represent
the diversity of Cree, Oji Cree, Ojibway, Dene and Dakota
Nations.

To address the MMIWG, the Assembly made a
conscious choice to build on what we had heard throughout
the years and be directed by families and survivors.

In 2014, with the help of families of the
murdered and missing Indigenous women and girls,
survivors, elders, and community organizations, and
supported by the First Nations Chiefs in Manitoba, the AMC
developed a Families First process in collaboration with
the Southern Chiefs Organization and the Manitoba
Keewatinowi Okimakanak.

In 2014, this work was considered ahead of
its time and neither Canada nor Manitoba did anything
about in response. We cannot continue to wait to have an
informed regional response that respects our families and
survivors. What we heard and learned through the Families
First process was that any process that addresses MMIWG
must put families and survivors first, must be regionally
focused, must be trauma informed, and based on First
Nations ways of being and knowing.

As we approach the end of the National Inquiry and we reflect on the process, AMC is left with the conclusion that this was ultimately a flawed process because it was based on western laws and values which did not reflect who we are as a people.

Families and survivors sounded the alarm bells throughout this process. Manitoba Chiefs had heard that they were not informed -- that families were not informed about important timelines or included in meaningful discussions in the hearing process. Despite this glaring oversight with the magnitude of the issues and the reality that this could be the only opportunity to have our voices heard, the Assembly of Manitoba Chiefs made sure that the AMC continued to be involved in support.

The Inquiry was filled with people with good intentions and good hearts, including families, survivors, Parties with Standing, Inquiry staff, and Inquiry Commissioners.

But the good intentions of all those involved could not cure what was a deeply flawed and problematic process. Families continued to be traumatized as they publicly shared their truths, which for many meant reopening deep wounds. Experts and witnesses involved
were cross-examined in a western, combative-style process which arbitrarily imposed timelines and party positioning took priority over charting a way forward for families in crisis.

Counsel and organization representatives were regularly given documents at the last minute and expected to make sense of dense information with little or no time to meaningfully engage in the materials.

Given the nature of the issues before the Inquiry, the work was always going to be challenging. Those challenges did not need to be compounded by a flawed process.

The First Nations principle of reciprocity tells us that in spite of these challenges, we cannot let these efforts go to waste. Healing from this collective trauma requires us to have empathy and respect for one another and face the hard truths that were shared before and during the Inquiry. And most importantly, it requires us to act upon these hard truths.

The first truth is that we are in a state of emergency. As we listened and learned during the Inquiry process, First Nations women and girls continued to disappear and be murdered as we were grappling with this crisis.

Far too many First Nations women and girls
are taken from us too soon. We all know the statistics. But more importantly, these women and girls are our sisters, our wives, our cousins, our friends, our neighbours, our mothers, and our grandmothers.

We are all deeply affected by this tragedy. There is not one First Nations family in Manitoba that has not been touched by and wounded by this violence. It has devastated -- it is devasting and has rippling effects on us all.

First Nations women do not feel safe walking in the streets and young First Nations girls are asking their mothers whether their brown skin means that they will go missing and/or murdered one day.

The second truth is that the crisis of MMIWG is a direct result of colonization, the colonial policies and laws established which establish control over every element of our lives as First Nations people, our identity, our culture, our children, our movement, our relationships, our education, our food, our survival.

First Nations have always pushed back. But over the last 150 years, Canada has designed systems that continue to remove the Indian from the child, to try and get rid of the Indian problem. Our languages, the way of life, and our way of life were seen as problems by colonizers because we were so strong and rooted in our
When First Nations face poverty, low levels of education, inadequate housing, and a loss of value for life, this is all a direct result of colonization. It is the consequence of the continued imposition of foreign laws and policies and practices.

First Nations are caught in foreign western systems from birth to beyond death, whether through residential school, Child Welfare, the justice system, health, Social Assistance, or the Indian Act.

Settlers benefit from the theft of our lands and the commodification of our people. It has created systems that are meant to serve them. These foreign systems have forced First Nations women and girls into desperate situations, situations for survival.

At the same time, these systems have promoted the idea that the lives of First Nations women do not have a value, that they do not matter.

The forces of colonization funnelled First Nations women and girls into vulnerable situations which placed them at higher risk of going missing or being exploited or being murdered.

Taking away from First Nations women and girls through violent and disturbing crimes is an act of genocide that continues the legacy of residential schools,
the Sixties Scoop, sanitoriums, and the current efforts linked to the Child Welfare and justice systems.

Colonial systems do not work for us. They are fundamentally opposed to who we are as people. It is amazing how resilient our people are, despite all of these systems.

The third truth lies within the resiliency of First Nations worldviews and laws, which are required for a better future, to begin healing from continued disruptions. The only way to prevent future violence against all Indigenous women and girls is to move away from these colonial laws and policies and ensuring that it's First Nations laws that govern all aspects of our lives.

Meaningfully addressing the crisis of MMIWG affecting Manitoba First Nations requires a fundamental paradigm shift. This cannot be accomplished with a return to First Nations law -- this can only -- can be accomplished with a return to First Nations laws and ways of being and knowing.

The United Nations Declaration of the Rights of Indigenous People offers a framework to achieving this objective. We must fundamentally change the landscape now. First Nations women and girls cannot afford for us to wait. First Nations families and
survivors have given us much through this hearing process. They deserve nothing less than (speaking in Indigenous language).

(APPLAUSE/APPLAUDISSEMENTS)

--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. JOËLLE PASTORA

SALA:

MS. JOËLLE PASTORA SALA: Good afternoon. Bon après-midi, family members, survivors, elders, grandmothers, leaders, colleagues, and Commissioners.

Mon nom est Joëlle Pastora Sala, and I am co-counsel for the Assembly of Manitoba Chiefs.

I will be sharing some sensitive stores and accounts of the types of experiences that AMC has heard in recent years. We have chosen to share our submissions in a format that honours First Nation women and girls and First Nation traditional ways of sharing and doing.

Protocol was followed in order to share the First Nation teachings which form the basis of the oral submissions of AMC.

I would like to particularly acknowledge Elders Florence Painter and Dennis White Bird, as well as Cora Morgan for their generosity and guidance.

First Nation teachings tell us that there are seven stages of life. There are ceremonies and teachings for each of these stages of life. As a direct
result of colonization, many First Nation people no longer hear or know these teachings. Many will never hear teachings about the sacredness of life or hear that all women are sacred.

Both First Nation women and men are hurting from the loss of these teachings and laws. In addition to being caught in foreign systems, First Nation women and girls are also stuck in stages of life and are not able to move forward emotionally. First Nation women and girls who do not pass through these stages of life through ceremonies and their teachings are more vulnerable to exploitation and violence as they do not know who they are.

First Nation women and girls have lost value of life, their own life and the lives of others. Just as First Nation teachings have been stolen from First Nation people, so too have First Nation women and girls.

The first stage of life is the good life. Elders teach us that as soon as there is conception there is a spirit or a blue light. When the blue light comes into our bodies, parents, families, and communities celebrate new life.

Before we are born, our mothers form connections with us when we are in their womb. During our time in our mother's womb, we are already in the process
of learning our roles and responsibilities. It is during that time that the Creator is already making plans for us. When a baby is preparing to make its arrival to the physical realm it announces its arrival by the breaking of the water. This is a natural way of showing us the connection of women with water.

Elders speak of a time when midwives used to read birth waters to identify the gifts and talents of babies at birth. From that moment on it was the responsibility of grandmothers, mothers, family members, and community to foster gifts of the child and support them.

Once babies are born there are several specific ceremonies that must take place. This includes a naming ceremony which would typically happen four days of the baby being born. According to First Nation teachings, this stage is called the good life as everything is done for the change.

At this stage, the value of kindness is thought -- is taught through practices such as breastfeeding. Elders tell us that it is important for babies and infants to feel love during this stage because that is a feeling a child never forgets.

Disruptions. When a First Nation woman is pregnant, she is immediately negatively judged by her
brown skin no matter her economic, professional, or educational background. As stated by Dr. Lavallee, she is unable to interact with the healthcare system except in stereotype. If she lives in a First Nation reserve in Manitoba, she has likely made a trip to an urban centre like Winnipeg, Brandon, or Thompson to attend her prenatal appointments. This may be the first time that she is outside her community.

As a residential school survivor or a daughter of a residential school survivor, she may not feel equipped to be a parent. She recalls being separated from her parents, siblings, and culture, and community at a very young age. She may have been physically or sexually abused by her teachers or fellow classmates in residential schools and been encouraged to keep quiet about the abuse. She may have been publicly, physically, or orally scolded for speaking her language. During her home visits she may have witnessed her parents fighting, growing apart, and drowning their sorrows in abusive substances. She may have left her First Nation as a teenager for better educational or employment opportunities in the city.

As her baby grows inside her womb, the young First Nation mother feels more and more alive. As she -- she may be both excited and scared about what the
future holds for her and her baby. She is hopeful for a
good future for her baby, a life better than the one she
has had.

When her water breaks, she rushes to the
hospital. After a lengthy labour, her baby girl is born.
As she holds her baby close, a nurse walks into her
hospital room with a stranger. The stranger who is
holding a car seat informs her that she is here to take
her baby girl.

Without any warning or explanation, despite
her significant opposition, her baby girl is taken from
her within 24-hours. She likely won't know where her baby
is taken. The First Nation mother leaves the hospital
alone and with potentially nowhere to go. Elders have
said that the most violent act you can commit to a woman
is to steal her child.

There is a fork in the road. She may be
able to find the courage and strength to find her baby and
to return her baby home. If this is the path, she chooses
she will face many obstacles along the way. She will live
in poverty and may never have the resources to have a
suitable home for her child.

The other path she may take is the one of
drowning her pain. In drowning her pain she will be
subject to many risks where addiction, a lack of will to
live, violation, abuse and worthlessness may all ensue.

She may be 1 of 350 cases of her legal aid -- on her legal aid lawyer's desk. When she has her day in court, she will likely face racism and stereotypes by individuals far removed from her reality. She may be told by a judge that the cultural heritage of her child is not part of the child's best interest. She will miss out on the fundamental years of her baby's life, from birth to 2-years old, a time when nurturing is critical for our baby's future and emotional memory.

Eventually her hope for reunification may fade and she will feel a sense of hopelessness. The CFS system will treat her as guilty of being unfit and she will never be given an opportunity to prove otherwise.

The First Nation mother's baby is another generation removed from family and culture. The First Nation baby girl is bounced from place to place and never experiences unconditional love or a sense of belonging. She carries grief and loss, even if she is only 2-years old.

The earliest moments of her life may be spent in emergency shelters rather than in the loving arms of her family. That baby will not know her name, who she is, and to whom she is connected. Her ties to her family and community will be severed within hours of entering the
physical world.

The next stage of life is the fast life.

It is just what it sounds like. From the time a young
girl is 3-years old to when she begins her menses,
everything happens so quickly. As children approach their teenage years, things become more challenging for the young ones. They struggle to fit in and find their identity, being too old to play with children — with child games and too young to play adult games.

During this time young girls and boys demand a lot of time from their parents, testing each other’s patience. As they age, they begin to think that they know more than their parents and seek independence. First Nation teachings tell us that however difficult this stage may be it is imperative to continue loving, supporting and providing for that child because they still require guidance.

Honesty is the gift for this stage of life. Children are often questioned about their actions at this stage and told that they must be truthful. When children are honest with others and with themselves, they will be more grounded and ready to face the challenges of life.

Disruptions. As a First Nation child, she may be the sixth generation of stolen children. Each generation which is removed from their family and culture
is an added generation of trauma, grief, loss, which is recorded in her blood memory.

A baby girl who is removed from the care of her family at birth may reach the physical age of three not even knowing that she is First Nation. She may even believe that she belongs to another culture or race.

Because she is suffering emotionally, she may experience behavioural challenges and be flagged by the child welfare worker as a problematic child. Because of her behavioural issues she may be heavily medicated and not be provided with emotional supports. If she is provided with emotional supports none of them will be grounded in her culture. This young girl will be growing physically without the teachings to grow emotionally and spiritually in a way that is connected to her First Nation identity.

The next stage of the life is the wondering life. This is when a young woman begins to flourish. She begins to wonder about her identity and purpose and starts to think about what she has gone through and what she has learned. At this stage the young woman desperately wants to belong. According to Basil Johnston for a girl the attainment of womanhood is the most singular event in her life and is the greatest gift.

It is in this phase that young girls begin
to master skills and training intended to prepare them for adult life, both physically and spiritually. At this stage young girls and boys will do their vision quests. Without these they are unable to proceed to the next stage.

Continued parental guidance is also fundamental at this stage. It is important for parents to encourage their children to seek guidance from Elders and mentors. By this point the purpose of life becomes clearer and it is the gifts of sharing that is the value focused upon at this stage.

Disruptions: By the time she becomes a teenager, she may have already experienced suicidal thoughts and significant mental health challenges. If she has been categorized by her social worker as a "difficult teen", it will be difficult, if not impossible, for the Child Welfare system to find her a loving home. She will likely be placed in a group home with other teenagers who are suffering trauma. She may experience verbal, emotional, physical, and sexual abuse in her group home by the Child Welfare workers or other teenagers.

Because she has been bounced from placement to placement, all of her belongings are stuffed inside of one garbage bag. If she wants to purchase food that is not provided for her in her group home, she may be tempted
to steal and could be charged with theft as a result.

If her basic needs are not met in the group home, she may become sexually exploited as a way to make money and survive.

There are many number of ways where her survival could put her directly in conflict with the justice system.

She may not attend or finish school. She may not have anyone in her life to support her or to encourage her. She may not even know how to dream.

As she is in her teenage years, she may rebel and start experimenting with abusive substances, as well as engaging in other risky activities. She may start seeking a sense of belonging on the streets with others who are suffering. She may also run away from the group home to seek out her mother and biological family and join the many other young girls who are reported missing, simply because they are trying to return home.

If she becomes a teenage mother, her baby will likely be apprehended at birth. She may never have the opportunity to parent her child.

When she turns 18, she may get a modest cheque from the Child Welfare Agency which comes nowhere near meeting her needs. She will be handed her garbage bag of belongings one last time. Her only option may be
to live in a homeless shelter or in the streets. In this moment, she is so alone. At the same time, she is not alone at all because there are over 11,000 children in care in Manitoba.

You'll hear, as I talk about the next four stages, that unlike the three first stages where we have talked about both the teaching and the disruptions, in the next three stages, we will only talk about the First Nation teaching. That is very deliberate. If she reaches adulthood, the First Nation women may never have the opportunity to attain the next ceremonial stages of life. Many First Nation women and girls will not journey through the phases of life, also because they are murdered or disappear.

The fourth stage of life is the truth life. At this stage, people begin to know who they really are. Women continue to receive and appreciate womanhood and the teachings they received. The gift at this stage is strength. One of the ways it manifests is through relationships in terms of how the couple lives with one another. Once individuals attain this stage, they start settling down and for some, begin their married life.

The fifth stage of life is the planning life. At this stage, adults set out their plans for the future, including parenthood. The four gifts which they
carry become the foundation upon which they will teach their children, kindness, honesty, sharing, and strength. It is at this stage that adults may find out that they are expecting a baby.

As adults and parents, from the moment we find out that we are expecting, it is our responsibility to ensure the safety and security of our children. It is the responsibility of parents to pass down protocols and ways of living based on the seven sacred teachings.

When parents are not able to care for their children and provide them with basic needs, grandmothers are responsible for determining who would be appointed with the responsibility to care for that child, and that is done through ceremony and talking together.

The sixth stage of life is the doing life. It is in this stage that parents begin exercising their parental responsibilities and each family member contributes to assisting in the well being of raising the child.

According to Basil Johnston, while men and women contend with the struggles in the physical order, they must live out their visions. In so doing, they must observe the laws of the world and customs of the community.

At this stage, it is important for
individuals to remain true to their spirit and vision.

Disruptions: By the time she reaches the physical age when she should be journeying through the truth, planning, and doing phases of her life, she may have already gone missing, been murdered, or taken her own life.

The consequence of not progressing through the ceremonial stages of life is that her quality of life may become stagnant and she may not have any control or autonomy. She may be a parent who is robbed of the opportunities to parent by the Child Welfare or justice systems. She may be struggling with addictions to drown her pain. She may be sexually exploited to obtain money for abusive substances.

And as an adult, she may carry -- she may have suffered the grief and loss of one or several loved ones, whether it be her cousin, auntie, or friend. One or more persons in her life would be categorized under MMIWG.

Because of the impacts of colonization, she may not know how to pray and she may not know that she is sacred. As a First Nation woman, she may not have the grounding and ceremony to honour the women and girls in her life who have passed or the ability to deal with her grief.

Stage seven is the elder life. It is a
gift to reach the elder stage of life. When adulthood ends, the pace of life changes. Age gives way to decrepitude and elders must accept the loss of strength, the lessening of endurance, and the wane of agility as part of life's destiny.

Old age is to be cherished because at this stage, life's work is not finished. Elders play a vital role as leaders and teachers in our community, and it is their role and responsibility to pass their knowledge to the next generation.

Grandmothers teach women about the life journey of the child and that there are stages of rites and passages for their entire life as a child. And when we die, the blue light leaves our body and goes back to the Creator and the body goes back to the land, Mother Earth.

Disruption: She may reach the physical age of an elder without ever going through most of the stages of life. If she reaches the age of 60 years old, she may have seen, experienced racism, poverty, trauma, residential schools, and Sixties Scoop.

She may have never had the opportunity to learn her language, attend ceremony, or learn her teachings. She may have experienced flashbacks, and may have blocked off parts of her memory because they are too
painful to recall.

While she knows by this stage of her life she is meant to be sought for her knowledge, she is not taken seriously any more, including by her own family. If she was reunited with her children, they may struggle with their relationship, her children would be angry with her, and she could even be angry with herself for all of the suffering she has had in life. She may have never felt free and been institutionalized from birth to death.

The stories that we have shared are a reality for so many. This is the work of colonization. Rather than continuing to disrupt the lives of First Nation women and girls, we need to disrupt colonization.

I will now turn to my colleague Ms. Southall, to go over the recommendations which AMC views as a pathway to disrupt colonization and keep women and girls safe.

---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. ANITA SOUTHALL:

MS. ANITA SOUTHALL: Good afternoon, all those present, and good afternoon Commissioners. My name is Anita Southall and I'm part of the counsel team for the Assembly of Manitoba Chiefs.

Grand Chief Dumas has stated, the crisis of missing and murdered Indigenous women and girls requires a fundamental shift of approach with a return to First
Nation laws, ways of being and knowing.

The United Nations Declaration on the Rights of Indigenous Peoples offers a path to achieve this objective.

AMC has focused on the following areas to provide recommendations: Child Welfare, human trafficking, sexual exploitation and resource extraction, justice and policing, health and education systems, education awareness and honouring loved ones, and media. All recommendations put forward by AMC are grounded in the Declaration and relate to supporting First Nation governments, self-determination, and returning to First Nation laws, ways of being and knowing.

While transitioning to First Nation-led solutions rooted in First Nation institutions, there are interim measures that are required by the Crown and all levels of government in order to fulfill Treaty obligations and to address systemic racism that has resulted in the murders and disappearances of First Nation women and girls.

AMC's detailed interim measures in each of the subject areas will be contained in AMC's written closing submission that will shortly be filed with the Commission.

Prior to addressing the area-specific
recommendations, AMC submits the following overall recommendations.

Commissioners, you've been provided with a two-page set of recommendations by AMC, and at our conclusion today we'll ask that that be marked as an exhibit. Thank you.

In the engagement conducted by AMC in the Families First Process, AMC clearly heard that these issues must be addressed from a regional perspective. Therefore, AMC recommends that the federal government meaningfully support and provide funding to AMC for two regional summits in Manitoba inclusive of both northern Manitoba and southern Manitoba to be held within one year of the release of the National Inquiry report for the purpose of bringing First Nation Elders, knowledge keepers, community members and legal and policy technicians together to coordinate a 10-year plan to support First Nation governments and self-determination of First Nations.

These summits will provide the opportunity for First Nations to formulate plans for the infrastructure and First Nation governance of specific indigenous systems to address these issues.

It is also recommended that the federal government provide funding to the AMC for the monitoring
and implementation of the plans.

   Thirdly, as an overall recommendation, AMC requests that federal government meaningfully support and fund First Nations and First Nation mandated entities.

   To the first subject area of child welfare, the brief contest, as stated by the late Elder Elmer Kirschane, "We have to make things good for the future of the little ones".

   The statistics of children in the child welfare system in Manitoba are deplorable. There are over 11,000 children in care, and about 90 percent of those are indigenous children. Your chance of graduating from high school if you are a child in care in Manitoba is only 25 percent.

   There is a direct link between children in care and MMIWG. In 2016, of the over 9,700 missing persons in Manitoba, approximately 87 percent of them were children in care; 70 percent of those were girls.

   Birth alerts are happening at alarming rates. This practice must end.

   Manitoba has been identified as possessing unique circumstances and is experiencing a humanitarian crisis in child welfare. We must completely flip the system to reverse these trends.

   AMC makes the following recommendations.
Number 1, that all levels of government implement Article 7 and 22(2) of the Declaration and fund initiatives to implement the goals, objectives and these rights pertaining to freedom from all forms of violence, including the forcible removal of children, and genocide.

Number 2, that all levels of government meaningfully support and fund First Nation governments' efforts to reclaim and assert jurisdiction over First Nation children.

Number 3, that all levels of government meaningfully support and fund First Nation government efforts to bring first Nations children home and return them to their families and communities.

Turning to the subject area of human trafficking, sexual exploitation and resource extraction, the context.

Canada has an international reputation as a source, destination and transit country for human trafficking. Trafficking recruitment efforts are rampant in Manitoba.

Based on what AMC has heard and observed, the primary factors leading to the human trafficking, sexual exploitation and violence relating to resource extraction projects against First Nation women and girls are the impacts of colonization on the devaluation of the
lives of women and girls, the circumstances of poverty among First Nations and the service delivery model in First Nations which leads to a lack of or inadequate social services.

The AMC makes the following recommendations relating to this subject area.

That all levels of government implement Article 10 of the declaration to fund initiatives to implement the goals, objectives and this right, protecting the right to life, liberty and security of the person and the forcible removal from lands and territories.

Justice and policing, a brief context.

There is a proportionate representation of First Nations people stuck in the policing and justice systems. There is a historic and ongoing lack of trust between First Nations people and policing agencies.

Victims of violence have reported police insensitivities to their well-being, and police officers are also sometimes perpetrators of violence against First Nation women and girls.

For many, incarceration may be the first time that they are exposed to their First Nation tradition and culture through cultural programming.

The only way to meaningfully reduce and eliminate the over-representation of First Nation people
in this system is by restoring jurisdiction of justice and policing issues to First Nations people and governments.

The AMC makes these recommendations.

That the federal government meaningfully support and fund the AMC to create First Nation legal institutions in Manitoba to develop use, and understand First Nation laws.

Number 2, that all levels of government implement Articles 19 and 34 of the Declaration requiring states to obtain consent from First Nations people before implementing laws that affect them and protecting the rights of First Nation people to develop their own institutions.

Health and education. The health and education systems are foreign systems that have been imposed on First Nations people and do not meet their needs.

The recommendation is that all levels of government implement Articles 14, 23 and 24 of the Declaration to protect the right of indigenous people, to develop priorities and strategies in this field as well as to permit First Nation people to enjoy the highest standard of health and education.

I am over time, I think, Commissioners. Am I permitted to just read into the record the remaining
recommendations? There are two of them.

CHIEF COMMISSIONER MARION BULLER: Yeah.

Go ahead, and we'll take the time from our time.

MS. ANITA SOUTHALL: Thank you very much, Commissioners.

I will move to just the recommendations in these last two areas: education awareness and honouring loved ones.

AMC recommends that the -- all levels of government implement Articles 11 to 13 and 15 of the Declaration, and fund initiatives to implement the goals, objectives and these rights protecting the right of indigenous people to revitalize, practise and teach their spiritual and cultural traditions.

And finally, with respect to media, AMC submits that all levels of government must implement Article 16 of the Declaration and fund initiatives to implement goals, objectives and this right, protecting the right of indigenous people to establish their own media outlets in their own languages and requiring states to support them.

Commissioners, regardless of what happens in the Inquiry, First Nations will continue to lead the way in protecting and honouring First Nation women and girls.
Thank you.

CHIEF COMMISSIONER MARION BULLER: Thank you. Thank you very much.

We're just resetting the clock.

MS. MEREDITH PORTER: Certainly. And we were just inquiring about whether that can be noted as an exhibit as per counsel's request.

CHIEF COMMISSIONER MARION BULLER: Certainly. The two-page document of recommendations by AMC is Exhibit 3, please.

--- EXHIBIT NO.3/PIÈCE NO.3

“Outline of Draft Recommendations”

document (2 pages)

Submitted by: Anita Southall, Counsel for the Assembly of Manitoba Chiefs

MS. CHRISTA BIG CANOE: Just note for the record.

MS. MEREDITH PORTER: Okay. So -- okay, I’m just noting for the record that there are eight minutes on the clock for questions. And so Chief Commissioner and Commissioners, at this time, do you have any questions for the party?

CHIEF COMMISSIONER MARION BULLER: No.

COMMISSIONER QAJAQ ROBINSON: I don’t have any questions. I would like to thank Chief Dumas for your
presentation and attendance as well as your counsel. I’ve very much enjoyed your questions throughout this process of different witnesses, and I look forward to receiving your written submissions and reviewing those as well. Thank you. *(Speaking Inuktitut).*

**COMMISSIONER BRIAN EYOLFSON:** I just want to say thank you as well for your presentation, Grand Chief Dumas and counsel. I appreciated your presentation very much. Thanks.

**CHIEF COMMISSIONER MARION BULLER:** Yes. I too want to say thank you, Grand Chief. I don’t think you’ll find any difference of opinion up here that a paradigm shift is needed. Thank you for inspiring us this afternoon. To both counsel, it’s a delight to see exemplary advocacy work being done. It’s been wonderful to work with you throughout this process. Thank you very much.

**MS. MEREDITH PORTER:** Thank you. Chief Commissioner and Commissioners, at this time, we’re scheduled to take our afternoon break. We are scheduled to reconvene at 3:40, and if we were to keep on schedule, that would give us about a 13-minute break.

**CHIEF COMMISSIONER MARION BULLER:** Okay. We can take --

**MS. MEREDITH PORTER:** I’ll take --
CHIEF COMMISSIONER MARION BULLER: -- a 15-minute break.

MS. MEREDITH PORTER: Take a 15-minute break. Thank you very much.

CHIEF COMMISSIONER MARION BULLER: Thank you.

MS. MEREDITH PORTER: Thank you so much.

--- Upon recessing at 3:27 p.m. / L'audience est suspendue à 15h27

--- Upon resuming at 3:47 p.m. / L'audience est reprise à 15h47

MS. MEREDITH PORTER: Okay. She’s ready, I think, yeah. Thank you. The next party I’d like to invite to the podium is from the Treaty Alliance Northern Ontario Nishnawbe Aski Nation/Grand Council in Treaty 3. Ms. Krystyn Ordyniec is counsel for the party.

--- SUBMISSIONS BY KRYSTYN ORDYNIEC/REPRÉSENTATIONS PAR

KRYSTYN ORDYNIEC:

MS. KRYSTYN ORDYNIEC: Good afternoon, Chief Commissioner, Commissioners. My name is Krystyn Ordyniec. I’m honoured and privileged to be trusted here today as counsel to communicate the closing submissions of Treaty Alliance Northern Ontario, which is Nishnawbe Aski Nation and Grand Council Treaty 3, and to deliver recommendations to this Inquiry on behalf of those
Nations. Like Ms. Fraser, when I reference the we and the us in this submission, it is the voice of my clients and not myself.

I would first like to begin by acknowledging the traditional territories of the Algonquin Nation and the Algonquin, Inuit, and Métis people for welcoming us on their land. Nishnawbe Aski Nation and Grand Council Treaty 3 acknowledge the survivors and families of those who have gone missing and been murdered, the strength and bravery of the journey that has led to this National Inquiry and awareness on an international level. For decades, families advocated for their loved ones. They organized walks and vigils. For decades, these families did not give up hope that one day the crisis, their pain, would be acknowledged. Nishnawbe Aski Nation and Grand Council Treaty 3 acknowledge and thank those families who refused to let their loved ones be a statistic. Today, we honour all of those women and girls that have been lost, their families and their communities. And today, we remember the spirits of those grandmothers, mothers, aunties, sisters, daughters, and friends who are no longer with us and keep them at the centre of this work.

And I don’t have to look down to my written submission, sorry, my written notes for this portion of my
submission. Once again, tragedy has struck for Nishnawbe Askı Nation and Webequie First Nation where Braiden Jacob was found in Thunder Bay yesterday. He had travelled to Thunder Bay to access trauma and grief counselling. And as you will hear in the submission, it is just another tragic reason this has to be addressed today.

Missing and murdered Indigenous women and girls is a national crisis, and I would submit to you today, it’s a predictable crisis. Why do I say predictable? Because we know -- we know that the systems are failing Indigenous women in this country: Policing, child welfare, education, justice. Laws are specifically designed to systemically discriminate against Indigenous women, further marginalizing them, and further putting them at risk of serious violence on a daily basis. Indigenous women are going missing. They are being murdered. While we sat through these expert hearings, the horrors continued. And we know why. We knew why, in the words of Dr. Cindy Blackstock, over 100 years ago. Everyone knows why. The UN Special Rapporteur on violence against women stated that Indigenous women from First Nation, Métis, and Inuit communities are overtly disadvantaged within their societies and in the larger national scheme. These women face marginalization, exclusion, and poverty because of institutional, systemic,
multiple intersecting forms of discrimination that has not been addressed adequately by the state. The words are big and scary: Multiple, intersecting, institutional, systemic.

This Inquiry’s mandate to look at and report on all the systemic cause of violence against Indigenous women and girls. These words are big. They are scary. This Inquiry has been tasked with examining every single underlying social, economic, cultural, institutional, and historical cause, and existing policies and practices to addressing the ongoing violence and vulnerabilities of Indigenous women and girls. Together, we heard weeks of expert testimony from academics, knowledge keepers, grassroots -- grassroots activists, and educators, all telling us what we already know. That we already know what’s wrong. Not one witness said, “I don’t know why this is happening,” or offered some surprise bit of information that everybody in the room was surprised to hear. We heard the same thing over and over and over again: Lack of resources, lack of capacity, lack of political will, lack of basic human respect for Indigenous women and girls, systems designed to fail people at every turn. We know why. Now, this Inquiry is tasked what may seem like the impossible. What do we do next?

I’m just going to give a bit of background
on the Treaty Alliance of Northern Ontario. NAN was established in 1973 as the political territorial organization representing political, social, and economic interests of its 49 member First Nations in Ontario. These communities include four traditional language groups and seven tribal council organizations. There are approximately 45,000 NAN members, on and off reserve, in a territory of 210,000 square miles. Grand Council Treaty 3 is the historic traditional government of the Anishinaabe Nation in Treaty 3, and the political government for 26 First Nations in Ontario and two in Manitoba. The Anishinaabe Nation did not surrender any rights of self-government and continued to exercise traditional government protecting rights respecting approximately 55,000 square miles of territory.

NAN and Treaty 3 have long recognized their common interests, and on December 2nd, 2009, declared a formal alliance with each retaining separate mandates over their respective communities. As NAN and Treaty 3 have extensive experience acting as a liaison between First Nations and various levels of government on social issues affecting the well-being of women as well as subject matter expertise through the women -- work of their women’s councils, they were granted joint standing at this Inquiry as the Treaty Alliance of Northern Ontario.
This Commission heard many Indigenous communities suffer from common causes of violence, including poverty, colonialism, racism, lack of access to basic medical support and services, and the effects of the residential school era. In addition, Nishnawbe Aski Nation and Grand Council Treaty 3 communities suffer from extreme geographic isolation and inadequate infrastructure. Combined with insufficient government support, the provision of social services that would help to prevent the victimization of women and girls is virtually non-existent.

Through it’s right of cross-examination, Treaty Alliance Northern Ontario provided context to the Commission that women and girls in NAN and Treaty 3 communities often face the unconscionable choice of staying in an abusive situation due to geographical isolation or leaving their community and family and putting themselves at greater risk of violence in an urban setting where they may lack knowledge of local law, safe areas, or how to access valuable services.

These are choices that no women or girls should ever have to make, and it is especially concerning that if support and basic services were available at the community level our women and girls could meaningfully choose instead of being forced into vulnerable and
dangerous positions. That said, urban centres should not pose those dangerous risks to Indigenous women and girls, yet they do. Both options must be safe.

It is also very important to understand that despite Treaty Alliance North Ontario’s joint submission in standing, issues and solutions are unique across each of the 77 communities and great care must be taken in addressing recommendations to consider the unique diverse cultures, traditions, languages, and community perspective of each of the First Nations represented by NAN in Treaty 3.

So the first recommendation would be to commit to ensuring that remoteness and the unique geographical situation of Nishnawbe Aski Nation and Treaty 3 communities are considered in all final recommendations made by this Commission.

Treaty Alliance Northern Ontario recognizes and acknowledges the hard and important work that this Inquiry has accomplished to fulfil its mandate and the extraordinarily tight timeframe it has been given by the federal and provincial governments.

Together with that acknowledgement is the deep concern that the Inquiry has moved towards its completion, failing to take into consideration a trauma informed approach with the families at the center of the
Inquiry.

Communication with NAN and Treaty 3 families has been lacking from the beginning. It is impossible to build trust with First Nations people without that basis and effective communication. It is imperative that moving forward there be family directed intervention and solutions. In the words of the families, “nothing for us without us.”

Families were told at the pre-Inquiry stage save your story. Some of these families did not ever get a chance to tell their story. Three Treaty 3 families participated in the statement gathering only because they were previously identified. There is a real concern that seven other families were pushed away because there just wasn’t time.

Statements were taken at the Super 8 Motel in Kenora along the TransCanada Highway in a hotel room -- hardly a trauma informed approach -- where loved ones were trafficked along this highway. Loved ones died in hotel rooms. Women have disappeared never to be seen or heard from in the exact same setting that the Inquiry was taking statements.

It was communicated that for Treaty 3 statements taken in a roundhouse with ceremony and traditional medicine in the presence of Elders and
blankets with gathering songs was the only way to make families feel safe. This was not done. These families were re-traumatized and aftercare has been difficult to access. There are no services available for extended family members. And what we have seen is organizations who do have funding for aftercare fighting about who represents the families.

I would offer to you that the families represent the families, and each individual family knows what care is required to begin their healing journey. Once again, “nothing for us without us.”

The next recommendation is to provide adequate and sustainable funding for use at the community level to support families who are grieving the loss of loved ones as they move towards healing and closure through community based wellness systems that invest in family relationships, knowledge tradition, community healing, and funding for land-based healing and traditional medicine.

Also to ensure the voices of NAN and Treaty 3 families of missing and murdered Indigenous women and girls are heard and respected as this Inquiry moves towards completion and findings are communicated in a trauma informed way.

Treaty Alliance Northern Ontario, both
individually and collectively, supported and lobbied for a national inquiry through advocacy and participation long before the formal announcement of this Inquiry. It is for this reason that NAN and Treaty 3 are extremely disappointed that the Commission did not hold hearings in Treaty 3 or NAN communities.

While there was a Part 1 hearing in Thunder Bay, many families could not participate due to high transportation costs and other factors and without access to traditional and cultural support to help them share their story with you. Even more troubling for the families that were able to attend the hearing is that family support was unavailable to them.

The next recommendation is to provide an opportunity for those families from NAN and Treaty 3, and across Canada, who could not meaningfully participate in this Inquiry to tell their stories in a trauma informed way with appropriate support, and further, to consider the stories and information in a supplemental report with suitable recommendations and in acknowledgements of the impossibility of considering these important voices in the short timeframe given to the National Inquiry.

Through their testimony a NAP’s Board Chair Mike Metatwabin and now retired Chief of Police Terry Armstrong describe what it is like for First Nation people
in remote northern communities in Ontario. Lack of infrastructure, overcrowded housing, lack of access to clean water, lack of basic services, including healthcare, where on any given day a nurse might not come to work because there is no police officer on duty to keep her safe, social emergencies such as suicide packs and a rapidly growing opioid crisis.

Professor Brenda Gunn in her answer to my question what do you tell communities who are living with human rights atrocities on a daily basis about international human rights suggested that these are violations of human rights that impact the security of the person, the right to life for people, and the government must address these issues. Professor Gunn stated if the money doesn’t stretch that far this means as a legal obligation it has to move up higher. The budget has to be there for the progressive realization of these rights. Professor Gunn offered that the system is broken. All of the issues are symptoms of a broken system. Until we fix the system Indigenous women and girls will continue to be murdered, they will continue to go missing.

OPP Chief Superintendent Mark Pritchard told this Inquiry that to make communities safer and to address the causes of violence in these communities the socio determinants must be addressed without further
Suffice it to say, the next recommendation is all levels of government must immediately take steps to address the human rights violations that are occurring in First Nations communities across this country and must be held accountable for those violations.

I spoke before of choice. First Nations women travelled to Thunder Bay, Kenora, Dryden, Sault Lookout, or Winnipeg from their home communities for a variety of reasons, but the underlying reason is always the same, not because they choose to but because they have to. They have no choice but to come to an urban centre to access health and welfare services, to flee violence, to go to high school, or to find employment to support their family, all because these supports and services are unavailable to them in their home communities.

Braden Jacob came to Thunder Bay because he could not access services in his home community.

Everyday we’re faced with choices, but I would suggest to you that leaving family, community support, and children to access services that should be available to every single Canadian is not a choice.

The recommendation put forward is that funding must be available for First Nations women, and children, and community members to access health, mental
health, counselling, and other services in communities without the necessity of traveling to major urban centres. And I think you will find in the news today Grand Chief Fiddler of NAN said the same.

Children often travel from communities to attend high school in these same urban centres, one again because they have to.

Ms. Tanya Talaga wrote extensively about the issues facing First Nations youth in her book Seven Fallen Feathers and the issue was at the center of a month’s long inquest into the death of seven youth who were attending high school in Thunder Bay.

Ms. Talaga in her testimony spoke extensively about the need for an Indigenous lens for services like health, but in her cross-examination she also stated that infrastructure is so important, things like community centres in all communities, a functioning gymnasium.

The youth need a place to be, a place to go, and things that aren’t programs that sort of fade in and fade out of their lives. It’s great that so many people are taking the initiative from the south to go to help the kids but there needs to be things in place for them in their own communities run by people from their own communities.
And we also heard Superintendent Pritchard speak of Project Journey and Project Sunset in NAN and Treaty 3 territory, which represent positive steps in rebuilding trusting relationships with the police for First Nation people, especially fostering a healthy relationship with First Nation youth, and this type of community based initiative can be a building block for the capacity building that is required at the community level.

Despite real change in those relationships, things like Project Journey are no longer funded. So the recommendations put forward are to fund and extend Project Journey and Sunset to all NAN and in Treaty 3 communities and use Project Journey as a model to begin rebuilding trust with First Nation communities across this country. Also, to provide the resources to NAPS and Treaty 3 police services to coordinate similar programs in their communities policed by Indigenous police forces.

Ms. Sandra Montour in Calgary thoughtfully offered:

"What I do know about the North is that special attention needs to be paid to it." (As read)

She described Northern shelters as, "lucky to be single-staffed", and as a result, she believes that safe places for women and girls to go in the North is in a
crisis situation.

A woman should be able to choose whether or not she wants to stay in her home community or leave when she is crisis, especially in matters of safety. That is currently not a choice available to the majority of woman in NAN and Treaty 3.

Ms. Talega once again offered that:

"Wouldn't it be a good thing if there was a women's shelter in every community and every remote community that could also function as a safe place for kids to go when things aren't going well? Instead of spending all that money constantly flying people in, flying people out, flying experts in, flying experts out, we did something that was community centric. That's what I think is needed." (As read)

In order to truly to begin addressing the crisis into missing and murdered Indigenous women and girls there must be a safe place for them to go in times of crisis. Getting on a plane and leaving a community cannot be the answer for victims of violence and their families. We must start addressing this need at the
community level if women and girls are ever going to be safe. The recommendation that shelters and safehouses be fully funded in each NAN and Treaty 3 community.

Changing the health delivery system is a major step in the protection of Indigenous women and girls. Dr. Barry Lavallee testified that service delivery through non-insured health benefits was "a form of systemic racism". Health services must be delivered with a recognition of the inherent treaty rights of NAN and Treaty 3 members to equal opportunities for health, including access to appropriate, timely, high quality healthcare regardless of where they live, what they have, or who they are.

For self-determination over health, resources must be allocated to the communities, and this can only be achieved by changing the current colonial system to a new one. A system based on the needs and priorities identified by the community.

Community engagement on all levels is imperative so that voices are heard, considered, and incorporated into community-based programming. Specifically, there must be approaches to health and health access at the community level, First Nation communities to deliver their own services, policy reform and legislative change for the health system, including
sustainable funding models and decision-making structures, and the removal of barriers caused by jurisdiction, funding, policy, structure, and culture so First Nations can manage their own services.

NAN's goal is to have communities as decisionmakers and a system design is based on the community needs. Through the NAN Health Transformation Process based on the community's wishes, the system will be made up of both regional and NAN-wide component and service delivery models. Communities will decide how services are delivered and where they should be located based on five pillars: action-based community participation, First Nations law development, policy and legislative review, immediate needs process, and fiscal review and funding policy.

Grand Council Treaty 3's mandate is to consult with the communities of the Nishnawbe Nation and Treaty 3 the Elders of the Nation, the regional health organization, community health technicians, and Treaty 3 Health Council to being the process of developing a written health law that is consistent with the traditional law and spirit and intent of Treaty signed October 3rd, 1873 at Northeast Angle.

And also to obtain resources for this undertaking from all governments.
The recommendation from Treaty Alliance Northern Ontario is that this National Inquiry support Nishnawbe Aski Nation and Treaty 3 in their community-based health transformation efforts by recommending required funding and commitments from all levels of government.

Thunder Bay, Ontario has been the star player in issues as related to policing and Indigenous people, but not in a good way. The Thunder Bay Police Service is the subject of an ongoing systemic review by the Ontario Independent Police Review Director into how the service handles Indigenous deaths. I probably mentioned it during every one of my cross-examinations.

The Police Services Board is the subject of a review by Senator Murray Sinclair directed by the Ontario Civilian Police Commission. The OIPRD is holding a press conference on Wednesday to release the report. I had hoped that we would have the reports for this final oral submission, but I would request that if I can get them into the final written submission that this Commission would read and consider in full both the Sinclair Report as well as the OIPRD Report.

What we don't need the reports for is to tell us about the fractured relationship between municipal police services in Thunder Bay and NAN and Treaty 3
community members. Senator Sinclair's interim report states:

"Tragically, grave concerns about missing and murdered Indigenous women and girls throughout Canada are not a new development, nor are the concerns in the Thunder Bay area." (As read)

And one of the recommendations would be to listen to the Canadaland podcast. It's a five part podcast and paints the picture of Thunder Bay how Indigenous people are treated on a daily basis.

Recommendations include that all levels of government focus on the systemic issues in policing, legislation, policies, and programs through the lens of missing and murdered Indigenous women and girls. To urgently address the gravely concerning problem of police culture as a first step in addressing entrenched systemic discrimination towards Indigenous people. And urge the Thunder Bay Police Service, the Board, as well as the OPP and other municipal police forces to work with leadership in forming appropriate working groups to ensure the safety of Indigenous women and girls is considered as a top priority when addressing organizational change, implementing new policy, and fostering accountability to Indigenous communities.
NAP's Detective Constable Alana Morrison's testimony powerfully outlined the difficulties faced by women in remote communities who experience violence. Violence is so entrenched in the daily lives of Indigenous women and girls, Detective Constable Morrison remembered one specific instance in which a young girl said, "I just wondered when it was going to be my turn". This heartbreaking reality cannot continue.

Historically, Indigenous women were leaders, at the centre of the family unit. There is an obligation to lift Indigenous women and girls up to remind them of their power, to encourage them to stand up for what is right, and for their own safety and security. There must be a push to encourage more Indigenous female officers and communities so that youth have role models to look up for also for specifically to community brought by gender balance.

From Detective Constable Morrison's testimony, recommendations include to fund and train the capacity to administer sexual assault kits in every NAN and Treaty 3 communities for victims who do not wish to leave their home community, to provide resources to create specialized sexual assault units within Treaty 3 and NAP services, to provide resources for community-based programming like the survivor assistance support program,
to support recruitment, retention, and promotion of Indigenous women in police services across Canada, and to provide immediately counselling services in the community for any family member of the victim affected by a domestic assault, as well as mental health supports for police officers who themselves experience PTSD.

The history surrounding NAP's New Tripartite Agreement, Ontario's new policing legislation, and the state of policing in communities was comprehensively covered through the testimony of Board Chair Mike Metatawabin and Chief of Police Terry Armstrong. Treaty Alliance Northern Ontario reiterates and requests that all levels of government honour the promises made during the tripartite negotiations in respect of funding, as well as through legislative change which is said to come into effect in early 2019.

The safety of Indigenous women and girls is dependent on adequately funded and resourced First Nation police services. It is imperative that the services are seen as such, and not simply programs to be cancelled when a budget is tight. Last week right here in Ottawa, Nishnawbe Aski Nation and the Canadian government renewed their Nation-to-Nation relationship by signing an education agreement in principle to continue negotiations for First Nations control, and law-and-law-making
authority over education.

The goal is to create a NAN First Nation education system promoting Indigenous culture and language and to build a solid foundation for the First Nations of NAN to move out from under the education sections of the Indian Act, exercise their vision of greater self-determination, and build a brighter future for their students.

Grand Chief Fiddler stated,

"Asserting our jurisdiction over education is necessary so we can teach our children in a way that is consistent with our cultures while also ensuring that they are prepared academically for whatever opportunities their futures hold. "Our education system will be developed and implemented by our communities and will provide our children with culturally-appropriate and high-quality learning opportunities that are on par with the rest of Canada."

The recommendation is that the support that education jurisdiction is brought back to all First
Nations in Canada. In the interim, the recommendation is that funds are provided at the Nation and community level to build Indigenous culture and identity into the education system, starting with children in daycare and extending to post-secondary students.

Education doesn’t only occur in the classroom, and for my clients, the role of the media cannot be overstated. Portrayal of Indigenous women and girls in a media release can dictate how a missing persons investigation is treated. How women are positioned in stories and through a film can either perpetuate negative and unsafe stereotypes or lift up Indigenous women and girls.

The media is the first introduction that the public has to developing issues about Indigenous women and girls, and currently, and unfortunately, the media perpetuates systemic racism.

For example, a White female recently went missing and the story inherently was more detailed than when an Indigenous female went missing in the same location.

However, Treaty Alliance Northern Ontario is hopeful that through strong recommendations, the media can be an ally and an advocate to be the educator of Canadians in a good way.
The recommendations include to review and reconsider with Indigenous input the information given to new Canadians as part of the Immigration process to accurately depict the history of Indigenous people in Canada, and especially the status of Indigenous women and girls throughout history; also, a mandatory Indigenous history as part of all journalism and media classes at a post-secondary level, and to support Indigenous participation in such programs; and finally, to look at all media releases and any print or media publication through a First Nation lens.

Treaty 3's Child Care Law was declared and adopted in October, 2005, and has its roots in the sacred law of the people founded in spirituality and spiritual gifts. The sacred law of the Anishinaabe people is understood as such. The child is a sacred gift and the child represents the continuity of the Nation.

The concepts that guide the Child Care Law come from traditional Anishinaabe law which is universal and is forever. It recognizes that the child must live, belong, and grow within an environment of human relationships rooted in the family, the clan, and the community, and that these needs are essential to the best interests of every Anishinaabe child.

The culture comprises the whole accumulated
knowledge and wisdom that has enabled the people to
survive and live a good life. And traditional Anishinaabe
law requires each Anishinaabe person to protect and uphold
the culture for the benefit of future generations and
gives Anishinaabe people guidance for their lives.

NAN recently signed a relationship
agreement with Ontario on child, youth, and family well
being, jointly recognizing the need for First Nation
communities and Ontario to work together to develop a
transformed, more responsive, and holistic approach to NAN
child, youth, and family well being.

Treaty Alliance Northern Ontario supports
recommendations that bring back child welfare into the
jurisdiction of First Nations, rooted in First Nation ways
of being and knowing through the codification of First
Nation laws with appropriate government supports and
recognition of the framework.

Last month, First Nation youth from NAN
communities, concerned over the Doug Ford decision -- the
Doug Ford government decision to scrap the provincial
child advocate asked Prime Minister Justin Trudeau for
help. The youth travelled to Ottawa for a meeting with
Prime Minister Trudeau where, among other things, they
asked for his support in creating a child advocate for
northern First Nations.
If I had more time I would discuss further the Choose Life Initiative that this Commission has heard, but I will read a quote from Betty Naveau of Mattagami First Nation.

"The success of this program and services offered within our community are truly dependent on the transference of knowledge and skills, teachings that cannot be learned or found in a textbook, our oral teachings and hands-on skill in our natural environment surrounded by Mother Nature, our knowledge keepers, elders, and community. The importance of keeping our youth healthy, happy, and vibrant and instilling self-identity is our focus and is essential."

Recommendations in this regard are to support NAN's call for a northern child advocate to monitor the progress towards closing the outcome gaps between First Nation children and non-Indigenous children and to ensure substantive equality in the areas of health, education, economic well being, and social services, reporting directly to Parliament on this progress; to hold
third-party service providers accountable to ensure that First Nation children are safe; to urge Canada to immediately comply with all CHRT orders and to fully and properly implement Jordan's Principle; to permanently fund and expand the Choose Life Initiative; to program starting as early as child and maternal health; and to consider and address the risk factors which lead to human trafficking for First Nation girls as young as 11 years of age.

Together with recognizing the jurisdiction of First Nations, Treaty Alliance Northern Ontario expresses its concern that once a child ages out of care, they are not adequately supported, placing young girls at risk for human trafficking, homelessness, and other risk factors.

Ms. Fay Blaney testified that protecting women as they age out of care is serious in terms of safety and quite important from the cultural and community aspect. It's critical that they have the support that they need, especially since the state are stealing them from us to begin with.

The recommendation are to ensure that these young women are supported as they age out of care with respect to housing, education, income supplements, and counselling to enhance their chances of success.

Taking a Family First approach to this
Inquiry requires serious consideration of the role of men in accountability, responsibility, and healing. It is not enough to consider the role of men simply as the perpetrators of violence. It is essential that recommendations account for also supporting men, be it through emergency shelter, counselling services, and other supports that have been discussed for female victims of violence.

I started this submission with the question, what do we do now? Many witnesses and experts in these hearings expressed their faith in the importance of the work of this Inquiry with scepticism about the prospects for the government to act on the final recommendations.

One of the first challenges is overcoming the understandable scepticism on the part of First Nation people. It is essential that an implementation process be part of any set of recommendations. A credible process must identify the institution or department responsible for implementing a recommendation with measurable benchmarks for progress and reasonable timeframes for completion. There must be a mechanism through which progress on implementation can be reported to First Nations, to the public, and to the courts.

Treaty Alliance Northern Ontario adopts the
same view of Dr. Blackstock insofar as many of the root and systemic causes of violence against Indigenous women and girls are written about extensively in reports and identified solutions are addressed through the recommendations and calls to action of countless inquests and inquiries.

Further studies on the increased rates of victimization of Indigenous women and girls as related to the traumatic effects of residential schools; the Sixties Scoop; poverty; lack of access to basic human rights like clean water, shelter, and safe spaces, are simply not required. Action is required.

Specifically, I refer to exhibits tendered through our witnesses that speak to years of recommendations that repeat the same things, the same things that are required across NAN and Treaty 3 territory, the same things that Grand Chief Fiddler spoke about today found in the Ipperwash Inquiry recommendations, the Seven Youth Inquest recommendations, the Goodwin and Wesley coroner inquest recommendations, the Anderson -- Anderson coroner’s inquest recommendations, and the Romeo Wesley coroner’s inquest recommendations. It’s a call for the immediate and full implementation of all recommendations made in all coroner’s inquest verdicts and -- and those that
specifically effect NAN and Treaty 3 communities.

Further, to call for the immediate and full implementation of the TRC Calls to Action.

It is virtually impossible in the short time to address all of the individual and collective causes of violence against Indigenous women and girls in NAN and Treaty 3 territory. It is the hope of Treaty Alliance Northern Ontario that this Commission takes into consideration the unique perspective of 77 communities that are part of these Nations and most importantly, recommends that this work continues. The lives of Indigenous women and girls in this country must be respected to the extent that there is a recognition that this Inquiry is only the first step in addressing this national crisis.

As you write your final report, I will leave you with the following general principles outlined by Treaty Alliance, which we hope you will consider:

Recommendations and solutions must be community based and community driven; existing policies and practices examined through an Indigenous and gendered lens; recommendations including funding models that are flexible, not time limited, and account for some capacity limitation at the community level; recommendations and solutions must recognize the inherent jurisdiction of First Nation
communities, they must have strong accountability mechanisms, and they must consider the perspective and voice of First Nation youth.

And just before I -- I did the submission, Anna Betty Achneepineskum, who has travelled with me extensively through these hearings, I spoke to her and she asked me to communicate to you that NAN has begun a statistics-taking -- their own statistics. And there are 65 women and 50 male deaths that have -- have occurred under suspicious circumstances in -- for NAN people that they have just discovered on their own through their own statistics and that work also has to continue to truly understand what is happening. Migwetch.

MS. MEREDITH PORTER: Thank -- thank you very much, Ms. Ordyniec. Chief Commissioner and Commissioners, do you have any questions for counsel?

CHIEF COMMISSIONER MARION BULLER: Brian, (Indiscernible).

MS. MEREDITH PORTER: No?

COMMISSIONER QAJAQ ROBINSON: I don’t have any questions, but I want to thank you for your submissions. Send our regards to Anna Betty. And for the reminder about understanding, you know, that continued work required to understand the scoop and the depth of this crisis I think that is something that we haven’t
heard a lot about, so thank you for that. And thank you for all your work over the last few months.

**COMMISSIONER BRIAN EYOLFSON:** I just want to say thank you as well, Ms. Ordyniec, for your submissions, and I look forward to reading in more detail in your final written submissions the various recommendations. Thanks. Migwetch.

**CHIEF COMMISSIONER MARION BULLER:** First of all, I want to express my sorrow and condolences for the loss of yet another member of one of your communities. It’s a very sad loss and very profound loss, and I’m very sorry to hear about it.

Next, I want to say thank you for reminding us about the importance of coroner’s reports, and the impact that those reports can have on families and policy change. They kind of get lost in the shuffle sometimes. I too want to thank you very much for the wonderful advocacy work you’ve done during the times that you’ve been with us. It’s been a pleasure to work with you and I know that you’ve represented your clients’ interests with great passion. Thank you very much.

**MS. KRYSTYN ORDYNIEC:** Thank you.

(APPLAUSE)

**MS. MEREDITH PORTER:** Okay. Thank you.

The final party of the day is from the Government of
Quebec. And counsel for the Government of Quebec is Marie-Paule Boucher et al. Is there anybody with you, Marie?

MS. MARIE-PAULE BOUCHER: It’s going to be -- it’s in French.

MS. MEREDITH PORTER: Okay. Anyone in the audience that does not have a headset, I’m going to take a moment here to suggest that you grab one because Ms. Boucher’s submissions will be in French.

---SUBMISSIONS BY/REPRÉSENTATIONS PAR MARIE-PAULE BOUCHER:

Me MARIE-PAULE BOUCHER: Bonjour.

Mesdames, Messieurs les commissaires, je m’appelle Marie-Paule Boucher et je représente les ministères québécois de la Santé et des Services sociaux, de la Sécurité publique, de la Justice, le Secrétariat des affaires autochtones, ainsi que le Secrétariat de la condition féminine.

C’est un privilège pour moi, à la suite de la participation du Gouvernement du Québec à toutes les étapes du processus d’enquête, de la cueillette de documentation, à l’écoute et à la participation de différents témoins, de vous faire part aujourd’hui des constats du Gouvernement du Québec et de son intérêt dans le suivi des travaux de l’Enquête nationale sur les femmes et les filles autochtones disparues et assassinées.

Je profite également de cette occasion pour
partager les initiatives prometteuses et les pistes de solutions pour répondre aux différents enjeux qui sont ressortis au cours des audiences.

Une commission d’enquête est un moment privilégié pour faire la lumière sur un problème de société qui affecte un segment ou l’ensemble de celles-ci. Par le biais de ses travaux, il devient possible d’obtenir un état des lieux et de se questionner sur le type de mesures qui existent ou qui doivent être développées pour y répondre.

La tenue d’une commission d’enquête est également déterminante dans la définition des actions qui devraient être privilégiées pour accélérer la mise en place de solutions durables.

Pour le Gouvernement du Québec, il ne fait aucun doute que la tenue de l’Enquête nationale sur les femmes et les filles autochtones disparues et assassinées constitue une étape déterminante pour contrer les facteurs qui favorisent la vulnérabilité de celles-ci face aux différentes formes de violence.

Il est important de souligner que la tenue de l’ENFFADA, au-delà du mandat spécifique, aura aussi contribué à poursuivre la nécessaire transformation des relations entre les co-citoyens autochtones et allochtones, de même qu’entre les gouvernements et les
communautés autochtones.

Permettez-moi un bref retour sur l’actualité qui se déroulait au Québec, il y a déjà trois ans, les événements qu’on appelle maintenant les événements de Val-d’Or. Au-delà des allégations portées contre des policiers par des femmes autochtones, ces événements ont provoqué un plus large questionnement sur l’existence potentielle de pratiques discriminatoires envers les autochtones dans le cadre de la prestation de services publics au Québec.

En décembre 2016, le Gouvernement du Québec mettait sur pied sa propre commission d’enquête, la Commission d’enquête sur les relations entre les autochtones et certains services publics, écoute, réconciliation et progrès. Cette Commission, la CERP, s’est vu confiée le mandat d’identifier les causes sous-jacentes à toutes formes de discrimination systémique et des traitements différents qui pourraient exister à l’égard des autochtones.

En février 2018, considérant l’ampleur et l’importance de ses travaux, une prolongation de mandat a été accordée par le Gouvernement du Québec pour prendre fin en septembre 2019.

La mise en œuvre de cette Commission a donné lieu à une importante mobilisation et collaboration
Les audiences avaient lieu souvent simultanément et plusieurs témoins ont livré leur histoire et leur message auprès des deux commissions d’enquête à la fois. Considérant la tenue simultanée des deux importantes commissions d’enquête, la présentation d’aujourd’hui s’inscrit dans un esprit de complétion plutôt que dans un regroupement de sujets. Nous aborderons donc principalement les sujets plus étroitement liés à la vulnérabilité des femmes et des filles autochtones.

Pour une description plus détaillée du contexte particulier du Québec et des autres enjeux soulevés en cours d’audience de l’ENFFADA, par exemple la question de la surjuridicierisation des autochtones, nous vous invitons à vous référer au mémoire du Gouvernement du Québec déposé à la CERP le 30 novembre, qui est intitulé *Vivre ensemble, faire ensemble* et qui est d’ailleurs disponible en français et en anglais. Nous souhaiterons le déposer ultérieurement, dès qu’il aura été présenté devant la CERP ce mercredi.

Je débuterai par une brève présentation du contexte propre au Québec, afin d’apporter des précisions
sur les particularités qui doivent être prises en compte dans l’analyse que vous ferez des enjeux mis en lumière de vous, de ceux qui concernent l’ensemble du pays ou le Québec en particulier.

Par la suite, j’aborderai des enjeux spécifiques que sont la violence conjugale et familiale, les agressions sexuelles, les services policiers et la protection de la jeunesse. Pour répondre à ces importants enjeux, le Gouvernement du Québec compte sur la mise en place d’une diversité de mesures prévues notamment dans le Plan pour le développement social et culturel des Premières Nations et Inuits, 2017-2018 : Faire plus, faire mieux, appuyé par des investissements de plus de 150 millions de dollars. Ce plan vous a été déposé lors des auditions à Régina sous l’exhibit 40, à mon souvenir.

De même que sur le Plan d’action en matière de violence conjugale 2018-2023 auquel sont rattachées des mesures consacrées aux besoins propres des Premières Nations et des Inuits en matière de violence, violence conjugale et familiale, soutenues par un financement de 14,4 millions de dollars.

Quelques mots, en premier lieu, sur le contexte québécois. La population autochtone du Québec est estimée à 104 633 personnes et comporte 11 nations réparties en 41 communautés regroupant des Premières
Nations et 14 villages inuits qui vivent des réalités très différentes les unes des autres. La majorité des communautés autochtones se situent en milieu relativement éloigné des centres urbains. Contrairement à la situation qui prévaut dans de nombreuses provinces canadiennes, au Québec, environ la moitié de la population autochtone vit en communauté, mais un phénomène d’urbanisation est en accélération.

En milieu urbain, certaines villes telles que Val-d’Or, Maniwaki et La Tuque ont une forte population autochtone. Bien que les villes de Québec, Trois-Rivières ou Joliette soient d’importantes villes d’accueil pour les autochtones quittant leur communauté, il demeure que Montréal est la ville accueillant le plus grand nombre d’autochtones en transit et de façon permanente.

Bien en qu’en termes statistiques, certains problèmes sociaux chez les autochtones au Québec n’aient pas la même prévalence que dans les autres provinces ou territoires du Canada, les écarts de ces données par rapport à celles qui concernent l’ensemble de la population du Québec demeurent importants et l’indice de bien-être à la collectivité de ceux-ci demeure inférieur à celui de l’ensemble des concitoyens du Québec

Au Québec, sans que ce soit exclu, les
données ne nous permettent pas, à première vue, d’affirmer que les femmes autochtones sont surreprésentées parmi les victimes d’homicides, dont les homicides conjugaux et familiaux. Il en est de même pour les disparitions de personnes au Québec.

La Commission sur les relations avec les citoyens de l’Assemblée Nationale, consciente de la vulnérabilité particulière des femmes autochtones face à différentes formes de violence, a été saisie en 2015 d’un mandat d’initiative sur les conditions de vie des femmes autochtones en lien avec les agressions sexuelles et la violence conjugale et familiale. Le rapport documentait des facteurs qui aggravent les risques de violence pour les femmes, dont les conditions socioéconomiques défavorables.

Le rôle du Québec pour contribuer à l’amélioration de ces facteurs s’est accru considérablement au fil des années. Il est important de souligner comment les relations avec le Gouvernement du Québec et les Premières Nations et les Inuits se sont structurées uniquement qu’à compter de la deuxième partie du siècle dernier, alors que les relations étaient plutôt limitées avant, les événements ayant mené à la signature de la Convention de la Baie James et du Nord québécois.

Aujourd’hui, ces relations couvrent tous
les domaines d’intervention du Gouvernement du Québec. En termes de prestation de services, le Gouvernement du Québec finance les secteurs de la santé et des services sociaux, de la justice ainsi que de l’éducation pour les communautés signataires des conventions nordiques. C’est la responsabilité des institutions inuits, cries et naskapies, intégrées dans le système québécois.

En ce qui concerne les autres communautés autochtones, en raison du partage de compétences, c’est par le biais du gouvernement fédéral, principalement par les Services autochtones Canada, que les services sont déployés. Nous aborderons plus loin la spécificité des services policiers.

En dépit de ce contexte de prestation de services imbriqué dans la Constitution, les lois ou les ententes de règlements sur les revendications particulières, le Gouvernement du Québec est conscient du rôle qu’il doit jouer pour aider à résoudre les défis sociaux auxquels font face les communautés autochtones et les autochtones vivant en milieu urbain. Les investissements du Québec ont été accrus de façon prononcée à partir des années 1990, et ce, ce qui a permis notamment l’essor et le renforcement des capacités de plusieurs organisations clés autochtones, qui sont devenues d’importants acteurs au Québec en matière de
recherche et de plaidoyers sur les différents enjeux en
développement socioéconomique.

Quelques mots maintenant sur le Plan
d’action sur le développement social et culturel des
Premières Nations et Inuits 2017-2022 : Faire plus, faire
mieux. Ce plan est le résultat d’une réflexion qui s’est
déroulé sur plusieurs années et appuyé de discussions qui
ont eu lieu avec de nombreuses organisations autochtones.
Il propose autour de 199 mesures et est doté d’une
enveloppe de plus de 150 millions de dollars sur cinq ans.
Il s’agit du premier plan rassemblant les actions
concertées des différents ministères et organismes. Il
propose une vision d’ensemble pour répondre aux différents
défis en matière de lutte contre la discrimination, de
sécurisation culturelle dans la prestation de services, la
prévention et intervention en matière de violence,
d’adaptation du système de justice et du système
correctionnel.

Le Plan d’action constitue une démarche
evolutif. Il prévoit l’intégration de mesures que les
ministères ou organismes n’auront pas pu intégrer dès son
lancement. Cela signifie que ce Plan d’action reste ouvert
aux initiatives qui pourraient être conçues
ultérieurement, dont celles qui sont en lien avec les
recommandations qui seront formulées par les commissions
d’enquête en cours.

Parmi les principales orientations qui ont guidé la définition des mesures dans le *Plan d’action*, soulignons la prise en compte des enjeux vécus par les femmes autochtones et inuites. Le *Plan d’action* comprend actuellement 26 mesures consacrées aux femmes et aux filles autochtones. Ces mesures visent différents objectifs, incluant la lutte aux violences sexuelles, conjugales et familiales, l’atteinte de l’égalité entre les hommes et les femmes, notamment. Elles sont construites par la double perspective de lutter contre les facteurs de vulnérabilité spécifiques aux femmes et de renforcer leur capacité d’agir au sein de la société, de leur communauté ou des organisations.

Le *Plan d’action* s’inscrit dans une volonté ferme et définitive du Gouvernement du Québec à ce que les différents ministères et organismes travaillent davantage en concertation à la recherche de solutions. Cette nouvelle façon de faire est porteuse, non seulement pour l’optimisation des ressources et de l’expertise, mais également pour s’assurer d’aborder les enjeux d’une perspective globale et multisectorielle.

La deuxième partie de ma présentation, je vais aborder les différents enjeux plus spécifiques au Québec, notamment, pour commencer, le soutien aux
Plusieurs témoins, au cours des audiences qui se sont tenues au Québec, ont fait état de détresse vécue par les femmes autochtones victimes de violence, notamment en raison du manque d’information sur les ressources qui existent, les recours, l’accès aux services d’aide aux victimes ou à des ressources spécialisées au sein des communautés. Différentes ressources et initiatives sont mises en place pour soutenir davantage les victimes autochtones, telles que le financement de maisons d’hébergement, des mesures spécifiques prises par les centres d’aide aux victimes d’actes criminels, les CAVAC ainsi que des outils d’information spécifiques au soutien des organisations.

Dans les communautés, les problèmes liés au manque de maisons d’hébergement pour les familles, les femmes prises dans une situation de violence conjugale et familiale afin de s’en sortir temporairement, ont été soulignés par les témoins. Le réseau des maisons d’hébergement des communautés autochtones est financé par le gouvernement fédéral dans le cadre du Programme de prévention de la violence familiale de Services autochtones Canada.

Hors communauté, le Ministère de la Santé et des Services sociaux finance une centaine de maisons
d’hébergement, dont une dizaine accueille des femmes autochtones en raison de leur situation géographique. Il finance également quatre maisons d’hébergement au Nunavik ainsi que deux dans les territoires Eeyou Istchee Baie-James. Toutefois, selon certains témoins en cours d’audience, le nombre de maisons en communauté serait insuffisant pour répondre aux besoins des victimes de violence conjugale.

Également, selon certains témoins, il est du souhait de certaines communautés de prévoir des maisons desservant des hommes qui sont majoritairement à l’origine de gestes violents. De cette façon, les femmes n’auraient pas à quitter leur domicile avec les enfants et permettrait à un homme d’y trouver des ressources pour sa guérison.

Des témoignages ont aussi été rendus à l’effet que certains services d’aide et d’indemnisation aux personnes victimes, tels que les CAVAC ou le Régime d’indemnisation aux victimes d’actes criminels, étaient peu connus ou utilisés par les femmes autochtones. Devant ces enjeux, de nombreux efforts ont été consentis. Il existe présentement 40 centres de CAVAC qui desservent des victimes autochtones sur 185 points de service. Les intervenants qui y œuvrent ont été sensibilisés aux réalités autochtones. Les nations Crie et Inuite gèrent
les services au sein de leurs communautés et des points de
service permanents sont présents dans six de ces
communautés.

Enfin, dans l’optique de favoriser les
services de la CAVAC, plusieurs ententes de référencement
ont été convenues entre celles-ci et les corps de police.
Quant au régime de l’IVAC, des démarches ont été
entreprises afin de renforcer le partenariat entre la
direction de l’IVAC et les organismes venant en aide aux
femmes pour mieux connaître les services offerts par
celui-ci auprès des communautés autochtones.

Par ailleurs, notons qu’une réflexion est
actuellement en cours à la direction de l’IVAC afin de
déterminer la manière d’offrir des services adaptés à la
clientèle autochtone.

Les témoignages ont su mettre en lumière
les difficultés inhérentes à la dénonciation par les
femmes autochtones des violences conjugales, familiales et
sexuelles. Certains ont parlé d’une normalisation de la
violence et d’autres, de méconnaissance des victimes quant
à leurs droits et aux recours disponibles ainsi qu’au
processus judiciaire.

Améliorer la diffusion de l’information en
Cette matière, on y travaille. Le Ministère de la Justice
du Québec a contribué financièrement à l’élaboration
d’outils par le Regroupement des centres d’amitié autochtones du Québec, s’adressant aux victimes d’actes criminels pour les informer en ces matières.

Enfin, dans le but de tenir compte des besoins particuliers du Nunavik en matière d’information juridique, un centre de justice de proximité a récemment été mis sur pied sous la responsabilité de la Société Makivik.

Quant aux victimes d’agression sexuelle, le Gouvernement du Québec, par les services de quatre de ses ministères, a offert son soutien à Femmes autochtones du Québec et à la Commission de la santé et des services sociaux des Premières Nations du Québec et du Labrador pour l’organisation du premier Forum des Premières Nations sur les agressions sexuelles, qui a eu lieu en mars dernier, à Québec.

Suivant ce forum auquel ont pris part des représentants auprès de nombreuses communautés autochtones, un plan d’action a été adopté et soumis aux communautés et organisations autochtones pour que celles-ci l’utilisent comme canevas pour développer leurs propres mesures. Le Gouvernement du Québec est en attente des mesures qui sont proposées dans ce cadre. Je souligne par ailleurs que plusieurs mesures du Plan d’action gouvernemental pour le développement social et culturel
Enfin, de nombreux témoins ont exposé des enjeux relatifs au manque de ressources disponibles : des psychologues, travailleurs sociaux, thérapeutes de couples, permettant d’assurer un suivi constant auprès des victimes en communauté. Cette situation peut être attribuable à un manque de financement, mais elle est parfois principalement liée aux difficultés d’embauche et de rétention des ressources humaines. Il s’agit d’un défi de taille qui ne peut être dissocié de ceux qui concernent l’éducation postsecondaire des autochtones.

Enfin, nous constatons que malgré les différentes mesures prises par les ministères et organismes concernés, la portée de celles-ci peut être limitée sans la mise en place de liens de collaboration et de complémentarité avec les services de proximité au sein des communautés autochtones.

Plusieurs témoignages ont fait état de la dynamique particulière de la violence conjugale en milieu autochtone, notamment de sa dimension familiale. Certains ont ainsi fait valoir que les solutions doivent tenir compte de l’implication de la famille, incluant l’impact sur les témoins directs de ces violences.

Sous la coordination du Secrétariat de la Condition féminine, quatre plans d’action gouvernementaux


Parallèlement, les ministères concernés élaborent des mesures qui pourront être mises en place dès l’année en cours. Tel que spécifié précédemment, une somme de 14,4 millions de dollars sur cinq ans a été annoncée à
cette fin dans le cadre du dernier budget du Gouvernement du Québec.

En matière de prévention de violence conjugale et familiale, soulignons que les comités de justice, dans le cadre de leurs services de médiation citoyenne, peuvent être appelés à désamorcer les situations de violence conjugale qui sont susceptibles de dégénérer. Sur une base volontaire, les couples peuvent donc obtenir du soutien de tels comités pour mieux comprendre la dynamique qui s’installe et ses effets et de convenir de mesures à mettre en place pour améliorer la situation.

Afin de prévenir la récidive, le Programme de mesure de rechange pour adultes a été adapté en 2015, de façon à ce qu’il soit possible pour les comités de justice qui le souhaitent, de traiter de ces cas relatifs à des infractions commises dans le contexte de la violence conjugale et familiale. Actuellement, les communautés attikameks de Manawan et de Wemotaci se sont prévaluées de cette nouvelle version du Programme.

Le Ministre de la Justice s’est engagé dans le Plan d’action gouvernemental à développer de nouvelles initiatives de justice communautaire et de poursuivre son soutien auprès des comités de justice existants.

Quelques mots concernant la violence
conjuguale ainsi que les dépendances. Le Gouvernement du Québec est conscient que l’amélioration des ressources pour le traitement des dépendances adaptées aux autochtones fait partie des moyens qui doivent être mis en place. À ce sujet, le Ministère de la Santé et des Services sociaux travaille entre autres à rendre accessible des formations en soutien aux intervenants des communautés et des organisations autochtones en matière de dépendances. Il travaille également à s’assurer de la continuité et de la complémentarité des services sur communauté et hors communauté. Un Plan d’action interministériel en dépendances 2018-2028 prévoit neuf mesures spécifiques visant les Premières Nations et les Inuits.

Maintenant, passons aux services policiers. La prestation des services policiers auprès des autochtones fait partie des enjeux abordés par plusieurs témoins au cours des audiences publiques. Un manque de connaissance et de sensibilité aux réalités autochtones chez les policiers allochtones a notamment été dénoncé. Certains témoins ont également allégué différentes formes de discrimination et de profilage racial.

Il semble que ces éléments ont en trame de fond un problème de confiance des autochtones envers les services policiers. En ce qui a trait spécifiquement au
corps de police autochtone, certains ont fait état d’un sous-financement de ces corps de police et de la difficulté de recrutement dans les corps de police autochtones.

Précisons que les corps de police autochtones sont financés à la hauteur de 52 pourcent par le Gouvernement du Canada et 48 pourcent par le Gouvernement du Québec.

Il s’agit de corps de police au sens de la Loi sur la police québécoise et ils sont soumis aux normes provinciales applicables.

La Sûreté du Québec assure la dessert des communautés qui ne disposent pas de leur propre corps de police et en assume l’entièreté des coûts, malgré les revendications sur le partage des coûts avec le Gouvernement Fédéral.

Le Québec privilégie depuis longtemps les services culturellement adaptés dans le respect de l’autonomie des communautés autochtones.

Vingt-deux (22) corps de police autochtones desservent 44 communautés autochtones ou villages nordiques. Ainsi environ 90 pourcent de la population résidant dans les communautés autochtones sont desservis par un corps de police autochtone.

La Sûreté du Québec assure la desserte de
11 autres... des 11 autres communautés.

À la suite des événements de Val-d’Or en 2015, différentes initiatives ont été mises en œuvre afin de rétablir la confiance entre la police et les citoyens.

D’abord mentionnons le transfert des enquêtes visant les policiers du service de... des policiers au service de police de la Ville de Montréal, ainsi que la nomination d’une observatrice indépendante, Maître Fanny Lafontaine.

Son mandat consistait à évaluer l’intégrité et l’impartialité des enquêtes menées par le SPVM et dont l’enquête nationale a admi... le rapport en preuve. Ensuite un poste de police communautaire mixte autochtone a aussi été créé en mars 2017 à Val-d’Or.

Guidé par les principes de transparence et d’impartialité, le Ministère de la sécurité public a annoncé la création d’une unité d’enquête spéciale au sein du Bureau des enquêtes indépendantes.

Ce bureau est chargé depuis le 17 septembre 2018 d’enquêter les allégations d’infractions criminelles commises par des policiers et dont la victime alléguée ou le plaignant est autochtone.

Des mesures particulières ont aussi été prises pour assurer l’accompagnement des victimes plaignantes, par des agents de liaison et de soutien
autochtones et pour s’assurer du développement de l’expertise au sein du BEI.

Au-delà de ces initiatives, rétablir la confiance passe avant tout par la sensibilisation des policiers allochtones aux réalités autochtones en vue de l’adaptation des pratiques.

Au cours des dernières années, une session de sensibilisation aux réalités autochtones a été offerte aux agents de la Sûreté du Québec.

Cette formation qui avait à l’origine une approche anthropologique, a été revue pour une plus grande emphase sur les aspects psychosociaux et culturels, afin de mieux outiller les policiers dans leurs interventions au quotidien.

Par ailleurs, la SQ a aussi augmenté la cadence de formation pour ses policiers depuis 2015. Elle a également développée une formation à l’intention de ses membres que sera mise en ligne à l’hiver 2019.

En fin, l’École nationale de police, de son côté a également intégré un volet sur les réalités autochtones à son programme de formation initiale en patrouille et gendarmerie.

La création et le maintien entre la SQ et les communautés autochtones sont considérés comme un élément essentiel pour le rétablissement de la confiance.
La création en 2016 du Bureau des affaires autochtones de la SQ représente un changement structurel à cet effet. Ce bureau a pour mandat l’établissement et le maintien d’un partenariat durable entre les communautés autochtones et la SQ.

Chaque nation dispose maintenant d’un agent de liaison autochtone responsable des relations avec les communautés autochtones.

En termes d’adaptation des pratiques, certaines initiatives ont eu lieu au cours des dernières années. Je souligne la création en 2015 de l’équipe mixte en itinérance de Val-d’Or, policiers et intervenants communautaires, en collaboration avec le Centre intégré de services et de... de santé et de services sociaux de L’Abitibi Témiscamingue.

Cette équipe comprend des professionnels de différents horizons pour s’assurer des interventions multisectorielles auprès des personnes en situation d’itinérance.

Fort de son expérience de Val-d’Or, la SQ a récemment mise en place une équipe semblable à Sept-Îles en collaboration avec le Service de police de Washak Manotéam(phon.). D’autres initiatives similaires pourraient voir le jour dans les prochaines années.

En ce qui concerne les enjeux particuliers
aux corps de police autochtones, le Québec est conscient que la sécurité des autochtones et des femmes en particulier passe par la consolidation des corps de police autochtones.

La bonification du financement dans l’encadre des ententes tripartites récemment conclues assurera le Gouvernement du Québec en est convaincu, de la pérennité de ses organisations.

Les services policiers autochtones se sont par ailleurs significativement développés et professionnalisés au cours des dernières années.

Certains aspects de la formation et du recrutement demeurent cependant un défi et c’est pourquoi le Ministère de la sécurité public a créé un comité sur la formation des futurs policiers et policières autochtones ainsi que des policiers et policières œuvrant dans les communautés autochtones.

Son mandat sera notamment d’aborder les questions d’accès à la formation pour les communautés de langue anglaise, ainsi que la formation sur la conduite d’enquête.

Au cours des dernières années le Gouvernement du Québec a déployé différentes initiatives pour mieux répondre au cas des disparitions pour l’ensemble de la population, y compris les communautés
autochtones.

D’abord le Comité stratégique sur les disparitions et enlèvements au Québec a été créé en 2009. Ce comité a comme mandat consultatif et de recommandation sur les pratiques et les mécanismes à privilégier.

En 2013, la Sûreté du Québec a aussi pris le leadership en matière de disparitions et d’enlèvements en mettant en place une coordination provinciale au Québec.

Depuis avril 2014, un répondant en matière de disparitions et d’enlèvements est désigné dans chacune des organisations policières, incluant chacun des corps de police autochtones, pour agir comme personnes ressources en la matière.

Certains de ces répondants participent sur le Comité opérationnel des disparitions et enlèvements présidé par la Sûreté du Québec.

Enfin un mot sur la protection de la jeunesse. Une certaine sous-représentation des enfants des Premières Nations et des Inuits est observée à toutes les étapes du processus d’intervention et en protection de la jeunesse.

Conscient de cet enjeu, le Ministère de la santé et des services sociaux, responsable des réseaux... des directions de la protection de la jeunesse, a
identifié parmi les priorités d’action l’adaptation des services de protection de la jeunesse aux enfants et aux familles autochtones, en favorisant la prise en charge de ces services par les communautés elles-mêmes et en mettant en place des mécanismes permettant la préservation de l’identité culturelle des enfants autochtones devant quitter leurs communautés.

L’adoption de la loi modifiant la Loi sur la protection de la jeunesse et de d’autres dispositions le 4 octobre 2017, est le reflet de cette volonté de répondre aux réalités autochtones.

En vertu de cette nouvelle loi, les services de protection de la jeunesse ont l’obligation de prendre en compte et de considérer primordialement la préservation de l’identité culturelle dans l’intérêt d’un enfant autochtone.

La modification de la Loi sur la protection de la jeunesse permet aussi la conclusion d’entente visant l’établissement d’un régime particulier de protection de la jeunesse au sein des communautés et des nations autochtones.

Ainsi une telle entente a été convenue avec le Conseil de la Nation Atikamekw et des négociations dans le même cadre sont en cours avec le Conseil Mohawk de Kahnawake.
Un autre moyen que s’est donné le Gouvernement du Québec pour favoriser le maintien des enfants autochtones au sein des communautés est la reconnaissance des effets de l’adoption coutumière.

Par des modifications du Code Civil du Québec et de la Loi sur la protection de la jeunesse, les modifications obligent notamment le DPJ à considérer l’adoption coutumière s’ils estiment qu’il s’agit d’une mesure susceptible d’assurer... de s’assurer de l’intérêt de l’enfant et du respect de ses droits.

Le plan d’action prévoit des sommes pour la mise en place des autorités compétentes au sein des communautés autochtones pour la reconnaissance des effets de l’adoption coutumière.

En conclusion, les audiences de l’ENFADA ont permis de sensibiliser la population comme jamais auparavant à la vulnérabilité particulière des femmes et des filles autochtones devant les différentes formes de violence.

Différents témoignages ont exposé en profondeur les facteurs historiques, politiques et socioéconomiques qui peuvent être en lien avec cette vulnérabilité accrue, dont l’insuffisance ou l’inadéquation de certaines ressources, les enjeux relatifs à la dénonciation de la violence par les
victimes, les effets de l’isolement de nombreuses communautés autochtones, mais aussi de certaines dynamiques de pouvoir interne pouvant exister au sein des communautés autochtones.

Le Gouvernement du Québec est conscient que des efforts soutenus doivent être consentis pour l’amélioration des conditions qui rendent les femmes autochtones d’avantage exposées à la violence sous toutes ses formes, qu’elles soient physiques ou psychologiques, qu’elles aient lieu dans un contexte conjugal ou familial, communautaire ou institutionnel et en milieu urbain.

C’est notamment dans cet optique que le Québec soutien depuis de nombreuses années les organisations de femmes autochtones, telles que Femmes autochtones du Québec, l’Association des femmes Inuites du Nunavik Saturviik et l’Association des femmes Cries de Eeyou Istchee.

Celles-ci sont considérées par le Gouvernement du Québec comme des porte-voix des femmes autochtones et des partenaires clé dans la compréhension des enjeux et à la recherche de solutions durables.

Sur la base des différents témoignages entendus, le Gouvernement du Québec est en mesure de faire différents constats et de s’interroger sur les actions entreprises et celles qui seront nécessaires à prendre
dans un avenir rapproché.

L’un de ces constats est l’existence d’une certaine méfiance des femmes autochtones victimes de violence à faire appel aux ressources et aux services existent pour l’ensemble de la population.

Que ce soit en raison de la méconnaissance des ressources, des droits et recours existants ou encore du manque d’adaptabilité des services dans le contexte autonome… autochtone, des efforts doivent être consentis pour déployer une approche de sécurisation culturelle au sein des différents services offerts et de mieux promouvoir ceux-ci auprès des utilisateurs autochtones.

Il va de soi que la première étape en vue de toute initiative, est de sensibiliser et former les employés du secteur public et parapublic aux réalités autochtones.

Un projet de formation approfondi en ligne, obligatoire pour les intervenants qui seront appelés à travailler de près ou de loin avec les usagers autochtones, est présentement en développement.

Un autre constat concerne la nécessité d’améliorer les services spécifiques aux autochtones dont ceux au sein des communautés.

Cela nécessite avant tout que le Gouvernement Fédéral et le Gouvernement Provincial du
Québec arriment leurs actions dans le respect des responsabilités qui leurs sont propres.

Le Gouvernement du Québec est pleinement conscient de l’importance d’appuyer son action sur la concertation des milieux autochtones, ainsi qu’avec l’ensemble des ministères et organismes interpellés par une problématique.

La recherche d’une solution doit à chaque fois tenir compte de l’ensemble des dimensions et être encrée dans le milieu d’accueil pour être garantie du succès.

Différentes initiatives ont été mis sur pieds au cours des dernières années dans cet esprit. Par exemple, le forum socio-judiciaire ou encore les tables d’accessibilité des services aux autochtones en milieu urbain.

Le Gouvernement du Québec est convaincu que ces lieux de concertation assurent la prise en compte de toutes les dimensions des enjeux traités et favorisent l’optimisation des ressources et de l’expertise pour des solutions culturellement plus pertinentes, sécurisantes et efficaces.

Le Gouvernement du Québec a collaboré pleinement dans les travaux des deux commissions d’enquête et continuera à le faire jusqu’à la fin de leurs mandats.
respectifs. Il considèrera avec attention chacune des recommandations qui lui seront soumises relativement à ces enjeux.

Il en demeure le souhait du Gouvernement du Québec que les travaux de la Commission québécoise soient pris en compte par l’enquête nationale dans l’élaboration de ses recommandations qui toucheront de façon plus particulière le Québec.

Le Gouvernement du Québec profite du moment pour souhaiter souligner en fait le courage, la détermination et la résilience dont ont fait preuve l’ensemble des témoins, femmes, hommes et organisations qui ont été entendues au cours des audiences.

Au-delà des situations spécifiques et des situations tragiques qui ont fait... dont ils ont fait état, ils sont parvenus à sensibiliser le grand public et de nombreux intervenants gouvernementaux aux réalités, au contexte, aux dynamiques particulières vécues par un grand nombre de femmes et de filles autochtones.

En ce sens, l’impact de leur témoignage est majeur. Derrière la majorité de ces témoignages se situe la perte d’un être cher et le Québec souhaite souligner de façon particulière les deuils vécus par ces familles.

Nous souhaitons profiter de cette occasion pour souligner l’important travail effectué par l’Unité
québécoise de liaison pour l’information à l’intention des victimes, l’UQLIF, rattaché au Bureau d’aide aux victimes d’actes criminels du ministère de la justice.

L’UQLIF a comparé de nombreuses familles ayant perdu un être cher dans leurs recherches de ressources et d’information depuis sa création. Le mandat de l’UQLIF se poursuivra jusqu’en 2022.

En terminant, le Gouvernement du Québec souhaite remercier les commissaires, les procureurs et toute l’équipe de l’enquête nationale pour leurs travaux et reconnaître l’énorme défi dans lequel ils se trouvent afin de formuler des recommandations relativement aux enjeux aussi nombreux et complexes, que différents d’un territoire ou d’une province à l’autre, d’une nation à une autre et d’une communauté à une autre.

Enfin, le Gouvernement du Québec remercie également les autres parties ayant qualité pour agir et salut l’importance du travail que chacune d’elles effectuent pour accroître la sécurité des femmes et des filles autochtones.

Ça va conclure ma présentation.

MS. MEREDITH PORTER: Thank you. Thank you, Ms. Boucher.

CHIEF COMMISSIONER MARION BULLER: Is Commissioner Audette available?
COMMISSIONER MICHÈLE AUDETTE: Oui, je suis ici.

CHIEF COMMISSIONER MARION BULLER: Oh, thank you.

COMMISSIONER MICHÈLE AUDETTE: Merci beaucoup. C’est moi qui commence?

CHIEF COMMISSIONER MARION BULLER: Yes, you are.

COMMISSIONER MICHÈLE AUDETTE: Merci, Commissaire en-chef. Alors tout d’abord je tiens à vous dire un gros merci-là d’avoir présenté au nom du Gouvernement du Québec. Et je veux être sincère, ça fait du bien aussi d’entendre des témoignages et des présentations en français, pour avoir vécu à cette belle expérience en anglais depuis les débuts.

Alors je serai très brève en vous disant que… souvenez-vous du mémoire de Maître Sioui au nom de l’APNQL. Lorsqu’elle est venue nous voir aux dernières audiences à Calgary, elle a fait état à quelques reprises du rapport de Maître Lafontaine qui disait qu’il existait encore un racisme systémique au sein de… ici au Québec.

Alors… et elle proposait que oui le racisme systémique est présent au sein des corps policiers de différentes institutions, mais il faut aller aussi au niveau du changement des mentalités.
Ça me fait chaud au cœur, je vais être sincère avec vous, Marie-Paule, quand j’entends que vous allez regarder attentivement nos recommandations, de voir en sorte comment le Gouvernement du Québec pourra mettre en œuvre et appliquer ces recommandations-là. Et vous me connaissez, je vais m’assurer que le mémoire de femmes autochtones du Québec, celle de l’Assemblée des Chefs et des familles qu’on a entendu au Québec, puisse transparaître ou être au sein de la partie-là Québécoise de notre rapport national.

Et en espérant qu’y’aura une belle collaboration avec votre gouvernement, en espérant qu’on va pouvoir faire en sorte que vous et moi, mais pleins d’autres gens, s’y mettent-là sincèrement pour que les statistiques changent, le racisme disparaîsse et ainsi de suite.

J’aimerais ça aussi vous dire pour terminer, que dans le processus de guérison... et ça je vous dis ça en toute sincérité pour l’avoir vécue personnellement, quand une personne ou une institution reconnaît ses torts et quand une personne ou une institution fait des excuses et propose des pistes de solutions avec la personne ou les groupes affectés par une situation ou plusieurs situations, je vous garantis que ça peut juste être du positif.
Alors en espérant, je pense que vous me comprenez, que vous pouvez ramener au sein de votre gouvernement que la partie excuse, reconnaissance et action est un processus incontournable. Je vous remercie.

COMMISSIONER QAJAQ ROBINSON: Merci. I’m going to have to ask the question in English.

Thank you for your presentation speaking of the unique situation in Quebec and the efforts of the Quebec Government.

One of the things - and we heard it earlier today from the Institute for the Advancement of Aboriginal Women - a reference to our finding in the interim report that the root cause of violence against Indigenous women is colonization and the continuation of colonial oppression.

We made that finding based on a number of previous reports that our terms of reference allowed us to accept and basically take judicial notice of.

We’ve heard it from a number of witnesses, including Ellen Gabriel speaking of the realities in Quebec that without a shift in the relationship between the state and Indigenous peoples, and predominately, a shift in the power balance. Colonization is an assertion of sovereignty over lands and peoples based on racial ideas rooted in racial superiority.
I would like to know if your client agrees with the finding of those previous reports, specifically the Aboriginal Justice Inquiry of Manitoba, the Royal Commission on Aboriginal Peoples, and the Truth and Reconciliation, as well as our interim report, that colonization and the continued legacy of that is the root cause of the violence against Indigenous women and girls in this country?

**Me Marie-Paule Boucher:** Je vais noter votre question. Je ne pourrai malheureusement pas vous donner une réponse aujourd’hui, mais je vais faire le suivi auprès de mes autorités. Mais à la base, le plan d’action dont je vous ai parlé, le plan d’action sociale qu’on a mis en place représente l’esprit de la Commission vérité et réconciliation. Mais je ne pourrais pas aller plus loin dans mes représentations sur la question, mais je vais faire le relais avec mes autorités.

**Commissioner Qajaq Robinson:** Thank you.

**Commissioner Brian Eyolfson:** I don't have any further questions. Thank you, Ms. Boucher, for your submissions.

**Ms. Marie-Paule Boucher:** Thank you.

**Chief Commissioner Marion Buller:** I don't have any questions either, but I want to thank you, Ms. Boucher, for your unfailing professionalism during all of
the times you’ve been with us. Thank you very much.

MS. MARIE-PAULE BOUCHER: Thank you.

(APPLAUSE/APPLAUDISSEMENTS)

MS. MEREDITH PORTER: Chief Commissioner and Commissioners, I'll seek your direction on adjourning the submissions portion of the day and suggest that we now -- I guess we're done hearing from the parties that were scheduled to make their submissions. I would suggest that we adjourn to our closing for the day and reconvene tomorrow morning at 9:00 a.m.

CHIEF COMMISSIONER MARION BULLER: I think our opening tomorrow is at 8:30.

MS. MEREDITH PORTER: Opening remarks at 8:30 and then our first submissions are schedule for 9:00 a.m., yeah.

CHIEF COMMISSIONER MARION BULLER: Okay. So for the purposes of our record, we're adjourned to 8:30 tomorrow morning.

MS. MEREDITH PORTER: Okay, thank you.

MS. CHRISTINE SIMARD-CHICAGO: So good afternoon. I hope everyone had a wonderful afternoon listening to testimonies and stories that were presented here throughout the day.

Right now, we're going to do something with commitment sticks. And this was raised by Commissioner
Audette and her granny, Bernie Poitras. So I'm going to hand over the mic to Bernie for now and she could start the process with the Commissioners assisting her.

**M. CHRISTIAN ROCK:** Merci. On va maintenant procéder avec la remise de bâtons qui représente des bâtons d’engagement. Donc, les bâtons d’engagement vont être transmis par notre aîné, Mme Bernie Williams.

**MS. BERNIE POITRAS:** I would just like to say (Native word). My traditional name is (Native name) which means Golden Spruce Woman.

On behalf of our Commissioner Michèle Audette and the rest of the Commissioners, we thought it would be really appropriate to do the commitment sticks.

This -- is Elder Fred John from -- or Elder Fred Johnson from Alkali Lake which is mid-northern B.C., central, designed these commitment sticks to signify that the sacred responsibilities we have for the health and safety of all of our Indigenous women and girls, as well as to remind us of their infinite value.

The act of picking up a commitment stick symbolizes a personal and professional commitment of the time to help eliminate violence against Indigenous women and girls.

A lot of prayers and ceremonies has gone
into the creation of these commitment sticks. They are also meant to help us to cleanse our minds, bodies, and our spirits of any violence we have perpetuated or perpetrated against Indigenous women and girls.

And the meaning behind this design, the colours of these commitment sticks represents the need for the four races to work together to stop the violence against Indigenous women and girls with an understanding that we are equally valuable. With the red, we honour and we mourn our murdered and missing Indigenous women. With the yellow, we honour our breath of life. With the black, we honour our body. And with the white, is we honour the knowledge and the wisdom of our elders.

There was 120 chiefs back in B.C. who had joined in this initiative. This started back in 2015 and it was supported by Chief Charlene Beaulieu. And this was brought to Quebec City and also to Calgary.

And I would like to ask the Commissioners if they would be so kind to come up. We’re going to read the names out.

We’re going to do this every day for the people who are presenting with standing on the day. So today, we would like to invite the Parties with Standing for the Congress of Aboriginal People with Robert Bertrand. If there is anybody here from the Congress of
Aboriginal People, we'd like to have the Commissioners please come up to -- yeah.

And we'd also like to invite the Manitoba Women's Coalition, the MMIWG, Catherine L. Dunn. If there is any of them here with the parties, please come up.

Don't all rush us. Yes, don't try this at home.

And if we could have the parties stand over here. They'd do an honour song for you too. Please don't sit down.

We'd also like to honour the Native Women's Association of Quebec, is may -- Rainbow Miller, if any one of your party is here, if you're here, to please come up.

And we'd like to invite and to also honour the Families for justice, Suzan Fraser. One for Bridget too. And we'd also like to honour the Institute for the Advancement of Aboriginal Women, Lisa Weber. And Party, if you are here, please come up. I think she has left.

And the Commissioners would also like to honour the Assemblies of the Manitoba Chief, if Grand Chief Arlan Dumas or anybody from there? They've gone.

And the Commissioners would also like to honour at the Treaty Alliance Northern Ontario-Nishnawbe
Aski Nation and the Grand Council Treaty 3 to please come up. Yeah, so that's Krystyn.

And we'd like to also -- the Commissioners would like to honour at the Government of Quebec, Marie-Paule Boucher to please come up.

We'd also like to acknowledge the elders that are in here to please come up. You know who you are. I can see you, I just don't know your names -- to please come up. We'd like to also honour you.

We'd like to, you know -- because I know for myself with Michèle Audette, you know, without any one of you here, this work couldn't be done. And I just want to say (Native word) because this has been a very long journey for all of you and I just say (Native word) to you for all your work. We'd like to also give you a commitment stick too, please.

Leslie, why are you sitting there? I can see you. You could run from me, but you can't hide. I know where you're at.

Leslie, where -- yeah, the stick for Leslie. She's right there. Are they going to do an honour song?

On behalf of the Commissioners and the family Enfac (phonetic), we'd like to do an honour song for you here, say (Native word) to you guys.
(DRUM/TAMBOUR) (SONG/CHANT)

(APPLAUSE/APPLAUDISSEMENTS)

MS. CHRISTINE SIMARD-CHICAGO: Miigwech for that. So now I'd like to call up Vince and Elaine and Elder Reta Gordon to come do some -- do our closing prayers for the day.

M. CHRISTIAN ROCK: Merci aux joueurs de tambours.

Maintenant je voudrais inviter les aînés, Vincent et Elaine à se joindre à nous pour la prière de fermeture.

ELDER ELAINE KICKNOSWAY: Hello. (Speaking in Indigenous language).

(CLOSING PRAYER/PRIÈRE DE FERMETURE)

ELDER ELAINE KICKNOSWAY: We give thanks for this day. We give thanks in the words that were spoken. We give thanks for the breath of life. We give thanks for bringing that voice forward for the ones that aren't here, for the missing and the murdered and also that place of love and kindness, what they call lateral kindness and lateral love towards one another.

Today, I took a moment of silence at the rise of the day and I remembered back 12 years ago. And there was young lady who had been found in the early morning. And her name was spoken again today and the many
names that were spoken today of their names. And I
couldn't help but think of the other names that aren't
being spoken and that loving place that we offer them in
kindness, the kindness back to ourselves, that breath of
life that we carry. We give thanks for their memory.
Give thanks for the singers to ground us, to bring that
medicine back to us. And we give thanks just to keep
going, standing tall, and we keep going.

And we’ll be back here tomorrow as we greet
the day, and we keep seeing each other in a good way.

I’ll pass it to you now.

MS. RETA GORDON: I offer these words to
this young lady here, the young ladies, the mothers, the
grandmothers, the keeper of the water.

When the Creator was creating mothers and
women and was in his days of overtime the Great Eagle
appeared and said “You’re doing a lot of fiddling around
this one.” The Creator said “Have you read the special
order? She must be completely washable but not plastic.
She must run on black coffee and leftovers. She must have
a lap that disappears when she stands up, a kiss that can
cure anything from a broken arm to a disappointed love
affair, and six pairs of hands.”

Great Eagle shook her head and said “Six
pairs of hands, no way.” “It’s not the hands that are
causing me problems” said the Creator, “It’s the three pairs of eyes that mothers have to have.” “That’s on a standard model” the Great Eagle asked. The Creator nodded. “One pair that sees through doors when she asks what are you kids doing in there when she already knows, another here in the back of her head that sees what she shouldn’t but what she has to know, and of course the ones here in front so she can look at a child when he goofs off and says I understand and I love you.”

Without so much as uttering a word “Creator” the Great Eagle said, touching his sleeve gently, “Come to bed. Continue tomorrow.” “I can’t” said the Creator “I’m too close to creating something so close to myself. Already I have one that heals herself when she’s sick, can feed a family of six on one pound of moose meat.” The Creator looked somber. Sorry, I missed one thing. “And get a nine year old to stand under a shower.”

Great Eagle circled the model of a mother and it said “It’s too soft” “But tough” said the Creator excitedly. “You cannot imagine what this mother can do or endure.” “Can it think?” “Not only think but it can reason and compromise” said the Creator.

Finally Great Eagle bent over and ran her feathered wing across the cheek. “Here’s a leak” she pronounced. I told you you were trying to put too much
into this model.” “It’s not a leak” said the Creator
“It’s a tear.” “What’s it for?” “It’s for joy, sadness,
disappointment, pain, loneliness, and pride.” “You’re a
genius” said the Great Eagle. The Creator looked somber
and said “I didn’t put it there.”

Miigwech to all of you and may the Creator
bless all of you, all my relations.

This is a keeper of the water.

At this time Creator I ask you to dry the
tears of all the people that are suffering here and
throughout Canada. Let them bring back their sisters and
mothers and loved ones who have gone missing. Let them
bring back whole or even their bones so that they can be
buried next to them, so they can stop crying. They’ve
been crying for years. Please stop the tears. Amen.

Miigwech. Thank you.

MS. CHRISTINE SIMARD—CHICAGO: Miigwech.

So now we’ll go to our drum group, Eagle
River Drummers, for a closing song.

M. CHRISTIAN ROCK: Maintenant, nous allons
nous tourner à nouveau vers les joueurs de tambour de
Eagle River pour la chanson de fermeture.

(CLOSING SONG/CHANSON DE FERMETURE)

MS. CHRISTINE SIMARD—CHICAGO: Miigwech.

Now we’ll go to Eelee for extinguishing of
our qulliq.

M. CHRISTIAN ROCK: On va maintenant procéder avec l’extinction du qulliq. La Commissaire Robinson va avoir la gentillesse de traduire de l’inuktitut à l’anglais.

MS. EEELE HIGGINS: Let’s say a prayer, and I’ll do that in Inuktitut. Then I’ll start putting out the fire. Let’s bow our head.

(CLOSING PRAYER/PRIÈRE DE FERMETURE)

MS. EEELE HIGGINS: (Speaking Inuktitut)

COMMISSIONER QAJAQ ROBINSON: (Translates)

I will now extinguish the qulliq that’s been lit all day. I will light it again tomorrow.

MS. EEELE HIGGINS: (Speaking Inuktitut)

COMMISSIONER QAJAQ ROBINSON: (Translates)

The wick we were running low earlier but we received some more and this is a very strong one. Someone knew something or knew it was needed.

Thank you. See you tomorrow.

MS. CHRISTINE SIMARD-CHICAGO: So just a quick reminder, opening ceremonies start at 8:30 tomorrow with a pipe ceremony at 7:00 a.m. in the Quebec room.

Have a good evening.

M. CHRISTIAN ROCK: Merci à tout le monde.

Vous êtes conviés à revenir demain matin à partir de 7h00
du matin pour la cérémonie de la pipe et puis les
audiences recommenceront à 8h30.

--- Upon adjourning at 5:47 p.m./L’audience est ajournée à
17h47

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
Dec 10, 2018