

National Inquiry into  
Missing and Murdered  
Indigenous Women and Girls

# RECLAIMING POWER AND PLACE

Volume 2

A SUPPLEMENTARY  
REPORT

OF THE NATIONAL INQUIRY INTO  
MISSING AND MURDERED  
INDIGENOUS WOMEN AND GIRLS

KEPEK – QUEBEC



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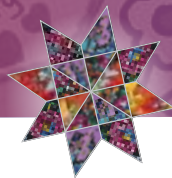
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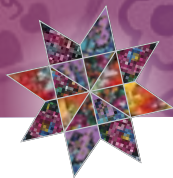
Special thanks to the artists whose work appears on the cover of this report:

Dee-Jay Monika Rumbolt (Snowbird), for *Motherly Love*  
The Saa-Ust Centre, for the star blanket community art piece  
Christi Belcourt, for *This Painting is a Mirror*

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Throughout the ages, all societies have taken care to ensure the safety of the members of their communities. And yet, still today, the World Health Organization reports that 35% of women worldwide will experience physical or sexual violence in their lifetime, this figure reflecting only violence that is reported.

In Canada, statistics show that Indigenous women and girls are much more likely to experience violence than non-Indigenous women. According to Statistics Canada, between 2001 and 2015, homicide rates for Indigenous women were nearly six times higher than for non-Indigenous women. A risk of such magnitude requires us all to take responsibility, to clearly identify the issue and to take strong measures to address this situation, which is rooted in Canada's historical and political context.

Statistics alone cannot convey what families and communities really go through when

they lose loved ones to such violence. The concept of family means so much more than biological lineage; the family is built with the strengths and diversity found in the sum of its parts. Each of them deserves to live in an environment where all of its members can develop their full potential safely and peacefully.

The National Inquiry into Missing and Murdered Indigenous Women and Girls has been an enriching learning experience, both personally and professionally, but it has also been trying. Fulfilling our mandate was a daunting task, and I often felt helpless when



*Meeting with all Commissioners during the first week of our mandate, Vancouver, BC, September 2016. Photo courtesy of Michèle Audette.*



hearing the testimony of every person who generously contributed to the exercise we put before them.

Our mission was to shed light on a social crisis that affects Indigenous women and girls and 2SLGBTQQIA people every day of their lives. Although this crisis was identified long ago, we have collectively been slow to examine it in depth. The Inquiry of which I have been part, investigated into a situation that has affected all Indigenous communities in Canada, as well as all Canadians, throughout the course of 500 years of our common history.

This unprecedented inquiry addresses violence against some of this country's most vulnerable citizens and identifies its systemic causes. Never has there been such an opportunity for the truth about violence against Indigenous women and girls to be known, heard and acknowledged. Within the organization, we pushed and constantly stretched the limits of our teams to meet our goals.

Why go to such lengths? To bring about change. As my mandate comes to an end, I note, with great humility, that this National Inquiry will have honoured the struggles taken up by the families and survivors over the past 40 years. The National Inquiry, which was sought by 3,000 families, will have shone light on facts that are all too often hidden.

Violence against Indigenous women, girls, and 2SLGBTQQIA people does not stem from one isolated event. Sadly, it is the daily reality of far too many human beings, many

of whom are among this country's most vulnerable. Today, we have the opportunity to highlight the extraordinary resilience of Indigenous women and girls, who remain dedicated to advocating for their rights and charting a path forward—a path we must all take together. We wish to honourably acknowledge victims and offer families the opportunity to finally be able to give their children a better future.

The present can only be understood in relation to the past: we must know our past, understand it and accept it, if the future is to have meaning. We now need to go further and put forward a true social blueprint that will enable the country to adequately address this major social issue and break through this impasse.

All our efforts will have led to identifying the solutions, means and actions needed to bring about this movement. Every Canadian can and must become involved at their own level if things are to change. Together, we have a duty to take effective measures to prevent and put an end to violence against Indigenous women and girls and ensure their safety.

This commission of National Inquiry does not mark the end of a movement, but represents a step in a healthy process that is a source of hope, a social undertaking. Today is the first day of the Canada of tomorrow. We cannot change the past, but we can work together to shape a better future built on the strengths of each and every community that welcomes it, thereby committing to improving the safety of Indigenous women and girls together.



The National Inquiry into Missing and Murdered Indigenous Women and Girls was a major undertaking that would not have been possible without the significant contributions of many dedicated people. I want to thank them today and express my deepest gratitude to them for supporting me throughout this process.

I would like to thank everyone who participated in our work: the witnesses, families and survivors, the grandmothers and all the members of the National Family Advisory Circle. I also want to acknowledge our employees, without whom we would not have been able to complete all the interconnected steps in so many different places and environments at the same time. We could always count on their compassion and their sense of duty.



I extend my sincere thanks to all the groups that joined forces around this issue, including alliances, coalitions and organizations. Your tremendous contribution is now known and recognized.

To my grandmothers Pénélope and Bernie and my mentors Melanie Morrison, Laurie Odjick, Nancy Jourdain, Alain Arsenault and Renée Dupuis, thank you from the bottom of my heart.

This report is the result of the collective effort of many individuals, and it provides a roadmap that will enable us, as a society, to better ensure the safety of Indigenous women, girls and 2SLGBTQQIA people. An enormous thank you in advance to everyone who will contribute to ensuring that this report has a future and that the necessary decisions are made to ensure its implementation and identify actions that will lead to the desired results.

I would also like to express my appreciation to each of my children, Amun, Uapen, Sheshka, Awastia and Yocoisse, for your constant love. My children, you have given much so that your mother could fulfill her duties. Know that you are in my heart every day and that you keep me focused on my goal.

*Nukum Pénélope Guay, Innu Nation, co-founder of the Maison communautaire Missinak in Québec City, Québec. Pénélope served as Commissioner Audette's guide during the mandate of the National Inquiry.*



To my mother Evelyne, my father Gilles, my brothers Benoit, Mishta-Shipu, Dina and Samuel, and Noëlle, thank you for your constant support. Your empathy helped me through the more difficult phases. I am especially grateful to my spouse, Serge, who supported me from beginning to end. He was patient and understanding and shared my determination to complete this inquiry successfully.

*National Inquiry Grandmother Gul Kitt Jaad Bernie Williams, Haida Nation, has been a frontline worker in Vancouver's Downtown Eastside for over thirty years. She has been a guide to Commissioner Audette during the mandate of the National Inquiry.*

To my fellow Commissioners, thank you for accepting me as I am and for supporting me in the challenges and struggles that were inherent in our duties. Marion, thank you for your integrity and patience. Qajaq, thank you for your intelligence, your ability to analyze and synthesize and your courage. Brian, thank you for your ability to listen, your keen sense of detail, your wisdom and your kindness.

And to anyone else whose name I may have omitted, my heartfelt thanks.

#EndViolence #WomenAndGirlsAreSacred  
#ThankYouLife

***Michèle Audette***  
***Commissioner***



## FOREWORD FROM MELANIE MORRISON

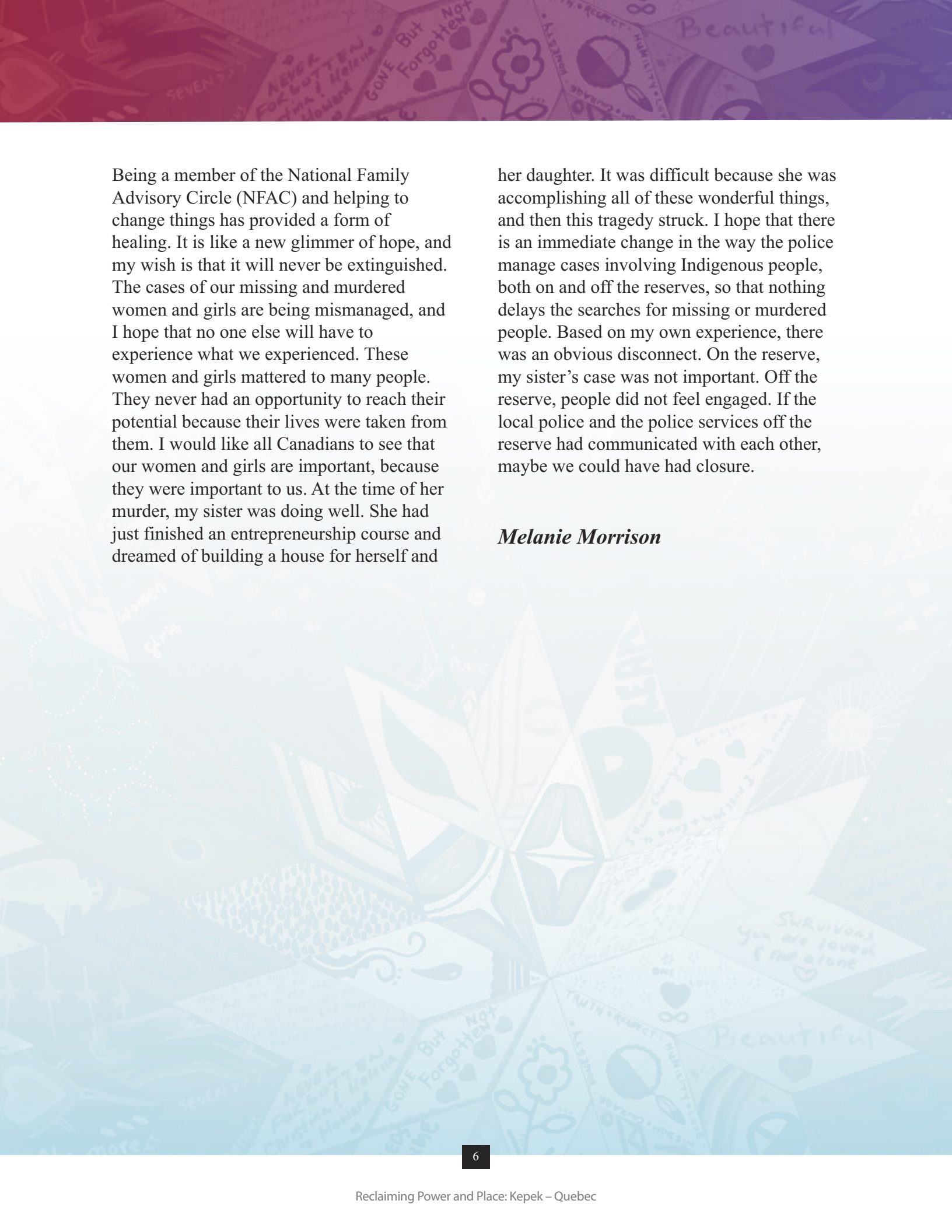


*Melanie's sister, Tiffany, disappeared on June 18, 2006. Since then, she has been fighting for change and constantly working to raise awareness among non-Indigenous people about the plight of families. Melanie has been a guide and mentor throughout the National Survey's mandate as a member of the National Family Advisory Circle. Photo courtesy of Melanie Morrison.*

I have been fighting for change for years, and one of our objectives at the Native Women's Association of Canada was that an inquiry into missing and murdered Indigenous women and girls be held. We wanted to highlight our concerns about what we had experienced and how our cases were handled. It was important to our family that changes be made. Personally, I viewed my participation in the National Inquiry as an opportunity to ensure that the heartfelt appeal of our families, calling for changes in how police handle cases of missing and murdered Indigenous women and girls, is heard.

My sister disappeared on June 18, 2006. My mother started by looking for her among friends and other people who usually knew where she was. It was unlike her to not come home, because she was a young mother. Also, she had told my mother that she would be coming home early that evening. When my mother went to the police, they saw my sister as a stereotype: a 24-year-old girl who had likely gone out with friends and would come home eventually. That was shocking, because my sister's remains were found four years later, less than a kilometre from her home. The local police had been in charge of

the investigation until that time. Then, after a follow up, the case was transferred to the Sûreté du Québec, where it is still open. My niece grew up without her mother. My daughter and I were very close to my sister, and my youngest never knew her aunt. My mother never got over it. My father died in 2015. He died without knowing why. I want people to see my sister as a person, not just a statistic or simply another murdered Indigenous woman. She was very articulate and full of energy. When her life was taken, the light went out and everything changed.



Being a member of the National Family Advisory Circle (NFAC) and helping to change things has provided a form of healing. It is like a new glimmer of hope, and my wish is that it will never be extinguished. The cases of our missing and murdered women and girls are being mismanaged, and I hope that no one else will have to experience what we experienced. These women and girls mattered to many people. They never had an opportunity to reach their potential because their lives were taken from them. I would like all Canadians to see that our women and girls are important, because they were important to us. At the time of her murder, my sister was doing well. She had just finished an entrepreneurship course and dreamed of building a house for herself and

her daughter. It was difficult because she was accomplishing all of these wonderful things, and then this tragedy struck. I hope that there is an immediate change in the way the police manage cases involving Indigenous people, both on and off the reserves, so that nothing delays the searches for missing or murdered people. Based on my own experience, there was an obvious disconnect. On the reserve, my sister's case was not important. Off the reserve, people did not feel engaged. If the local police and the police services off the reserve had communicated with each other, maybe we could have had closure.

***Melanie Morrison***





*For Nancy Jourdain, mother, life partner and lawyer, speaking out helps to restore dignity, courage and healing. She has been a guide and mentor throughout the National Inquiry's mandate as a member of the National Family Advisory Circle in Quebec. Photo courtesy of Nancy Jourdain.*

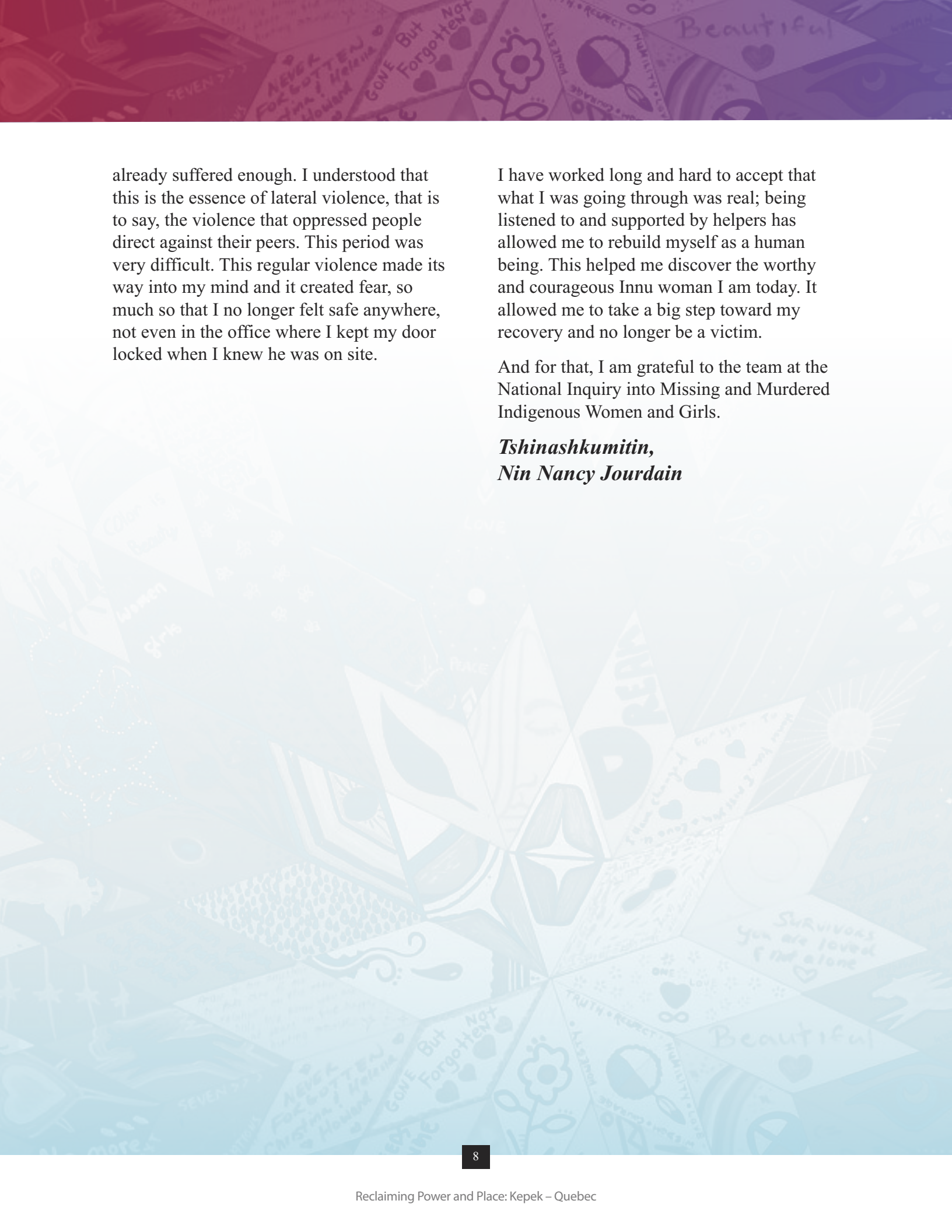
I am an Innu woman from the community of Mani-Utenam. I was raised by my grandparents, my mother trying to survive after years of residential schools. My *mushum* and *nukum* were among the last Innu people to have lived the traditional lifestyle. They taught me respect, mutual aid, independence, work and kindness. In the traditional lifestyle, these elements were essential. For them, the modern era meant that their way of life would no longer be what secured my future, and I had to study and have a job in order to succeed.

I studied law and started my career as a lawyer in a private practice. After 10 years, I went to work as a manager for my community. To support myself in my new role, I completed a Master's degree in Business Administration.

The work is tough on the community, and inadequate funding and proximity make the situation more challenging, but I've found it very rewarding to use my knowledge and experience for the good of my community.

I have been subjected to violence in the workplace perpetrated by an elected official and his allies for over four years. This

violence took place, one comment at a time, one criticism at a time, and went further; the attacks were open, aggressive, and went as far as slander. They attacked my expertise, criticized my decisions, refused to sign the resolutions I made, had angry outbursts in my presence, claimed that I had to offer favours to get this job, etc. In the beginning, I tried not to worry, telling myself that they would stop, but it was the opposite. The witnesses to this behaviour didn't react; they watched as if this were normal. Our minds are used to such violence that we no longer notice it. I didn't understand why there was so much violence when, as a people, we had

The background of the page is a collage of various protest signs and symbols. At the top, there are signs with text like "SEVEN 53", "NEVER FORGOTTEN Tina Howard", "GONE But Not Forgotten", "JUSTICE", "RESPECT", "HUMANITY", and "Beautiful". There are also symbols like a flower, a heart, and a sun. The bottom half of the page has a light blue background with a large, stylized flower or star shape in the center. Inside this shape are various symbols and text, including "WOMEN GIRLS", "PEACE", "DREAM", "I have changed for you To be a good person I will never", "SURVIVORS you are loved & not alone", "ONE Love", "BEAUTIFUL", "TRUTH + RESPECT", "JUSTICE", "HUMANITY", "GONE But Not Forgotten", "NEVER FORGOTTEN Tina Howard", "SEVEN 53", and "more".

already suffered enough. I understood that this is the essence of lateral violence, that is to say, the violence that oppressed people direct against their peers. This period was very difficult. This regular violence made its way into my mind and it created fear, so much so that I no longer felt safe anywhere, not even in the office where I kept my door locked when I knew he was on site.

I have worked long and hard to accept that what I was going through was real; being listened to and supported by helpers has allowed me to rebuild myself as a human being. This helped me discover the worthy and courageous Innu woman I am today. It allowed me to take a big step toward my recovery and no longer be a victim.

And for that, I am grateful to the team at the National Inquiry into Missing and Murdered Indigenous Women and Girls.

***Tshinashkumitin,  
Nin Nancy Jourdain***

## ACRONYMS



AFNQL	Assembly of First Nations Quebec Labrador
CALACS	Centre d'aide et de lutte contre les agressions à caractère sexuel
CAVAC	Crime Victims Assistance Centre
CERP	Commission d'enquête sur les relations entre les Autochtones et certains services publics au Québec : écoute, réconciliation et progrès
JBNQA	James Bay and Northern Quebec Agreement
DYP	Director of Youth Protection
ENPQ	École nationale de police du Québec
FNQLHSSC	First Nations of Quebec and Labrador Health and Social Services Commission
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
NIMMIWG	National Inquiry into Missing and Murdered Indigenous Women and Girls
QNW	Quebec Native Women
RCMP	Royal Canadian Mounted Police
SPVM	Service de police de la ville de Montréal
SQ	Sûreté du Québec
TRC	Truth and Reconciliation Commission
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples







On August 3, 2016, the Government of Canada announced that it was establishing the National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG), including in Quebec. On August 9, 2016, the Government of Quebec responded by announcing the creation of a provincial commission of inquiry, the *Commission d'enquête sur les femmes et les filles autochtones disparues et assassinées au Québec*<sup>1</sup> (the **Commission**) [Commission of Inquiry into Murdered and Missing Indigenous Women and Girls in Quebec].

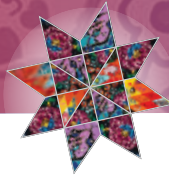
The Commission decided to produce this report in order to give particular attention to the issue of violence against First Nations women, girls, and 2SLGBTQIA people in Quebec. This report is a complement to the National Inquiry's *Final Report*, which includes a more thorough treatment of the realities of Inuit in Canada, including Inuit in Québec.<sup>2</sup>

To start, the Commission is very critical of the limited statistics on missing and murdered Indigenous women, girls, and 2SLGBTQIA people in Quebec. Available data is often incomplete, which is a barrier to creating an accurate picture of the situation in Quebec.<sup>3</sup>

The reports and studies on violence against Indigenous women produced at the national level reveal little about regional characteristics, such as those in Quebec. The reality of violence against Indigenous women in Quebec is often overlooked. Because of language and cultural barriers, these works rarely take into account the realities of women in Quebec or publications in French about them. Moreover, in most cases, these reports and studies show little interest in the strategies adopted by Indigenous women and the resources they use.

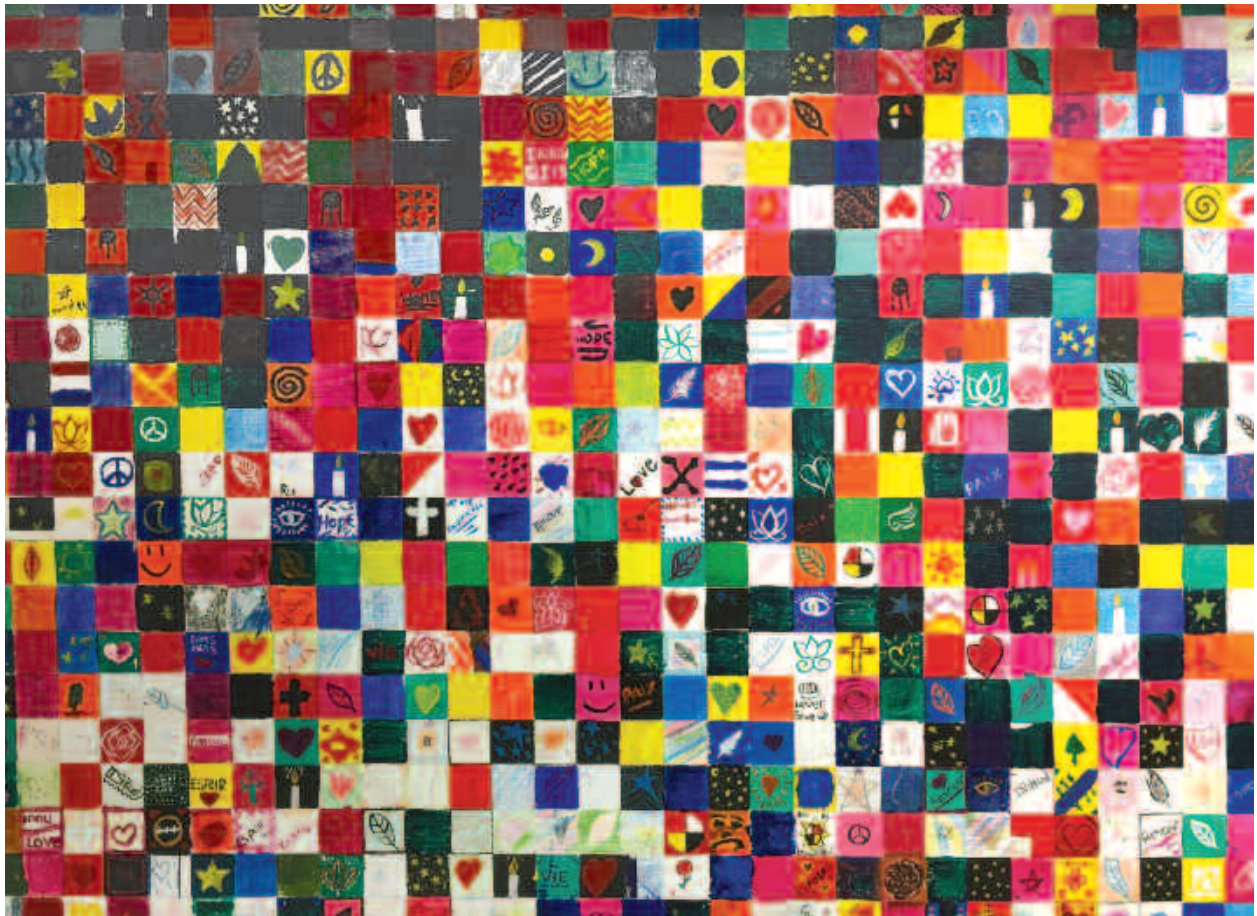
Quebec's political and socio-historical context is different from the Canadian context. Apart from signing the James Bay and Northern Quebec Agreement (JBNQA) in 1975 and the Northeastern Quebec Agreement in 1978, the provincial government has not signed any treaties with First Nations.<sup>4</sup>

The consequences of colonization and settlement<sup>5</sup> took hold quickly after the arrival of the Europeans, but other genocidal policies sometimes occur



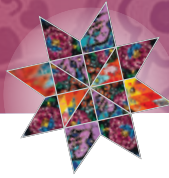
in distinct time periods within the history of Quebec, even if they represent many of the same consequences for Indigenous communities in the rest of Canada. One example is the “Indian”<sup>6</sup> residential schools. The first school opened in 1931 in Fort George,<sup>7</sup> and so at least two generations of First Nations in Quebec who spent significant parts of their lives in Indian residential schools are living together to this day.

Another major difference is the fact that a large proportion of First Nations in Quebec, particularly those who are not signatories to the James Bay and Northern Quebec Agreement, use French as a first or second language. This has a significant impact on building solidarity between Indigenous Peoples. The language barrier makes communication more difficult among Indigenous women in Quebec and between them and their sisters elsewhere in Canada. In particular, this can prevent the sharing of culturally adapted practices and resources for preventing violence and ensuring well-being in the communities.



*Commemorative artistic expression created by students at Kanatamat Tshitipenitamunu School in Schefferville, for Sisters of Spirit, September 2016. Photo courtesy of Michèle Audette.*





The institutional context in Quebec is also unique. Until recently, religious congregations managed health and social services and educational services. They played a major role in education, in providing care to the sick and in ensuring child welfare until the 1960s. It was at that time that the state gradually took control of the institutions that were providing these services.<sup>8</sup> For example, in 1960, religious congregations still operated 104 facilities, or 35% of hospitals in Quebec, and were responsible for the internal governance of 23 secular hospitals.<sup>9</sup>

Similarly, up until the 1960s orphans, young offenders and children who were considered “illegitimate” were put in the care of religious congregations, which favoured placements in institutions.<sup>10</sup> Elsewhere in Canada, child welfare has, for a long time, been under the responsibility of secular agencies mandated by the state, with a preference for placing children in foster homes or facilitating their adoption.<sup>11</sup> This specific socio-historical context means that the effects of colonization could have been experienced differently in Quebec.

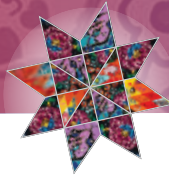
In terms of public safety, Quebec has the highest number of independent Indigenous police forces of any province. Thus, when Indigenous women experience violence in Quebec, the Indigenous police forces are often the ones called to act as first responders.

The first chapter of this volume will explain the National Inquiry’s mandate in terms of how it relates to Quebec’s realities, the methodology used for the work carried out in Quebec and the limitations of the analysis that was completed. It will also outline the reasons why the National Inquiry decided to focus on the voice of women who initiate change.

The second chapter of this report will look at the specific socio-historical and contemporary context experienced by Indigenous women, girls, and 2SLGBTQQIA people in Quebec. The topics discussed in this chapter are also addressed throughout the report to support our analysis and our recommendations. It provides the background for understanding the reality of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people in Quebec. First, we present an introduction of the various Indigenous peoples in Quebec and a historical summary of several defining events in the testimonies received during the National Inquiry’s work in Quebec. This will be followed by an overview of the colonial experience as lived by First Nations women, girls, and 2SLGBTQQIA people in Quebec, which involves discussing issues relating to the intersectional identity of Indigenous women in Quebec and the profound inequality that exists between them and the non-Indigenous population in Quebec and the rest of Canada. This overview will also identify the contemporary socio-economic realities that affect the daily lives of many Indigenous women in Quebec.

The third chapter will provide an overview of knowledge regarding the situation of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people in Quebec prior to the work of the National Inquiry.

The fourth chapter will pay tribute to all the Indigenous survivors and the families who testified during the two public hearings held in Quebec. This chapter will highlight stories from the testimonies shared by the survivors and families. Each story includes a summary of the events that impacted their journey and the most striking aspects of their testimony.



The fifth chapter will present the Commission's analysis based on its work. It will look at the truths of the women, girls, 2SLGBTQQIA people and families as shared by them, in light of the research carried out and comments made by Expert Witnesses, Knowledge Keepers, and Parties with Standing who were heard in Quebec or in other parts of Canada, in relation to Quebec. It will provide an account of the reality of Indigenous women, girls, 2SLGBTQQIA people, and families in Quebec from their point of view, that is, how it is understood and perceived by them, as well as through the human rights and gender-based perspectives that we apply in a national context.

This analysis highlights the impacts of the colonial legacy on identities and cultures, the various manifestations of violence experienced by women and the importance of safety; the challenges of the Quebec provincial and federal systems that are supposed to help them; the many needs expressed; and, lastly, the resiliency and hope that drives the women and families.

At the conclusion of this volume, we have issued Calls for Justice that we consider a priority for implementation in Quebec.



## NOTES



1. Order 711-2016, *Gazette officielle du Québec*, Part 2; August 31, 2016, 148th year; No. 35, p. 4921.
2. The “Indigenous peoples” of Quebec consist of First Nations members and Inuit, who are divided into fourteen northern villages. The Inuit are a distinct ethnic group with their own unique reality, primarily due to their geographical location. Their reality is discussed in detail in Volumes 1a and 1b of the National Inquiry’s Final Report..
3. Bourque et al., “Stratégies adaptées,” ; Dion, Collin-Vézina, Lavoie, Cyr, and Corneau, “État des connaissances en recherche sur la violence sexuelle.”
4. Beaulieu, “An Equitable Right to be Compensated,” p. 1-27.
5. Gentelet, Rocher and Bissonnette, *La sédentarisation*.
6. The National Inquiry considers that the use of the word “Indian” is derogatory and although the name of the system is the Indian Residential School system, we have placed the word “Indian” in quotation marks in order to decolonize the use of this term.
7. Bousquet, “L’histoire scolaire des autochtones du Québec,” pp. 117–123.
8. Québec Ombudsman, “The ‘Children of Duplessis:’”
9. Charles, Guérard, and Rousseau, “L’église, les assureurs et l’accès aux soins hospitaliers,” pp. 29-49.
10. Also called internal placements (*placement intra-muraux*).
11. Quesney, ““Un foyer pour chaque enfant!”” pp. 257-282.





## The National Inquiry's Work in Quebec

This chapter provides an overview of known data regarding missing and murdered Indigenous women, girls, and 2SLGBTQQIA people in Quebec. It aims to explain the National Inquiry's mandate, particularly in terms of Quebec's realities, the methodology used for the work carried out in Quebec and the limitations of the analysis completed in this case.

### 1.1. The National Inquiry's Mandate

The Government of Canada and the Government of Quebec entrusted a very broad mandate to the National Inquiry into Missing and Murdered Indigenous Women and Girls, for Quebec.

First, according to Order 711-2016 that created the provincial commission of inquiry, the National Inquiry had to “investigate” and “report on” two main topics: the systemic causes of all forms of violence, and the institutional policies and practices implemented in response to the violence against Indigenous women and girls. To that end, the National Inquiry's mandate included reviewing the factors that could be associated with the relationships between public services under Quebec's constitutional jurisdictions, including police forces, health facilities, social and educational services, and Indigenous people more generally.

In addition, the National Inquiry had a mandate to “make recommendations.” These recommendations had to focus on two objectives: to propose concrete and sustainable actions to be implemented to prevent situations of violence against Indigenous women, girls, and 2SLGBTQQIA people, and to significantly improve the quality of relationships between Indigenous people and public services.





These parameters, as well as those established by the federal government,<sup>1</sup> gave the National Inquiry almost free reign to act in all relevant areas. However, they did not define realistic limits for fulfilling such a broad mandate—one that investigates the cumulative impacts of over 400 years of colonialism and finds appropriate solutions for each Indigenous community across Canada—all within a time frame of 34 months. Therefore, the National Inquiry chose to adopt an approach that primarily focuses on giving a voice to and honouring the perspectives of the Indigenous women, girls, and 2SLGBTQIA people who challenged the silence around violence and who came to testify about their reality before the National Inquiry.

## 1.2. Methodology

The analysis in this report is based primarily on the testimonies delivered by First Nations members at two community hearings held in Quebec. There were 67 public testimonies, 18 private testimonies and 55 testimonies in the form of public statements. This report is also based on the testimonies heard during the Institutional and Expert and Knowledge Keeper Hearings held across the country, when they pertained to Quebec's realities. The analysis takes into account the submissions by Parties with Standing in Quebec.

The analysis is drawn from the work carried out by research team members, as well as by the Quebec researchers who made up its own Forensic Document Review Project. These researchers requested medical records, birth certificates, death certificates, adoption certificates, name change documents, baptism records and burial certificates in order to investigate the disappearances of 24 children that were reported in the testimonies during the community hearings in Quebec.

It also reviewed the investigation files from the police forces and related institutional records. Requests were made to obtain the police investigation files and related documents in relation to 32 incidents. The records came from various police forces in Quebec including the Sûreté du Québec, municipal police forces, and Indigenous police forces. Requests to produce records were also made with the Royal Canadian Mounted Police. However, it was not possible to locate all the records that the team wanted to analyze. Excluding cases for which no records were provided, 21 police investigations relating to deaths, suicides, suspicious deaths, forcible confinement, sexual assault and assault were reviewed.

In addition to reviewing all of the evidence noted above, the National Inquiry carried out a literature review of reports and analyses that seemed particularly relevant in light of the facts put forward by the witnesses.

The research and analysis have enabled us to draw a parallel between the witnesses' truths and that of numerous other Indigenous women, girls, and 2SLGBTQIA people in Quebec.

The truths of survivors and families as heard during the hearings reveals an even more tangible reality, as well as facts and perceptions that are still unknown or ignored by the general public.



### 1.3. The Scope and Limitations of Our Work

Initially, all the work of the National Inquiry had to be completed within a time frame of 28 months. The Government of Canada agreed to extend the work of the National Inquiry for a short period of six months, for a total of 34 months, which the Government of Quebec, for its part, refused. As a result, the order granting investigative powers to the National Inquiry in Quebec expired on October 31, 2018.

On December 21, 2016, the Government of Quebec, realizing the importance of undertaking an in-depth reflection on the relationship between Indigenous Peoples and stakeholders of certain public services in Quebec, created a parallel commission of inquiry called the “Commission d’enquête sur les relations entre les Autochtones et certains services publics au Québec: écoute, réconciliation et progrès” (CERP)<sup>2</sup> [Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Quebec: Listening, Reconciliation and Progress], which is generally known as the “Viens Commission.”

In addition, the *Act respecting public inquiry commissions*, which is in effect in Quebec, requires the presence of a majority of commissioners in order to receive evidence,<sup>3</sup> which limited the volume of testimonies gathered. A quorum established at three out of four commissioners was required to receive evidence in Quebec. No such obstacle existed in the majority of other provinces. Given the prescribed timelines, this obligation posed serious barriers to the effectiveness of a pan-Canadian Inquiry such as the NIMMIWG.

There is hope that the work of the Viens Commission will shed more light on the issue of the relationship between public services and Indigenous people in general. The Viens Commission must pay particular attention to the perspective of Indigenous women in developing its analysis and recommendations, recognizing that their reality may be different than what is expressed by other members of Indigenous Nations.

Our research plan was circumscribed by two important realities: we were not able to access all the medical and police records requested, and some of the ones we could access were incomplete.

This approach facilitates understanding of the reality of First Nations women in Quebec, including the intergenerational complexity experienced by Indigenous women, girls, and 2SLGBTQQIA people that clearly defines the vulnerability they face every day. By adapting to Aboriginal values and to the participants’ inherent and Aboriginal rights as well as their spirituality and their sense of community, the National Inquiry was able to develop a significant relationship of trust with the witnesses. This helped them to share their truths in a culturally safe context that departed from formal and strict legal structures.<sup>4</sup>

Moreover, in terms of the research, it should be noted that there are too few works dealing with the specific issue of violence against Indigenous women and the solutions to be implemented to address this issue. We therefore had to rely significantly on PhD and Masters’ theses published within the faculties and departments of law, anthropology, sociology and the environment in Quebec. The proliferation of academic research in this respect over the past few years is a positive indicator that there is increased focus on the situation of Indigenous women in Quebec.



## 1.4. Voices That Initiate Change

The fact remains that the testimonies received uncover a truth that was previously concealed, which, when combined with the National Inquiry's research, helps to shed a new light on an important that has been ignored for so long.

Through their testimony and their involvement in the National Inquiry's work, our Indigenous sisters and brothers were able to start a long-overdue grieving and healing process.

The National Inquiry is proud to have been able to support the witnesses in this journey, which is an important step to a sustainable and lasting change.

The voices of Indigenous women, girls, and 2SLGBTQQIA people will no longer be silenced.

It is now the responsibility of every one of us to add to their voices until they are fully heard.



*Hearings in Maliotenam, an Innu community: after decades of silence, families open up and share their truths before Commissioners, December 2017. Photo courtesy of Michèle Audette.*





- 1 Order 2016-0736 regarding the establishment and nomination of the Chief Commissioner and five Commissioners, National Inquiry into Missing and Murdered Women and Girls (2016), *Gazette officielle du Québec*, 150 C. 35, 2631.
- 2 Order 1095-2016, *Gazette officielle du Québec*, Part 2, January 11, 2017, 149th year, No. 2, December 21, 2016.
- 3 CQLR chapter C-37, section 7.
- 4 Government of Canada, Panel on Research Ethics, TCPS-2 – Chapter 9, “Research Involving the First Nations, Inuit and Métis Peoples of Canada”, <http://www.pre.ethics.gc.ca/eng/policy-politique/initiatives/tcps2-eptc2/chapter9-chapitre9>.





## The Social Context of Indigenous Women, Girls, and 2SLGBTQQIA People in Quebec

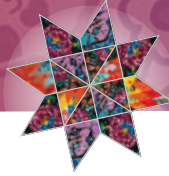
**T**his chapter provides a general overview of the realities of First Nations women, girls, and 2SLGBTQQIA people in Quebec. It looks mainly at the demographic, socio-historical and socio-economic aspects and outlines the current research on violence and on the issue of missing and murdered Indigenous women in Quebec.

While recognizing that 2SLGBTQQIA people face distinct challenges related to violence in Quebec, a lack of available research has made it difficult to provide a fulsome discussion of these experiences. We include reference to 2SLGBTQQIA people here in order to acknowledge their experiences and the importance of addressing these distinct concerns while at the same time recognizing the need for more in-depth understanding of the experiences and challenges of 2SLGBTQQIA people in Quebec.

### 2.1. The Indigenous Peoples of Quebec

There are ten First Nations in Quebec, spread among 41 communities (reserves, settlements and category I lands).<sup>1</sup> This includes eight Algonquin Nations: the Abenaki, the Anishinaabe (Algonquins), the Atikamekw, the Eeyou (Cree), the Maliseet, the Mi'kmaq (Micmac), the Innu (Montagnais) and the Naskapi. It also includes two Iroquois Nations: the Huron-Wendats and the Mohawks. The Inuit live in 14 northern villages. There are a total of 55 Indigenous communities spread out across Quebec.





*Gathering at Houston, Schefferville, September 2016. Photo courtesy of Michèle Audette.*

The demographics of Indigenous Peoples have been studied by various groups under different perspectives. No single tool can reflect all the demographic realities specific to Indigenous women. Statistics vary depending on whether they are compiled using the list of Registered Indians or using the self-identification of respondents to a survey.

According to a 2016 report, there were 182,890 Indigenous people in Quebec.<sup>2</sup> The 92,655 First Nations members represent approximately 1% of the population of Quebec and approximately 10% of the Registered Indian population in Canada.<sup>3</sup>

With regard to Indigenous women, in 2011 in Quebec, 71,710 women identified as an Indigenous person, which represents 10% of Indigenous women in Canada<sup>4</sup> and approximately 1.8% of the female population of Quebec.<sup>5</sup> Indigenous women generally have 2.3<sup>6</sup> children compared to a rate of 1.6<sup>7</sup> children among Canadian women overall.<sup>8</sup> More than half of First Nations members living in an Indigenous community are under the age of 25.<sup>9</sup>

Quebec has the highest percentage of First Nations members living in First Nations communities. In 2011, 72% of First Nations members in Quebec lived in a First Nations community, whereas this percentage drops to 49% for Canada as a whole.<sup>10</sup>

There is a strong First Nations presence in Quebec's cities, whether temporarily or on a permanent basis. According to the 2016 census, the greater Montreal area had more than 33,000



First Nations members and the Quebec City region had more than 11,500. The Indigenous presence is significant in many other cities, such as Chibougamau, Joliette, La Tuque, Maniwaki, Roberval, Saguenay, Senneterre, Sept-Îles, Sherbrooke, Trois-Rivières and Val-d'Or.<sup>11</sup> This migration can be explained by factors such as education, occupation, the lack of available housing and First Nations identity.<sup>12</sup>

Something that is unique in the legal situation of First Nations in Quebec is that, until recently, the provincial government has refused to acknowledge the existence of Aboriginal rights and, as a result, to sign treaties.<sup>13</sup> This situation has had significant consequences on the relationship between First Nations and the federal and provincial governments.

The settlement of First Nations in Quebec occurred gradually, with the colonization and assimilation process continuing with the creation of reserves,<sup>14</sup> and the way of life of the large majority of First Nations in Quebec underwent a drastic change. In 1955, in Abitibi-Témiscamingue, the massive clearing of the territory and the creation of the Saint-Marc-de-Figuery residential school significantly altered how First Nations people lived and led to the permanent adoption of a sedentary way of life.<sup>15</sup> The Innu community of Pakuashipi and the Atikamekw community of Wemotaci were the last communities to make the transition from tents to homes in 1972.

Public health issues affecting Quebec's Indigenous peoples are also important to note. This is the case, in particular, for the dramatic suicide rate among the Indigenous population. Quebec's coroner's office was mandated to study five deaths that occurred at Uashat mak Mani-Utenam over a period of only six months. The coroner's office looked into the causes of a collective ill-being and reported that Indigenous populations are experiencing a type of apartheid—that is, a system of systemic racial discrimination and segregation—and recommended an end to this apartheid.<sup>16</sup>

Moreover, health authorities recognize that there is a “highly concerning” incidence of violence in Indigenous communities,<sup>17</sup> including significant issues relating to domestic abuse.<sup>18</sup> They know that “Indigenous people are overrepresented as victims of sexual assault.”<sup>19</sup>

They also know that “some population groups, such as Aboriginal peoples, were shown, in certain cases, to be affected to an alarming degree by social inequalities in health.”<sup>20</sup>

Despite significant improvement in recent decades, it is clear that a troubling, and, in some cases, alarming gap continues to exist between the health status of Aboriginal peoples and that of the non-Aboriginal population. In Quebec, 11 recognized Aboriginal nations...differ from each other in cultural, linguistic and geographical terms, as well as on the level of legal and political status.

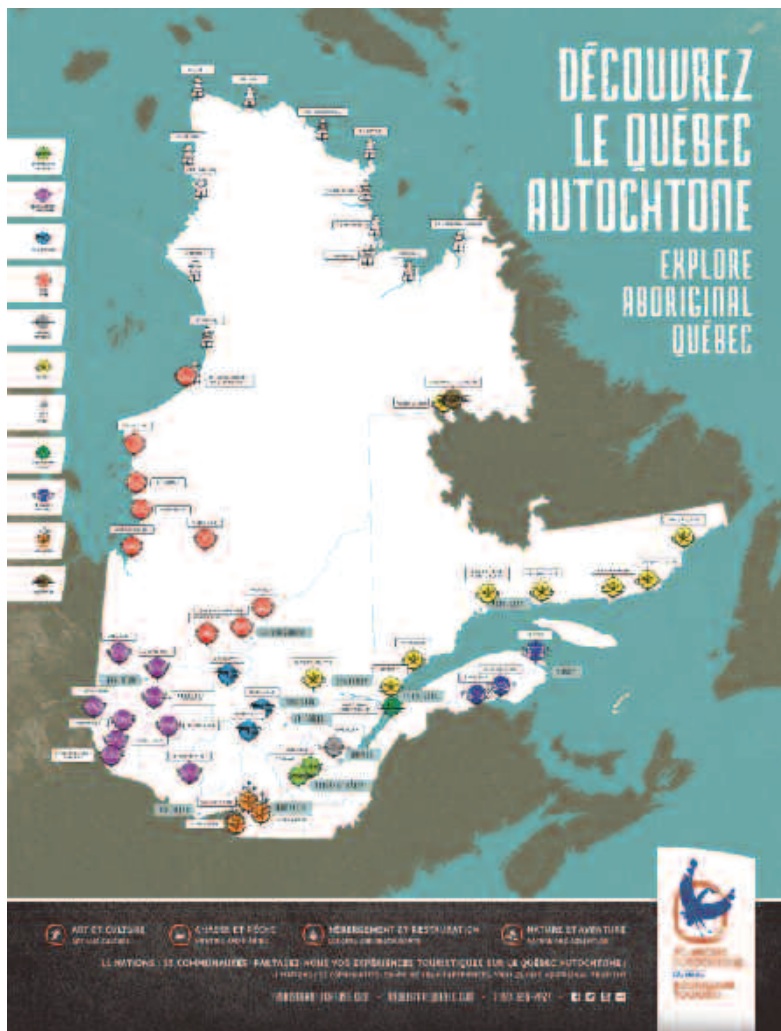
This heterogeneity makes it difficult to sketch a general portrait of the health of these populations. Nevertheless, certain trends emerge: the most pronounced differences are generally observed for intentional and non-intentional injuries, chronic diseases (obesity, diabetes and cardiovascular disease) and for certain communicable diseases (sexually



transmitted infections and tuberculosis). Compared with the Canadian population, Quebec First Nations people have a life expectancy that is 6 to 7 years shorter; a diabetes rate that is two to three times higher; an obesity rate that is also two to three times higher; and a likelihood of experiencing, beginning in childhood, poverty, abuse and out-of-home placement that is 3 to 5 times higher.<sup>21</sup>

Lastly, health authorities know that Indigenous 2SLGBTQQIA people “deal with homophobia in their home communities and with racism in urban settings” and that they have a “great mistrust...toward health professionals.” Research demonstrates a common perception that the “degree of knowledge among these professionals was inadequate, that the prevalence of homophobic reactions in their experience was contrary to ethics, and that the willingness of the health care system to adapt to their needs was minimal.”<sup>22</sup>

However, no concrete action has yet been taken to address these deficiencies.



*Map of Indigenous sites in Quebec  
(Source: Tourisme Autochtone  
Québec, <https://www.tourismeautochtone.com/apprendre/carte/>).*





## 2.2. The Colonial Experience of Indigenous Women, Girls, and 2SLGBTQQIA People in Quebec

Before the arrival of Europeans, First Nations had their own system of social functioning and their own governance, which had been in place for thousands of years. Although each nation is different and First Nations cultures and values do not form a homogeneous whole, there were relatively egalitarian gender relationships.<sup>23</sup> Even though distinct roles were traditionally given to women and men, these roles were complementary. There was no hierarchy between these roles, and each person had a duty and responsibility to contribute to a well-functioning society while maintaining social cohesion.<sup>24</sup>

For example, Atikamekw women, who shared some of their experiences with Suzie Basile, told her about a period of great transformation during the twentieth century. As she explains,

The women interviewed talked about “before” life and “now” life. The term “before” refers to the time of the nomadic life of the Atikamekw, before the establishment of reserves and the sending of children to boarding schools. Without wanting to project an idyllic image of this period, because several women (12) mentioned the fact that life on the territory was very difficult because of famine, disease and living conditions in the tent, some women have mentioned that the Atikamekw were autonomous and free in the territory and that the role of women was very important. One woman said: “They (women) are essential for life on the territory, they are part of life on the territory. Without them, men would have a lot of difficulty on the territory.”<sup>25</sup>

Above all, many women talk about their key role in the transmission of knowledge, as well as the central role of women in maintaining community safety through their work, including meal preparation, harvesting of wood and medicinal plants, hunting, and more.<sup>26</sup>

In addition, their responsibilities in the leadership field in the “before” time are important, however:

Participants recalled that once Atikamekw women were self-reliant, they had the necessary knowledge for survival in the forest and knew how to ensure the safety of children and other members of the family clan (food, health care, adequate camp, etc.). In addition, it was the women who took care to keep an oral record of births and deaths and even to “organize” marriages respecting existing alliances and certain matrimonial rules. They ensured a balance in all areas of forest life. Also, women had some authority; they made decisions and speech (mainly with regard to the family and the camp). Some respondents mentioned that some women, once widowed, managed their territory, made the decisions they needed, and that these women were highly respected.<sup>27</sup>

This reality is reflected in other communities, too. Mohawk women, for example, have traditionally played a key role in local governance, particularly in the stewardship of lands and



community resources.<sup>28</sup> Montagnais-Naskapi women, too, are responsible for deciding when to change the camp from one place to another – a set of decisions that would have had a significant impact on the health and safety of each community.<sup>29</sup>

Thus, the roles assigned to women were respected and valued. Their contribution from a political<sup>30</sup> and socio-economic perspective was essential: farming, hunting small game, gathering plants and berries, making clothing, preparing furs, and so on.<sup>31</sup> Moreover, Indigenous women were generally considered to be the protectors and guardians of the land, water, culture, language and family.<sup>32</sup> In short, at the time, many First Nations women had more authority and autonomy than European women.<sup>33</sup>

The relationship between women and men changed due in part to the influence of the settler society's norms. Patriarchy slowly infiltrated the mindset and social organization of Indigenous societies. This model, based on male authority in all domains, had a major impact on the family life of First Nations, in particular on the roles of men and women, which started to become less and less complementary and egalitarian.<sup>34</sup>

Between 1763 and 1862, Indigenous women were treated as children, and their role changed from that of allies to wards. Starting in 1818, the government sought to prevent Indigenous women who married non-Indigenous men from sharing in the annual distribution of gifts.<sup>35</sup> Other government policies contributed to reinforcing the hierarchy between First Nations women and men. Moreover, imposing the concept of “status,” starting from the time the very first laws relating to Indigenous peoples were adopted, created categories of Indigenous people that had little to do with culture, education or identity.<sup>36</sup>

The discriminatory treatment of women was further entrenched in 1869 under *An Act for the Gradual Enfranchisement of Indians* institutionalized gender discrimination against women by giving certificates of possession only to male heads of families. For many years, women's access to reserve lands depended on their relationships with men, such that, in the event of a marital breakdown, women could not claim possession of the family home.<sup>37</sup> This situation prevailed until 1913, when the *Family Homes on Reserves and Matrimonial Interests or Rights Act*<sup>38</sup> was adopted to try to address these issues, although many persist.<sup>39</sup> The *Indian Act*, passed in 1876, further reified structures of governance, inheritance and identity based on male lineage. Furthermore, until 1985, Parliament stripped Indigenous women who married non-Indigenous men of their Indian status. Consequently, their children were also denied Indian status.<sup>40</sup> Given these circumstances, Indigenous women who married non-Indigenous men were essentially forced to leave their home community, and this led to making them dependent on their husband. This discrimination is all the more striking considering that Indigenous men who married non-Indigenous women could not only retain their status but also transfer it to their spouse.

Sexism within the “reserves” was reinforced by another rule passed at the time by the Canadian Parliament: only men had the right to vote in band council elections. In this way, women's decision making roles were completely ignored and women were excluded from band councils, the body that now represented the community and had certain authority in local matters. This rule was in force until 1951, but its repercussions were felt for many years.<sup>41</sup>



Even today, Indigenous leadership is overwhelmingly male. In 1991, the community of Ekuanishit (Mingan) established gender parity in the Band Council by amending the Electoral Code, but it was not until 1992 that the first First Nations woman in Quebec was elected leader of a band council. That year also marked an important change, when two women were elected chiefs by vote: Grand Chief Jocelyne Gros-Louis was elected in Wendake, and Marcelline Kanapé was elected Chief in Pessamit. In 2019, the lack of gender parity continues as there are only six female chiefs in the province, including three among the Cree.<sup>42</sup> Therefore, it should come as no surprise that the current discourse on the rights of Indigenous Peoples and their land claims is led primarily by men and that they ignore claims specific to Indigenous women. As Van Woudenberg explains: “this erasure [of women] is implemented by placing value...on men’s knowledge and how they use the land, excluding women and consequently creating an absence of women where previously they had been present.”<sup>43</sup>

In all cases, the settlement and displacement of First Nations in Quebec was accompanied by a dispossession of the areas where they lived. This situation should be understood as an invasion of First Nations lands that were vital to their way of life.<sup>44</sup> In practice, “the shrinking of their traditional lands into tiny reserves dealt a devastating blow to the heart of the individual and collective identity”<sup>45</sup> of First Nations in Quebec.

As in elsewhere in Canada, this appropriation of land was conducted unilaterally and without the consent of Indigenous peoples. Flooding and forestry operations devastated the physical and psychological health of First Nations, and Indigenous women in particular.<sup>46</sup> For Indigenous women, actions to “protect their territory and the environment are actions that are connected to the survival of their most profound identity.”<sup>47</sup>

Lateral violence is “generally understood as violence that oppressed groups experience among themselves, similar to the abuses that they experienced through colonialism, intergenerational trauma related to the residential schools and ongoing experiences with racism and discrimination. It can include a variety of violent behaviours, such as intimidation, gossiping, finger-pointing, bickering, and a lack of trust toward other members of the group.”<sup>48</sup> This violence stems from all forms of colonialism: uprooting, deportation, settlement, missionary work, forced marriages by priests, sexual abuse, genocidal policies, and more.

Residential schools also contributed to diminishing and devaluing the role of women within Indigenous societies. They also created challenging interpersonal relationships that increased the mentality tending towards dehumanization and for lateral and intergenerational violence.

The fact that residential schools in Quebec were opened and closed more recently means that there are at least two generations of former residential school students that are still alive today. In 2019, a significant proportion of Indigenous people in Quebec are still directly dealing with the effects of their experience at residential schools.

Residential schools were introduced in Quebec much later than in the rest of Canada. With the exception of the Fort George residential school, they opened their doors starting in the 1950s, at a time when residential schools in other places in Canada began closing.<sup>49</sup> One reason for this is





the fact that, historically, Quebec had refused to sign treaties on its land, and so in Quebec there was no equivalent to the clauses for federal funding for education that were part of the treaties concluded elsewhere in Canada. In addition, Quebec had long ignored the federal law regarding compulsory school attendance for Indigenous children.

This does not mean that there was no school system previously in place to make Indigenous children fit into the Quebec context, even prior to Confederation.<sup>50</sup> However, school attendance did not become mandatory for children in Quebec until 1943.<sup>51</sup> As a result, before the early 1950s, most Indigenous children still spent part of the year on the territory hunting with their parents and, as a result, rarely attended school.

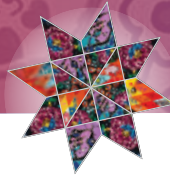
According to the Indian Residential Schools Settlement Agreement, there were six Indian residential schools for First Nations in Quebec, along with two non-denominational hostels. The Pointe-Bleue Indian Residential School was the last to be shut down, in 1991.<sup>52</sup> An estimated 13,000 Indigenous children attended these institutions, although there is no consensus on this number among authors who have written on this topic. Many Indigenous children also attended residential schools outside Quebec, particularly in Ontario and Nova Scotia.<sup>53</sup> In addition to the impact Indian residential schools have had on generations of Indigenous people across Canada, there are some aspects specific to Quebec that are worth noting.

As in the rest of Canada, the education received at residential schools played a significant role in reproducing the patriarchal ideologies surrounding the role of men and women within the family.<sup>54</sup> We know that residential school officials were hard on Indigenous girls, giving them few hours of instruction<sup>55</sup> and preparing them only for limited or low-paying jobs in the work force, or in the home.<sup>56</sup> The testimony gathered by the First Nations of Quebec and Labrador Health and Social Services Commission (2013)<sup>57</sup> uncovered the abusive and destructive treatment of Indigenous children by staff members of religious congregations.

The fact that residential schools in Quebec were opened and closed more recently means that there are at least two generations of former residential school students that are still alive today. In 2019, a significant proportion of Indigenous people in Quebec are still directly dealing with the effects of their experience at residential schools.

The situation in Quebec is unique in other respects as well. We know that, in Quebec, religious control over the health care and education systems continued until the 1960s. The creation of a child welfare service also happened later than in other provinces; as such, services were once again overseen by religious institutions.<sup>58</sup>

In fact, the secularization of child welfare and social services gradually occurred starting in the mid-1960s. This process led to a change in mindset in the way in which child welfare was approached in Quebec, which up until that time favoured the institutionalization of children. The passing of the *Youth Protection Act* in 1979 is the culmination of a series of reforms that started in the early 1970s. It consolidated an organized and secular child welfare network that was similar to what is found in other provinces in Canada.<sup>59</sup>



Shortly after the *Youth Protection Act* came into effect in 1979, there was an overrepresentation of Indigenous children in the care of the province.<sup>60</sup> This overrepresentation increased over the years. A 2007 report indicated that Indigenous children were five times more likely to be in care.<sup>61</sup> According to a 2016 report, they were nearly eight times more likely to be placed outside their family than non-Indigenous children in Quebec.<sup>62</sup>

There are many reasons for this overrepresentation in the child welfare system: poverty; the effects of colonization; underfunding of services; the cultural bias of non-Indigenous caseworkers; and, the inadequacy of the law and child welfare systems.<sup>63</sup>

Child welfare systems have marginalized and continue to marginalize the role of Indigenous women. Due to the fact that family and parenting practices specific to Indigenous societies are often misunderstood or misconstrued by non-Indigenous caseworkers, Indigenous mothers are sometimes judged more harshly and are more frequently perceived as being unfit to take care of their children.<sup>64</sup> On this subject, the Truth and Reconciliation Commission (TRC) concluded that “Canada’s child-welfare system has simply continued the assimilation that the residential school system started.”<sup>65</sup>

The involvement of Catholic Church representatives in the communities may have also had other direct impacts on the violence against Indigenous women and girls. For example, as a result of the TRC’s work, a class action was filed alleging that Father Alexis Joveneau and one or more religious members of the religious congregation of the Missionary Oblates of Mary Immaculate for allegedly sexually assaulted Indigenous girls who were living in the North Shore.<sup>66</sup> This class action was launched one week after the Oblates issued an apology to the alleged victims.<sup>67</sup>

Simply put, government laws and policies—be it the *Indian Act*, residential schools, rules surrounding mixed marriages, or the creation of the band council and child welfare systems—have devalued and continue to devalue the political and socio-economic contribution of Indigenous women in Quebec. In fact, the erosion of gender roles, combined with the effects of intergenerational trauma, gradually changed the relationships within the family structure as inequality, particularly between men and women, has grown. These assaults, targeting Indigenous women and children, have resulted in significant losses of culture and of identity.<sup>68</sup> These genocidal policies thus played a part in creating an environment that allowed violence against women and children to emerge and to grow.<sup>69</sup>

It is important to note that violence against Indigenous women, girls, and 2SLGBTQQIA people can manifest in different ways, depending on where they live. The social response also varies. In communities, violence may take the form of domestic or lateral violence. Many women leave for reasons of survival, primarily due to lack of resources, and go to the city. They then risk being subjected to other forms of violence: racism, hate crimes, sexual assault, etc.

However, we must not assume that Indigenous women in Quebec remained passive in the face of these various policies. Beginning in the 1960s, more and more Indigenous women in Quebec were speaking out against the injustices they were facing. The efforts of Indigenous women in Quebec contributed to addressing the discriminatory rules in the *Indian Act* that stripped women



of their status when they married non-Indigenous men.<sup>70</sup> Equal Rights for Indian Women was founded in 1968 by Mary Two-Axe Early, a Mohawk woman from Kahnawake who was forced out of her community for marrying a non-Indigenous man. In 1974, the association Quebec Native Women (QNW) was created. Through the efforts of pioneers across Canada, Bill C-31 (*An Act to Amend the Indian Act*) was passed in 1985 and Indigenous women married to non-Indians had their status restored.<sup>71</sup>

Bill C-31, which was passed in 1985, was a major victory, even though it did not eradicate discrimination against women entirely. The reintegration of women who regained their status proved challenging because of a lack of land, housing and financial resources to take in reinstated women.<sup>72</sup> Women who had their status reinstated were often treated with hostility by their home community. It was at this time that the Mashteuiatsh community tried to adopt a “moratorium” on reinstated women and excluded them from the debate on the adoption of a membership code. The argument was set on the pretext that reinstated women would not be “objective.”<sup>73</sup> In 2018, members of the Mohawk Nation of Kahnawake obtained a judgement from the Superior Court of Quebec acknowledging that the decision to suspend services to people who had entered into a mixed marriage or to children born from such a marriage was discriminatory and unconstitutional.<sup>74</sup> However, the court noted that the custom of “marry out, get out” could continue to be applied in the community if its decision was not accepted in the heart of their community.

The shortcomings of Bill C-31 led to various rounds of court challenges and other bills to correct discriminatory aspects of the *Indian Act* that Bill C-31 had not addressed.<sup>75</sup> One such challenge, the *Descheneaux*<sup>76</sup> case, was initiated in Quebec and, in December 2017, resulted in a new expansion of the rules governing Indian status that will benefit all Indigenous women in Canada and their descendants.<sup>77</sup>

Indigenous women continue to rally together for various causes. In Quebec, the promotion of non violence has been the focus of engagement and activism efforts by Indigenous women for over 40 years, and Quebec Native Women (QNW) is unquestionably the backbone of this action.<sup>78</sup> It was through gatherings and workshops in the late 1980s that Indigenous women began to talk more openly about the violence they were experiencing.<sup>79</sup> In response to a concerning reality within Indigenous communities that was rarely reported, QNW developed an awareness campaign called *Violence is Tearing Us Apart, Let's Get Together!* (1987),<sup>80</sup> which was aimed at getting Indigenous communities to recognize violence around them and then mobilizing them to end the violence.<sup>81</sup>

QNW later produced various reports on the subject and organized three forums, in 1995, 1998 and 2001, bringing together more than 600 people on the topics of violence and healing in an Indigenous context.<sup>82</sup> QNW is also a partner in the Ishkuteu pilot project, which seeks to improve domestic violence support services for Indigenous women.<sup>83</sup>

QNW continues to be very active in issues relating to domestic and sexual violence and is carrying on its efforts to increase the visibility of Indigenous women and girls in Quebec and ensure that they recover the place that is rightfully theirs within their community.





QNW also advocates for openness toward and respect for 2SLGBTQQIA individuals within Indigenous communities, governments and workers who provide services to First Nations people. For example, in 2016 QNW organized a conference entitled *Turning towards our Traditions: Valuing LGBTQ/Two-Spirited Aboriginals and Fighting against Sexual Discrimination* that looked at the effects of colonization on this group of people.<sup>84</sup>

Indigenous women and 2SLGBTQQIA people in Quebec are often leading the charge for greater social, environmental, territorial, political and community justice, and Indigenous female leadership is becoming increasingly valued.<sup>85</sup>

Importantly, there are also all these other women who have been working hard for decades, in the shadows, to make changes within their families and their communities.<sup>86</sup> All of these women, through their determination, managed to break down barriers in a system that is set up to push them down, particularly the *Indian Act*, which, for a long time left Indigenous women powerless and which continues to discriminate against them.

We are still far from achieving fairness and equality.

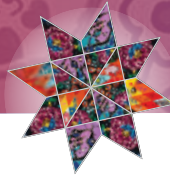
### 2.3. Being Born Female and Indigenous: the Intersectional Identity of Indigenous Women, Girls, and 2SLGBTQQIA People in Quebec

In studying the issue of violence against Indigenous women and 2SLGBTQQIA people, it is important to take into consideration all the identities with which Indigenous women define themselves and to be aware of all the factors that could act in combination to exacerbate their discrimination.

While we recognize that Indigenous people are marginalized, Indigenous women find themselves doubly marginalized because of their gender.<sup>87</sup> There was a time when Indigenous women in Quebec asked themselves whether it was in their interest to stand with QNW or whether doing so would harm the political claims of men from Indigenous communities.

[Diane Morissette]: Some women belonging to Indigenous nations in Quebec that are currently in negotiations believe that it is better to invest their energy into the land claims process rather than joining QNW, which could cause some division between men and women.

[Évelyne O'Bomsawin]: In my view, there is really no conflict. QNW is not concerned with land claims. They simply want to get men and the government to be aware of social problems that primarily affect the status of women and families and that men are not concerned with because of their more political agenda. Moreover, we have proof that associations made up primarily of men do a very poor job of representing the interests of women. Women's presence is still lacking here.<sup>88</sup>



2SLGBTQQIA people find themselves further marginalized.<sup>89</sup> As many of the truths shared within the context of the National Inquiry's Truth-Gathering Process demonstrate, Indigenous women and 2SLGBTQQIA people who speak a language other than the majority language, who are young, who live in conditions of poverty or homelessness, who are struggling with substance abuse, alcoholism or mental health issues, and who turn to prostitution or who have a criminal history also experience greater social exclusion and discrimination each time that one of these factors is added.

In Quebec, Indigenous women and 2SLGBTQQIA people are often forced to make choices about their identity when they need to seek protection from the law, whether it is the *Indian Act*, the *Youth Protection Act* or family law:

...in contexts of family violence, inadequate public policies force these women to choose between their identity as women and as indigenous persons, between the right to preserve one's personal, sexual, and moral integrity; or the right to live in one's culture and language, and to transmit these to the next generation. This impossible choice-this identity dilemma-is specific to the condition of indigenous women. It is not faced in similar ways by indigenous men or by non-indigenous women in Quebec.<sup>90</sup>

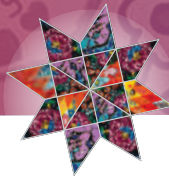
Moreover, the specific needs of Indigenous women are often overlooked when it comes time to look at major social projects. QNW criticized the fact that no jobs were planned for Indigenous women in *Plan Nord*, the social development project for northern Quebec. However, mining development in remote regions involves "an explosive cocktail" of potential violence for Indigenous women in a precarious economic situation, who suddenly find themselves surrounded by men who are only passing through the region.<sup>91</sup>

The series of adverse conditions affecting Indigenous women is unique to them. The voices of Indigenous women are thus critical in describing the problems that they experience. The Commission has heard them.

Considering the limits of current knowledge created in a non Indigenous context, particularly in terms of the well being of groups and the health of individuals belonging to these groups, it seems relevant to continue to be open to alternative methods in order to come to a different understanding of the relationship between individuals and other aspects of life and to continue to draw on these stories and histories that are not included within the broad narratives and memories of the dominant society. It is no longer possible to justify the status quo by referring to the fact that we do not know "what Indigenous people want."

...

It also seems essential to link their stories to the perspectives, rationalities and work put forward by the new generation of Indigenous female intellectuals, artists, activists and researchers. As stakeholders in the conversation on the future of First Peoples, they have



a renewed vision of Indigenous identity that is still rooted in traditional culture and knowledge. When all these voices speak, are heard and considered, the conditions are created to ensure that Indigenous women, as a heterogeneous social group, have an increasingly greater choice in terms of the dreams that they can realize throughout their lives.<sup>92</sup>

## 2.4. A Contemporary Context Marked by Deep Inequalities

A few facts about Quebec:<sup>93</sup>

- ✓ In general, the income of Indigenous women in Quebec is 11%<sup>94</sup> lower than that of non-Indigenous women and 31.3% lower than that of Quebecers overall.<sup>95</sup>
- ✓ The employment rate for Indigenous men and women in Quebec is 63.9% and 62.8% respectively, compared to 78.6% and 72.9% for the non-Indigenous population.<sup>96</sup>
- ✓ The unemployment rate is twice as high for Indigenous women as it is for non-Indigenous women.<sup>97</sup>
- ✓ 40% of First Nations adults in Quebec are part of a household living in poverty, and more than one in five adults experiences food insecurity.<sup>98</sup>
- ✓ 22% of First Nations people living in a First Nations community in Quebec live in overcrowded housing.<sup>99</sup>
- ✓ 36.2% of First Nations members living in a First Nations community in Quebec live in housing that is in need of major repair, compared to 6.5% among the non Indigenous population.<sup>100</sup>

The realities of Indigenous women, girls, and 2SLGBTQQIA people in Quebec are part of a context marked by deep socio-economic inequalities. The socio-economic situation of Indigenous people in Quebec is precarious. There are still significant disparities between the Indigenous and non-Indigenous populations in employment, income, education and housing. Poverty is also more prevalent among Indigenous women and girls than among Indigenous men.<sup>101</sup> In order to supplement their income, many Indigenous women have to undertake activities that are profitable to varying degrees, such as making clothing or shoes, hunting, fishing, trapping and gathering wild plants.<sup>102</sup> Despite these efforts, research shows that poverty affects a higher proportion of Indigenous women and girls than non-Indigenous women and girls.<sup>103</sup>





One reason for this economic reality is the employment rate among Indigenous women, which is well below that for non-Indigenous women. Although the employment rate increases with level of education, it still remains lower than the provincial average: a diploma or degree does not necessarily guarantee a job for First Nations people in Quebec, as employment prospects within First Nations communities are often limited.<sup>104</sup> Many Indigenous people must therefore leave their communities in order to find work.

Young Indigenous women, girls, and 2SLGBTQQIA people in Quebec also face significant obstacles to education and graduation. In general, Indigenous people are less likely to have a high school diploma than are non-Indigenous people.<sup>105</sup> Although more young Indigenous women than young Indigenous men pursue post-secondary education,<sup>106</sup> many young mothers drop out or delay their education because they are pregnant or to take care of their children.<sup>107</sup> In Quebec, the average age of Indigenous women at the birth of their first child is 22,<sup>108</sup> which is considerably younger than the provincial average.<sup>109</sup> In fact, over half of Indigenous mothers have not completed secondary school. According to figures from 2008, that rate increases in remote areas and could reach over 70%.<sup>110</sup> However, it is important to note that Indigenous women who complete a university degree appear to be slightly more likely to find employment than non-Indigenous women with a degree (82%, compared to 79.5% of Canadian women).<sup>111</sup>

The socio-economic situation of Indigenous women in Quebec is also marked by difficult living conditions, both in Indigenous communities and in urban centres. In Indigenous communities, the scarcity of housing and the dismal state of much of the existing housing means that, on average, one in four children lives in overcrowded conditions. In addition, the housing is often in need of major repairs or contains traces of mould.<sup>112</sup> In 2003, the Auditor General of Canada stated, “Many First Nations are facing a housing crisis. Unless action is taken quickly, the already unacceptable housing conditions are only going to get worse.”<sup>113</sup> This housing crisis is a threat to the health and well-being of First Nations.

In Quebec, cohabiting in accommodations that are often too small and in very poor condition contributes to overcrowding, which in turn is a factor in the emergence of social problems such as violence, over-use of alcohol and difficulties in school for Indigenous youth, all of which increase the likelihood of intervention by youth protection services.<sup>114</sup> One thing is clear: social and health problems entail significant costs for First Nations and for society in general. In the 1990s, the Royal Commission on Aboriginal Peoples warned that if no effort was made to improve socio-economic conditions for Indigenous people, those costs would skyrocket.<sup>115</sup>

Due to the chronic lack of housing in communities, many First Nations members have no choice but to live outside their community. In 2015, 32% of First Nations members were living in urban centres in Quebec.<sup>116</sup> That said, in urban centres, trouble accessing “adequate housing that is safe, stable and affordable is a huge challenge regardless of the income level, age or family situation” of Indigenous people.<sup>117</sup>

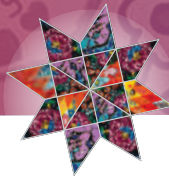
This explains why many Indigenous people may experience periods of homelessness for varying lengths of time after arriving in urban centres. For example, the results of a 2015 count suggested that, although Indigenous people made up 0.6% of the population in the city of Montreal, they



represented 10% of its homeless population, of whom a large proportion (41%) are Inuit.<sup>118</sup> The level of homelessness among Indigenous women in Val-d'Or is also noteworthy.<sup>119</sup>

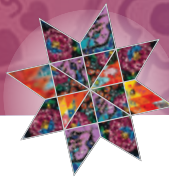
The majority of Indigenous women who are homeless are subjected to violence. These women, who often live in urban centres to escape family violence, find themselves exposed to violence when they move to a town or city. With nowhere to live and no support system, they are at risk of becoming involved in abusive relationships, experiencing sexual violence or being forced into prostitution.<sup>120</sup>

In short, even though the reality of Indigenous women, girls, and 2SLGBTQQIA people may vary considerably from one community or Nation to another, or depending on whether they live in a community or in an urban centre, the evidence shows the extent to which Indigenous women and girls are disadvantaged compared to non-Indigenous women and girls in Quebec.



1. [Translation] “Reserves are federal lands reserved for the exclusive use and benefit of First Nations; a band council can pass resolutions to control its use. Settlements are non-status parcels of land on which First Nations bands are established, but a band council cannot pass resolutions to regulate their use, as these lands have never been officially reserved for their use. The federal government administers reserve lands and provides services to communities residing or living in the settlements. In the case of Inuit, the system is more of a municipal type and entirely under the jurisdiction of Quebec.” Quebec, Secrétariat aux affaires autochtones, “Où vivent les Autochtones.”
2. Quebec, Secrétariat aux affaires autochtones, “Aboriginal population in Quebec 2015.”
3. Ibid.
4. Canada, Statistics Canada (2011), “2011 National Household Survey.”
5. Québec, Conseil du statut de la femme, “Let’s Meet Québec’s Aboriginal Women.”
6. Commission de la santé et des services sociaux des Premières Nations du Québec et du Labrador (2018). Enquête régionale sur la santé des Premières Nations du Québec (ERS-2015). [Online]: <http://cssspnql.com/champs-intervention/secteur-recherche/enquetes-populationnelles/enquete-regionale-sante>
7. Institut de la statistique du Québec (2017). Le bilan démographique du Québec. Édition 2017, [Online], Québec, L’Institut, 176 p. [www.stat.gouv.qc.ca/statistiques/population-demographie/bilan2017.pdf](http://www.stat.gouv.qc.ca/statistiques/population-demographie/bilan2017.pdf).
8. Quebec, Conseil du statut de la femme, “Let’s Meet Québec’s Aboriginal Women.”
9. Canada, Statistics Canada, “2011 National Household Survey.”
10. Here, we designate First Nations holding Indian Status. Statistics Canada, “Enquête sur les ménages 2011”.
11. Regroupement des Centres d’amitié autochtones du Québec. (s.d.). Autochtonie urbaine : une population mobile et en croissance. [Accessed January 23, 2018. <https://www.rcaaq.info/lautochtonie-urbaine/>]
12. Meloche-Turcot, “Vivre ou non dans les communautés des Premières Nations québécoises?”
13. Beaulieu, A. “An Equitable Right to be Compensated,” p. 1-27.
14. Gentelet, Rocher and Bissonnette, *La sédentarisation*.
15. Loisel, et al., “Les impacts de l’arrivée des « wemitikojik » (colons blancs).”
16. Bureau du Coroner. “Report on Inquest.”
17. Quebec, Institut national de santé publique du Québec (INSPQ), “Rapport québécois sur la violence,” pp. 281-315.
18. Quebec, INSPQ, “Violence conjugale dans la région de la Côte-Nord,” p. 68.
19. Baril, “Les agressions sexuelles.”
20. Quebec, INSPQ, “Politiques publiques et santé,” part III.
21. Quebec, INSPQ, “Politiques publiques et santé,” p. 9.
22. Quebec, INSPQ, “Pour une nouvelle vision de l’homosexualité,” p. 133.
23. Feminist Northern Network, “Répercussions du colonialisme sur les femmes” ; Weaver, “The Colonial Context of Violence,” Perreault, “La violence intersectionnelle dans la pensée féministe,” p. 33-52.
24. Hicks, “Gender Relations and Self-Determination,” p. 1-17; Green, “Taking Account of Aboriginal Feminism,” p. 20-32.
25. Basile, “Le rôle et la place des femmes Atikamekw,” p. 80
26. Basile, “Le rôle et la place des femmes Atikamekw,” p. 85
27. Basile, “Le rôle et la place des femmes Atikamekw.”
28. Brodribb cited in Basile, “Le rôle et la place des femmes Atikamekw,” p. 120.
29. LaFrombroise et al. cited in Basile, “Le rôle et la place des femmes Atikamekw,” p. 120.
30. For example, within the governance system of the Haudenosaunee Confederacy, clan mothers held important power, notably in the selection of chiefs in times of war and times of peace; See Viau, “Femmes de personnes.”
31. Quebec Native Women (QNW), “Les femmes autochtones et la violence”; Van Voudenberg, “Des femmes et de la territorialité,” pp. 75-86.
32. Basile et al. “Le territoire comme lieu privilégié de transmission,” pp. 61-80.
33. Green, “Taking Account of Aboriginal Feminism,” pp. 20-32.



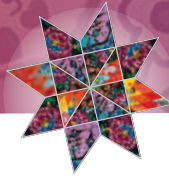


34. Brassard et al. "Analyse de l'expérience de la violence conjugale."
35. Since the beginning of colonization, colonial governments engaged in gift-giving protocols annually in order to renew alliances.
36. Grammond, *Identity Captured by Law*.
37. Van Voudenberg, "Des femmes et de la territorialité," pp. 75-86.
38. Family Homes on Reserves and Matrimonial Interests or Rights Act, (L.C. 2013, ch. 20)
39. Relations Couronne-Autochtones et Affaires du Nord Canada, « Biens immobiliers matrimoniaux dans les réserves ».
40. Grammond, *Identity Captured by Law*.
41. FemNorthNet, "Répercussions du colonialisme sur les femmes."
42. APNQL, "Nos nations."
43. Van Voudenberg, "Des femmes et de la territorialité," p. 76.
44. Van Voudenberg, "Des femmes et de la territorialité."
45. Ibid., p. 79
46. Basile et al. "Le territoire comme lieu privilégié de transmission," p. 61-80.
47. Bourque, "La transmission ancrée dans le territoire," p. 2; Basile, "Le rôle et la place des femmes Atikamekw."
48. Bergeron, "Voix des femmes ilnu," p. 41.
49. In comparison, most other provinces in Canada introduced compulsory school attendance prior to 1910.
50. Bousquet, "L'histoire scolaire des autochtones," p. 117-123.
51. Bousquet, "Êtres libres ou sauvages à civiliser ?" p. 162-192.
52. CVR, Final report, Vol 1, p. 46.
53. Bousquet, "L'histoire scolaire des autochtones," p. 117-123.
54. St-Denis, "Feminism is for Everybody," p. 33-52; Bousquet, "Le projet des pensionnats autochtones au Québec," p. 21-30.
55. LaFromboise et al., "Changing and Diverse Roles of Women," p. 455-476.
56. LaFromboise et al., "Changing and Diverse Roles of Women" ; Bousquet, "Le projet des pensionnats autochtones au Québec," p. 21-30.
57. FNQLHSSC, "Collection of life stories."
58. D'Amours, "Survivance historique de la protection de l'enfance," p. 386-415.
59. The first lay child welfare agencies began in Ontario in the late 19th century and other provinces followed suit in the early 20th century. See Quesney, "Un foyer pour chaque enfant!" p. 257-282.
60. In fact, 2.6% of children placed in care by the province are Indigenous, while they represent only 0.7% of children in Quebec.
61. Tourigny, et al. "Les mauvais traitements envers les enfants autochtones," p. 84-102.
62. FNQLHSSC, "Trajectories of First Nations Youth."
63. Guay, Jacques and Grammond, "La protection des enfants autochtones," p. 195-209
64. Guay, "Les familles autochtones," p. 12-27.
65. CVR, "Sommaire," p. 141.
66. Mark c. Missionnaires Oblats de Marie Immaculée, [2018] CSM 500-06-00918-181.
67. Radio-Canada, "Les Oblats présentent leurs excuses."
68. CVR, "Sommaire."
69. Brassard, Spielvogel, and Montminy, "Analyse de l'expérience de la violence" ; Weaver, "The Colonial Context of Violence," p. 1552-1564.
70. Arnaud, "Féminisme autochtone militant," p. 211-222.
71. Ibid.
72. QNW, "Les femmes autochtones et la violence."
73. Raphaël c. Conseil des Montagnais du Lac Saint-Jean, TCDP, 9 juin 1995; Courtois c. Canada, [1991] 1 CNLR 40 (TCDP).
74. Miller c. Mohawk Council Of Kahnawà:ke, 2018 QCCS 1784.



75. One of the most significant of these court challenges is no doubt the one instituted by Sharon Donna McIvor in British Columbia: *McIvor v. Canada* (Registrar of Indian and Northern Affairs), 2009 BCCA 153, application for leave to appeal to the Supreme Court of Canada refused by 2009 CanLII 61383 (SCC). This case resulted in Bill C-3, the Gender Equity Act, in relation to Indian registration. Unsatisfied, McIvor continued her fight with the Office of the United Nations High Commissioner for Human Rights and was successful on January 11, 2019, when it was determined that the rules relating to the transfer of Indian status by maternal lineage contravene the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights. Canada must now respond to this decision and indicate the corrective measures that will be taken to remedy this situation and prevent such discrimination in the future.
76. *Descheneaux c. Canada* (Procureur général), 2015 QCCS 3555.
77. The UN Human Rights Committee recently concluded that discrimination against Aboriginal women in Canada will persist until the provisions of Bill S-3 have been fully implemented: Human Rights Committee, “Views adopted by the Committee,” HRC, Doc. NU CCPR/C/124/DR/2020/2010.
78. Arnaud, “Féminisme autochtone militant” ; Rouleau, “Femmes autochtones du Québec : contrer la violence,” p. 73-80.
79. Desmarais, “Violence familiale,” p. 15-31
80. QNW, “Nānāwīg Māmawe Nīnawīnd.”
81. Desmarais, “Violence familiale.”
82. Sioui-Wawanoloath and Pelletier, “Faits saillants du Colloque,” ; Savard, Thibodeau, and Femmes autochtones du Québec, “Voici la pointe du jour III. ”
83. Pharand and Rousseau, “Ishkuteu. Des services d’aide en violence conjugale.”
84. QNW, “Turning towards our traditions.”
85. Lajoie, “Le rôle des femmes.”
86. Mailloux, “La position et l’engagement des femmes.”
87. Réseau continental des femmes autochtones et al., “Femmes autochtones des Amériques” ; Belleville-Chénard, “Femmes autochtones et intersectionnalité.”
88. Morissette, “Les utopies nécessaires,” p. 273.
89. Lambert, “Two-Spirits : colonisations et décolonisations.”
90. Duhaime and Riverin, “Double Discrimination and Equality Rights.”
91. Arnaud, “Plan Nord,” p. 81–82.
92. Cunningham, “Étude de cas contextualisée des trajectoires,” p. 289-290.
93. Posca, “Portrait des inégalités socioéconomiques.”
94. This is the median after-tax income.
95. Posca, “Portrait des inégalités socioéconomiques,” p. 6.
96. *Ibid.*, p. 4.
97. *Ibid.*, Table 2, p. 5.
98. CSSSPNQL, “Enquête régionale sur la santé.”
99. Posca, “Portrait des inégalités socioéconomiques,” graphique 11, p. 9.
100. *Ibid.*, p. 9.
101. Gouvernement du Québec, 2016.
102. Posca, “Portrait des inégalités socioéconomiques.”
103. Arriagada, “Femmes au Canada.”
104. Gouvernement du Québec, “À la rencontre des femmes autochtones.”
105. Over one third (37%) of adults have not completed high school; CSSSPNQL, “Enquête régionale sur la santé.”
106. FNQLHSSC, “Quebec First Nations Regional Health Survey.”
107. Gouvernement du Québec, “À la rencontre des femmes autochtones” ; Boulet, “Maternité précoce.”
108. FNQLHSSC, “Quebec First Nations Regional Health Survey.”
109. Selon l’Institut de la statistique du Québec, 2017, il est de 29 ans pour les femmes québécoises.
110. FNQLHSSC, “Quebec First Nations Regional Health Survey.”
111. Gouvernement du Québec, “À la rencontre des femmes autochtones.”
112. FNQLHSSC, “Quebec First Nations Regional Health Survey.”
113. Sheila Fraser, Auditor General of Canada, 2003 report.

## NOTES



114. FNQLHSSC, *Un pas de plus vers l'autodétermination*; AFNQL and FNQLHSSC, "The homelessness phenomenon among the First Nations."
115. Royal Commission on Aboriginal Peoples, "Report of the Royal Commission."
116. Secrétariat aux affaires autochtones. "Statistiques des populations autochtones du Québec 2015. "
117. RCAAQ, "Une nouvelle approche d'intervention en habitation."
118. Latimer, McGregor, Méthot and Smith, "Dénombrement des personnes en situation d'itinérance."
119. Cunningham, "Étude de cas contextualisée des trajectoires."
120. Bonnefont, "Une itinérance systémique," p. 9-11.







## Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA People in Quebec

There are few studies in Quebec pertaining to the reality of Indigenous women, girls, and 2SLGBTQQIA people, and more particularly the forms of violence they have experienced and continue to experience. Only recently has the problem attracted serious attention.<sup>1</sup> Faced with a lack of quantitative data, researchers in Quebec generally turn to national studies and reports, some of which touch on some realities within Quebec.

### 3.1. The Nature and Scope of the Problem

In general, these studies indicate that Indigenous women and girls are more likely to be victims of family violence, spousal homicide and more severe violence with more pronounced impacts than are other groups of women in Canada.<sup>2</sup> Consequently, Indigenous women are more likely than their non-Indigenous counterparts to have suffered physical or psychological injury, received medical attention, taken time off from daily activities as a consequence of the assaults, experienced 10 or more separate episodes of violence perpetrated by the same assailant, and feared for their lives.<sup>3</sup>

According to Montminy and her colleagues (2010), the various studies conducted between 1989 and 2007<sup>4</sup> show that between 70% and over 95% of Indigenous women in Canada are living in a situation of violence or have experienced violence in the past. However, the scope of the data is limited by various methodological restrictions of the studies.<sup>5</sup>



Similarly, there are very few statistics on missing and murdered Indigenous women, girls, and 2SLGBTQQIA people in Quebec. Moreover, this data is often incomplete owing to a lack of time and resources, as well as language barriers, and therefore cannot be relied upon to provide an accurate picture of the situation in Quebec.<sup>6</sup>

We can, however, rely on the 2010 report by the Native Women's Association of Canada, produced through its Sisters in Spirit initiative.<sup>7</sup> This report identifies 22 Indigenous women in Quebec who have gone missing or been murdered. In 2014, the RCMP reported that 46 Indigenous women were murdered in Quebec between 1980 and 2012.<sup>8</sup>

In short, the national reports and studies on violence against Indigenous women, girls, and 2SLGBTQQIA people tell us little about regional situations, like that of Quebec, and in most cases they do not look at the strategies adopted by Indigenous women nor to the resources they use.

On the other hand, Quebec Native Women (QNW) conducted a qualitative study in 2015 with 88 Indigenous participants (caseworkers, police, families) to gain a better understanding of the issue of missing and murdered Indigenous women in Quebec. That exploratory study was a turning point because, for the first time, it gave a voice to the families of missing and murdered Indigenous women, thereby raising awareness of their needs.

The study also highlights the need and urgency to open our eyes to the plight survivors of violence and of their families. It states that the murders and disappearances of Indigenous women and girls are “the end result of a long and troubling chain of disappearances, caused by the structural, institutional and intimate violence these women have experienced throughout history.”<sup>9</sup> According to QNW, the disappearances of Indigenous women and girls in Quebec are attributable to an ideology of erasure that has prevailed since the colonial period and which still has repercussions in their lives today.<sup>10</sup>

Indigenous women themselves and the researchers working with them agree that the family violence experienced by Indigenous women today is part of a context stemming from the combination of colonial policies articulated throughout history, the erosion of traditional gender roles, and the socio-economic conditions that engendered those policies.<sup>11</sup> The colonialist policies and the Indian Residential School system engendered historical and multigenerational traumas that are still being deeply felt in communities.<sup>12</sup> The study conducted by Brassard and her colleagues—the only one we know of that focuses on Indigenous men's experience with violence—draws similar conclusions:

One of the important theoretical contributions of our research is the idea that, contrary to the feminist hypothesis which dominates research on intimate partner violence, intimate partner violence and family violence perpetrated by Indigenous men cannot be interpreted within the parameters of a system of patriarchal domination as the exacerbation of a gender status that is assumed to be dominant. The fact that a few individuals have reproduced the patriarchal model seems consistent with the Euro-Canadian influence inherent in colonization. However, what is most remarkable is how





infrequently that model of masculinity appeared in our sample. In fact, the overall analysis of our data tends to reinforce the thesis that intimate partner violence and family violence among Indigenous people is not only quite equally distributed between men and women, but, most significantly, it is much more likely to occur as a desperate expression of suffering shared by actors, both men and women, who are dispossessed of their power, or, more accurately, of the belief in their power, both individually and collectively.<sup>13</sup>[Emphasis added.]

The problem of family violence and its ties to the issue of missing and murdered Indigenous women and girls can certainly not be denied, but family violence is only part of the problem.<sup>14</sup> Family violence, as well as the other forms of violence experienced by Indigenous women, girls, and 2SLGBTQQIA people in Quebec, should always be examined in light of the socio-historical context and the associated structural and institutional violence, as well as the precarious living conditions in which they have been confined.<sup>15</sup>

Beyond the socio-historical factors, the difficulty accessing health and social services that truly reflect the reality and needs of Indigenous women, girls, and 2SLGBTQQIA people,<sup>16</sup> and the chronic underfunding of existing services<sup>17</sup> exacerbate their vulnerability and the socio-economic inequalities they face<sup>18</sup> and trap them in a cycle of violence.<sup>19</sup> That is not surprising, given that low-income individuals have a harder time obtaining the services they need.<sup>20</sup>

It is all the more difficult for Indigenous women, girls, and 2SLGBTQQIA people because services are seldom culturally sensitive and safe. For example, the public services in Quebec for dealing with domestic violence focus on separating the spouses to end the violence, whereas Indigenous women are instead seeking services that take a holistic approach to intervention which includes all family members.<sup>21</sup>

Professor Renée Brassard, who testified as an Expert Witness, notes that it is important to understand the family dynamic and the history of violence among Indigenous people. She also believes that traditional services are misguided in their attempts to solve the problem by moving the women into shelters, imprisoning the men and isolating the children. The well-being of Indigenous women cannot be separated from that of their children, their family and their community.

A breakup with an intimate partner is often seen as an event or a factor associated with success.... But in the trajectories of family and intimate partner violence among Indigenous women which I have seen to date, that does not change the dynamic of violence; all they do is change partners [and] the same thing happens again.... So these are people who are reluctant to break up intimate partner relationships or separate the members of the family. It is also important to take a holistic approach to healing that includes everyone.... There is no point in trying to heal one person, or to remove one person from the dynamic of violence, as that does nothing to change the family dynamic of violence.<sup>22</sup>



Moreover, the approach of removing women from their homes is not always applicable in Indigenous communities, where the chronic housing shortage means that there are few, if any, safe alternative places to shelter them.<sup>23</sup>

In the communities, access to services that are both impartial and confidential remains a major obstacle, given the close relationships between individuals in the community. For example, it is not uncommon for a social worker to be related to the perpetrator or to the victim.<sup>24</sup> In short, providing services locally that are guaranteed to be objective and anonymous is often impossible. That explains why many women living in the communities prefer to consult external resources.<sup>25</sup>

Unfortunately, the situation in urban centres also has its share of challenges. When women try to access various services in urban centres, they encounter a number of obstacles and constraints: not only discrimination and racism, but also caseworkers' limited knowledge and understanding of Indigenous realities and their attempts to impose ill-suited, non-Indigenous intervention methods.<sup>26</sup>

Studies carried out in Quebec have revealed the fact that Indigenous women turn first to an informal support network.<sup>27</sup> They tend to choose healing activities or traditional practices, such as sharing circles and sweat lodges, when those services are available.<sup>28</sup> These studies demonstrate that, in terms of formal resources, Indigenous women prefer services that take into account their realities and their cultural and linguistic needs.<sup>29</sup> In many cases, they tend to use a variety of resources when trying to leave a violent situation.<sup>30</sup>

Unfortunately, as noted in all the reports and studies consulted, the number of organizations that could offer this type of service is insufficient and they are chronically underfunded. For example, the inadequate funding allocated to them. Women's shelters located in the communities, which are Native Friendship Centres in urban areas are unable to provide the services they would like to, given that they are funded by the Department of Indigenous Services but receive almost 30% less than the other women's shelters in Quebec.<sup>31</sup> Lastly, there is a severe lack of services for Indigenous men, which poses a major impediment to the process of collective healing.

In light of these findings, these studies identify four key solutions to reduce and ultimately put a stop to the violence experienced by Indigenous women: (1) education and prevention among Indigenous and non-Indigenous populations; (2) allocation of additional resources; (3) development of a more complete and culturally safe network of services, leaving more room for local initiatives; and, lastly, (4) active participation by First Nations in planning solutions for problems that affect them.

In Chapter 4 of this volume, the stories of survivors and families heard during the community hearings in Quebec illustrate this "historical chain of erasure" in which different forms of violence accumulate and intersect. The stories also show how the combined impact of that violence<sup>32</sup> contributes to the weakening of the social fabric and community solidarity,<sup>33</sup> the erosion of traditional gender roles, and the devaluation of Indigenous women, girls, and 2SLGBTQIA people in Quebec.<sup>34</sup> All of this creates an environment that makes Indigenous



women, girls, and 2SLGBTQQIA people more vulnerable and more likely to experience violence, go missing or be murdered.

In addition to their stories, there are those of all the women who, for various reasons, were not able to appear before the National Inquiry.

### 3.2. Potential Collaborative Solutions with Indigenous Women, Girls, and 2SLGBTQQIA People

Intervention approaches must be adapted for dealing with cases of missing and murdered Indigenous women: “[T]he loved ones of people who have been murdered are more likely to need psychological and emotional support services, while the loved ones of people who have disappeared will probably seek services that would meet more practical needs, to help them cope with the crisis caused by the disappearance.”<sup>35</sup>

In the height of crisis, families say that they do not receive the support they need in order to understand and act within the police and judicial system. They must attempt to navigate their way through these systems without any knowledge of or control over the investigation process, and they have difficulty obtaining supplementary resources to help them heal from the trauma.

A number of commissions of inquiry and research reports have been ordered at the national level to try to shed light on the realities of Indigenous people’s lives in Canada.<sup>36</sup>

Meanwhile, in Quebec, public discourse has focused largely on issues of identity and the integration of people referred to as “visible minorities” or “cultural communities,” in a series of initiatives from which Indigenous peoples were essentially excluded. In the 1980s, 1990s and 2000s, the realities of Indigenous Peoples were touched on only slightly in studies commissioned by the political authorities in Quebec on the subject of racial profiling.<sup>37</sup> Indigenous Peoples were also excluded from a consultation on discrimination in public services, and that exclusion was rationalized as follows:

Aboriginals are not targeted by this future policy. Although they can be affected by prejudice and discrimination, just like individuals from cultural communities and visible minorities, and they can benefit from measures implemented under the policy, solutions to the problems confronting them must be considered in a broader perspective that goes beyond the scope of this public consultation.<sup>38</sup>

As this demonstrates, Indigenous Peoples have remained “invisible minorities” in Quebec for too long. As noted by Jean-Jacques Simard in his discussion of the process of “reductionism” imposed on Indigenous Peoples,

...the first inhabitants arouse in the consciousness of the majority uncomfortable feelings of pity, fear of difference and nostalgia for the lost community, mixed with collective guilt.





To rid ourselves of this discomfort, we will agree in advance to all the wishes of these unfortunate victims of history, whether they want to assimilate or to live in their own way, among themselves, apart. As a result, they will remain in the special place that has been gradually been carved out for them over the course of more than 300 years in Canadian society, which can be summed up, paradoxically, as having no place.<sup>39</sup>

When the Commission des droits de la personne et des droits de la jeunesse (**CDPDJ**) [Quebec Human and Youth Rights Commission] proposed conducting a study focusing on racial profiling of Indigenous people by police, it did not receive the necessary funding and the CDPDJ could not complete its work.<sup>40</sup> However, even if studies had been carried out, they probably would have led nowhere, given that the representatives of the Quebec Ministry of Public Security often side with the police in minimizing the seriousness of the problem of racial profiling.<sup>41</sup>

The first report commissioned by the Government of Quebec on an Indigenous issue examined the justice system. The report, “Justice for and by the Aboriginals,” known as the Coutu Report, was released on November 30, 1995. That report provided the stimulus for a number of changes in the Quebec judicial system, including the implementation of forms of alternative justice for sentencing of Indigenous offenders.

Only a few pages of the report were devoted specifically to the perspective of Indigenous women, but they are revealing:

Women and children, in Aboriginal society as in any other society, constitute the majority of the population. Moreover, we know that women and children are the ones who generally suffer the most from violence and sexual abuse. This is why we believe it is necessary to bring to the attention of the Ministère de la Justice and of the Gouvernement du Québec the especially difficult conditions experienced by Aboriginal women, children and families....

...during our visit [*sic*] to the various communities, we could often perceive signs of distress in the faces of some Aboriginal women present at the meetings, despite their efforts sometimes to mask their feelings.

... [O]ver the last few years, the voices of Aboriginal women have made themselves heard throughout Canada and Québec in protest against the immediate transfer of responsibilities related to the administration of justice to Aboriginal political authorities, most often represented by men. This tendency is prompted by their concerns that their individual rights, notwithstanding the protection afforded by the Charters, will be sacrificed to the imperatives of collective rights.



Following those comments, the Coutu Report made a recommendation that is still relevant today:

### **Recommendation 16**

Those who will be responsible for the implementation of the aforementioned recommendations should take into consideration the concerns expressed by Aboriginal women's associations and should ensure that Aboriginal women and men participate, on as equal a footing as possible, in the operation of the proposed models.



*Expressions of reciprocity and commemoration from families and survivors during National Inquiry's hearings in Quebec.*

Then, on May 21, 1997, the Government of Quebec created a commission of inquiry into the events surrounding the 1977 deaths of Achille Vollant and Moïse Régis, after the media raised questions about the potential involvement of the Sûreté du Québec [Quebec provincial police] in the drowning of the two Innu men.<sup>42</sup>

Since the early 2000s, the Government of Quebec has been working on an action plan for improving the living conditions of women in general. Violence against women is always discussed in terms of intimate partner violence. Other types of violence are ignored, including family violence, institutional violence and police violence. Thus, the issue is studied from an ethnocentric point of view, by examining the types of violence that are most likely to affect non-Indigenous women.



In its *Government Action Plan 2004-2009 on Domestic Violence: Component on Native Communities*,<sup>43</sup> the Government of Quebec proposes the following: “When renewing three-party agreements, negotiate a requirement that native police forces adopt directives for intervention in cases of domestic violence based on the relevant guidelines in the *Guide des pratiques policières*.”

In its *Rapport sur la mise en œuvre du plan d’action gouvernemental en matière d’agressions sexuelles de 2008-2013* [Report on the implementation of the 2008-2013 government action plan on sexual assault],<sup>44</sup> the Government of Quebec highlights “significant advances that have been made in Indigenous communities.” Many people wonder how significant those advances really are. According to the government, “[T]his action plan has laid a foundation enabling Indigenous communities to discuss issues related to sexual assault.” Clearly, the issue is still in the discussion stage and no action had been taken.

In April 2015, QNW decided to start work on the issue of missing and murdered Indigenous women and held a meeting for that purpose.<sup>45</sup>

Shortly thereafter, on May 28, 2015, an order of initiative was issued to the Commission des relations avec les citoyens [Quebec committee on citizen relations] to study Indigenous women’s living conditions in relation to sexual assault and domestic violence. A draft report was produced in May 2016.<sup>46</sup> Rather than continue that work, the Government of Quebec established its role as one of the jurisdictions included within this National Inquiry on August 9, 2016.

The Quebec *Government Strategy to Prevent and Counteract Sexual Violence 2016-2021*<sup>47</sup> states that “the measures to satisfy the needs of Aboriginal populations with respect to sexual violence will be elaborated separately within the framework of a specific government approach, which will incorporate the government’s initiatives in response to an array of Aboriginal social issues.” In 2017, the Secrétariat à la condition féminine [Quebec Secretariat for the Status of Women] published an action plan, “Together for Equality: Government Strategy for Gender Equality Toward 2021,”<sup>48</sup> in which it announced once again that Indigenous social issues, including gender equality, would be addressed in a separate plan.

In 2017, the Secrétariat aux affaires autochtones [Quebec Aboriginal Affairs Secretariat] responded with an action plan, *Do More, Do Better: Government Action Plan for the Social and Cultural Development of the First Nations and Inuit*.<sup>49</sup> With this action plan, Quebec’s Premier took a step toward reconciliation by recognizing the effects of colonialism on the Indigenous People in Quebec:

In the 21st century, at a time when the world is changing and Québec must meet new challenges, it is crucial to be able to rely on all of our society’s strengths. The Government of Québec intends to work with all Quebecers to build a fairer, more prosperous, inclusive, open Québec. The First Nations and Inuit were present in the territory long before the arrival of the first Europeans and are at the root of our history. They have largely contributed to building the Québec that we now know and must have the means to fully contribute to the Québec of tomorrow.





However, to contemplate the future optimistically, we must first lucidly examine the past. The relationship with the Aboriginal peoples has also been marked by sustained attempts spread over several generations to assimilate them. They have, unfortunately, suffered numerous forms of discrimination before being recognized for what they are, that is, full-fledged, living, resilient nations which are proud of their differences and cultures, enriched by their identities and anxious to take their rightful place in society. It is, therefore, incumbent upon us to ensure that this cohabitation is now based on respect, mutual aid, collaboration and friendship.<sup>50</sup>

The action plan included what it called “essential consideration for Aboriginal women.”<sup>51</sup> Among other elements, it includes a series of measures identified as being addressed specifically to Indigenous women. Yet the vast majority of the proposed measures are crucial to improving living conditions for Indigenous women. Therefore, it is important to ensure that, in categorizing interventions in such a way, the government does not neglect other actions that are crucial, necessary, and high priorities for women, simply because they also apply to other groups. That would include issues related to policing, a major concern for the Indigenous women who testified before the National Inquiry.

For example, measure 2.1.2, “Establish a permanent collaboration and consensus-building mechanism in the realm of culture in the First Nations and Inuit communities,”<sup>52</sup> is worthwhile. However, it is not identified in the action plan as being aimed at women. The Government of Quebec must therefore be reminded that it is important to build representative participation by Indigenous women into such a mechanism, to ensure that their interests are protected at all stages of development of social policies affecting the Indigenous communities. In addition, such a mechanism should not be put in place only in relation to culture; it should be used for all areas of activity that impact the rights of the Indigenous peoples of Quebec.

Lastly, in its *Government Action Plan on Domestic Violence 2018-2023*, the Government of Quebec noted the “importance of integrating the family dimension when considering domestic violence issues.”<sup>53</sup> It announced that the recommendations made by the Commission d’enquête sur les femmes et les filles autochtones disparues et assassinées au Québec (this Commission) and by the Viens Commission would be integrated into the action plan for Indigenous peoples.

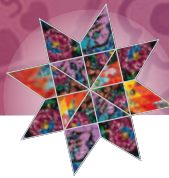
In keeping with the recommendations of the Truth and Reconciliation Commission of Canada (2015), the work of the National Inquiry into Missing and Murdered Indigenous Women and Girls and the Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec, the 2017-2022 Action Plan underlines the importance of considering the issues specific to Indigenous women.

To this end, the recommendations resulting from these inquiry commissions will help to identify the needs of First Nations and the Inuit with respect to domestic and family violence. Measures specific to the Indigenous population will be developed in collaboration with First Nations and Inuit stakeholders and integrated into the 2017-2022 Action Plan.<sup>54</sup>

## CHAPTER 3



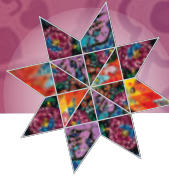
First Nations women have spoken their truths before the National Inquiry. Now, we must move from words to action, while ensuring that all initiatives taken to address social issues affecting Indigenous people are considered through a gender-based lens and with the full participation of Indigenous women, girls, and 2SLGBTQQIA people.



1. Dion, Collin-Vézina, and Lavoie, "Les violences sexuelles chez les peuples autochtones," p. 159.
2. Chbat, Damant, and Flynn, "Analyse intersectionnelle de l'oppression"; QNW, "Indigenous women and violence."
3. QNW, "Indigenous women and violence."
4. Montminy et al., "Pour une meilleure compréhension," p. 53-66.
5. Montminy et al. (2010) call for caution in interpreting statistics on violence in Indigenous communities since: (1) there is no universally accepted definition of violence; (2) no system for collecting such data has been developed at the national level; (3) reporting rates of violence are highly variable; (4) Statistics Canada recognizes that its methods of collecting data on violence are not intended for minorities.
6. Bourque et al., "Stratégies adaptées par les femmes autochtones."
7. AFAC, "Ce que leurs histoires nous disent," p. 28.
8. GRC, "Les femmes autochtones disparues et assassinées."
9. QNW, "Nānīawig Māmawe Nīnawind."
10. QNW, "Nānīawig Māmawe Nīnawind."
11. Flynn et al., "Sortir la violence."
12. Cunningham, "Étude de cas contextualisée des trajectoires."
13. Brassard et al., "Analyse de l'expérience de la violence" p. 145.
14. QNW, "Nānīawig Māmawe Nīnawind."
15. Flynn et al., "Sortir la violence."
16. QNW, "Indigenous women and violence"; Flynn et al., "Sortir la violence."
17. Pharand and Rousseau, "Des services d'aide en violence conjugale"; QNW, "Indigenous women and violence"; QNW, "Nānīawig Māmawe Nīnawind"; Brassard et al., "Analyse de l'expérience de la violence."
18. Government of Canada, "Les Femmes autochtones et violence familiale."
19. QNW, "Indigenous women and violence"; Flynn et al., "Sortir la violence."
20. Hutchison, "Disparité dans l'accès," p. 14-18.
21. QNW, "Indigenous women and violence"; Flynn et al., "Sortir la violence."
22. Professeure Renée Brassard, Parts 2 and 3, Public Volume 8, Québec, QC, pp. 75-76.
23. QNW, "Nānīawig Māmawe Nīnawind."
24. Ibid.
25. Bourque et al., "Stratégies adaptées par les femmes autochtones."
26. Flynn et al., "Sortir la violence."
27. Bourque et al., "Stratégies adaptées par les femmes autochtones"; Government of Canada, "Les Femmes autochtones et violence familiale"; Bergeron, "Voix des femmes ilnu"; QNW, "Nānīawig Māmawe Nīnawind."
28. Bourque et al., "Stratégies adaptées."
29. Montminy et al., "Pour une meilleure compréhension."
30. Bourque et al., "Stratégies adaptées."
31. QNW, "Indigenous women and violence."
32. QNW, "Nānīawig Māmawe Nīnawind"; Flynn et al., "Sortir la violence."
33. QNW, "Nānīawig Māmawe Nīnawind."
34. Montminy et al., "Pour une meilleure compréhension"; Flynn and Brassard, "La maternité autochtone."
35. Matte, "Les besoins des proches de personnes assassinées."
36. See Volumes 1a and 1b of the National Inquiry's Final Report, which explains the history of past inquiries and commissions.
37. Bellemare, "Enquête sur les relations."
38. Government of Quebec, "Pour la pleine participation."
39. Simard, La réduction, p. 22. See also Trudel, "De la négation de l'autre," p. 53; Hamelin, "Passer près d'une perdrix."
40. Journal of debates of the Committee on Institutions, 34th Legislature, 1st session, Friday June 1, 1990 – Vol. 31 N° 16.
41. La flûte, "Les grandes orientations," p. 17-18.
42. Commission of Inquiry into the Events Surrounding the Deaths of Messrs. Achille Vollant and Moses Regis in 1977.
43. Government of Quebec, "Plan d'action gouvernemental 2004-2009," p. 10.



## NOTES



44. Government of Quebec, “Rapport sur la mise en œuvre du plan d’action.”
45. QNW, “Nānīawig Māmawe Nīnawind,” p. 6.
46. Assemblée nationale, “Mandat d’initiative sur les conditions de vie.”
47. Secrétariat à la condition féminine, “Stratégie gouvernementale.”
48. Government of Quebec, “Ensemble pour l’égalité.”
49. Government of Quebec, “Plan d’action gouvernemental pour le développement.”
50. Ibid.
51. Ibid.
52. Ibid., p. 57.
53. Government of Quebec, “Plan d’action gouvernementale en matière de violence conjugale,” p. 14.
54. Ibid.



## The Stories of Survivors and Families

This chapter is devoted to the voices of First Nations women, girls and their families in Quebec who testified publicly before the National Inquiry at hearings held in Maliotenam in fall 2017 and in Montreal in the winter of 2018. We wish to pay tribute to them in this volume by recognizing the value of their testimony and acknowledging their steadfast courage and resilience in spite of all the challenges they face. The stories in the pages that follow are **summaries** of testimonies prepared using National Inquiry transcripts.<sup>1</sup> They describe situations and events as presented by the women and families. These stories will help readers to become familiar with the many facets of violence against Indigenous women and girls in Quebec, from the point of view of women and families affected by such violence, and help to gain also a better understanding of the complexity of this issue. These accounts are therefore intended to keep personal stories alive so that they are never forgotten.

### The story of Gilberte V. and Andrée V., in relation to Adèle V.-B., Public Volume 32

Gilberte V. is an Innu woman from Pessamit. She is the mother of Andrée and Adèle. Adèle was nicknamed Adélous. Adèle died on July 1, 2011, at age 17. She was born on October 12, 1993, into a blended family. She was the only child of Gilberte and her spouse Patrick. “She was always glued to me. I used to call her ‘my shadow’. We got along very well ... she confided in me. She was always smiling and teasing, too.”<sup>2</sup> Andrée,



the eldest of the family, remembers her younger sister as someone who had lots of plans and dreams, a smiling, sociable and sincere girl, who loved to laugh and who loved life.

On July 1, 2011, Adélous was getting ready to go out with two friends who were visiting from Sept-Îles. She promised not to stay out too late. As she was walking out the door, she turned around and told her parents, “I love you.” As Gilberte reflected, “That was the last time I heard her voice.”<sup>3</sup> At midnight, Gilberte was still awake. Her daughter had not yet come home. She called her on her cellphone, and Adélous reassured her that she would be home soon, but she was not. Later that night, the phone rang. Gilberte was told that Adélous was being resuscitated. Gilberte woke up her spouse and, together, they went to the community hall, where they saw Adélous on the ground. They were still trying to resuscitate her, but it was already clear to Gilberte that her daughter “was gone.”<sup>4</sup>

Gilberte and Patrick went to the hospital where Adélous had been taken by ambulance; Andrée came to join them. They knew at this moment that their daughter was dead. When she saw her, Gilberte was surprised. “Her hair was wet on one side of her head, the left side. The other side wasn’t. I also saw that her nose had bled. She had bruises on her forehead.”<sup>5</sup> Andrée noted that there was a cut on her sister’s forehead and that she had bruises everywhere.

The next day, a Sept-Îles police officer went to the scene of the incident. According to Gilberte, “nothing had been set up, there was no security perimeter, nothing.”<sup>6</sup> Later, investigators asked to meet with Gilberte and her spouse. They told them that Adèle had done drugs. Gilberte did not believe them. “Based on what we heard, our daughter was kicked, several people were on her. The Sept-Îles girls had been the target, but she was the one who was beaten, she must have wanted to protect her friends.”<sup>7</sup> There were all kinds of rumours in the community as to what could have happened that night. The police chief went on the community radio station to try to keep people who were angry about what had happened from retaliating.

There was a growing number of theories about Adélous’s death, each one contradicting the others. According to Gilberte, the coroner confirmed that Adélous had died as a result of a head trauma. At the hospital, the doctor told Gilberte that Adélous had suffered heart arrhythmia. Gilberte was also aware that her daughter had been hit with a beer bottle.

Over time, Andrée learned details about what had happened after her sister’s death. A community firefighter, who had apparently been a first responder that night, admitted to her that, at the scene, he was told to keep the incident confidential. Andrée also learned that her sisters’ friends, who were present at the incident, were never called to testify before the court, despite their having given their statements to the police officers. “One of them had even taken photos. When he gave her back her cellphone, there was nothing in her cellphone anymore.”<sup>8</sup> Andrée also pointed out that the police chief’s spouse was a friend of those who had beaten Adélous. Eventually, a teenage girl was charged in relation to the incident, but the charges were ultimately dropped. During the court proceedings, limited information was shared with the family. The family did not attend.





Adélous's death led to other tragedies within the community. Two weeks after Adélous died, her ex-boyfriend committed suicide, and that same summer, her best friend also took her own life. On December 11 of the same year, a fire destroyed Gilberte's house. She cannot take anymore. She even thinks about taking her own life. In losing Adélous, Gilberte lost part of her heart. "Me, I still miss her terribly. She had often told me, 'I love you lots, Mom. I love you lots, Dad.' Now those words are no longer."<sup>9</sup> The family was given no formal support. However, both Gilberte and Andrée have sought psychological counselling, but it remains a long process.

Various commemorative events were organized in the community. A march was held in Adélous's memory. Her photograph and flowers were laid in the community hall parking lot, where the incident happened. A Facebook page was created in Adélous's honour.

Gilberte and Andrée still do not know what truly caused Adélous's death, but they are convinced that her death is directly related to the injuries she suffered that night. They no longer trust the police and they have no faith in the justice system.

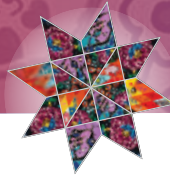
### **The story of Mary-Annie B., Silas B., Kirby B. and Bessie C. B., in relation to Rose-Ann B., Public Volume 60**

Rose-Ann was a Cree woman. She was born on May 13, 1968, in Waskaganish, and was the eldest of 10 children. Her body was found in Val d'Or on November 16, 1991, nine days after she went missing. She had been beaten, abandoned and left in the cold.

Before she was found dead, Rose-Ann had twice been sexually assaulted by men in the community and had not been coping well in the aftermath of the assaults. Rose Ann's community, family and religious congregation were divided on the situation, which exacerbated her feelings of humiliation and anger. Rose-Ann physically attacked her aggressor. Later, she threatened one of the members of her religious congregation with a butter knife, demanding that he stop humiliating her. Following those events, she was arrested and incarcerated. Later, Rose-Ann was banned from the community.

Rose-Ann then went to live at the Val d'Or Native Friendship Centre. One day, her mother became worried because she was unable to reach her daughter and didn't know where she was. Her parents quickly informed the Nemaska and Val d'Or police departments of their daughter's disappearance, but they received little help. The family conducted several searches themselves. Nine days after her disappearance, on November 16, 1991, Rose-Ann's body was finally found.

Rose-Ann's parents asked the police to provide them with more information on their daughter's death. They were told that Rose-Ann had been attacked by two sisters; they were given the names of the assailants. The parents were told that the two women had been banned from the community, but that nothing further would be done. Rose-Ann's tragic death had a major impact on the entire family. At the time of Rose-Ann's death, her two sons were only 1 and 4 years of age. Silas, Rose-Ann's eldest, explained that the months following his mother's death had been rough. The children went from foster home to foster home until their grandparents could finally adopt them. Nevertheless, Silas's childhood was marked by his mother's absence.



Growing up without a mother is really tough. I would see my friends hug their mothers, and I would be jealous, envious. Sometimes when I would have good grades at school I was really hoping to tell her about it. Like, when I catch a big fish, I wanted to tell her. When I killed a moose, I thought about her. My first moose, I was there, “She would be so proud.”<sup>10</sup>

Years passed and the family still had no conclusive answer as to the actual circumstances of Rose-Ann’s death. During that period, they had only minimal contact with the police and were offered few services. In 2016, Mary-Annie, Rose-Ann’s younger sister, came to Montreal to share her sister’s story. She sadly realized that no one knows her story and that Rose-Ann is not included in the statistics on missing and murdered Indigenous women. In January 2017, Mary-Annie received support from the members of a Facebook page intended to assist the families of missing and murdered Indigenous women. She then obtained information on what may have happened at the time of the events that led to her sister’s death. With the help of a community worker, the family finally received several documents they had never seen before. In March of the same year, the SQ (Sûreté du Québec) decided to reopen Rose Ann’s case.

The family finally learned the details of the night of Rose-Ann’s death. The family learned where Rose-Ann had been found and how much time she had been there; these details had not been included in the little information Rose-Ann’s parents had been given at the time of the tragedy. They were also given a photograph of the location where the assault took place. While it remains difficult to understand the sequence of events, they now know that Rose-Ann was beaten by two women from her community in a hotel room. She was then taken outside the hotel room and beaten again. Not knowing the extent of her own injuries, Rose-Ann walked a bit before collapsing a short distance from the hotel. The family indicated in their testimony that an initial report indicates that the women had even heard her cry for help, but did not come to her aid.

In September 2017, upon completion of the new investigation, the family learned that no charges would be laid and that the case would be definitively closed given the statute of limitations. Rose-Ann’s family members are not satisfied and continue to have many unanswered questions today. Today, her son Silas asks why a proper investigation was not conducted in 1991. He also has the impression that the second investigation neglected several aspects. For his part, Kirby believes that the members of the community are especially to blame.

I’m not angry at the police. I’m not angry anymore at these women. I’m angry at our community because we are the ones who continue this and allow this to go through. We see what we see, but we don’t choose to speak up during the times.... It is the silence that has killed my sister because we chose, the many people who were there, who witnessed certain things, in many other communities, it is the people who chose to remain silent who actually helped kill my sister.<sup>11</sup>



Following their hardship in recent years, the family has had the opportunity to work with the Grand Council of the Crees and the Cree Board of Health and Social Services of James Bay to develop a support plan that includes access to Elders, therapists, psychologists and other resources to meet the needs of family members.

In closing, I would like to say that if you have a sister, a younger sister, a big sister, or a big brother, or a younger brother, if you guys fight, argue, like it all happens in every family, apologize to each other every time, forgive each other every time, because I can tell you from experience once you lose somebody so close to you, your life will never be the same.<sup>12</sup>

### **The story of Nathalie H., in relation to** **Éliane H.-K., Public Volume 68**

Born in Pessamit, Nathalie is the ninth in a family of 15 children. She spent the first years of her life in her paternal grandparents' home. It was there, at around age 5, that she was first fondled. At the time, Nathalie knew that what had happened was wrong, but she said nothing.

Throughout her childhood, she was fondled again many times by men from the community, both young and old. Nathalie even came to find it abnormal when someone did not come to touch her during the night. At age 13, Nathalie was raped and, once more, she kept her secret because she feared her parents' reaction. "Even my mother didn't know...my family did not know what I was going through. I kept everything I was going through bottled up inside. I did not cry...I did not have a lot of girlfriends and I isolated myself. I could not defend myself. I did not know how to defend myself."<sup>13</sup>

At home, Nathalie had a very difficult relationship with her mother. She was angry with her mother for everything that she was going through, and she often ran away from home. She went to and from places without necessarily finding greater security and safety. Nathalie admits that she had often thought of suicide. She remembers that she was only 7 or 8 years old when she had her first suicidal thoughts.

Around the age of 16, Nathalie began drinking alcohol regularly to hide her pain. Then, on June 30, 1979, a night when everyone was celebrating, Nathalie's brother was with their mother and father in the woods. Violence erupted between their parents, and Nathalie's brother took a gun and killed their father. After the funeral, the incident was never spoken of again within the family, and the shame and guilt overwhelmed them.

All that violence and instability had serious impacts on Nathalie's life. She has very little confidence and constantly seeks to please. Nathalie also has a lot of anxiety and is dealing with all kinds of fears. One day, she had a panic attack when she got stuck in a bathroom stall. She





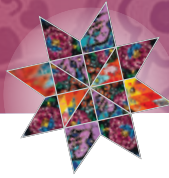
was initially unable to understand the reason why she panicked, but she later realized that the sexual violence she had been subjected to in her childhood had happened in the bathroom most of the time.

Nathalie had four children with a man who was unfaithful to her and whom she feared. “Just seeing him furrow his brow made me afraid. His look scared me. His body scared me...I was afraid to leave him then because it would have affected my children...He did not beat me, but psychologically, verbally, he put me down.”<sup>14</sup> Nathalie took care of her children as best she could, but she continued to drink regularly; she admits with regret having neglected them. “During those events, I also hurt people by bottling up my emotions. I hurt many with hate, resentment, anger.”<sup>15</sup>

At 32 years of age, without telling anyone, Nathalie decided to seek help. She saw a psychologist. She also took part in a 10-day therapy session, where she had to open up emotionally and talk about the impact of the violence she suffered and the tragic death of her father. The experience was difficult, but beneficial for Nathalie. Following the therapy, she stopped consuming alcohol and continued her journey toward well-being. She went to a treatment centre and had the support of female friends who respected her.

Nathalie also had a good relationship with her sister Éliane, who helped her with her children. She was also godmother to her youngest daughter. Éliane lived in Abitibi with an Algonquin man. Nathalie and Éliane called each other often, and Éliane visited her when she could. In summer 2000, Nathalie had trouble getting in touch with her sister, and for a few months, she did not know what was going on with her. On August 25, 2000, Nathalie learned from another one of her sisters that Éliane had been killed by her husband. It was a living nightmare for Nathalie; she was in shock. She took on the responsibility of repatriating her sister’s body to the North Shore and planning the funeral. Éliane’s death was a turning point for Nathalie: “Today, I look at that and I tell myself: No, I don’t want to live in violence anymore. I went to regain my strength.”<sup>16</sup>

In 2007, Nathalie decided to leave her community to settle in Quebec City. Since then, she has been able to access various resources, support groups and therapies. She is learning a lot. “I am 55 years old and this year I turn 56. I have been truly living my life only for a short time. I have reclaimed my life, I have taken back control over my life. It is thanks to treatments, treatment centres, the people who helped me, who listened to me.”<sup>17</sup> Today, Nathalie encourages women to talk about the hardship which with they are confronted. She herself dreams of travelling to Indigenous communities and giving talks about her experiences to help others.



### **The story of Theresa “Tess” L., Anthony G. and Angela G., in relation to Jacqueline L., Public Volume 71**

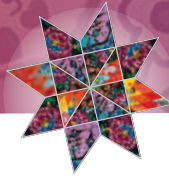
Jacqueline L., sister of Theresa “Tess” and mother of Anthony and Angela, ended her life six years ago, after a life marked by violence. Tess was born in 1970 to a Francophone father and an Indigenous mother. Tess and Jacqueline’s mother had a difficult start in life. As a child, she had attended a residential school, where she was beaten by nuns and subjected to a great deal of violence. These experiences stripped her of her pride, dignity and beliefs. As she explained, “I feel it didn’t start right. Because our beginning is a mother who went to residential school; who has been beaten by these nuns; and who only knew violence.”<sup>18</sup>

When she left the residential school in the late 1950s, Tess and Jacqueline’s mother married a white man. The couple had seven children, five girls and two boys. Tess is the third child and her sister Jacqueline is the fifth. The children grew up unaware that they were Indigenous. Their mother, who had lost all sense of pride in her Indigenous identity, did not speak to them about it. The women only learned that they were Indigenous in adulthood.

The children were subjected to a great deal of violence at home, at the hands of both their parents. Their father sexually abused his children. “This pedophile abused us from diapers. And, he stripped us of our dignity, and our knowledge to be a good person. And he took away – he took away what I was supposed to know.”<sup>19</sup> So, Tess, Jacqueline and their brothers and sisters grew up in an environment marked by violence that was perpetuated from generation to generation, within a cycle that is difficult to break.

So, when I think of my sister, Jacqueie, I think of her as -- not knowing how to get out of that wheel. Because it’s a wheel from generations to generations. It’s just handed down; the feeling of not being complete. Knowing that there’s something missing, and that something missing – is the basis of love, understanding, comprehension; being needed, being wanted. We were stripped of that.<sup>20</sup>

For their part, Angela and Anthony, Jacqueline’s children, remember their mother as a wonderful woman, but also deeply marked by the lack of love she received as a child. Jacqueline was funny and highly intelligent, but also felt a deep sense of emptiness. Constantly seeking safety and comfort, she could not stand being alone. To fill those voids, Jacqueline turned to alcohol, drugs and unhealthy romantic relationships. Jacqueline lavished her children with the love and affection she never received, constantly reminding them of their worth. For Anthony and Angela, however loving their mother’s words were, they eventually lost their meaning. In the children’s eyes, it was obvious that Jacqueline was trying to compensate for what she did not have as a child.



Tess, who had herself sought therapy, regularly reached out to her sister, who clearly needed help. She offered to go to therapy with her, to go to Alcoholics Anonymous meetings with her, but her sister did not easily allow herself to be helped.

At that time, allegations are made against their father for the sexual abuse they had suffered in childhood. It took four years before the children were given the opportunity to tell their story before a judge. The delay had been difficult for Tess, who had prepared her account and relived the trauma several times, only to have her testimony postponed. “Our court system needs looking at, because our victims: they don’t feel safe, you know. And it’s too long. And it’s too unbearable.”<sup>21</sup> Ultimately, the father was sentenced to two years of imprisonment, but ended up serving only half of his sentence.

For Jacqueline, it was very difficult to accept that her father had never admitted to committing those crimes. After the trial, she moved to Manitoba. There, she experienced domestic violence and, despite filing a complaint, the case never went any further. She was also stabbed by another man, who spent only very little time in prison.

After much hardship, Jacqueline ended her life. Her loved ones continue to feel a deep sense of injustice and emptiness. “Life was so hard on her. And it’s just – and, it’s not fair for us. It’s not fair, because she was supposed to be there, you know? And now she’s gone.”<sup>22</sup>

In sharing their truth, Jacqueline’s loved ones suggested ways to improve the current situation. Anthony and Angela believe it is important to educate the public so as to be able to move past biases and stereotypes. People must be educated about the genocide of Indigenous peoples, but also about their spirituality and beauty. Tess believes that we have to talk to our children and make them aware of sexual assault so that they have what they need to identify and report abusers. Lastly, she points out that Indigenous children need healthy relationship models. It was to honour Jacqueline that Tess shared her family’s story and to give hope to women, who, like her sister, see no way out. Tess is hopeful. Having once been a victim of her parents and grandparents, today, she sees herself as a survivor. “I have two daughters. And my aim was that they do not have to live this. And today, they don’t. They are not ashamed of themselves. They are strong, beautiful women that stand tall in society. And I managed to do that.”<sup>23</sup>

### **The story of Adrienne A., Public Volume 67**

Born in 1970 in Kitcisakik to a father who was a hunter and trapper and to a mother with a painful past, Adrienne is an Anishinaabe woman, who grew up in a family of 12 children. The family was poor and the father worked hard to support them. Her childhood memories of a community where there was no electricity or running water are marked primarily by alcohol consumption and sexual assault.

At the time, as there was no school in her community, she had to go to the community of Lac-Simon, which was nearly 93 kilometres from her own. During those years, she saw her





family only when school was out. History repeated itself for her own children, who had to go to Val d'Or. "Every fall, I bawled when my children left ... I didn't even really see my children grow up."<sup>24</sup>

Adrienne completed high school and began a CEGEP accounting program, but put her studies on hold when her uncle, who, at the time, was Chief of the community, asked her to serve as secretary on the Band Council. Over time, Adrienne acquired knowledge and became interested in holding a leadership position. In 2009, Adrienne was elected Chief of her community and quickly realized that she would not be treated the same way as her male predecessors. While a ceremony is usually held to usher in new chiefs, no ceremony was held for Adrienne.

Adrienne worked tirelessly. She successfully put together the Kitcisakik Village Project to improve life in the community, which was still without electricity, running water and modern housing. She wanted to pull her community out of poverty.

The future of the children was, for me, something...too important not to offer something more decent to our children, because every day when I am at home, I look at my children ... I look at parents, families living in poverty, without water, without electricity for them to be nice and warm in their homes, because, for the people of my community, winter is not easy...<sup>25</sup>

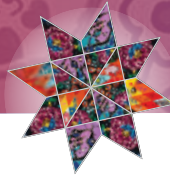
Although the Village Project received the community's support in a referendum, the support of Elders and government financial support, the project never materialized. Some Council members opposed the project, and Adrienne never obtained a Council resolution to proceed and lost the commitment of the federal government, which had been prepared to fully fund the project.

Adrienne served on a Council of four councillors, a number she finds impractical. She had the clear support of one colleague, but most of the time, the others were insubordinate or stonewalled her efforts. Throughout both of her terms, Adrienne was bullied and insulted by managers and Council members. Lies were also spread about her. At one point, people protested in front of her home, threatening to burn her house down. However, Adrienne refused to retaliate:

"I never took action because I don't want to live with having done something bad to someone, even if it is only a slap. No, I would never forgive myself for that or for yelling at someone who was already in pain."<sup>26</sup>

When she thought of resigning, she would turn to her grandmother, who reminded her that she had been chosen and that she could not give up. Adrienne found comfort in activities she loves, trapping and hunting, and in her Christian faith. She also had her husband's unconditional love, despite her long hours at work and the travelling she was required to do.

Adrienne continued to be subjected to so much psychological abuse that it seriously affected her health. Adrienne suffered migraines, had suicidal thoughts and had three heart attacks. Her children were terribly concerned about her. In 2017, Adrienne ran in the Council elections, but



she was not re-elected. That saddened her deeply. Many community members lost hope and moved to Val d'Or in search of better living conditions. Today, Adrienne and her children are paying the price for her political involvement. Despite all of their skills, they are all struggling to find work in the community. Adrienne deplores people's reticence in standing up to and reporting violence. She believes that, in order to move forward, trust needs to be placed in women and their solidarity. Adrienne continues to believe that change is possible and that, one day, young people will rise up and say enough is enough. "A community cannot pull itself up with only a part of its members. It's together, for our children's future."<sup>27</sup>

### **The story of Viviane and Armand E., in relation to Lauréanna, Public Volume 32**

Lauréanna was a little Atikamekw girl who was born in Manawan, on July 20, 1973. She was the second-to-last child in a family of 11 children. Lauréanna went missing on October 27, 1973, when she was three months old.

At the age of one and a half months, Lauréanna was transported by plane to a hospital in Joliette, without being accompanied by one of her parents, which was common practice at the time. She had pneumonia. Approximately one month after her hospitalization, Lauréanna's parents received a call from the Manawan dispensary, informing them that their infant child had died. Only her father received authorisation to travel to Joliette. Lauréanna's mother had to make arrangements with the mother-in-law of the Chief at the time so she could travel to Joliette.

Viviane explained that upon her arrival at the funeral home, her mother noted that the baby in the coffin looked more like a big 9- or 10-month-old baby, while Lauréanna was only 3 months old at the time and had been rather small when she was taken to hospital. Armand remembered the same thing, and although he has never known whether the baby in the coffin was a little girl or a little boy, deep inside, he knows that the child was not his daughter.

At the time, the parents wanted to bring their baby back to Manawan to bury her in accordance with their rites and customs, but their request was denied. Lauréanna was given an informal burial outside of the cemetery, without a cross or commemorative plaque, under the pretext that the baby had not been baptized. However, Viviane, who had been 12 years of age at the time of the events, remembered that her sister had been baptized on August 4, 1973. Today, buildings stand where Lauréanna is buried.

In the six years that followed the events, the parents continued to receive Lauréanna's health insurance cards, causing them to begin to question whether their daughter had actually died. To be sure, the father took steps to obtain Lauréanna's death certificate, to little avail. At the presbytery, the parish priest said he had not received a death certificate. The Atikamekw Council of Manawan and the Department of Aboriginal and Northern Affairs Canada provided them with documents confirming that Lauréanna's Indian registration was still active. The Régie de l'assurance maladie du Québec [Quebec health insurance board] told them: "Listen, Sir, she's 44 years old...She should be calling us herself."<sup>28</sup>



Around four years ago, Viviane contacted a social worker who claimed to have worked in Joliette at the time of Lauréanna's disappearance. The social worker told her that after initially receiving information that Lauréanna was doing well and that she had been discharged from the hospital, the next day he was told that the child had died. He decided to go to the hospital. Upon his arrival, he saw the man responsible for patients talking with another man he had never seen before and would never see again. Although he had not been privy to the conversation, the exchange between the two men raised suspicions.

After taking steps to obtain the death certificate from the registrar of civil status, the parents were finally able to access Lauréanna's medical records, which were archived at the hospital in Joliette. Upon reading the file, the parents were very surprised to learn that an autopsy had been performed on Lauréanna's body. Her medical records included a post-mortem examination that revealed irregularities. According to the examination, the baby had died before arriving at the hospital.

To this day, the parents have still not been able to obtain their daughter's death certificate. All of these elements lead the family to seriously doubt what actually happened to Lauréanna.

### **The story of Déborah E., Public Volume 32**

One evening in February over 37 years ago, Déborah, an Innu woman from Matimekush–Lac John who was 4 months pregnant at the time, walked from her community to Schefferville. When she arrived there, she went into a discotheque, but she stayed there for only a few minutes. As she was leaving, Déborah witnessed a fight. Officers from the Schefferville police force were at the scene. When they saw Déborah, one of them grabbed her and arrested her.

The police officer handcuffed me with my hands behind my back, then he put me in the back of the police car. I was yelling. I yelled, "Why are you arresting me? What did I do? In the car, I was yelling loudly, "What did I do?" There were two police officers, white officers. I knew those guys, those officers.<sup>29</sup>

At the police station, Déborah was placed in a concrete cell with a lot of leather around it. The lights were off. Despite her screams and protests, no one explained to her why she had been put in the cell. At some point, a police officer opened the door. He brought her a cup and some pills. All she remembers after that is waking up with her pants halfway down her legs and realizing that she had been sexually assaulted. After that, a police officer released her from the cell and took her back to her community. At the time, Déborah did not tell anyone what had happened to her. She kept it a secret for 37 years; she did not feel ready to tell her story. She never understood why she had been arrested. Even though she knew the police officer, she never filed a complaint. However, she remembers that she was furious and that she even broke the windows in her house. She still has the scars on her hands.





A year ago, following a report on Radio-Canada about the situation of Indigenous women in Val-d'Or, Déborah decided to break her silence about her own story of assault. She contacted the program host directly. She also decided to file a complaint with the SPVM (Montréal Police Department), but she had to wait for another year before a Crown prosecutor met with her. Accompanied by a psychologist from the community, Déborah told her story. Unfortunately, because of a lack of evidence, nothing came of the complaint. Today, it seems to Déborah that no one ever listens to women, and she feels a great deal of anger toward the police:

“I’m furious with the police because they didn’t listen to me. They all – they ruined my life. They also raped my daughter, while I was pregnant, when she was inside me. That’s why it hurts me. They raped my little baby too.”<sup>30</sup>

Since her disclosure of this rape, Déborah has been receiving help from a psychologist and support from a friend. No other assistance was offered to her during the process of disclosing the assault and filing her complaint.

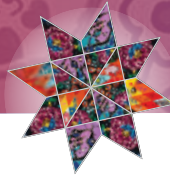
### **The story of Alma and Elizabeth M., Public Volume 36**

Alma and Elizabeth M. are two Naskapi sisters from Kawawachikamach. Alma’s daughter, Charlotte, died at the age of 5 in the mid-1980s. She was Alma’s first child.

At the time, Alma, who was in her early 20s, was regularly using alcohol and drugs. One day, when she returned home after doing her shopping, she discovered that social services had taken her children. Distraught, she managed to get the children back that day, but police soon removed them again. “I told her [Charlotte], ‘I’ll see you at Easter.’ And that was the last time I saw her.”<sup>31</sup> Alma lost custody of her children and had to complete therapy to get them back. Charlotte lived with a foster family in Schefferville for about a year. Alma went to their house many times in the hope of seeing her children, but the family would call the police.

One day, Alma and her sister Elizabeth went to the house to try to see Charlotte. They called her name, begged to see her, and shouted that they would try to get her back soon. The family refused to let the women see Charlotte and called the police. That night, Charlotte died. She was raped and murdered by the son of the foster family. Elizabeth believes that their visit may have angered him. He served only two years in prison. Alma and her family had a difficult time coping with the little girl’s death. They wonder how the foster family could have obtained the right to take in children. Alma thinks about Charlotte every day. “And still, today, I still feel it. I feel that she’s present. She’s here, I know it.”<sup>32</sup> At first, Elizabeth blamed herself for going to the foster family’s house the night of the little girl’s death, but she hopes that hearing their voices brought Charlotte some comfort.

Alma also experienced a disturbing incident of harassment by a non-Indigenous police officer in Schefferville. One night, when she was walking along the street with a friend who was very inebriated, a police car pulled up beside them. The police turned on their revolving roof lights



and told the women to dance. They asked why, and one of the officers answered that they had “beautiful bodies.”<sup>33</sup> They continued on their way, walking quickly and passing by a recreation centre. A little later, the same police officers, driving fast, pulled up alongside them again and accused the women of stealing cakes at the recreation centre. They then shoved the women roughly into the patrol car. First, they told Alma and her friend that they would take them home, but instead they took them to the police station.

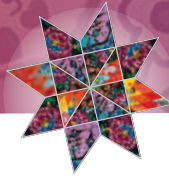
And then the police officer was talking to me and he was touching my hair. “You have beautiful hair”, he said. I said: “Don’t touch me!” And then he started looking at my breasts. And I told him not to look at me. And he told me not to look at his penis... Then he took me somewhere private. And he pushed me. I was so scared.<sup>34</sup>

Finally, another police officer Alma knew, who was an ally to Indigenous people, arrived and let the girls go home.

The first police officer continued to harass them: accusations of theft, racist insults, etc. Alma was shaken by his actions: “When I think about it, what I went through, what I experienced with that police officer, I was raped. I felt really bad when he touched me or tried to touch me.”<sup>35</sup> She would have liked to receive help, and she knows that other women have had similar experiences. Elizabeth was also upset by the sudden loss of her niece, who had been placed in a foster home a few years earlier without her family knowing where she was or what had become of her. The child was completely cut off from her culture and family. They would like to know what happened to her and get back in touch with her.

Today, Alma and Elizabeth refuse to give up.

Now, I’ll never stop. I’m going to work hard. What I went through, with my daughter and me, and what’s happening today, it makes me so sad when I think about it. But I’m following my path, and I still have strength in me, and I’ll never give up because of what I went through, and I’ll never abandon the cause for my daughter.<sup>36</sup>



## **The story of Françoise R., in relation to the disappearances of Tony and Emily Germaine R., Public Volume 61**

Emily Germaine and Tony are the children of Alfred R. and Hélène W. The Algonquin couple had 17 children: 11 girls and six boys. Two of them, Emily and Tony, disappeared a few months apart after being hospitalized.

In the late 1950s, the family was still living in the woods. One day, Tony, who was less than 2 years old at the time, was airlifted to the hospital in Amos after being diagnosed with pneumonia. His mother was later told that little Tony had died. No documents attesting or confirming his death were given to them, and the parents never saw their child's body.

A few months later, four-year-old Emily had to be evacuated after being stung by a bee. Since her parents spoke only Algonquin, they had difficulty understanding what was happening to their daughter. They learned that she had been transferred to another healthcare institution, but they never knew where or why. They received no further news about Emily after that, and they believed she was dead, like Tony.

The disappearances of Tony and Emily, together with being forced to send their other children to residential schools, had a profound impact on the parents, who gradually became dependent on alcohol. The other children in the family were also impacted by the disappearances. After that, their parents did not want to take them to the hospital. Françoise, one of Tony and Emily's sisters, also felt a lack of love in the home.

In the 1980s, at her father's urging, Françoise asked an employee of the Native Friendship Centre in Quebec City to help her find her sister. Françoise learned that Emily was in the Saint-Anne hospital in Baie-Saint-Paul,<sup>37</sup> which people referred to at the time as "the hospital for monsters." She discovered that her sister was severely handicapped, but the reason for her condition was unknown. At the time, Françoise did not feel able to visit her. When her father became very ill, he begged her, "Bring back your sister. Try to bring your sister home. Work hard to get her back."<sup>38</sup> Then, one day, the family received a call from the hospital informing them that Emily was dying.

The hospital in Baie-Saint-Paul had kept my sister for more than 30 years. They had never once called us in Abitibi. They never gave my parents any information, never said, "Your daughter is doing well, your daughter is like this" or "She's here in this hospital." They never did that. But when she got sick, they managed to call Abitibi to say "Your sister is dying."<sup>39</sup>

The family was told that Emily was unconscious and that she did not recognize anyone. With financial support from the Centre de santé de Pikogan (Pikogan health centre), the family travelled to Baie-Saint-Paul to see her. "The first thing my sister did when she woke up was look at us... She recognized my mother right away, and the first word she said was 'Mommy!' We all cried. My mother was in so much pain."<sup>40</sup>





A few months later, the family was finally able to take Emily back to Amos, where a place had been found for her near the house. She died in 2010, but she spent the last years of her life close to her family. “We lived for ten years with Emily...[S]he doesn’t know it, but it’s thanks to her that I was able...to deal with all the challenges in my life.”<sup>41</sup>

In 2016, with help from a journalist, the family obtained various documents that provided more information about Tony’s death. At the age of a year and a half, Tony was diagnosed with bronchopneumonia. The document also confirmed that he had recovered. Later, he was diagnosed as an “idiot,” a diagnosis that would be known today as an intellectual disability. Although Tony’s mother had been told that her son had died a few months after being hospitalized in Amos, the little boy was actually moved to the same hospital in Baie Saint-Paul as his sister Emily. He was there for more than five years and died at the age of 7. He was buried in a common grave. As they asked, “What did they do with our brother? Why did they hide him? Those are the questions my mother is asking today. What did they do with my brother all those years when he was in the hospital?”<sup>42</sup>

Even though she does not speak French, H  l  ne watched the news reports about Indigenous children who had disappeared and understood that other families had also lost children. H  l  ne has been deeply impacted by the loss of her children. Fran  oise and her brothers and sisters suspect that medical experiments were conducted on Tony and Emily.

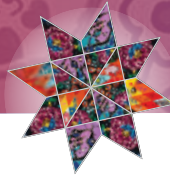
Fran  oise stresses the importance of finding answers to their questions. Who authorized the transfer of the children to Baie-St-Paul? Why were the parents not informed? What happened during all those years? Many details of the story remain unclear to the family. Fran  oise would also like the government to apologize to the many families whose children disappeared while hospitalized. She is calling for more justice and humanity for the families.

And my parents, the fact that they experienced that,...they were treated like animals. That’s how they treated my parents: “We have the right to take your children as we wish. Take them to the residential school, then take them to the hospital.” You know, they’re the ones who decided. It isn’t up to them to decide. We have lives. My parents have feelings, and they have emotions, and I want justice for that.<sup>43</sup>

### **The story of Cheryl M., in relation to Carleen M., Public Volume 59**

Cheryl is a Mohawk grandmother, a matriarch of the Kanesatake Wolf clan and is the youngest of four daughters. Cheryl’s sister, Carleen, went missing in the early hours of September 4, 1988; her skeletal remains were found in the nearby forest two kilometers from where she was last seen alive.

Cheryl and Carleen’s parents are Mohawk; their father was born at Akwesasne and their mother at Kanesatake. Cheryl and Carleen were both born in Malone, New York. When Cheryl was one-year old, the family moved from the McDonald farm at Akwesasne and the sisters were raised in the Onondaga Nation, in the heart of the Iroquois Confederacy south of Syracuse.



The children participated in the longhouse ceremonies, but went to public school where they graduated. They lived in two worlds and visited their parent's families at Akwesasne and Kanesatake during holidays and summer vacations.

Carleen was 14 months older than Cheryl. As Cheryl described her, Carleen “was a rambunctious little spirit; oh God, she used to drive my parents crazy. She was defiant.”<sup>44</sup> At age 16, Carleen got pregnant and dropped out of school. The baby's father was in the military and was 10 years older than Carleen. He was the love of her life. She had three children with him. Carleen's relationship with her partner became complicated. He was psychologically and physically violent with her and the children, and he drank. “[H]e controlled her, emotionally and physically.”<sup>45</sup> Their home gradually became an unhealthy environment for the children. Over time, Carleen's parents took two of her children into their home. Cheryl's relationship with Carleen also had many ups and downs. Cheryl never knew what to expect from her sister. She gradually distanced herself from her.

In July 1988, Carleen and her partner separated. Carleen and the youngest child who was still in her custody moved back in with Carleen's parents. In the weeks that followed, Carleen's ex-partner told her he had fallen in love with another woman. Devastated and heartbroken, Carleen confided in her three sisters that losing her first love hurt so much, that she felt like killing herself. At that time, her sisters did not worry too much about what she said; they advised her to move on, telling her that she could find someone better.

Cheryl knew Carleen had spoken on the telephone with her ex-partner before she went to bed the day before her disappearance. Their mother reported that after the phone call, Carleen had been crying, and told her parents he was not coming back for three weeks. The family never knew what they talked about, but Cheryl thinks that Carleen must have begged him to take her back and he rejected her.

The following morning, Carleen's mother asked her youngest granddaughter to go and wake her mother up for breakfast. It was then they realized Carleen wasn't there. She had left a brief handwritten message saying that she was going out and would be back around noon. The family initially thought she went out with her cousins or friends from Akwesasne to try to forget about the breakup. All that seemed to be missing was a bottle of rum she purchased previously. She left behind her jewelry, purse and clothing, but she never came back. No one seemed to know where she was. Her disappearance was reported to the police after 48 hours had passed.

The family had the impression that the police did not make much of an effort to search for her. They told the family that they had searched the woods and found nothing. The family looked everywhere else walking through private and common lands in the cornfields, swamps, fields and wooded areas crossing the international border between Snye, Quebec and New York State. They spoke with individuals who might know Carleen's whereabouts. Soon, everyone was devastated and mistrusted the Mohawk police. The family began to question the police's competence in handling the missing person investigation. They started to fear everyone around them, and they became isolated as a family.



Carleen's body was found seven weeks later, in the woods where the police said they had already searched. Cheryl always believed says that the investigation should have been carried out by the Sûreté du Québec and the New York State Troopers or County Sheriff's police forces to access more experienced investigators. The Mohawk police seemed to believe Carleen's ex-partner's character and his alibi in the first days of her disappearance. Cheryl watched his actions and behaviors and she felt that he was hiding some details and did not seem to help in the foot searches. After Carleen's skeletal remains were taken from the forest floor by the Akwesasne Police and emergency medical responders, members of Cheryl's family were surprised to find all of some of Carleen's scalp hair on a blue blanket near at the spot where her decayed remains body had were found. No photos were ever shared with the family, and the family never saw the missing person's file.

The Akwesasne Mohawk police quickly concluded that the death was a suicide based on the coroner's reported cause of death due to "hypothermia". This fact was difficult for the family to accept, because many of them were suspicious of Carleen's ex-partner. The family always believed he knew more than he was telling about the state of Carleen's mental health at the time of her disappearance and the history and extent of domestic violence she had experienced. Following Carleen's death, the grieving process was difficult. Cheryl and other family members did not reach out for professional supports; instead, they focused on their own families, marriages and work, which kept them occupied and busy. They only spoke privately about Carleen, but never cried and grieved. They each buried this pain from each other only to share in private their own individual theories and conclusions. After 31 years, since Carleen's suspicious death, there are still too many unanswered questions: "Losing a sister, not knowing where she is, what happened to her; finding her body by chance and then grieving and not knowing for sure what happened to her. So we didn't grieve."<sup>46</sup> Carleen's ex-partner died ten years after Carleen without giving her family any satisfactory answers. Cheryl still believes he held back important details, and they will never know the truth.

In her life-affirming testimony, Cheryl emphasized the importance of talking about our missing or murdered sisters: "So we have to talk about this; I know it's painful to hear about, you know, what's happening to our sisters. But we have to; we have to feel to heal, and I tell you: I cried, a lot."<sup>47</sup> She also spoke about the problems that affect communities and the importance of regaining pride in their culture as a way toward healing. Cheryl ended her testimony by honouring her sister's memory.

And I have to honour her, honour her for showing me how life ends or life begins; and she was my greatest teacher. And in our traditional Iroquois beliefs, when someone dies, they say, "They came in our lives for a reason, to teach us." And so, she was my teacher; she showed me how to be strong; how to communicate if someone's mistreating me. How to love my kids when I didn't feel like it because I was grieving or feeling angry. The family just shut down the painful memories and tried to carry on, while their parents became parents to their grandchildren and they struggled to make a life despite the anguish.<sup>48</sup>





### **The story of Anastasia N., in relation to Kimberley N.-N., Public Volume 35(a)**

Anastasia, whose real name is Natah Nuna, is an Innu woman who was born in Natashquan and grew up in Mingan, in the woods, with her mother and two of her brothers, in a family that was very affectionate and trusting.

When she was only seven years old, Anastasia was sexually assaulted by a man they knew. She did not dare tell her mother what had happened to her, afraid that she would face consequences for her revelation. She kept the secret to herself, and the assault marked her forever.

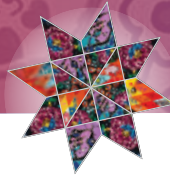
Anastasia married at the age of 16 and had several children. When the couple moved onto the reserve, her husband began to be violent toward her on a regular basis. She stayed with him for many years for the well-being of her children. After being married for 34 years and raising her children and grandchildren practically on her own, she left her husband.

She obtained custody of her great-granddaughter, Kimberley, when Kimberley was two years old. She had been growing up surrounded by substance abuse. Anastasia took care of her and showed her love and attention. Together, they moved to Quebec City. One day, Kimberley asked her grandmother's permission to go swimming at a friend's house. She was 16 years old. They agreed that she would come home by bus around 8:00 p.m. But she did not return at the agreed-upon time. Anastasia waited for a few buses to pass. She was worried, and so she called all of Kimberley's contacts. They did not know where she was and confirmed that she had left the friend's house. Anastasia decided to go back to the bus terminal to wait for her, hoping to see her. Police officers on patrol questioned her, and she told them her concerns and explained why she was waiting there. In spite of everything, the police officers gave Anastasia a ticket for loitering. As she recalled, "He said to me, "Ma'am, two hours late is nothing." I said, "But I'm worried." ... They ended up giving me a ticket for waiting there. I said to him, "Because I'm Innu? Is that why you're doing this?"<sup>49</sup>

The same police officers did not think that the disappearance was concerning and told Anastasia to wait at least 48 hours before reporting it. While she waited, Anastasia continued to actively look for Kimberley, and then she made her statement concerning Kimberley's disappearance. She inquired about the file daily by calling the police station, but she got the impression that she was bothering the investigators: "They didn't help me. They were not always very kind to me when I went to find out if they had any news about my daughter's file."<sup>50</sup> They always believed Kimberley had run away and never considered it a missing person case.

Anastasia was extremely worried and could not sleep. She took various steps on her own and contacted organizations. She was afraid, but she felt deep in her heart that Kimberley was alive. More than six weeks after Kimberley went missing, Anastasia finally received a call from the police telling her that she had been found. Kimberley had been forcibly confined in an apartment where she was sexually abused, injured, tortured and humiliated.

A few months later, Kimberley filed a complaint against her abuser. The man got four months in jail. Kimberley felt terrible injustice at such a disappointing sentence. Anastasia believes that the justice system protects the perpetrators rather than the victims. Kimberley decided to contest the



sentence imposed on her abuser. It was a long and emotionally difficult process, and Kimberley had to recount her story to three investigators. Anastasia gave Kimberley her full support. The abuser finally pleaded guilty just before trial and received a sentence of five years. Anastasia still considers this sentence too lenient. She believes that the justice system is unfair and is not compatible with Innu values.

Kimberley is 22 years old now. She still suffers after-effects from her assault, including frequent blackouts because of a blow to the head. Since she left the youth centre, she no longer receives counselling, even though the need is still there. She has never received compensation from the Program of compensation for victims of crimes (IVAC).

Today, Anastasia enjoys life and takes pride in her role as a mother, grandmother and great-grandmother. She advises people to love their children, grandchildren and great-grandchildren and to never hesitate to look for them if they are worried.

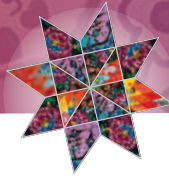
### **The story of Denise F., Edmond J. and Jeanne d’Arc V., in relation to Anne-Marie J.**

Anne-Marie J. was an Innu woman who disappeared in late November 1958 and was never found. Anne-Marie was born in approximately 1935, in the forest. She grew up in Uashat, although her family spent a lot of time on the territory hunting and trapping. Anne-Marie had three children: Roger, born in 1953; Denise, born in 1955; and Jeanne d’Arc, born in 1957.

At the time she went missing, Anne-Marie was 23 or 24 years old. Her children were still very young. Denise was told how strong her mother was, how she was sociable and always said things like they were: “My mother was very tall, very pretty, very well built. She was a very hard working woman. My grandfather said that my mother was very strong.”<sup>51</sup> She also enjoyed going into the city, and that is probably where she met Denise’s father.

The National Inquiry also heard details of her mother’s disappearance. On that day, Anne-Marie was at Sainte-Anne lake, not far from the community’s territory. She had gone to check the beaver traps and to trap, and she was accompanied by a friend’s 12-year-old son. It was a beautiful, sunny day, but near the end of the day, a storm moved in suddenly. By dinner time, Anne-Marie and the boy had not returned to camp as expected. The young boy’s parents were worried. He was not dressed for a big storm. When the storm died down, a group of people left to search for them. Denise noted the community solidarity that existed then.

Edmond, Anne-Marie’s younger brother, remembers his sister’s disappearance. He was with his father in the forest removing traps. They learned that Anne-Marie was missing when they got on the train. Edmond was not worried at first, thinking that she would be found quickly. However, by the time they got off the train, she still had not been found. They went out again into the forest, him and his father, to help search for her. Anne-Marie’s father found her tracks in the snow. He followed her tracks for a long time, and then the path stopped all of a sudden, right next to long logs. There were horse tracks around. Since the tracks stopped suddenly, the father deduced that someone had picked up Anne-Marie in a sled with horses.



Two days after the search began, the young boy was found dead, frozen, under a tree. There were indications at the scene suggesting that his body had been dragged using logs. When the young boy was found, he was apparently wearing Anne-Marie's clothing.

In the forest where Anne-Marie went missing, non-Indigenous loggers worked the land. The loggers worked, cutting wood, and had equipment and horses. Some Innu wanted to search the loggers' camp, to ask for help, and to look around and in the house. The loggers were never willing to let the Innu in or to help them and did not let them look around. Afraid of reprisals and conflict, Anne-Marie's father did not insist.

A police officer supposedly went once to the loggers' camp. It is not known what came of that visit. The family was never met with by the police and did not have access to any documents. They had the impression that the police had no interest in getting to the bottom of this disappearance.

Anne-Marie's body was never found. Her family believes she was assaulted and killed: "[M]e, I'm convinced that my mother was murdered."<sup>52</sup> Denise believes that her body could have been burned in one of the enormous wood stoves the loggers had. The truth about what happened will never be known. The family finds it unjust that nothing was done and that Indigenous people were considered less important: "Our story in our family, there is a void, and it's that void that's painful... We imagine what our mother went through before she died."<sup>53</sup>

After her disappearance, Anne-Marie's children were adopted by different families. Her two eldest children were adopted in Maliotenam, and the youngest, Jeanne d'Arc, was placed in a foster home in Pessamit. Jeanne d'Arc was unable to track down her biological family until 1985, when she was researching her mother's death. Although she did not know it, her sister Denise lived a few houses away from her.

Today, Anne-Marie's children are marked by their mother's story. "The story of my mother, she is in my blood. I even look like her too, like two peas in a pod. I really searched for her. Who is she? What was she like?"<sup>54</sup> Denise and Jeanne d'Arc are activists, each in their own way, and believe that they carry their mother with them in that spiritedness.

### **The story of Maurice K. and Beatrice R.T., in relation to Kathleen K.R., Public Volume 70**

Kathleen was a Cree woman, the mother of Maurice and the sister of Beatrice. Kathleen's children always thought their mother had drowned in 1967. Recently, their aunt Beatrice told them that she was murdered.

Kathleen and Beatrice's parents had seven children. The family lived in a tent on the territory and spoke Cree. Beatrice remembers her sister as someone who respected her parents. She was kind, responsible, and always ready to help others. She helped Beatrice a lot, by providing her with clothes so that she could go to school when she was a child and later on. "It wasn't her nature to





get angry; she laughed all the time. And that's what I remember about her, her smile, her laugh, and I miss it so much."<sup>55</sup>

Kathleen was also a devoted, loving and protective mother. She had eight children: six boys and two girls. Her son Maurice, the second child, was separated from his mother at a residential school until he was 16 years old "[T]he seven years I spent at the Indian residential school took from me my mother's presence."<sup>56</sup> Nevertheless, the tenderness he feels for his mother remains intact: "What I remember, however, the love of a mother for her children. That, I felt it, I saw it. She took care of all of us despite what few financial resources, what few resources there were."<sup>57</sup>

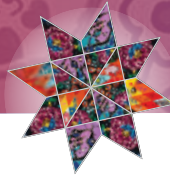
At the time of her death, Kathleen was 43 years old. Her sister Beatrice was 27 and her son Maurice was 19. On that day, the police came to see Kathleen's parents. The parents only spoke Cree, and so Beatrice and her husband had to translate what the police said. Kathleen's body had been found in the river. The police told them that two sets of footprints had been seen and that a third track in the middle appeared to belong to a person who was dragged or who someone had tried to make walk. The coroner found no trace of water in her lungs, indicating that she had not drowned. She had a hole in her skull and had probably been struck violently on the head. This evidence at the scene suggested that she had been violently attacked and then thrown in the river. At the time, Kathleen's parents supposedly did not want to initiate an investigation.

Kathleen's sudden death was a shock and was extremely painful for her entire family. Following the tragedy, Kathleen's children were placed in different families in the community. The two youngest have no memory of their mother. Maurice left his community for a time because he felt like his life no longer made sense without a mother. He returned later, however, and started a family there.

Beatrice kept the circumstances of Kathleen's death a secret for many years, afraid of hurting her children. She suffered a great deal from keeping all that pain to herself. Then, in 2016, Beatrice decided to reveal the truth about their mother's death to her nephews. Maurice had a very hard time learning the truth and immediately thought of his own children and grandchildren. "But me, for me, my children did not have the joy of knowing their grandmother or their great-grandmother. That is what's hard. What's hard, too, is the way she died. She was murdered, she was killed."<sup>58</sup>

Today, despite their grief, Beatrice and Maurice want to honour Kathleen's memory and share her truth. They are making the most of the fact that they are alive.

I tell myself: Life is too beautiful and too short not to enjoy it. The joy of being a parent, the joy of being a grandfather, the joy of being a great-grandfather, and the joy you see in your children having fun, when you watch your children talking amongst themselves, laughing amongst themselves, it's that joy that keeps me going. It's that joy that keeps me standing, because I want to live another 30 years, let me tell you.<sup>59</sup>



### **The story of Lise J., Public Volume 32**

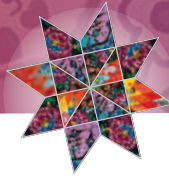
Lise is an Innu woman from Uashat. She is the youngest of ten children. After her father died, her mother raised the children on her own.

Lise experienced sexual touching for the first time when she was four years old, at a cousin's home, where she had gone to look for food. At that house, she also witnessed her abuser being violent toward his spouse. She was afraid to talk to her mother about it because, one day, one of her brothers had come home from the residential school and told his mother that he had been assaulted by a priest. When her mother tried to protest, Lise remembers her mother being taken away by the police. Her mother only spoke Innu. Despite everything, her brother was forced to return to the school. Afterwards, she did not dare report her abuse, out of fear that her mother would be punished again. She felt a lot of guilt and shame.

When she was around 14 years old, Lise was the victim of intimidation and she decided to leave Sept-Îles to live in Schefferville. It was a new life for her, and she felt loved and welcomed in her new community. She stayed there until the day she was raped by a police officer. "You could say that my life I wanted to leave behind in Sept-Îles caught up with me.... I felt like I had no net under me, and at each ordeal, every time something happened to me, I withdrew into myself a little."<sup>60</sup> After that incident, Lise began drinking and using drugs. She sang, she danced, she laughed, she had a large circle of friends, and she continued that lifestyle for many years. But she could not escape the pain inside that was eating away at her. She attempted suicide three times during her years of substance use. The last attempt left her in a coma for two days. When she got out of the hospital, her sister had arranged a spot for her in therapy. She stayed there for 30 days. After that stay, she continued her journey and left to live in the woods for three months. She believes that the people who supported her saved her life. She also discovered spirituality. "Through it all, I followed the Red Road and I was healing. I was walking the spiritual way of life and I would see the hurt I had experienced."<sup>61</sup> She has been sober for over 20 years.

One day, Lise heard a report on the program *Enquête* about the allegations made by Indigenous women in Val d'Or against police officers. She realized then that she had buried deep within herself the memories of her sexual assault by a police officer. "And there's a drawer that opened inside me...I re-lived the rape I had experienced for a second time, and the shame as well...I burned sage and I prayed and I started to cry and scream."<sup>62</sup> She knew that the Creator was sending her a message and that it was time for her to heal.

She decided to speak publicly about her assault. She thought about her daughters and her granddaughters. She did not want to turn a blind eye any longer. "I wrote on Facebook. I wrote, today I am speaking out about sexual abuse. My door is open 24/7. Anyone who wants to speak out, who wants support or who wants someone to listen."<sup>63</sup> Her phone did not stop ringing after that, with many women and girls asking for her support. Instead of filing a police complaint for her case, she decided to devote her energy to helping those who came to her. She received negative messages as well, accusing her of taking a side against the Chief of the community, who, at the time, had sexual assault charges against him. The community was divided over the charges, and Lise felt ostracized and under attack.



During this time, she had a heart attack. She was transferred to Quebec City. But even from afar, she continued to be concerned for the victims. She knew that many suicides in her community were due to sexual assaults. When she returned to Sept-Îles, she continued to provide assistance to victims. She said that the women who came to see her did not feel as though the caseworkers in the community were listening to them and did not feel respected by non-Indigenous responsible for allocating resources. Lise feels angry and she lacks resources. Despite everything, she continues to stand up for victims. Lise is strong in public, but she often cries. Some people try to make her feel guilty by saying that alleged abusers are committing suicide. The guilt she had as a little girl resurfaces. “What am I going to do? Do I leave the police officer alone because I’m afraid he’ll commit suicide?”<sup>64</sup> She realized that she had a tendency to believe she was not important enough to take action. So she has this message: “Today I am giving myself the right to be important.”<sup>65</sup> Ultimately, Lise reiterates that Indigenous women and girls who experience sexual assault need help and that we need to break the silence. She also wants to see more men involved in standing up for them and taking part in community healing.

### **The story of Jérôme M., Agnès P., Charles M., Christine L., Mary M., Thérèse L. and Alice L.T., Public Volume 33**

A small group from the Innu community of Pakua Shipi spoke about the events that took place between 1950 and 1970 that left an indelible mark on the members of this community.

In 1961, Father Alexis Joveneau organized for a group of Innu from Pakua Shipi to be deported to La Romaine, promising them various services, opportunities and new houses. “He promised us so many wonderful things when [we would] arrive in La Romaine.”<sup>66</sup> However, after a year, the group had received no resources and no services. So the father of Jérôme M. decided it was time for the family to go back to Pakua Shipi. Four families made the journey on foot, a trip that took about two weeks. When he found out, Father Joveneau was furious and banned any type of assistance, local or governmental, from being given to the families returning to Pakua Shipi. For many years they got by on jobs provided by the local general merchant and small jobs in the neighbouring village, as well as income from “our selling pelts.”<sup>67</sup>

At the time, Father Alexis Joveneau had a very strong hold over the community. Mary and Thérèse came to testify about the sexual abuse to which he subjected them. Mary M. was touched sexually by Father Joveneau during confession when she was 7 or 8 years old. “Then later, I was scarred by that bad thing that happened. I had very low self-esteem and I didn’t love myself. I didn’t like my body. I had relationship problems.”<sup>68</sup> Thérèse also experienced sexual abuse by Father Joveneau at the age of 7, and she described an incident that suggests that her mother was a victim of Father Joveneau as well. She explained how it was almost impossible to speak out about the touching at the time, since Father Joveneau was seen as a god in the community: “I couldn’t even speak out against him because people thought he was a very important person. And people thought he was God. And me too, that’s how I thought of him.”<sup>69</sup> For the witnesses, there is no doubt that many other people were abused by Father Joveneau. Mary described how these events had an impact on her entire community: “There are people





who have been affected by those events. There are people who suffer from alcoholism, drugs, low self-esteem, a difficult life, and more. It's due to those events that have been handed down from generation to generation."<sup>70</sup>

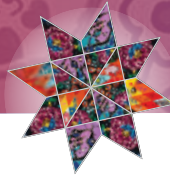
Lastly, Elders spoke about another tragedy that occurred in the community, the disappearance of eight young children between 1970 and 1972. These children were transferred by helicopter to the hospital in Blanc-Sablon. Parents were not allowed to go with them and were given no news during the entire time they were in hospital. These children were declared dead, without the parents being able to have access to the medical records or know the location where they were buried. Agnès lost two children that way: "So every time I go to Blanc-Sablon, when I go to the cemetery, I don't even know where my children are. I'm still looking for my two children... Where did they die? Where are they buried?"<sup>71</sup> Christine also lost three of her nine children in similar circumstances, when they were four months old, seven months old, and two years old. "I was told my child would be buried in Blanc-Sablon, and then I asked to attend the burial, and they flatly forbade me from attending my child's burial."<sup>72</sup> She does not know where her children who were declared dead are buried either. As she explained, "We still wonder today. We still constantly feel that we are searching for our children. This is what the doctor did. He could hospitalize them for one month, two months, one year, two years even, our children, without telling us anything. Then nobody told us about the health of our children when they were hospitalized in Blanc Sablon."<sup>73</sup> The families managed to obtain the medical records for their children when a journalist, Anne Panasuk, took an interest in their story in 2014. Lastly, Alice shared the story of a 16 year old teenage girl, hospitalized in Quebec City in 1952, whose parents were told she was dead but never received any proof. One woman even allegedly saw her get into a car with two men. The loss of these children and the circumstances surrounding their disappearance makes it almost impossible to grieve. The impacts are still very real: "That's when I noticed, after these sad events, that I saw my father drink, drink a lot. Every time he drank, he would get in a very bad way, he would talk about his children and he would cry."<sup>74</sup> These disappearances and the mistreatment experienced in hospital settings also seriously eroded their trust in these services, and many are now reluctant to seek treatment at hospital.

Today, the families hope that these tragic events are heard and acknowledged and that assistance and services are provided for survivors in the community.

### **The story of Ambroise M., Noëlla M., Simone B. and Rachel M., Public Volume 34**

A group from the Innu Nation of Unamen Shipi (La Romaine) recounted the events that occurred in their community, related to their deportation from Pakua Shipi and the accusations against Father Alexis Joveneau.

Ambroise M. is from Pakua Shipi but has lived in Unamen Shipu (La Romaine) for more than 60 years. He arrived with a group of Innu by boat with Father Joveneau, after Father Joveneau had organized for them to be deported from Pakua Shipi to Unamen Shipu.



We arrived in La Romaine, there wasn't even a camp for us to take shelter, the night, there was nothing... The reason we were the first groups to leave Pakua Shipi for La Romaine is because the priest married off my big sister to a man from La Romaine... It was the beginning of the deportation of Innu from Pakua Shipi to La Romaine because of the arranged marriage of my big sister.<sup>75</sup>

The deportation was very difficult for Ambroise and his family, but he could not disobey the priest, who was very important in the community. "I was extremely sad when we were deported, when we left our village. Why was I sad then, because it's there that I was born, it's there that I lived, I had good times. I learned to hunt there."<sup>76</sup> Ambroise then described the authorities' harsh treatment of Innu, including how the priest interfered with Innu education, how the police killed many dogs, and how the government refused to provide assistance to a group of Innu who returned to Pakua Shipi. Moreover, when they finally received the first houses they were promised, there was not enough of them and the families had to cram in: "The first house we were given, me and my parents, we weren't the only ones in that house. There were three, four families in there, in the first house we received in La Romaine. I started to find it sick, Father Joveneau's actions."<sup>77</sup>

Simone B. was born in Unamen Shipu. She spoke about how she was exposed to violence for the first time, during her schooling by the nuns, at the age of 7. "I never saw my parents be violent toward any of us. I never experienced that. The first time I saw violence, it was from the nuns and the priest."<sup>78</sup> The nuns often struck her on her hands or locked her in an office alone, in the dark. When she was around 9 or 10 years old, her mother became ill and Simone often missed school because she had to take care of her during the night. "Every time I missed school or I was absent, the sister cut my hair."<sup>79</sup> Simone also spoke about having been touched sexually by Father Joveneau, from age 9 until she was 19, when she got married: "What he made us go through, the priest, I have always carried around anger."<sup>80</sup> She explained how the priest's actions in the community undermined respect for traditional Innu teachings, denigrated their cultural values, and eroded their self-esteem. These days, she rarely goes to church. Instead, she has reconnected with the beliefs of her ancestors. As she explains, "And now, I move forward with those beliefs, Indigenous beliefs in my life. It's been about a decade that I've been on the spiritual journey. And I'm glad to have discovered the strength that was inside me."<sup>81</sup>

Noëlla M. is also from Unamen Shipu. She also experienced sexual touching by Father Joveneau, from the age of 8 until adolescence. "It began to break me inside. I was torn apart and, at school, it affected me a lot academically."<sup>82</sup> As an adult, she went to therapy to move past the consequences that the priest's abuse had on her and to avoid passing on her burden to her children and grandchildren. In her community, not everyone was able to work on their trauma, and she notes the intergenerational impacts of the priest's actions: "You could say, when I look, I analyze my community, it's very heavy, the atmosphere. And then when I look also at the situation of my children, my grandchildren. I'm ready to listen to the other women, and I have many women who call me to listen to them."<sup>83</sup>



Finally, Rachel M. came to tell the story of her niece, an identical twin, who went missing when she was very young. The twins were born in the 1970s.

I must have been 10 years old, the story I'm telling you... When I arrived at the health centre, they had already evacuated both of them... the twins and Madeleine [the mother]. Madeleine, they evacuated her to Blanc-Sablon. As for the twins, they were transferred to the St. Anthony hospital in St. John's, Newfoundland.<sup>84</sup>

Madeleine returned to La Romaine, along with Nitia, one of the twins. Father Joveneau told the family that the other twin had died. The parents wanted the body to be brought back to the community, but the priest said that it would be too costly to transport a casket and that the little girl was already buried in Quebec City. Today, Rachel and her family simply want answers. "If she's alive, I'm really happy, she would see my mother, my father, before my parents leave this world. If she's dead, I would at least like to know where she is buried."<sup>85</sup>

These stories illustrate the impact of the trauma experienced in the Innu community of Unamen Shipu. Today, the families want to be heard, and they want assistance and answers.

**The stories of Jacqueline F.O., Manon O., Lucie Q.,  
Marie-Louise A., Jeannie C., Marie-Jeanne B., Florence D.,  
Annette D., Delima F. and Carol D., in relation to Baby Maxime,  
Baby Pierrette, Baby Alice, Baby Boivin, Public Volume 63**

In the 1950s and 1960s, a number of Atikamekw families had their babies go missing at a very young age while they were staying at hospital. For the majority of these families, it was impossible to recover the body of their child, obtain the death certificate, hold their child in their arms following their death, and bury their child with family. The fate of these children, and what really happened to them, remains a mystery.

- Baby Maxime was born on January 30, 1954. When he was around six months old, he was moved to the region of La Tuque, because of facial sores likely caused by severe eczema. It was the village priest who requested that he be hospitalized. He was then allegedly transferred to a hospital in Quebec City to see specialists. After two long years, the family was told that Maxime had died. The family was never able to recover the body and never obtained a death certificate. They never even recovered the tikanigan (traditional baby carrier) in which he had been transported during his transfer by plane.
- Baby Pierrette was born on July 1, 1964, with the umbilical cord wrapped around her neck at birth. She lived, but she had trouble feeding after that and had to undergo an operation. Pierrette stayed at hospital in La Tuque for about a year. Her parents went to visit her regularly. Without her parents signing any documents, the baby was transferred to Sainte Justine Hospital in Montreal. Pierrette was two years old at the time; she was eating, walking and running. One day, her parents, who were with her, went back to We-

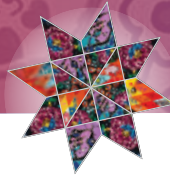




montaci to take care of their other children. They kissed Pierrette and promised they would come back soon to get her. When they got off the train in Wemontaci, the priest and the Chief of the community were waiting for them. They told the parents that Pierrette had died. The parents refused to believe it, as she had been in good health when they left, and they wanted to take the train back to Montreal to see her. The priest told them that there was no point and that they would not be able to see Pierrette. They were unable to bring her body back to the community to bury her with her family, and they never obtained a death certificate. Pierrette's family wonders what really happened: "me, I personally think – I think she was sold because the priest, he really liked money, Father Houle."<sup>86</sup>

- Baby Alice was born in the early 1950s. Her mother gave birth to her child, heard her first cries, and saw that the baby was alive and well. The staff quickly took the child to another room, and then the mother was told that her baby had died. Shortly after, the family received a sealed casket with the top screwed shut and was told not to open it. The family is convinced that Alice is still alive.
- Baby Boivin was born on April 4, 1952. His mother was ill and was hospitalized. When he was born, the baby cried, but the mother was quickly told that the child had died. The only document the family obtained was a birth certificate in English on which it was written that the baby was stillborn. The same mother lost another child in similar circumstances, a little girl Anne-Marie. One day she was breastfeeding her, and the next day she was told her child had died.
- Baby Pierrette<sup>87</sup> was born in July 1956 at the sanatorium in Macamic. Her mother had been admitted to the sanatorium because she had pneumonia. Right after the delivery, Baby Pierrette was transferred to the hospital in Amos. Her mother was not even allowed to hold the child for a few seconds and the parents could not see her before her transfer. The parents never saw their child again after that. One month after her birth, a nun came to tell them that Pierrette had died from measles. The parents never saw any documentation concerning her death or her hospitalization. They could not be present at their daughter's burial because they were prohibited from leaving the sanatorium at the time. As they explain, "That's what we think now: her child was kidnapped from her. That, we call that – it's a kidnapping. There is no other word for it, a kidnapping pure and simple."<sup>88</sup>

These stories are not unique and represent several truths shared by families who, today, continue to wonder what really happened to their children. They cannot know for certain whether their child is really dead or was taken away by the state and placed with a new family. They have never been able to fully grieve. The impact on the families is tremendous: depression, suffering, constant questioning, guilt, addiction, and more. The families want answers and assistance. Today, the families feel a deep sense of injustice and want their stories to be heard. They do not want what happened to these children to be ignored. They would like the government to accept responsibility.



It's not just us. There are many in the community. We need to act. We need to stop being afraid. We're all human beings. That's what I would say to the government. Everything they did to Indigenous people –it's like they tried to wipe out Indigenous people. No, but it didn't work. We have a lot of hope, courage.<sup>89</sup>

### **The story of Jenny R., Public Volume 35(a)**

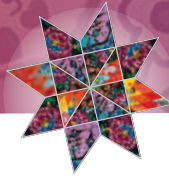
Jenny R. is an Innu woman from Uashat. She was around 5 years old when her parents divorced and her mother's drinking became a problem. She was placed in foster care in the community. During that placement, at the age of 6, Jenny was sexually assaulted. Every night, the man assaulted her with a screwdriver, and Jenny grew up in fear and shame. The violence continued until Jenny, at the age of 13, asked a judge to place her back in the care of her alcoholic mother.

One day, Jenny's mother announced that she was starting therapy to stop drinking. Jenny decided to accompany her mother to her Alcoholics Anonymous meetings. One night at a meeting, Jenny, who was 16 years old at the time, was reluctant to share her story. When there was a sudden power outage, Jenny, who could no longer make out the others, managed to tell her story in the candlelight. She considered it a sign, and sharing her story was beneficial: "I think that this helped me to keep on going for a little longer."<sup>90</sup> Jenny described the years that followed as her period of revolt. She completed four sessions of therapy, the last of which helped her understand what had happened to her. However, shortly afterward, Jenny suffered another blow when her then-spouse committed suicide. Her life unraveled again.

A while later, another troubling event tormented her. One night, Jenny was at a bar with her cousin when an off-duty police officer from the community started to put them down, calling them "whore" and "slut." They laughed at him but quickly called a taxi and left the establishment.

After that, ...we went home, to my mother's, he [the policeman from the bar] comes into our house, [he entered by] the back door, ...and he goes straight into one of the bedrooms, he gets undressed, he says "Come on my bitches, you can do it, you can do it. Everyone is talking about it. You can do it. I mean that's all you do."...I called the police. It's the police who came to get him dressed, pick him up, take him back."<sup>91</sup>

Jenny did not want to make a big deal of it and did not file a complaint. However, one or two months later, she was raped by someone close to the police officer involved. This time, Jenny made a complaint against both men. The process took almost a year. During that time, she continued to cross paths with the police officer and her assailant. They made fun of her and ridiculed her in public. Rumours about Jenny circulated in the community. Given her therapy sessions and her fragile healing, Jenny did not feel able to move forward with the complaint process. She buried the incident to avoid re-living the darkness she had already gone through, but Jenny felt judged and singled out for many years, and she believes that event shattered her life. Jenny attempted suicide four times.



Then, Jenny's son, who had a rare illness, had to be hospitalized at Sainte-Justine Hospital in Montreal. As a result, she had to travel a great deal between Montreal and her community, finally moving to Montreal for eight months. During that time, social services provided assistance at home for Jenny's other children. "Me, my job was to take care of my sick boy and the worker who was coming to help me, well, [she] was supposed to take care of the other children."<sup>92</sup> Jenny heard rumours that this caregiver was from a family of sexual abusers. Nevertheless, social services refused to assign her another caregiver, stating that no one else was available. With no other choice, Jenny reluctantly agreed. In 2010, when Jenny was 36 years old, her son died. She returned to Uashat to bury her son and begin the most painful grieving of her life.

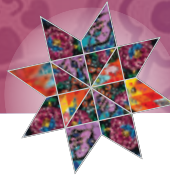
It was not until she came back to live in Uashat that her other son, 6 years old at the time, told her that he had been sexually assaulted by the caregiver's son. Jenny and her son immediately filed a complaint against the abuser. Jenny thought that was the end of it, but she did not receive any information from the police for a long time, and in spite of the complaint, the abuser continued to have contact with her son. In total, the mother filed complaints 3 times. Despite this, the young man was never prohibited from being in contact with her son. It was not until the third complaint that the DPJ (Director of Youth Protection) accompanied Jenny and her son to the hospital to do a sexual assault evidence kit, but the kit was later lost by the authorities. In the end, there were never any charges laid against the abuser because of his intellectual disability. Today, she wonders whether a non-Indigenous child would have received better services.

Jenny's son changed significantly in the years following the assault. Jenny would like for him to have the same opportunity she did to talk about what happened to him, and to receive assistance. For her child's well-being, so that he could obtain counselling, Jenny agreed for him to be placed at the youth centre in the North Shore.

At the time she testified, her son had just been placed in another foster home following a report of negligence. Jenny is in disbelief and points to all the support she has provided her son over the past eight years. According to Jenny, she is the one her son needs. She wants social services to place her child so that he receives assistance. "Open your eyes, you're the ones neglecting him. It's the system that neglects us, come on!"<sup>93</sup>

Jenny is calling for access to the same services that the non-Indigenous population receives and for easy, sustainable access to psychological support. She would like to be able to heal with her son, for there to be therapy for children who have been assaulted.

Me, I say that we're all alike, you know. We're human beings, us too. It's all good being Innu [but] we're alike.... Our children are alike. They have a heart, feelings. Wake up! We are here, us too. We need help. We've been crying for help for ages. Damn it! It needs to stop!<sup>94</sup>



**The stories of Érica B., Daniel P., Jean-Marc Q., Antoinette F., Francine F., Francine D., Lucie D., Angèle P. and Desneiges P., in relation to Marie-Paul P., Thérèse F. and Julie-Anna Q., Public Volume 69**

Gathered in a sharing circle, members of the Atikamekw Nation told the story of five Indigenous people, including three women, who died close to the Manawan community on June 26, 1977. The victims were Marie-Paul, 15 years old; her aunt Julie-Anna, the mother of a 2 year old baby; and Thérèse, the mother of 11 children, Denis and Lionel. The non-Indigenous driver and his passenger were the only ones to come out of the accident uninjured. According to the findings of the police investigation, the five victims died from drowning after the car inadvertently plunged into a river. However, the families reject that theory and maintain that their loved ones were murdered.

In June 1977, two young, non-Indigenous men were driving around in Manawan. They were picking up Indigenous people to supposedly take them to St-Michel to go fishing. According to the driver's version, he took a wrong turn and the car plunged into the river. According to him, the five Indigenous people seated in the back allegedly drowned. Daniel P., who lost his sister and his aunt that day, went to the scene of the accident to identify the bodies. He saw a bottle of alcohol, knives and a firearm in the car. Jean-Marc Q., who also went to the scene, noticed that the tracks in the ground indicated that the car had been pushed into the river. The families are critical of the investigation, which did not appear to give any attention to those details. They believe that the Indigenous people were targeted and then murdered before the car was pushed into the river. According to witnesses, there were a number of signs at the scene indicating that they were murdered. "I can't say it was an accident. They were murdered. It's a lot. It's very heavy, because they came to get Indigenous people."<sup>95</sup>

The exact circumstances of the accident remain unclear for the families, and there are still many questions. The police investigation did not appear to have been conducted properly, and the families did not feel respected or listened to. The police officers never met with the families after the accident, not to give them the news or to question them. "The SQ (Sûreté du Québec) did not do its job properly. It did not do its job professionally."<sup>96</sup>

Losing loved ones in such tragic and suspicious circumstances, and feeling as though no one was listening, had many impacts on the families of the victims. Many suffer from depression, illness, post-traumatic shock, and drug and alcohol abuse; conflicts arose within families. "Even 40 years later it's hard. It weighs on you. It weighs heavy when we talk about it. It's hard."<sup>97</sup> Grieving seems impossible because the families still do not know the truth about the day of the accident and have the impression that they are being hindered when they try to learn more.

The families were always disappointed with the investigation report, since it did not appear to have been conducted with the appropriate seriousness. "We know there wasn't a proper investigation done. We were scorned. There was no respect, respect for the investigation."<sup>98</sup> The families long called for the investigation to be re-conducted, to no avail. "The police





ignored us until there was a report on television. It was then that they called us to reopen the investigation.”<sup>99</sup> The investigation was recently reopened. Unfortunately, it did not provide new understanding for the families or lead to new charges against the driver of the vehicle.

The families would like to know the truth and to be able to get justice, so that they are able to grieve peacefully and find closure. Even after all these years, the victims are not forgotten. A commemoration was held last year to honour their memory. The families would now like more assistance to the families of murdered and missing Indigenous people and for a justice system for Indigenous people to be put in place.

### **The story of Vivianne C., in relation to Pauline C., Public Statement 291**

Vivianne C. was the seventh child of ten belonging to Pierre C. and Julie-Anne Q. Vivianne’s parents experienced the loss of their first child, Pauline C.

Julie-Anne and Pierre were married in December 1956 and were expecting the birth of their first child a few months later. At that time, it was common for late-term mothers to go to hospital several weeks before delivery. Julie-Anne thus left her residence, located about fifty kilometers from La Tuque during the winter to go to the hospital and wait for the birth of their first child. Between January and February 1957, Julie-Anne gave birth to their daughter Pauline.

Following the birth of Pauline, the mother and her daughter stayed in the hospital for a month. Pauline was baptized while she was in the hospital. Julie-Anne was discharged but the doctor told her that her daughter had to stay at the hospital because she was ill and had heart problems. Julie-Anne never found that her daughter was sick; on the contrary, she was well and in good health.

In the meantime, one of Pierre’s brother’s children, Joseph C., was at the same hospital and the child died when Pauline was receiving her treatment. Joseph’s family went to the hospital to attest to the death of their child and saw Pauline in good health. One or two months after Julie-Anne left the hospital and as a result of this information, Pierre and Julie-Anne returned to La Tuque to pick up their child, Pauline: “My dad and my mom, they returned to the hospital to find out where she was, when she would be released.”<sup>100</sup>

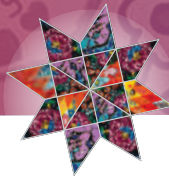
When they arrived at the hospital, they were told that Pauline had died. The parents were never informed of the death or where their daughter had been buried. Vivianne’s father was never able to see his daughter and the parents could not see the death of their daughter or see her body. Vivianne’s aunt, who was working at the hospital as an interpreter, tried to take steps to obtain documents and understand what had happened to Pauline, between the time Julie-Anne left the hospital and the death of Pauline, but in vain.

Julie-Anne believes that her daughter is not dead: “She [is] not dead, my daughter, my baby. I was stolen...She is somewhere, she is somewhere. She is alive, she must be alive.”<sup>101</sup> Following the loss of her daughter, Julie-Anne experienced many personal difficulties; she suffered the rest

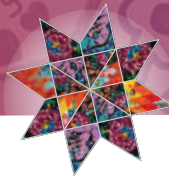


of her life and “calmed her pain, her suffering, in the consumption of alcohol”.<sup>102</sup> Julie-Anne died in 2002 without ever knowing the fate of her daughter Pauline. Vivianne took over the torch of her mother's efforts to gain access to official documents that could provide them with information about Pauline’s fate.

The sadness and suffering of Julie-Anne had an impact on their entire family. Pauline’s father wants her children to continue their research to understand what happened to Pauline “and that there is justice.”<sup>103</sup>



1. The stories summarized here are those of witnesses who could be reached and who have consented to a summary of their testimony being included in this volume.
2. Gilberte V., Part 1, Public Volume 32, Maliotenam, QC, p. 58.
3. Gilberte V., Part 1, Public Volume 32, Maliotenam, QC, p. 60.
4. Gilberte V., Part 1, Public Volume 32, Maliotenam, QC, p. 61.
5. Gilberte V., Part 1, Public Volume 32, Maliotenam, QC, p. 61.
6. Gilberte V., Part 1, Public Volume 32, Maliotenam, QC, p. 66.
7. Gilberte V., Part 1, Public Volume 32, Maliotenam, QC, p. 63.
8. Andrée V., Part 1, Public Volume 32, Maliotenam, QC, p. 70.
9. Gilberte V., Part 1, Public Volume 32, Maliotenam, QC, p. 89.
10. Silas B., Part 1, Public Volume 60, Montreal, QC, p. 12.
11. Kirby B., Part 1, Public Volume 60, Montreal, QC, p. 38 and p. 40.
12. Mary-Annie B., Part 1, Public Volume 60, Montreal, QC, pp. 7-8.
13. Nathalie H., Part 1, Public Volume 68, Montreal, QC, p. 4.
14. Nathalie H., Part 1, Public Volume 68, Montreal, QC, p. 9-10.
15. Nathalie H., Part 1, Public Volume 68, Montreal, QC, p. 5.
16. Nathalie H., Part 1, Public Volume 68, Montreal, QC, p. 20.
17. Nathalie H., Part 1, Public Volume 68, Montreal, QC, p. 32.
18. Tess L., Part 1, Public Volume 71, Montreal, QC, p. 4.
19. Tess L., Part 1, Public Volume 71, Montreal, QC, p. 5.
20. Tess L., Part 1, Public Volume 71, Montreal, QC, p. 5.
21. Tess L., Part 1, Public Volume 71, Montreal, QC, p. 16.
22. Angela G., Part 1, Public Volume 71, Montreal, QC, p. 27.
23. Tess L., Part 1, Public Volume 71, Montreal, QC, p. 12.
24. Adrienne A., Part 1, Public Volume 67, Montreal, QC, p. 23.
25. Adrienne A., Part 1, Public Volume 67, Montreal, QC, pp. 20-21.
26. Adrienne A., Part 1, Public Volume 67, Montreal, QC, p. 32.
27. Adrienne A., Part 1, Public Volume 67, Montreal, QC, p. 52.
28. Viviane E., Public Volume 32, Maliotenam, QC, p. 16.
29. Deborah E., Public Volume 32, Maliotenam, QC, p. 44.
30. Deborah E., Public Volume 32, Maliotenam, QC, p. 48.
31. Alma M., Part 1, Public Volume 36, Maliotenam, QC, p. 32.
32. Alma M., Part 1, Public Volume 36, Maliotenam, QC, p. 53.
33. Alma M., Part 1, Public Volume 36, Maliotenam, QC, p. 36.
34. Alma M., Part 1, Public Volume 36, Maliotenam, QC, p. 36.
35. Alma M., Part 1, Public Volume 36, Maliotenam, QC, p. 40.
36. Alma M., Part 1, Public Volume 36, Maliotenam, QC, p. 52.
37. At the time, the institution was considered a psychiatric hospital, primarily dedicated to children with intellectual disabilities.
38. Françoise R., Part 1, Public Volume 61, Montreal, QC, p. 18.
39. Françoise R., Part 1, Public Volume 61, Montreal, QC, p. 19.
40. Françoise R., Part 1, Public Volume 61, Montreal, QC, p. 20.
41. Françoise R., Part 1, Public Volume 61, Montreal, QC, p. 22.
42. Françoise R., Part 1, Public Volume 61, Montreal, QC, p. 14.
43. Françoise R., Part 1, Public Volume 61, Montreal, QC, p. 49.
44. Cheryl M., Part 1, Public Volume 59, Montreal, QC, p. 3.



45. Cheryl M., Part 1, Public Volume 59, Montreal, QC, p. 34.
46. Cheryl M., Part 1, Public Volume 59, Montreal, QC, p. 7.
47. Cheryl M., Part 1, Public Volume 59, Montreal, QC, p. 9.
48. Cheryl M., Part 1, Public Volume 59, Montreal, QC, p. 51.
49. Anastasia N., Part 1, Public Volume 35(a), Maliotenam, QC, p. 40.
50. Anastasia N., Part 1, Public Volume 35(a), Maliotenam, QC, p. 41.
51. Denise F., Part 1, Public Volume 33, Maliotenam, QC, p. 26.
52. Denise F., Part 1, Public Volume 33, Maliotenam, QC, p. 38.
53. Jeanne-D'Arc V., Part 1, Public Volume 33, Maliotenam, QC, p. 44.
54. Jeanne-D'Arc V., Part 1, Public Volume 33, Maliotenam, QC, p. 31.
55. Beatrice R-T., Part 1, Public Volume 70, Montreal, QC, p. 11.
56. Maurice K., Part 1, Public Volume 70, Montreal, QC, p. 13.
57. Maurice K., Part 1, Public Volume 70, Montreal, QC, p. 13.
58. Maurice K., Part 1, Public Volume 70, Montreal, QC, p. 16.
59. Maurice K., Part 1, Public Volume 70, Montreal, QC, pp. 23-24.
60. Lise J., Part 1, Public Volume 32, Maliotenam, QC, p. 100.
61. Lise J., Part 1, Public Volume 32, Maliotenam, QC, p. 103.
62. Lise J., Part 1, Public Volume 32, Maliotenam, QC, p. 104.
63. Lise J., Part 1, Public Volume 32, Maliotenam, QC, p. 104.
64. Lise J., Part 1, Public Volume 32, Maliotenam, QC, p. 114.
65. Lise J., Part 1, Public Volume 32, Maliotenam, QC, p. 114.
66. Jérôme M., Part 1, Public Volume 33, Maliotenam, QC, p. 63.
67. Charles M., Part 1, Public Volume 33, Maliotenam, QC, p. 70.
68. Mary M., Part 1, Public Volume 33, Maliotenam, QC, p. 96.
69. Thérèse L., Part 1, Public Volume 33, Maliotenam, QC, p. 102.
70. Mary M., Part 1, Public Volume 33, Maliotenam, QC, p. 98.
71. Agnès P., Part 1, Public Volume 33, Maliotenam, QC, p. 76.
72. Christine L., Part 1, Public Volume 33, Maliotenam, QC, p. 84.
73. Agnès P., Part 1, Public Volume 33, Maliotenam, QC, p. 79.
74. Mary M., Part 1, Public Volume 33, Maliotenam, QC, p. 94.
75. Ambroise M., Part 1, Public Volume 34, Maliotenam, QC, p. 14.
76. Ambroise M., Part 1, Public Volume 34, Maliotenam, QC, p. 18.
77. Ambroise M., Part 1, Public Volume 34, Maliotenam, QC, p. 22.
78. Simone B., Part 1, Public Volume 34, Maliotenam, QC, p. 42.
79. Simone B., Part 1, Public Volume 34, Maliotenam, QC, p. 39.
80. Simone B., Part 1, Public Volume 34, Maliotenam, QC, p. 46.
81. Simone B., Part 1, Public Volume 34, Maliotenam, QC, p. 45.
82. Noëlla M., Part 1, Public Volume 34, Maliotenam, QC, p. 61.
83. Noëlla M., Part 1, Public Volume 34, Maliotenam, QC, p. 65.
84. Rachel M., Part 1, Public Volume 34, Maliotenam, QC, p. 52.
85. Rachel M., Part 1, Public Volume 34, Maliotenam, QC, p. 55.
86. Marie-Louise A., Part 1, Public Volume 63, Montreal, QC, p. 22.



## NOTES



87. Name given by parents upon the birth of the child.
88. Annette D., Part 1, Public Volume 63, Montreal, QC, p. 43.
89. Marie-Louise A., Part 1, Public Volume 63, Montreal, QC, p. 26.
90. Jenny R., Part 1, Public Volume 35, Maliotenam, QC, p. 151.
91. Jenny R., Part 1, Public Volume 35, Maliotenam, QC, p. 155.
92. Jenny R., Part 1, Public Volume 35, Maliotenam, QC, p. 159.
93. Jenny R., Part 1, Public Volume 35, Maliotenam, QC, p. 167.
94. Jenny R., Part 1, Public Volume 35, Maliotenam, QC, p. 170.
95. Daniel P., Part 1, Public Volume 69, Montreal, QC, p. 6.
96. Francine D., Part 1, Public Volume 69, Montreal, QC, p. 19.
97. Francine D., Part 1, Public Volume 69, Montreal, QC, p. 19.
98. Francine D., Part 1, Public Volume 69, Montreal, QC, p. 20.
99. Angèle P., Part 1, Public Volume 69, Montreal, QC, p. 57.
100. Vivianne C., Part 1, Statement Volume 291, Montreal, QC, p. 8.
101. Vivianne C., Part 1, Statement Volume 291, Montreal, QC, p. 10.
102. Vivianne C., Part 1, Statement Volume 291, Montreal, QC, p. 11 and 17.
103. Vivianne C., Part 1, Statement Volume 291, Montreal, QC, p. 23.



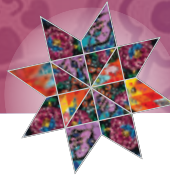


## The Lack of Safety for Indigenous Women, Girls and 2SLGBTQQIA People

This section of the report focuses on the National Inquiry's analysis in light of the truths of the survivors of violence and the families of missing and murdered Indigenous women in Quebec who testified at the community hearings. This section will review the submissions made by parties with standing and the experts, from the perspective of the women and families. It will also review the various contexts in which violence against First Nations women and girls in Quebec is perpetrated, based on the National Inquiry's research work, and will summarize the numerous aspects.

Each of these truths heard by the National Inquiry bears witness to a unique and personal experience. By telling their story, the survivors and families also described the broader reality experienced by many other Indigenous women and families who, like them, have experienced violence in their lives. These stories demonstrate that racism, prejudice and oppressive systems are still affecting Indigenous peoples and are creating situations that increase the vulnerability of Indigenous women, girls, and 2SLGBTQQIA people. At the same time, we witnessed the strength and courage that is a driving force for the survivors and the families. We can also confirm what many earlier reports have stated: Indigenous women and girls have been living with or witnessing violence for centuries.

The root causes of this violence must be examined using an analysis that has been modified to reflect culture and gender and one that is based on human rights and the rights of Indigenous peoples. This perspective highlights how socio-economic, political and historical factors overlap and



influence one another to create living conditions<sup>1</sup> that are specific to Indigenous women and girls and how these conditions negatively affect their fundamental rights. Specifically, this section looks at violations of the right to culture and identity, security, justice and health. Underlying all these violations is a violation of the right to equality that makes it very clear that Indigenous women and girls do not enjoy these rights to the same degree.

## 5.1. Fundamental Rights

There is a set of standards that apply in Quebec and Canada to protect the fundamental rights of individuals, whether they are Indigenous or not. This includes treaties and other international instruments, the *Canadian Charter of Rights and Freedoms*<sup>2</sup> (the **Canadian Charter**), Quebec's *Charter of human rights and freedoms*<sup>3</sup> (the **Quebec Charter**) and various other laws and principles.

Of course, some of the instruments for protecting rights on which this analysis is based were not in force at the time that certain events occurred, particularly the abuses committed by religious authorities or the disappearances of Innu, Atikamekw and Algonquin children. Nevertheless, they provide useful benchmarks for assessing the actions of the government, religious institutions and other stakeholders and are a reliable foundation for supporting public policy recommendations.

Indigenous people are also granted specific protections under international and Canadian law, such as article 27 of the *International Covenant on Civil and Political Rights* (ICCPR),<sup>4</sup> the *United Nations Declaration on the Rights of Indigenous Peoples*<sup>5</sup> (UNDRIP) and section 35 of the *Constitution Act, 1982*.

Canada is committed to complying with broader international treaties and conventions, which should also have significant impacts on protection for Indigenous women. These include the *Universal Declaration of Human Rights*, the *Declaration on the Elimination of Violence against Women*,<sup>6</sup> the *International Convention on the Elimination of All Forms of Racial Discrimination*,<sup>7</sup> and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR).<sup>8</sup>

It should be noted that economic and social rights are protected by the ICESCR, which recognizes the right to an adequate standard of living (article 11) that includes the right to housing, the right to physical and mental health (article 12) and the right to education (article 13). These rights are also protected under article 21 of the UNDRIP, which states that “Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.” The Quebec Charter also recognizes the right to financial assistance measures and the right to social measures to ensure an “acceptable standard of living.” (section 45).





The Canadian Charter relates to the relationship between the public and the State. In particular, it states that “Everyone has the right to life, liberty and security of the person” in respecting the principles of fundamental justice (section 7 of the Canadian Charter).

In Quebec, the Quebec Charter adds to existing documents and offers quasi-constitutional protection in relation to certain rights. The Canadian Charter applies to relationships between the State and the individual. The Quebec Charter also applies to relationships between individuals. The right to life and security is guaranteed by section 1 of the Quebec Charter, which states that “Every human being has a right to life, and to personal security, inviolability and freedom.”

Given the application of the Quebec Charter, the right to security is compromised not only when violence is carried out by the State or its agents, but also when the immediate perpetrator of the violence is another individual. Thus, threats to life or security of the person against Indigenous women and girls contravene section 1 of the Quebec Charter, regardless of the source. As a result, even in situations where the State is not the direct perpetrator of the acts of violence in question, it has the duty to intervene to prevent them and punish them.

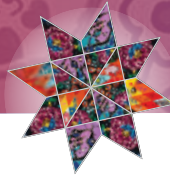
The fundamental right to equality in exercising all these rights is protected by section 15 of the Canadian Charter and section 10 of the Quebec Charter, which states that all rights and freedoms must be exercised “without distinction, exclusion or preference based on race, colour, sex, gender identity or expression...,” as well as by the *Universal Declaration of Human Rights* and the *International Convention on the Elimination of All Forms of Racial Discrimination*.

These constitutional or quasi-constitutional provisions reflect Canada’s international commitments. In fact, articles 6 and 9 of the ICESCR guarantee, respectively, the right to life and the right to security of the person. The same is true for article 3 of the *Universal Declaration of Human Rights* and article 7 of the UNDRIP, as well as the *Declaration on the Elimination of Violence against Women*.<sup>9</sup>

The United Nations Human Rights Committee emphasized that “[t]he right to personal security also obliges States parties...to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors,” (*General Comment No. 35 on the ICCPR*). A similar guarantee is set out in article 22 of the UNDRIP, which indicates that States “shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.”

More specifically, the *United Nations Declaration on the Elimination of Violence Against Women*, which was adopted in 1993 and which Canada supported, indicates that States have an obligation to “pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should ... exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.” This is what is known as the “principle of due diligence.”

Until now, nothing has been done in Quebec to implement the treaties and conventions that enshrine the fundamental rights of Indigenous women.



On August 21, 2017, the City of Montreal endorsed the UNDRIP and provided a grant of \$100,000 to organize a commemorative event (conferences and a festive event, on September 12 and 13, 2017).<sup>10</sup> In the spring of 2017, the City of Montreal started a reconciliation process with Indigenous peoples, with a budget of \$340,000.<sup>11</sup>

In February 2018, the City appointed a Commissioner for relations with Indigenous peoples, whose mandate contains four components:

To guide and advise the city and the mayor on any issues affecting the relationship between the city and Indigenous communities.

To promote the United Nations Declaration on the Rights of Indigenous Peoples.

To develop training for city employees.

To develop a reconciliation strategy for the City of Montreal with various internal partners to implement a paradigm shift and to include an “Indigenous perspective” in the city’s policies and action plans.<sup>12</sup>

Although this openness has not gone unnoticed, the pressing needs of Montreal’s Indigenous women, including those who are homeless, will not be able to be addressed until concrete solutions are developed and implemented in the short term.<sup>13</sup>

## 5.2. The Colonial Legacy

In the past, governments and religious communities attempted to assimilate Indigenous peoples through the residential school policy. Since the work of the Truth and Reconciliation Commission (TRC), this dark chapter of Canadian history has become better known and the “cultural genocide” experienced by Indigenous people has thus come to light.<sup>14</sup> The Indian residential schools were part of a plan with the stated purpose of “killing the Indian in the child.”<sup>15</sup> It is not surprising to note that many witnesses referred to the repercussions of the residential schools on their lives and those of their family members. From these testimonies, we note that the residential schools are associated with the loss of language, culture and family,<sup>16</sup> a feeling of fear, substance abuse, and trauma, including sexual abuse, experienced by the witnesses or members of their family:

[My parents] they had no life within them.<sup>17</sup>

[It] took my mother’s dignity.<sup>18</sup>

You carry some of the trauma with you.... So, this is part of what they carried with them<sup>19</sup>

The government shattered our way of life, our lives.<sup>20</sup>



The consequences of Indian residential schools on individual and intergenerational trauma have been documented.<sup>21</sup> Having attended residential schools is linked to a number of issues among former residential school students and their children: addiction to alcohol, drugs and gambling, psychological distress, and a greater likelihood of having experienced other trauma such as sexual and physical assault and domestic violence.<sup>22</sup> These consequences are so significant and are still felt today because the residential schools are one of the factors that contributed to the break down of the political, social and economic institutions of Quebec First Nations and because they directly attacked human dignity.

Forcing Quebec's First Nations people to go to Indian residential schools was one of the factors that was the most damaging to their way of life and to the transmission of their culture. Studies have shown that mandatory attendance at residential schools was seen as a "rupture" or "break" in the life of Indigenous people<sup>23</sup> and that the poor socio-economic conditions in which First Nations people live only exacerbates the trauma.<sup>24</sup>

Even beyond the residential schools, religious authorities were very present in Quebec's First Nations communities. On the North Shore in particular, a number of witnesses spoke of Father Alexis Joveneau, whose actions recently received media attention. He organized the deportation<sup>25</sup> of a number of Innu families from Pakuashipi to Unamen Shipu (La Romaine) and restricted access to resources and food for those who dared disobey him. He also assaulted Innu children.<sup>26</sup>

A number of women and families stated that they were sexually abused by other religious figures.<sup>27</sup> At the time that most of this abuse occurred, the Church's hold over many First Nations communities made it extremely difficult to report the abuse. A number of Innu witnesses stated the following:

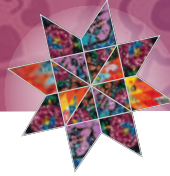
[A]t that time, [the priest] was God ... a powerful figure.<sup>28</sup>

We could not disobey because the father, the priest was very, very important. We had to do what he asked.<sup>29</sup>

Reporting their actions, as abject as they were, was sometimes considered a sin, if not something shameful by parents, who often refused to believe their children or admit that such behaviour was possible. In this context, silence was the only response possible, leaving victims deeply scarred. This repeated abuse had lasting effects on the communities, specifically inter-generational trauma.<sup>30</sup> This was explained by the witnesses as follows:

There were people affected by these events [abuse by Father Joveneau]. They include people who suffered from alcoholism, drug abuse, low self-esteem, depression. It is due to the events that were passed on from generation to generation.<sup>31</sup>

[M]y husband ... the priest used to abuse him.... That's what his parents, his father was subjected to when they deported them from Pakuashipi to La Romaine. And I think that the violence was passed on from father to son.... That is why he experienced a lot of violence and inflicted it too.<sup>32</sup>



This intergenerational trauma was described as a cycle of violence that is extremely difficult to break collectively, as it affects all those who are caught up in the cycle.<sup>33</sup> Jean Vicaire, police chief of the community of Lac-Simon, who has extensive police experience in Indigenous communities in Quebec, also noted the daily impact of intergenerational trauma associated with the residential schools and abuse by religious authorities:

We must also be aware of the history of the community, which has been shared by so many Elders, individuals, women, and so on. They were hard hit by the Indian residential schools.... What I was told, it's that the abuse both physical and mental, the loss of language, prevented them from pursuing their identity and social recognition within society and even the community ... there were also abuses in particular at the community level, directly with people from the religious community.... This greatly affected both women and men, as well as children, and has a negative impact on the behaviour of certain people and people who are victims of this.<sup>34</sup>

It is also troubling to note that being born into a caring family that is free of violence does not safeguard Indigenous women and girls from this historical trauma. For instance, one woman stated that, despite growing up in a healthy family, she could not escape violence. She stated that she was sexually assaulted at the age of seven by a man from the community and later faced a violent spouse.<sup>35</sup> In fact, no First Nations community was spared from the years of assimilation policies, and the result is that Indigenous women and girls are almost guaranteed to be exposed to one form of violence or another in their lifetime. This is true for both Indigenous women and men.

### 5.3. Living in a Context of Insecurity

In Quebec, many testimonies revealed the nature and scope of violence against Indigenous women and girls. It is clear that an Indigenous woman or girl in Quebec faces potential danger, regardless of her age or where she lives.

Violence can take various forms: incest or sexual assault during childhood;<sup>36</sup> sexual assault as an adult;<sup>37</sup> physical, psychological and financial abuse;<sup>38</sup> lateral violence;<sup>39</sup> attempted murder and murder;<sup>40</sup> and more. This violence can originate from individuals both inside and outside Indigenous communities. It can also originate from the very people who have a duty to protect them, such as justice system caseworkers,<sup>41</sup> foster families<sup>42</sup> and religious figures.<sup>43</sup>

#### 5.3.1. Violence Is Everywhere

The following stories from three survivors illustrate the diversity and severity of the violent incidents that have been experienced by most Indigenous women and girls who testified at the community hearings. The stories separate the reality of Indigenous women and girls from a single violent incident that can characterize the journey of other members of society and underscore how violence is a constant factor in the lives of many Indigenous women and girls.





After being placed in a foster home, one witness<sup>44</sup> was sexually abused by a member of her foster family. Then, she was sexually harassed by a police officer and raped by a member of that police officer's family. Later on, one of her sons was sexually assaulted, and despite complaints to the police, no action was taken against the abuser. Eventually, her son was taken away from her by youth protection services.

One witness<sup>45</sup> testified that, throughout her entire childhood, she was the victim of touching and incest involving several people in her community and she was raped as a teenager. When she was an adult, her brother killed her father during a violent incident between her parents. Her marriage was a conjugal relationship marked by psychological abuse. Her sister was killed by the man with whom she was living at the time. Struggling with symptoms of severe anxiety, she also turned to substance abuse at times, which resulted in her neglecting her own children.

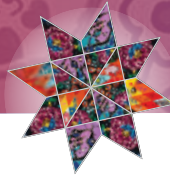
From these stories, we can see that Indigenous women and girls in Quebec are confronted with multiple forms of violence and trauma throughout their entire lives, episodically or on an ongoing basis. This violence often starts very early in life, sometimes in childhood. The violent episodes accumulate, overlap and intersect in the lives of Indigenous women and girls, to the point where violence is rarely experienced as an isolated incident.

In addition, the Indigenous women and girls who shared their stories of violence within an unhealthy relationship also spoke about violence that was often acute, such as spousal rape.<sup>46</sup>

All women can turn to the justice system to ensure their safety. However, the testimony we heard during the community hearings made it clear that the justice system is poorly adapted to meet the needs and reality of Indigenous women and girls. For example, we heard about situations where, after having reported assaults, the women were assaulted again by their attackers, even after the attacker had served time in prison.<sup>47</sup> These stories demonstrate just how uncertain the outcome is for Indigenous women and girls when they file a complaint with the police. In this context, it is easy to understand how a fear of breaking the silence can outweigh the incentive to report the attacker.

Violence against Indigenous women and girls in Quebec is not a new phenomenon. On the contrary, it is the result of “a colonial structure that literally marked them as targets.”<sup>48</sup> The previous section demonstrated that the violence experienced by Indigenous women and girls is set against a complex backdrop marked by years of colonial policies aimed at assimilating them. Furthermore, Indigenous women in Quebec and the researchers who work with them agree that “the issue of violence against women has been inextricably woven into Indigenous history and living conditions.”<sup>49</sup> These policies are still in force and continue to weaken the social fabric. They also make Indigenous women and girls more vulnerable than their non-Indigenous counterparts.

As QNW states, “The accumulation of communally experienced ruptures throughout history are felt on an individual level by Indigenous women today. It has become more difficult for them to rely on collective strengths as they once could.”<sup>50</sup> To understand the scope of the violence against Indigenous women and girls, the authors note that the effects of colonialism have combined with



the effects of capitalism and patriarchy to the point where women and girls are increasingly subjected to racism, sexism (including homophobia), ageism, and many other forms of discrimination related to their identity. By failing to make sweeping changes, the State is perpetuating violence and injustice against Indigenous women.<sup>51</sup>

### 5.3.2. Indifference and the Normalization of Violence in Communities

The security of Indigenous women and girls is also compromised by the close ties among community members that can interfere with or undermine an investigation. Women spoke about the social pressure that encourages individuals to stay silent rather than speak out.<sup>52</sup> As one participant explained, “It is the silence that has killed my sister..., it is the people who chose to remain silent who actually helped kill my sister.”<sup>53</sup>

It is difficult to speak out against violent behaviours within the communities. Sexual violence in particular is considered to be taboo.<sup>54</sup> The individuals who want to or dare to speak out against their aggressors often face strong social pressure.

In Quebec, this issue was highlighted by Indigenous organizations and researchers. According to QNW, it is “difficult to denounce an act of violence in a context where everyone in the community knows the perpetrator, and where inevitably, that perpetrator is somebody’s family member, acquaintance, friend or neighbour.”<sup>55</sup> Moreover, within Indigenous communities, many people believe that reporting violence by a spouse, for example, will lead to breaking up the family. Women who dare to break the silence can be ostracized for having in some way violated community cohesion.<sup>56</sup> The fear of being the next victim means that many people stay silent rather than speak out publicly.<sup>57</sup>

This specific context means that individuals have developed a high tolerance toward violence. In fact, violent behaviour is often so frequent that women admit that they have come to consider it a normal event, a part of daily life.<sup>58</sup>

Moreover, the testimonies heard indicate that violence is sometimes the result of a lack of effective and credible mechanisms for resolving conflicts, whether it be conflicts between clans, family conflicts, conflicts between neighbours or workplace conflicts. In this respect, the testimonies suggest that Indigenous women and girls have few concrete recourse mechanisms to challenge decisions made by band councils<sup>59</sup> or to respond to lateral violence within the community.<sup>60</sup>

In the workplace, favouritism, a lack of protocols for hiring and promotions, and a lax attitude toward the application of laws and rules of professional ethics can contribute to creating a climate of mistrust and violence. As one witness explained, “When people are abused in the workplace, they go and tell – and nothing is done.”<sup>61</sup>

Such conflicts could be resolved peacefully, but they tend to deteriorate into violent conflicts and cause impacts at a personal level, as was the case for some women.<sup>62</sup> For example, somebody threatened to burn down the home of one woman involved in politics<sup>63</sup> and one woman was murdered after she was banished from her community because she physically went after her aggressor.<sup>64</sup> These stories speak volumes.



The lack of a conflict resolution mechanism violates the right to justice, but it is also a reality that reinforces the feeling of impunity. Aggressors believe that they can act with impunity whereas victims feel that society relies on laws but not on justice.

In short, it is clear from the stories heard at the National Inquiry's community hearings that Indigenous women and girls in Quebec are faced with systemic violence that undermines their right to life and security. Both the Quebec government and the Canadian government have failed in their duty to protect these rights. However, the right to life and security of the person is considered to be one of the most fundamental rights, and the Government of Quebec has a duty to implement mechanisms to ensure better protection of Indigenous women and girls in Quebec.

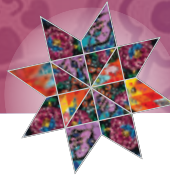
Other situations revealed during the community hearings, particularly the disappearance of children following a hospital stay, can be considered a violation of the right to security of the person. The disappearances of these children are one of the effects of the policies in place at the time. The circumstances in which these children were raised would today constitute a serious violation to the psychological security of the parents and an infringement of the principles of fundamental justice.

The removal of Indigenous children constitutes a violation of the right to security guaranteed by section 7 of the Canadian Charter. This right has been interpreted by the courts as encompassing serious violations against the psychological security of the person.<sup>65</sup> For example, this type of violation can occur when the State removes a child from its parents in a child welfare context.

According to the Supreme Court, the potential removal of a child constitutes a serious violation to the psychological security of the parent.<sup>66</sup> This violation is justified only if it complies with the principles of fundamental justice.<sup>67</sup> This means that situations where the State removed children from Indigenous parents without their consent and without the court's approval are violations under section 7 of the Canadian Charter. This same interpretation could also be applied to section 1 of the Quebec Charter, whether the person in charge of removing the child was an agent of the State or not.

Moreover, as stipulated in article 7 of the UNDRIP, "Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person," and, more specifically, they have a "collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group."

In some cases that were brought to the National Inquiry's attention, it was noted that the children disappeared after they were hospitalized or following birth. They were declared dead without any formalities, and the parents were not allowed to see their child, see the death for themselves or repatriate the body so that the child could be buried within their community. Lastly, many parents never received a death certificate, and others received it only years later, without knowing what happened to their child during that time.



The disappearance of a child leaves lasting psychological effects and marks on all members of the family. For the parents and the family members, grieving and healing cannot be completed until the truth is known.

Similarly, the forced relocation of Innu<sup>68</sup> on the North Shore in 1961 would also constitute a violation of the right to security of the person, both at a physical and psychological level, in addition to violating articles 8(c) and 10<sup>69</sup> of the UNDRIP. In fact, article 8(c) indicates that states must implement “effective mechanisms for prevention of, and redress for (c) any form of forced population transfer which has the aim or effect of violating or undermining any of their rights.”

The testimonies and documents submitted into evidence<sup>70</sup> describe the pressures applied by Father Joveneau to force families to leave Pakuashipi and move to Unamen Shipu (La Romaine). They also describe his determination to punish the families who chose to return.

Laurent Jérôme talked about the pressure described by the Innu of Pakuashipi:

...the relentless pressure by the authorities, a strategy devised for the long term, the use of a supply ship and a mass voyage made in the bottom of the hold, the collective relocation (an entire community), illness, a new life in cramped and confined spaces (houses) into which the newcomers were sometimes crammed with those who had arrived long before, the feeling of being disconnected and rejected, the desire to break and weaken that confidence (telegraphs, the elimination of assistance), harassment, threats and strategies to keep them trapped, preventing any return.<sup>71</sup>

This deportation attempt has taken its toll on members of the community of Pakuashipi still to this day, as described by the witnesses.<sup>72</sup>

### 5.3.3. Police and Institutional Violence

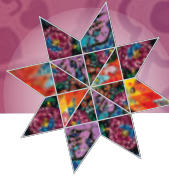
The right to justice and security is completely subverted when employees of public institutions jeopardize the lives and the physical and psychological safety of Indigenous women and girls.

Numerous testimonies have made it clear that our institutions—particularly the justice system—which are supposed to protect people and prevent or punish any form of physical or sexual aggression toward individuals, are not fulfilling their mission and sometimes themselves become places where physical and sexual assaults are committed against Indigenous women and girls, often with impunity.

It was disturbing to hear survivors’ testimonies about the abuses committed by police officers or justice or health-care professionals.<sup>73</sup>

For example, one survivor<sup>74</sup> described being arrested, handcuffed and taken to a police station, for no apparent reason. She was four months pregnant at the time. She was placed in a cell and given pills and a cup. When she woke up, she realized that she had been sexually assaulted by the policemen. Afterwards, they drove her back to her village. Due to lack of evidence, the prosecutor did not lay charges and the case was not referred to the court.





Another woman<sup>75</sup> testified that she had been mistreated and assaulted by a policeman. One night while she was out walking with a friend, they were stopped by police. One of the policemen asked the women to dance for them. A little later, the women were stopped again and arrested for a robbery committed at the local recreation centre. They were taken to a garage, where they were mistreated, locked in and left there, until another police officer came to let them out and told them they could go home. Although that officer seemed to be “defending Indigenous people,” as the woman stated in her testimony, he showed solidarity with his colleagues and did not report their behaviour.

A third survivor<sup>76</sup> told the National Inquiry that, one night when she was in a bar with a friend, a policeman from the community—who was not on duty that night—started insulting them, calling them “whores” and “sluts.” Instead of reacting, she and her friend decided to leave the bar. That night, he entered the house where she was. He went into the bedroom, got undressed, and said, “Come on, my bitches, you can do it, you can do it. Everyone is talking about it. You can do it. I mean, that’s all you do.”<sup>77</sup> She called the police station. Some officers came and got their colleague dressed and made him leave. At that time, the woman did not report the incident. Later, she was raped by someone close to the police officer. After that, she reported both incidents.

Certain other cases of assaults against Indigenous women, some by Indigenous and some by non-Indigenous officers, were prosecuted. They include a policeman who assaulted five Indigenous women,<sup>78</sup> another who assaulted his daughter-in-law,<sup>79</sup> and another who assaulted his spouse.<sup>80</sup>

In its report on the events in Val-d’Or, broadcast on the TV program *Enquête* in October 2015, the independent civilian observer appointed by the Government of Quebec, Fannie Lafontaine, stated,

The events in Val-d’Or and elsewhere bring to the forefront the issue of discriminatory police practices and more specifically, the existence of systemic racism against Indigenous people in police forces. ... While one individual’s racism can be condemned through the criminal process, socially organized systemic racism can never be recognized in this framework, and its adverse effects on individuals and communities cannot be examined. Without such recognition of systemic racism, legal systems practice a type of objectivity that perpetuates an unequal social order that police departments are trained to maintain.<sup>81</sup>

Fannie Lafontaine’s conclusion is gaining support: the problem of violence against Indigenous women and girls is systemic. One thing that emerges from the testimonies of survivors and their families is that the actions of many stakeholders within our institutions contribute to maintaining a culture that normalizes violence against Indigenous women and children, to the point that our institutions are unable to meet their needs. The institutions are, quite simply, failing in their mission to protect Indigenous women and girls.



## 5.4. The Indifference of Institutions

All too often, Indigenous women sense and experience discrimination when they use public services. They mistrust the representatives of the institutions which are supposed to ensure their safety, due in part to their fraught relationships with the justice system. Numerous witnesses expressed mistrust of police forces and the justice system:

As I've said, I don't trust the justice system at all. That's true. I don't trust it. No. Human beings have no value in the context of the justice system. There's a lot of injustice in it. I know that because I've seen it.<sup>82</sup>

Now, I don't trust the police anymore because there've been so many – there were cases where they didn't believe it.<sup>83</sup>

I no longer really believe in this, the police and all of that.<sup>84</sup>

In short, many witnesses had come to the conclusion that the justice system works harder to solve cases when the victim is Caucasian. Testimony after testimony showed that those who work in the justice system may stigmatize Indigenous women and families or treat them with contempt. As a result, the women and families view themselves as victims of systemic discrimination in the way they are treated by the justice system in Quebec, from the moment they enter the system until the moment they leave it.

### 5.4.1. Health and Social Services

#### 5.4.1.1. *Inadequate Resources*

Nakuset, a Cree woman originally from Lac La Ronge, Saskatchewan, testified at the institutional hearings as the director of the Native Women's Shelter of Montreal. She described a number of situations in which Indigenous women staying at the Shelter were subjected to discrimination and racism in their interactions with workers from social services, health care, youth protection, and the justice system. In some cases, they were even denied services:

[T]he thing is that our women, when they try to go and get services from either the hospital or from the addictions centres, they are turned away. And they are turned away in such a devastating manner that the counsellor that escorts them comes back traumatized. And I look at [the counsellor], and I'm like, "How do you think the woman feels?"<sup>85</sup>

In Nakuset's view, such situations can only be explained in terms of the power dynamics that disadvantage Indigenous women and of Quebecers' lack of knowledge about Indigenous realities:

You have to share more about the struggles because people in Montreal don't really know about the struggles of Indigenous women. What they do is they will see Indigenous women on the streets, and, you know, they will kind of, like, walk by them



and think, “Well, why don’t you get over it?” But if they truly understood the history of everything we have been through, then that would change. And in Montreal, the education in elementary and high school, there is barely anything about Indigenous histories. People don’t know that in, you know, Quebec, there’s 11 nations.<sup>86</sup>

This behaviour is the result of attitudes and prejudices that are still firmly rooted in Quebec society and still have a major impact on relations between Indigenous and non-Indigenous people in Quebec.

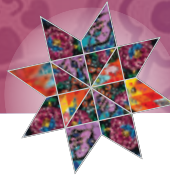
As Salée notes,

...a social relationship of domination/subordination can inexorably become established as a system, worm its way irremediably into the collective imagination and the minds of individuals, persisting over time and becoming practically immutable, and thus continue to determine the dynamic of a society even when that society thinks it is free of it.<sup>87</sup>

The Institut national de la santé publique du Québec [INSPQ; Quebec public health institute] published a document that acknowledges the inadequacy of the services provided to Indigenous peoples and the discrimination described by the women who testified before the National Inquiry:

In some cases, especially in small and isolated communities, the search for help, whether by the victims of violence or their loved ones, may be impeded by shame, fear of reprisals, confidentiality issues or the desire to keep the family together. Inadequate training of some workers in dealing with violence and a lack of cultural skills on the part of others may hinder access to the available services. Some workers may take approaches that perpetuate victim-blaming or judgmental attitudes regarding certain behaviours, such as alcohol consumption. There are also language barriers, mistrust exacerbated by high turnover of personnel, lack of information about the services available, lack of continuity between the services provided in the communities and those provided by the Quebec social and health services network, and many other factors.

The mismatch between the services offered and the needs of Indigenous peoples is felt not only in their communities. Many Indigenous people living in urban centres are also confronted with racist behaviour because of their ethnic origin. That experience is probably more frequent for those who live outside their communities than among those who have never left them. A needs assessment carried out among Indigenous people living in Montreal reveals that many of them have apparently received poor-quality health-care services because of their ethnic origin. Those perceptions are widely corroborated by health-care providers. In addition, one of the authors reported that a number of Inuit living on the street avoided shelters because of the racism they experienced on the part of other clients and shelter workers. Yet, because of the isolation and cultural shock experienced by many Indigenous people living in cities, some of them have a pressing need for health care, especially mental health services.<sup>88</sup>



These observations echo the testimony of the women and expert witnesses and the submissions of the parties with standing who were heard by the National Inquiry regarding the ineffectiveness of the programs in place for solving the problem of violence in Indigenous communities and the importance of establishing culturally appropriate programs and resources:

Also, the fact is that there are still very few studies that rigorously assess the effectiveness of services for preventing violence in Indigenous communities. Yet it is known that, too often, those programs and services were not developed in collaboration with the partners, and that they are typically implemented using a “top-down” approach. Those programs and strategies may also adopt a “wall to wall” approach modelled on Western views of health that do not take Indigenous approaches into account. In addition, unstable and insufficient funding makes it difficult for people working in the field to undertake actions that would have lasting impact. This means that programs and services are often based on an inadequate or fragmented understanding of the problems; it is therefore not surprising that the responses are limited and that the results are mixed.

Given the limited information available, any decision about what constitutes a “best practice” becomes a pragmatic choice based on a consensus among experts and on a careful examination of the specific context of Indigenous communities. It is generally acknowledged that programs and services that are designed for and by the target populations, taking into consideration the norms, the values, the experiences in their family and community context, and Indigenous ways of doing things, are more likely to have beneficial effects in preventing violence than the programs of general application that are developed to meet government standards. In addition to reducing risk factors, specifically targeted programs help promote recognition of Indigenous cultures and empower individuals, families and communities.

In addition to training for non-Indigenous health-care professionals, cultural safety also depends on the availability of Indigenous workers. That is all the more fundamental in mental health care and violence prevention, given the crucial importance of linguistic and cultural knowledge in assessing and treating psychosocial problems. The engagement of these workers not only makes it possible to develop culturally adapted counselling and support methods, but it also contributes to promoting and reinforcing a feeling of collective identity.

To facilitate recruitment and retention of local workers, healers and helpers, it is important to make high-quality training programs accessible. It is also crucial to ensure adequate emotional support. In small communities, the workers are often related in some way or another to the people they are called upon to help; thus, it can be difficult for them to take a break from their helper role. In addition, that situation can cause conflicts of interest, become untenable, and lead to exhaustion or emotional stress.<sup>89</sup>





Another INSPQ document notes that

Indigenous people who face inequities related to social determinants of health must not only cope with a heavier burden of health problems, but also often have more limited access to resources for solving those problems. There is an urgent need to take those social disparities in health into account...

The implementation of measures targeting the inequities requires adaptation to local specificities such as language spoken, geographic isolation and recognition of the historical and cultural context. Interventions with Indigenous populations must take into account the various decision-making authorities at the national, provincial and local levels, as well as the specific legislative context governing the issues that affect these populations. That complexity often limits the impact on Indigenous people of universal measures implemented for the entire population of Quebec, thereby reinforcing the inequity of those measures.<sup>90</sup>

Adaptation of intervention approaches is all the more crucial when dealing with cases of missing and murdered Indigenous women: “[T]he loved ones of people who have been murdered are more likely to need psychological and emotional support services, while the loved ones of people who have disappeared will probably seek services that would meet more practical needs, to help them cope with the crisis caused by the disappearance.”<sup>91</sup>

As Dion, Collin-Vézina and Lavoie point out,

Resilience may facilitate healing by mobilizing a number of individual and environmental factors that favour positive adaptation in traumatic circumstances. Although value systems vary between communities and between individuals within the same community (Hamby, 2000), in order to fully understand resilience and healing among Indigenous peoples, what is needed is a holistic approach that takes into consideration individuals’ emotional, physical, mental and spiritual dimensions and involves family members, the community and the environment (Lafrance, Bodor and Bastien, 2008; Lavallée and Clearsky, 2006; MacDonald, Glode and Wien, 2005). This holistic approach to healing must involve the family and the entire community, including women, men and children (Quebec Native Women, 2011). In addition, according to a number of shelter workers, “[t]he well-being of Indigenous women cannot be separated from that of their children, their partners, their families and their communities” (Quebec Native Women, 2011, p. 5).<sup>92</sup>

Some concrete actions have been undertaken in Indigenous communities. For example, in 1994, the First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC) was established in order to “promote and monitor the physical, mental, emotional and spiritual well-being of First Nations and Inuit people, families and communities while improving access to comprehensive and culturally-sensitive health and social services programs designed by First Nations organizations that are recognized and sanctioned by local authorities, all the while



*This photograph was taken during the visit to Library and Archives Canada in Ottawa in January 2019.*

*Front row, from left to right: Martine Dubé, Armand Echaquan, Madelaine Dube Echaquan, Dominique Dube, Delima Flamand Dubé and Thérèse Dubé Flamand.*

*Second row, from left to right: Viviane Echaquan Niquay, Guylaine Dube Flamand, Carole Dube, Joan Dube, Rogatien Flamand, Gregoire Quitich and Valerie Flamand Quitich.*

*Third row, from left to right: Algonquin, Sipi Flamand, Frederic Flamand, staff member of the National Library and Archives, Annabel Dubé and Denise Dubé.*

respecting their respective cultures and local autonomy. The FNQLHSSC also assists communities that so desire, to set up, develop and promote global health and social services and programs that are adapted and conceived by First Nations organizations.”

Given that the Government of Quebec is well aware of the problem, one has to wonder why we are still at the stage of publishing well-intentioned action plans, rather than taking concrete measures and allocating long-term funding that would make it possible to fully implement them.

Indigenous women’s groups and Indigenous leaders have recommended a multitude of concrete and culturally adapted solutions, both as part of the work they did to inform the National Inquiry<sup>93</sup> and independently of it,<sup>94</sup> despite the limited time and resources at their disposal. The public authorities must consider each and every one of the recommendations formulated by these stakeholders.



#### 5.4.1.2. *Missing Children*

The testimonies heard by the National Inquiry revealed additional events which support the conclusion that there were other attempts at assimilation and oppression, in particular through various forms of abduction and disappearances of children.

From 1971 to 1972, eight children from Pakuashipi, an Innu community on Quebec's North Shore, disappeared after being admitted to the hospital in Blanc-Sablon, according to a report by journalist Anne Panasuk.<sup>95</sup> Blanc-Sablon is 110 kilometres northeast of Pakuashipi, and travel between the two communities is possible only by boat or by air.

The National Inquiry was able to obtain access to the medical records of six of the eight children and heard testimonies concerning their disappearances.

An Innu mother testified<sup>96</sup> that three of her children had disappeared. After making repeated requests for information, she was finally told that her children were dead. The family had access to parts of the children's medical records, but four decades later they still do not understand how the children could have died under those circumstances.

During the 1950s and 1960s, six Atikamekw babies<sup>97</sup> were evacuated for medical reasons. In 1973, another Atikamekw baby<sup>98</sup> was evacuated to the hospital in Joliette to be treated for pneumonia. The parents were not allowed to accompany their baby. One month later, they were informed that their daughter had died. They were allowed to bury her, but during the funeral they noticed that the child in the casket looked much older than their baby. The parents never received the death certificate. They continued to receive their daughter's health insurance card until 1979. In addition, her "Status Indian" record is still active at Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). In 1977, an Innu baby<sup>99</sup> was evacuated at birth for medical reasons. At the time, the community's priest told the parents that their daughter had died and that she would be buried in Quebec City; her father's request that her body be returned to their community was disregarded.

These are not isolated cases. Other witnesses told of the disappearances of eight Atikamekw babies<sup>100</sup> in the 1960s and 1970s and one Innu child.<sup>101</sup> As in the previous stories, the parents reported that they were kept in the dark by the medical authorities. In one case, all they received was a photograph of a closed casket.<sup>102</sup> They were not able to recover their child's body or obtain the death certificate.

In the fall of 1958 and the summer of 1959, respectively, a one-year-old boy and his five-year-old sister disappeared under similar circumstances at the Hôtel-Dieu hospital in Amos.<sup>103</sup> Decades later, in 1996, the members of the family traced her to a hospital in Baie-Saint-Paul.<sup>104</sup> They learned that the boy had died in 1965, not in 1958 as they had been told at the time. His sister was still alive and was 37 years old. She had been kept in the same hospital in Baie-Saint-Paul and was unable to walk or talk. This shocking story raises doubts as to the fate of a number of children whose parents were told they were dead. Some witnesses are convinced that the babies were kidnapped to be used in medical experiments or sold to non-Indigenous families.<sup>105</sup>





The testimonies concerning these disappearances of First Nations children in Quebec are a reminder that the actions of governments and churches at that time were aimed primarily at assimilating Indigenous peoples into Canadian society.

The National Inquiry tried to shed additional light on that situation by requesting that the public institutions involved submit the files they had kept on the children. The information obtained by the NIMMIWG must be analyzed in the context of the period. It is known that in Quebec, from the 1930s to the 1960s, children who later came to be called “the Duplessis orphans” were placed in psychiatric hospitals or similar institutions on the basis of false diagnoses. In six cases for which the National Inquiry requested documents, no death certificate could even be found,<sup>106</sup> which raises doubts about the fate of those children and whether they might still be alive today. It is possible that children were transported outside Quebec or that their identities were changed.

Of the 11 other files,<sup>107</sup> 5 concerned children from Pakuashipi. Those children were part of a wave of at least eight deaths of children in that community in 1972.<sup>108</sup> Anthropologist Rémi Savard, who was present in the community at that time, has written that **all** the newborns in the community died that year.<sup>109</sup> There were several specific circumstances surrounding those deaths:

- The community had been ostracized by the civil and religious authorities because of its refusal to remain at Unamen Shipu. Until 1971, about 80 people were living there in canvas tents that were not properly ventilated to remove dampness and that lacked sanitary facilities. During that period, the infant mortality rate was high. In the spring of 1971, 16 houses were built. The Innu moved into them in January 1972.
- All the children apparently died of respiratory-tract infections.
- The majority of children had been hospitalized multiple times. The situations of those children were well known to the personnel of the hospital in Blanc-Sablon at the time.

Given those circumstances, the following questions arise:

- Is it likely that all the newborns in the community died during such a brief period?
- If there was an epidemic or an outbreak of a notifiable disease, why was there no notification? Why were no measures taken? Wouldn't a wave of similar infant deaths in a non-Indigenous village in Quebec have triggered a special response?

One hypothesis mentioned by Savard (1975) is that “[the] infant mortality is related to the social disorganization aggravated by the construction of the houses.” Savard even states, “Because the individuals and their space are one, such a sudden and radical change in their spatial arrangements is likely **to cut into the living flesh of a group** ... The move from tents to houses at [Pakuashipi] is therefore one episode in a larger process. The forms it takes are sometimes more brutal, sometimes more subtle. **Its name is genocide.**”<sup>110</sup>

After receiving medical treatment and being released, **six children** were not returned to their families, but were instead **transferred to another establishment**—in most cases, an institution for people with physical handicaps or mental health problems—without their families' knowledge.





Section 281 of the *Criminal Code* states that detaining a child under the age of 14 years is a form of abduction. Of those six children, **two had no medical record** that could explain the reason for their transfer or the cause of death. For three of the four other children, the information in their medical records is incomplete and reveals little about why the children were transferred.

The evidence demonstrates that the parents were not informed of the state of their children's health, that they were not consulted about the care provided to their children, and that they were denied the power to consent or to withhold consent regarding their children's transfer to specialized centres or long-term care facilities. When their children died, the parents were not told the truth about the circumstances of the deaths or where their children were buried. In almost all of the situations examined, the bodies were never returned to the parents after death. The children's bodies were buried, but the family was not told where, or what funeral rite, if any, was performed. One of the children was found in a common grave years later.<sup>111</sup>

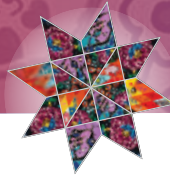
The parents were deprived of the rights inherent to parental authority, including the right to have custody of their children and take care of them, to ensure that they were safe and healthy, to decide where their children would live, and, specifically, to accept or refuse medical treatment for them. The health-care and religious authorities acted paternalistically, appropriating those rights and exercising them arbitrarily to the detriment of Indigenous parents, and made decisions they had no right to make.

The analysis of the evidence reveals a procedure that was common to the majority of the situations examined. When the state of a child's health required it, the child was taken into care by the health-care system, either by the nursing station or by the Church representatives or government workers present in the community. They would then coordinate the transportation of the child, usually by plane, to the hospital that was nearest to the community or most easily accessible by air.<sup>112</sup> That may explain, for example, why the Atikamekw children were evacuated to Amos.

Marie-Pierre Bousquet<sup>113</sup> has noted that the governments of the period infantilized Indigenous people. The colonialist impetus toward assimilation was still strong in organizations managed by the State or the religious communities.

At this point, the National Inquiry can only recommend that the institutions apologize to the families for usurping the rights related to parental authority, for not seeking the parents' consent for the care to be provided to the children, for not keeping them informed about their children's condition, and for not informing the parents immediately of a child's death or the place where the child was buried, nor allowing them to decide what kind of funeral service should be held. Many families have been waiting for more than 35 years for confirmation of their child's death or information about the state of their child's health. The families have the right to be informed about their child's life, from the time he or she disappeared until the present.

If such practices were to occur today, they would contravene article 30 of the *Convention on the Rights of the Child*, which states that Indigenous children have the right to enjoy their own culture and use their own language with members of their group. They also contravene article 8



of the UNDRIP, which prohibits forced assimilation and the destruction of Indigenous culture, and the *Declaration of the Rights of First Nations Children*, adopted in 2015 by the Assembly of the First Nations of Quebec and Labrador, which states that First Nations children have the right to be free of physical and emotional abuse and to know their extended family, community and Nation.

Currently, the major issue which explains the disappearance of children in Indigenous communities is interventions by the Direction de la protection de la jeunesse (DPJ) [Quebec youth protection service].<sup>114</sup>

[T]he difficult living conditions associated with the poverty of the parents' environment may result in the child being removed from the home. In its 2010 annual report, the Direction de la protection de la jeunesse du Québec states that, in the vast majority of the situations which it is responsible for managing, poverty can be identified as a factor compromising the development or the security of the children (Association des centres jeunesse du Québec, 2010). It is recognized that the vast majority of children reported to the Direction de la protection de la jeunesse are from the poorest families (Tessier, 2006). Young mothers, single mothers, members of ethnic minorities and Indigenous people are overrepresented (Tessier, 2006).<sup>115</sup>

In 2016, Quebec's National Assembly adopted Bill 99, which proposes rules intended to promote the involvement of Indigenous communities and the preservation of the cultural identity of children who are members of those communities.<sup>116</sup> It is imperative that concrete measures be taken immediately to ensure that that legislative intent becomes more than just wishful thinking and is carried out effectively. It is time to begin rectifying the damage done by colonialist child protection policies, without further delay.

As part of that process, there is an issue that must not be overlooked. It was raised during the consultations on Bill 99, but it has still not been addressed and was brought to the National Inquiry's attention. It is "the issue of Indigenous foster families who do not have the same resources as other foster families" and the need to "treat Indigenous foster families equitably."<sup>117</sup>

#### 5.4.2. Police Services

Police services play a crucial role in protecting Indigenous women and girls. In fact, in any society, the mission of the police is to prevent crime and to conduct an investigation when there appears to have been a violation of the law so that the guilty parties can be punished and there is effective deterrence.

However, the indifference of justice officials is reflected in how investigations into disappearances and violent deaths are handled. Families who lost a loved one encountered police officers who were slow to believe them or slow to act.

Many of these families have doubts as to the quality of the investigation conducted and are critical of the quality of the follow-up provided and information received from the police authorities.<sup>118</sup>



One example is the case of the family of a woman whose lifeless body was found in the early 1990s,<sup>119</sup> nine days after her disappearance. According to the family, she was reportedly beaten by two women before collapsing and dying. Despite repeated requests, the family never received any answers from police authorities. According to family members, they were not contacted by either the local police or the Sûreté du Québec (SQ). In fact, the family only learned the details of what really happened in 2016, including where her body was found and how long it took to find her body. The SQ reopened the case in 2017 but no charges were laid. According to the family, the police officers explained to them that prosecution was not possible because of the limitation periods. “Losing a loved one the way we lost our sister is wrong. It’s not right. Most of all, it is painful living with these whys, what, not knowing, not having anything at all.”<sup>120</sup>

In many cases of suicide, the families questioned the findings indicating that their family member had committed suicide and also criticized the lack of thoroughness and seriousness with which the investigations were conducted.<sup>121</sup> There are many reasons for the families’ doubts: the police failed to question certain important witnesses,<sup>122</sup> the police did not search the scene for evidence,<sup>123</sup> the police did not run tests to determine whether the victim had been sexually assaulted,<sup>124</sup> the circumstances of the death were not verified when they seemed inconsistent with a suicide theory,<sup>125</sup> and nobody ensured that families received the autopsy report.<sup>126</sup> Moreover, some families received documents in a language they did not understand.<sup>127</sup>

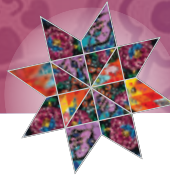
In addition, most of the Indigenous women and families who testified before the National Inquiry felt that they were not taken seriously, or even that they were treated differently or treated with contempt or indifference by the police authorities because they are Indigenous.<sup>128</sup> In other words, these women and girls reported that they were not treated equally by the Quebec justice system. These witnesses explain it as follows:

We, Indigenous people, we’re like a minority. We’re treated like second class citizens; what happens to an Indian, oh well ... that’s one less. ... It would appear that, when this happens, these things, if it had been a non-Indigenous person, there would have been more services. That’s what we experience; that’s the reality.<sup>129</sup>

...but what’s happening to us today, and well, I think that if this had happened to another child, to another child, I don’t know, a white child. I’m sure that there’d be help for him. I’m sure that there’d be charges laid against the abuser. I’m sure that something would have happened.<sup>130</sup>

...where I get the impression that an Indigenous woman who signs a complaint or speaks out, right away she’ll be judged. She’s seen as an alcoholic, a drug addict, a bit of a nobody. I look forward to the day when they’ll treat us like human beings. I look forward to having the same services as another human being.<sup>131</sup>

I think it was all hidden because she was an Indigenous person. If it was about a non native woman, there would have been a more thorough investigation. They would have tried to understand what really happened.<sup>132</sup>



These observations are not new. In 2011, a report by the Commission des droits de la personne et des droits de la jeunesse du Québec<sup>133</sup> (CDPDJQ) [Quebec human rights and youth rights commission] noted that Indigenous women and girls feel less protected by police authorities and believe that they receive less attention from them when they are the victims of a crime. The CDPDJQ also noted that Indigenous women and girls are the most at risk, from among the various racialized groups, of being victims of systemic discrimination because they are still affected by colonial policies.

Moreover, the NIMMIWG did not sense that there was a willingness on the part of Quebec institutions to acknowledge the existence of racist and discriminatory attitudes within them. As an example, we know that over 2,000 SQ police officers wore a red band (the 144 band) for two years in support of the eight police officers who were suspended following allegations of sexual assault in Val-d'Or. The institution's management did not think it was a good idea to rein in its members, despite repeated requests from Indigenous leaders to do so. An SQ representative who testified before the National Inquiry in Regina acknowledged that the wearing of the band undermined Indigenous people's trust toward the police and had trouble explaining why the wearing of this symbol was tolerated. When asked about it, he said that the SQ tried to "convince" police officers not to wear it but did not "prohibit it or ban them" from doing so.<sup>134</sup> Martin Prud'homme, head of the SQ at the time, rejected the request by Indigenous women's organizations to apologize in his appearance before the Viens Commission. In contrast, RCMP Commissioner Brenda Lucki apologized on behalf of her organization to Indigenous women and to the families of missing and murdered Indigenous women during her testimony before the NIMMIWG. She acknowledged that the RCMP had fallen short and could have done better. She committed to doing better in the future.<sup>135</sup>

A review of police investigation files by the National Inquiry's FDRTQ team helped to verify whether there was compliance with police protocols in the files reviewed. This type of analysis provides a limited overview of the work of the police as a whole and the relationships they maintain with survivors and family members of the victims, and as a result, it does not allow for a finding regarding prejudice, ethnocentric bias or racism.

The independent civilian observer appointed by Quebec, Fannie Lafontaine, arrived at similar findings in her report on the events that occurred in Val-d'Or. She noted that, although the SPVM's investigation complied with the standards of practice, "there is little or no room for identifying patterns of behaviour or explaining the underlying causes of a phenomenon that is documented in a piecemeal manner based on individual complaints."<sup>136</sup>

However, it is not insignificant to note that, during his testimony before the Comité de déontologie policière [police ethics committee], a police officer with three months' experience who was assigned to an Indigenous police force indicated the following before the court:

[52] The officer ... testified that he learned, during a training session on how to work in an Indigenous community, that Indian reserves could be a hostile workplace for police, given the social problems sometimes encountered, such as addiction, poverty and crime.





[53] The officer ... also learned, during this training, that there could be more long guns in these communities because many people hunt. The presence of long guns could be a danger to police officers because these weapons are accurate and allow people to shoot from greater distances.<sup>137</sup>

In this context, it certainly bears noting that prejudices toward Indigenous people do exist. The following remarks, from the administrative judge, Ms. Lysane Cree, should be taken into consideration not only by police officers but also by all first responders, professionals and government officials, and by Quebec citizens:

[120] ...in spite of the tensions that may exist in Indigenous communities (or Indian reserves) between their residents and the police officers who work there, the police officers need to be aware of the experiences of the members of this community, of their daily life and any potential cultural differences. It is essential that police officers avoid interacting with the community with a “hostile” bias and in a way that keeps them at a distance.

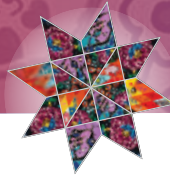
These remarks make sense when we understand the concept of “spatial variations of police behaviour,” studied in criminology, according to which the strength of police action will vary based on various factors, including their perception of the community.<sup>138</sup>

As a front line representative of authority and the law, police officers must act in an impartial manner, without personal involvement and without seeking vengeance. Although their behaviour is dictated by rules of law, administrative directives, orders and hierarchical structures, police officers have a great deal of flexibility in how they enforce the law, provide services and obey orders....

For some authors, the high degree of autonomy that police officers enjoy leads them to develop their own “style” and to create their own code of conduct.<sup>139</sup>

Until these observations are adopted, there is reason to fear that the force used in the communities might be excessive, given the training received in this respect and the need for police officers to make quick decisions in stressful conditions while they are in the heat of the moment.<sup>140</sup> This is why de-escalation training is important. Training on police intervention methods should also focus on the unique characteristics that come with working in a small community where police officers know the people they are interacting with, in order to prevent this reality from affecting the quality of the services rendered.<sup>141</sup> In order to ensure that this training is adapted early on, there should be appropriate Indigenous representation within the Commission de formation et de recherche [training and research commission] of the École nationale de police du Québec (ÉNPQ) [Quebec police academy], which is the organization responsible for advising the ÉNPQ board of directors on matters relating to police training.<sup>142</sup>

Moreover, we note that certain public services are inadequate when it comes to delivering services in an Indigenous context. For example, at the time of writing of this report, the Bureau



des enquêtes indépendantes (BEI) [independent investigations office], which is responsible for ensuring civilian oversight of police activities that could have a criminal impact, reported opening 119 independent investigation files, 15.12% of which involved Indigenous police forces.<sup>143</sup> In August 2018, the BEI received a mandate to investigate criminal allegations against police officers in cases where the suspected victim or complainant is a member of a First Nation or the Inuit nation. However, to date, there is no Indigenous officer at BEI and only one liaison officer. Moreover, this police body is headquartered in Longueuil, which means that there can be significant delays before police officers from this independent police force can get to remote Indigenous communities, participate in the actions required to conserve evidence and start their investigation within a reasonable time frame.<sup>144</sup>

It may be beneficial to consider holding meetings between the police and citizens in order to clarify expectations, put in place the necessary actions to address them, explain the work of police officers in layman's terms and improve relations with citizens.

Citizens have very little information about the reality of police work, which makes an objective evaluation of the quality of services rendered very difficult. Moreover, the "users" of police services do not evaluate quality using the same criteria, depending on whether they are a victim or an offender. In fact, it should be kept in mind that the police are dispensing a non voluntary and enforced service for certain users, whose satisfaction is not their primary concern. The evaluation of the quality of service is subjective and strongly influenced by expectations and the situations, since various perceptions of the same situation are possible. In addition, there may be discrepancies between what citizens believe is good service and the standards dictated by police professional culture.<sup>145</sup>

The measures put in place by the Indigenous police force of Lac Simon, following the tragic events that occurred in 2009, could be held up as an example:

We also put in place a police officer responsible for awareness who did a great job from 2010 to 2013 in the work following the events of the person who was fatally injured in 2009 by a police officer, to try to build strong ties, strong at the community level, and people got on board with that, including the elders, the police officers; we worked with schools, we created a basketball team...<sup>146</sup>

#### *5.4.2.1. A Lack of Resources for Indigenous Police Forces*

Police services are one of the rare areas for which legislators have started to acknowledge self government and provide funding for it.

*An Act respecting the police force of Cree villages and of the Naskapi village*, S.Q. 1979, c. 35, was passed on June 22, 1979. The goal of this legislation was to implement the James Bay and Northern Quebec Agreement by allowing for the creation of Indigenous police forces within the communities that were part of the agreement.



Starting in the mid-1980s, the federal government began to review police services within Indigenous communities. It found that the quality of these services was not comparable to that offered in similar non-Indigenous communities. It was clear that the services at the time did not succeed in reducing crime within Indigenous communities or reducing the overrepresentation of Indigenous people in the justice and correctional systems.

As a result, the federal government adopted the First Nations Policing Policy (FNPP) in the early 1990s. The purpose of this policy is to encourage First Nations communities to take over policing services. It is a type of self-governance. The policy provides for the creation of tripartite agreements involving a First Nation, the federal government and the provincial government in question. The federal and provincial governments provide funding for 52% and 48% of the costs, respectively.<sup>147</sup>

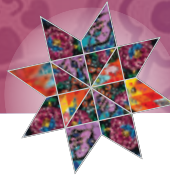
In Quebec, following the Oka Crisis, the possibility of implementing Indigenous police services on a broader basis was considered.<sup>148</sup> On December 20, 1994, Bill 57, *An Act to amend the Police Act and the Act respecting police organization as regards Native police*, was tabled. The minister in charge at the time stated the following:

Mr. Ménard: ... this Bill amends the *Police Act* to include a new section dealing with the creation and continuation, by agreement, of an Indigenous police force within a reserve in accordance with the *Indian Act*.

This Bill stipulates that the agreement must include provisions on the hiring and swearing in of police officers, as well as the independence of the police force's management. It also states that the hiring standards for members of this police force may be different from the government's regulatory provisions that apply to municipal police officers.

In Quebec, 44 of the 55 Indigenous communities have entered into this type of agreement and manage their own police service.<sup>149</sup> These services were created under provincial legislation, the *Police Act*,<sup>150</sup> of which sections 90 to 102 specifically pertain to Indigenous police forces. The council of each First Nation in question sets the working conditions of the police officers and appoints the head of the service, who then hires police officers and has some autonomy in managing the service.<sup>151</sup> In 2018, a total of 22 Indigenous police forces in Quebec were self-managed.<sup>152</sup>

The SQ provides police services in the 11 communities that do not have a tripartite agreement in effect.<sup>153</sup> It also provides all Indigenous communities with complementary services, such as investigations in the event of murder, attempted murder or kidnapping with a risk to life, as well as support services such as crime scene examiners, forensic identification technicians, computer-generated composite sketches, or surveillance. Moreover, police services for Indigenous people who do not live in the communities are provided by the SQ or by municipal police forces, depending on the case. The RCMP may also be called upon to intervene in certain specialized areas, primarily regarding organized crime.



The purpose behind the creation of Indigenous police forces is to ensure that First Nations values, culture and reality are taken into account. To achieve this goal, it is clearly desirable to encourage the hiring of Indigenous police officers. Since the early 1990s, measures have been implemented to train a greater number of Indigenous police officers. Adapted programs were created at the college level and cohorts of Indigenous police cadets are now admitted to the ÉNPQ. However, these efforts are not sufficient to meet the needs, and so it is necessary to hire many non-Indigenous police officers to patrol communities.<sup>154</sup>

In 2017, there were approximately 400 police officers working in Indigenous police forces in Quebec.<sup>155</sup> However, no statistics are available on the proportion of the workforce that is of Indigenous origin.

Jean-Pierre Larose is the chief of police of the Kativik Regional Police Force, which serves a community of 13,000 people spread out over a territory of more than 500,000 km<sup>2</sup> with 59 police officers.<sup>156</sup> However, he indicated that only three of the police officers are Inuit.

Some communities, which are suffering from chronic underfunding, have had to shut down their police force and call upon the SQ for services.

The National Inquiry has also noted that Indigenous police forces have a chronic shortage of human resources and training.<sup>157</sup> The current funding model makes it difficult, and sometimes impossible, to implement plans and strategies beyond a three-year time frame, which corresponds to the time frame for the negotiated tripartite agreements. Because the Indigenous police forces are unable to plan for activities in the long term, they are reduced to simply reacting instead of taking a strategic and preventive approach.<sup>158</sup>

Chronic underfunding related to the specific work context also makes it difficult to retain officers. Patrol officers within Indigenous communities regularly deal with emergency situations in a complex context<sup>159</sup> characterized by factors such as remoteness and isolation. These particularly difficult conditions result in significant staff turnover, which means that the communities are often served by young and inexperienced police officers.<sup>160</sup> This could lead to preventable mistakes that have significant and permanent consequences for the members of the communities that they serve.<sup>161</sup>

In some cases, Indigenous police forces have even had to retain the services of civilians to carry out tasks that were normally the responsibility of police officers<sup>162</sup> or hire a police officer who was removed from another police force after committing serious actions.<sup>163</sup>

Moreover, there are no female officers available on site to search Indigenous women when they are arrested,<sup>164</sup> even though this ethical obligation is essential to respecting the dignity of women and has been specifically mandated by the legislator.<sup>165</sup>

In one case, a woman filed a complaint with the Commissaire à la déontologie policière [police ethics commissioner] regarding how her sexual assault report was handled. The police officer appears to have closed her file after simply sending a warning to the police force in question indicating that he was concerned to note the following: 1) police officers had not completed their activity reports; 2) there was no recording or monitoring system for the cells in the police station;





3) there was no policy in place within the police force to prevent police officers who were acquainted with the individuals in question from handling the files, which could represent a conflict of interest; 4) the police officers on duty had not received training to investigate sexual assault cases.<sup>166</sup>

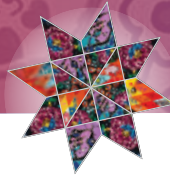
This does nothing to reassure Indigenous communities in terms of the controls in place to monitor the conduct of police activities, since it seems that there were no consequences for all the shortcomings that were reported, other than a letter being sent in which the police ethics commissioner left it up to the discretion of the police force to address the reported shortcomings: “if you feel you need to implement [certain measures]”.<sup>167</sup>

Ongoing and specialized training is also a major issue for police officers who work within Indigenous police forces. It is difficult for them to access specialized training, other than the training offered by the ÉNPQ. Thus, specialized training dealing with issues such as tactical response, strategic foundations for the use of force, investigations, de-escalation techniques for people who are suffering from mental health issues and applied ethics remain out of reach for Indigenous police forces. This situation is directly related to the inadequate and insufficient funding they receive.

The National Inquiry has also noted that the financial conditions for admission to the ÉNPQ are discriminatory against Indigenous candidates. Amounts paid by the SQ and by municipal police forces significantly reduce the tuition fees required from non Indigenous candidates. Indigenous candidates do not benefit from this system. Before registering with the ÉNPQ, Indigenous candidates have to obtain a promise of employment along with a financial contribution for the tuition fees that they must personally pay for their training. However, the financial burden is still discriminatory, and that can explain, in part, the low number of Indigenous candidates who graduate from the ÉNPQ year after year.

Access to police training is also more difficult for police cadets from Anglophone Indigenous communities. The program to obtain a certificate of college studies is offered in French at college-level public education institutions, but training in English can only be received at a private college. Moreover, cohorts of Indigenous patrol officers are not offered every year at the ÉNPQ and the program is only given in English once every two years. Lastly, specialized or ongoing training courses exist in French only, which means that Indigenous police officers who are not proficient in French cannot access this specialized training.

The certificate of college studies in police foundations for First Nations has been offered to Indigenous police cadets since 1991. Successful completion of this training is a condition of admission to the ÉNPQ. In Quebec, successful completion of the ÉNPQ program is a mandatory requirement to obtain the title of police officer. Currently, three institutions offer this training: Collège d’Alma, the Abitibi-Témiscamingue CEGEP (since 2019) and Collège Ellis, which provides this training in English. Collège d’Alma updated its entire academic program in police foundations for First Nations in 2016. The program has less stringent admission requirements than the “regular” training program and includes 400 fewer hours of technical training than for cadets in the “regular” police foundations program.



The lack of qualified staff and inadequate funding could help explain some of the police blunders that were reported by the women and families who testified before the National Inquiry, such as the loss of a sexual assault evidence kit<sup>168</sup> or moving a body prior to the arrival of the crime scene technicians.<sup>169</sup>

The Court of Quebec noted the following in a case concerning an improvised tactical response that occurred in Kahnawake:

[148] [Police officers] emphasize that behaviour that could be completely unacceptable anywhere else may be perfectly normal or tolerated in an Indigenous environment...

[149] [Police officers] cannot deny that all peace officers and Indigenous special constables working within Quebec are subject to the Quebec code of ethics...

[150] Even though everything needs to be looked at in light of the specific context of an Indigenous community, the fact remains that this community has a right to expect that its police officers, especially its experienced officers, respect certain standards of behaviour. These police officers receive training, they carry weapons, and they are trained to assess the degree of danger in various situations and to respond accordingly. The unique Indigenous context does not entitle them to bypass the principle of exemplarity.<sup>170</sup>

#### 5.4.2.2 *Jurisdictional Disputes*

From a legal perspective, Indigenous police forces deal with challenges that are not experienced by other police forces in the province.

First, there are often debates to establish the jurisdiction that governs them (federal or provincial), particularly when it comes to organizing work and enforcing decisions within the communities.<sup>171</sup>

Moreover, a court concluded that the provisions of sections 87 to 89 of the *Police Act* regarding the procedures for dismissing the director of a police force do not apply to an Indigenous police force,<sup>172</sup> although the Ministère de la Sécurité publique (MSP) [Quebec ministry of public security] continues to claim that the law applies to them.<sup>173</sup> There is thus some ambiguity to be clarified in order to resolve this jurisdictional issue and determine whether the head of an Indigenous police force may be removed other than by a resolution adopted by an absolute majority of band council members, as is the case for heads of municipal police forces (municipal council).

Similarly, Indigenous police forces do not seem to be subject to the obligations set out in sections 73 to 73.2 of the *Police Act* regarding the consultations required with the MSP and the public when considering reducing the workforce set out in a tripartite agreement (for example, when the budget no longer covers all costs or if there is a shortage of staff).



In the field, jurisdictional issues can manifest as soon as a complaint is filed regarding an event that occurred in an Indigenous community which requires specialized services to be provided by the SQ under the *Police Act* and for which police officers of Indigenous police forces are not trained to intervene.

Jurisdictional issues may also arise when an event requiring police intervention occurs on the edges of the territory of a reserve or when an Indigenous person chooses to live off the reserve but continues to visit institutions on the reserve. A process for communication and co-operation between the various police forces that are able to provide assistance should then be employed in order to prevent problematic situations from being ignored due to jurisdictional reasons that jeopardize the protection of public safety.

The case of Tracey Brenda Polson illustrates this jurisdictional issue. Ms. Polson experienced an incident of domestic violence in February 2002 that resulted in a fire at her residence, which had been deliberately started by her spouse. She was not able to receive police assistance in a timely manner because her home was technically outside a reserve. In fact, her home was 1.4 kilometres from the nearest Indigenous police station and 32 kilometres from the closest SQ police station. Police officers from both police forces tried to pass on responsibility to the other jurisdiction before deciding to send assistance.

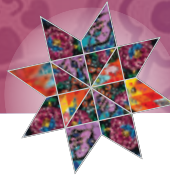
After years of court action, Ms. Polson was unable to have the police blunder recognized in her case. The Comité de déontologie policière concluded that “the Indigenous police officers could have intervened, after receiving an official request for assistance from the SQ”<sup>174</sup> but did not identify any ethical misconduct in this case. As for the SQ police officers, they were suspended for seven days and reprimanded, but the decision as to their guilt was overturned before the Court of Quebec.

#### *5.4.2.3. Lack of Communication*

Following a review of a number of police investigation files, the lack of communication between members of the police force and survivors or family members of the victims has been identified as a significant contributing factor to the generalized mistrust toward public safety services.

This lack of communication was reported at all stages of the police investigation. When follow up is carried out, it seems that the survivors and family members are not informed in a manner that allows them to properly understand the information provided. In several cases for which a follow up was carried out, a lack of understanding persisted, in spite of explanations and the meetings held between the victims and family members and members of the police forces in question.

A notable example of this is found in the testimony of a police officer who was mandated, ten years after a woman’s suspicious death, to take steps to arrange a meeting between the SQ and the woman’s family so that the family could be informed of the circumstances surrounding the death of their mother and the investigation that was conducted, during which the family was never consulted.<sup>175</sup>



Another example in which there was a considerable misunderstanding between the victims and the legal system is the case of Kimberley, whose story was summarized above. Kimberley's mother testified about their outrage regarding the four-month jail sentence that was handed down to the man who had forcibly confined and sexually assaulted Kimberley. Checks carried out by the National Inquiry revealed that this sentence was for another offence that was committed by this individual. The trial relating to the forcible confinement and sexual assault took place later. The police and other caseworkers responsible for explaining the trial to Kimberley and her mother therefore failed in their task.

The way in which important—and often tragic—information is announced was discussed by several witnesses, who did not feel that they were considered or supported. In fact, other than one situation where it is indicated that a police officer in charge of the investigation met with the victim accompanied by a CAVAC worker, witnesses noted that few efforts were made to support victims and families. However, in Quebec, certain police forces have an automatic referral service to resources such as CAVAC and CALACS. Moreover, municipal police forces and the SQ have an obligation to refer victims to CAVAC in the case of crimes against the person. Yet Indigenous police forces are seemingly not subject to this rule.

In its investigation report, the coroner concluded that Alicia S. did not receive the help and support that could have prevented her death.<sup>176</sup> CAVAC is a significant resource for both victims and police officers, who are then released from having to provide complex legal explanations and emotional support to the survivors and family members of the victims. Clearly, there is a shortage of key players and liaison mechanisms in order to better ensure the protection of Indigenous women and girls.

### 5.4.3. The Justice System

Many things account for the lack of faith in and mistrust of the justice system. First, many Indigenous women and families testified that the system is foreign and incomprehensible to them and that it is difficult to navigate.<sup>177</sup> In addition, many women and families emphasized the indifference, prejudices and racism that they have experienced.

#### 5.4.3.1. *Transparency in the Justice System*

For example, at the community hearings, the Indigenous women and girls who had reported family violence and sexual assault were critical of the scarcity of support services, and especially of the slowness and indifference with which their complaints were handled.<sup>178</sup> In many cases, that increased the women's mistrust of the Quebec justice system and dissuaded them from breaking their silence.<sup>179</sup> Some of them said that they were not taken seriously when they reported incidents.<sup>180</sup> In some cases, the assailants were released the same day or the next day without any charges being laid. Similarly, other women's complaints were dismissed without any explanation. Lastly, one woman was told that the evidence kit used after her sexual assault had been misplaced.<sup>181</sup>





In numerous cases, women were told that there was insufficient evidence, particularly if they did not have visible marks of violence.<sup>182</sup> Following the recent reports made by Indigenous women in Quebec, one survivor decided to report a rape that she had kept secret for years. She was told that, even though her story was credible, no charges could be laid if there were no other witnesses. That was the outcome for *every* woman who decided to tell her story in 2015, after the revelation of the events in Val-d'Or, where, even though their testimony was found to be credible, there was insufficient evidence to take the matter to trial, according to the Directeur des poursuites criminelles et pénales [Quebec director of criminal and penal prosecutions] (DPCP).<sup>183</sup> The women said that, in that type of situation, they were devastated and felt as if they had been left to fend for themselves.<sup>184</sup>

Other testimony illustrated the carelessness and indifference of those who work in the justice system. For example, one woman was worried when her granddaughter had not returned home, so she went to the bus station, which her granddaughter would have to pass through to get home. While she was waiting there, two police officers confronted her and, despite her explanations, gave her a ticket for loitering.<sup>185</sup>

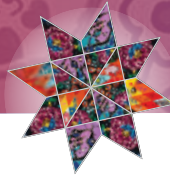
It is clear that the indifference, and even contempt, with which Indigenous women and families say they are treated by people within the justice system is a real violation of the right to justice.

The right to justice presupposes that victims can understand the way the justice system works and are able to trust it. For survivors and families who have lost a loved one, the right to justice also means that the state has an obligation to find the perpetrators of those crimes and punish them. Therefore, the right to justice includes the right to effective police and judicial systems. This aspect of the right to justice is closely connected to the right to life and security of the person. In other words, if those who attack Indigenous women and girls are not punished, that is another violation of the right to security of the person and the right to justice.

In order to ensure those rights, women who decide to report their assailants must be taken seriously. Unfortunately, the fact is that prejudices, racism and discrimination against Indigenous women and families inevitably lead to those rights being violated.

In addition, dealing with these cases through the criminal justice system is not always consistent with the values of Indigenous communities, as some communities believe that it interferes with healing. It is important to use processes that hold perpetrators accountable and that are part of a holistic approach which empowers the victims and leads to real rehabilitation for the perpetrators.

The rupture of family and cultural connections during the period of incarceration would impede the path to healing and be counter-productive. Managing the abuser by separating him from the family is generally not the approach preferred by Indigenous people. The ineffectiveness of correctional treatment programs for Indigenous offenders is therefore likely attributable to the institutions themselves. Indigenous men are critical of the effects of incarceration, which, according to them, is not the solution to family violence. Many Indigenous people consider imprisonment as an extension of the



assimilationist policies of past governments: like the residential schools and the child protection system, the penal system is used to separate families. In addition, contrary to what would be preferred by the members of the communities who were interviewed, detention prevents the individual from taking action to make reparation for the harm done to the victim and the victim's family, which would enable him to take responsibility for his actions.

Buzawa and Buzawa characterize the way in which family violence cases are handled by the penal system as a coercive response to social problems. They add that there is too much focus on formal controls, which are inadequate for dealing with intimate partner violence. Jaccoud argues that structural discrimination in Canada, at all levels of government, past and present, has eroded Indigenous peoples' capacity for social *regulation*. Violence and the numerous social problems present in the communities, which are the expression of the suffering and trauma created by the policies of colonization, are then taken charge of by the institutional authorities. From this perspective, it is clear not only that penal control is ineffective, but also that it harms the communities.<sup>186</sup>

Quebec Native Women expresses this idea as follows:

Conflicts that are tearing apart our communities are rarely submitted to judicial proceedings. We can intervene with youngsters and adults grappling with difficulties. We can hold them responsible for the human suffering and social disorder caused by their behaviour. We can also support them and help them resolve these conflicts and regain control of their life.

The kind of justice we choose should further long-lasting human development instead of delinquency and re-offending. It should allow us to prepare a better life for future generations....<sup>187</sup>

#### 5.4.3.2. *The Impacts of the Gladue and Ipeelee Cases in Quebec*

As the Supreme Court stated in *R. v. Gladue*,<sup>188</sup> the purpose of section 718.2(e) of the *Criminal Code* is “to ameliorate the serious problem of overrepresentation of aboriginal people in prisons.” It constitutes “Parliament’s direction to members of the judiciary to inquire into the causes of the problem and to endeavour to remedy it, to the extent that a remedy is possible through the sentencing process.”

Recognizing the causes of violence in the communities should not mean excusing that violence.

Victims and community members must be protected when sentencing. This important factor is provided for in sections 718.2(a) (iii.1) and (e) of the *Criminal Code*. However, since *Gladue*, the “correctional” purpose has too frequently been forgotten.<sup>189</sup>



Courts are understandably more cautious about imposing custodial sentences on Indigenous offenders because of the over-incarceration of Indigenous persons in Canada. However, with a few notable exceptions, s 718.2(a) (ii) tends to fade in significance in these cases and courts only occasionally recognize the serious problem of violence against Indigenous women. Second, the sexual assault cases stand out as continuing to perpetuate the idea that the intimate relationship is mitigating and that being sexually assaulted by an intimate partner is less harmful to women than being sexually assaulted by a stranger. In these cases, we see remnants of the view that a man cannot rape his wife and that, if a woman had really been sexually assaulted, she would have left the relationship immediately. This is particularly striking when one remembers that, in all of these cases, non-consent will already have been proven beyond a reasonable doubt by the Crown or admitted by the accused through a guilty plea. ... [R]emnants of the idea that sexual assault in an intimate relationship is somehow less damaging to women are still evident in some appellate sentencing decisions.

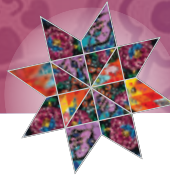
...Judges often assume a causal relationship between alcohol consumption and violence such that if one could only stop the offender from drinking, the violence would stop. In fact, the relationship between alcohol and MIPVW [male intimate partner violence against women] is more complex and may not be a causal one. Canadian research by Holly Johnson suggests that the relationship is mediated by other factors such as male attitudes towards women. In her study, Johnson found that “[t]he acting-out of negative attitudes towards women, especially men’s rights to degrade and devalue their female partners through name-calling and putdowns, was an especially important predictor [of violence] and ... reduced the effects of alcohol abuse to nonsignificance.”<sup>190</sup>

The fact that Indigenous offenders reproduce patterns of violence learned through past colonial violence which they themselves experienced is clearly a relevant factor to take into consideration at the time of sentencing, as established by the Supreme Court of Canada in *Gladue* and *Ipeelee*.<sup>191</sup>

However, by attributing predominant weight to that reality, the courts are, in practice, normalizing violence in Indigenous communities. In doing so, they deprive Indigenous victims of the protection mechanisms that are offered to other victims, particularly those aimed at preventing contact between the woman and her assailant during the period of incarceration.<sup>192</sup>

An Indigenous victim whose assailant is spared a prison term in response to the problem of overrepresentation of Indigenous people in the penal system encounters the assailant in daily life, with all the traumatizing effects inherent to this situation.

The people see each other every day; that is not easy for the victims and witnesses of a criminal act. Our judicial system, with the length of the delays before a trial is held, is not suited to remote communities. Whatever sentence is imposed, the offender will return to live in the community.



The Court is aware that custodial sentences must be imposed in some cases to protect the members of the community against individuals who are a threat to its safety.

The Court must also take into account violence against women and children and must ensure that the offenders who cause serious harm are punished, in order to prevent them from re-offending and also to deter others from committing the same type of crime.<sup>193</sup>

Consider the example of a young girl who was assaulted by her great-uncle, who was acting as a foster family, six times over a period of four years beginning at age 7.<sup>194</sup> A sexological assessment submitted to the Court stated that the accused's "thoughts of a sexual nature" about his victim had "escalated" and took into consideration "the fact that the girl had been sexually abused in the past." The girl finally reported her assailant. He was ultimately sentenced to just one year in prison; the reasons given included the fact that he had offered to use his hunting skills for the community's benefit. Until the sentence was handed down, the young girl was forced into contact with her assailant when he frequented the restaurant where she worked. The Court finally ordered the accused not to approach his victim or enter her workplace, but only during a short period of two years following his release.

Another young girl was sexually assaulted by her mother's partner over a period of seven years, from age 5 to age 12.<sup>195</sup> In the end, the Court sentenced the accused to 52 months in prison. It ordered the accused not to communicate with his victim during his incarceration, but refused to issue an injunction prohibiting the accused from being within two kilometres of the place where the victim lived, as that injunction would have forced the accused to leave his community.

In the case of Kimberley, whose story was reported in Chapter 4, her family asserts that the 36-month sentence received by the man who forcibly confined and assaulted her is insufficient.<sup>196</sup>

However, the courts find themselves faced with a dilemma: they can under-sentence a criminal, citing the colonial history as a mitigating factor in the accused's guilt, or ignore the principles of interpretation issued by the Supreme Court of Canada in *Gladue* and *Ipeelee* and run the risk of an appeal.

The solutions for avoiding this problem were already set out in *Gladue*, where the Supreme Court of Canada had stated that it:

is also unreasonable to assume that aboriginal peoples do not believe in the importance of traditional sentencing goals such as deterrence, denunciation, and separation, where warranted. In this context, generally, the more serious and violent the crime, the more likely it will be as a practical matter that the terms of imprisonment will be the same for similar offences and offenders, whether the offender is aboriginal or non-aboriginal.

The seriousness of the offences of sexual assault and domestic violence must be recognized in order to ensure that the sentence does not normalize the violence suffered by Indigenous offenders' victims, who are often Indigenous women.





On the other hand, in *Ipeelee*,<sup>197</sup> the Supreme Court of Canada took a step backwards in terms of protecting victims when it required that the principles of sentencing set out in *Gladue* apply to all types of offences, even serious or violent crimes. *Ipeelee* is very clear on that point and reaffirms the judge's obligation to apply section 718.2(e) of the *Criminal Code* to Indigenous people, regardless of the criminal charges.

Furthermore, it is crucial that all courts impose denunciatory sentences that have a deterrent effect in order to put an end to the cycle of violence, rather than perpetuating it and thereby involving new generations of Indigenous people. Thus, all courts should keep the following in mind:

While the *Gladue* report considers the accused's Aboriginal background in detail, the specific situation of the victims, who are also Aboriginal, must also be taken into account.

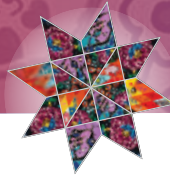
They too have been subject to historical forces and the years of upheaval and economic development in this community. In addition to being victims of the accused's actions, they suffer from direct or systemic discrimination. They are equally likely to suffer the negative after-effects of resettlement and, according to the *Gladue* report, some of them are economically and socially disadvantaged, unlike the accused. In addition, three of them are now unable to live permanently in the community.<sup>198</sup>

Given the uncertainty of the case law, it is time for Parliament to intervene clearly to enforce the laws of Quebec, as well as in the other provinces and territories of Canada, to ensure that the judicial process advances victims' safety.

The most effective way to achieve that would be to amend section 718.2(e) of the *Criminal Code* to ensure that the principles of sentencing which were considered in the application of *Gladue* do not violate Indigenous women's right to security,

718.2 (e) ... all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders, while giving predominant weight to the aggravating circumstances set out in subparagraphs 718.2(a)(ii), (ii.1) and (iii) [Underlining added]

It is also imperative that the principles of sentencing in *Gladue* be used only for their intended purposes. It is shocking that the Comité de déontologie policière [police ethics committee] used *Gladue* to determine the framework to apply when imposing a penalty for an ethical breach by an Indigenous police officer,<sup>199</sup> even though imposing a penalty for an ethical breach committed by an officer on duty has nothing to do with the objective of reducing the overrepresentation of Indigenous people in prison.



## 5.5. Lack of Training

There are many myths concerning violence alleged and experienced by Indigenous women among physical and mental health professionals and public security employees, but also among citizens in general and government representatives (both Indigenous and non-Indigenous).

Some training tools have been created,<sup>200</sup> but they do not address the subject in depth and are not widely available. Furthermore, the school programs offered are insufficient. A massive school curriculum reform is required immediately. The cumulative effects of past errors are so drastic that we cannot continue to move forward at a snail's pace.

In addition, succinct courses intended to raise awareness of Indigenous realities, such as those offered in some government organizations,<sup>201</sup> do not adequately prepare front-line workers to intervene with Indigenous people, whether men, women or 2SLGBTQQIA people. Overview courses based on only one historical or sociological perspective are no more useful in achieving the desired effects, as they do not help responders decide on a specific course of action. To prevent any potential problems, it is vital that non-Indigenous representatives of public services and professionals be taught to adapt their actions to Indigenous communities. These types of training are appreciated by Indigenous and non-Indigenous people and significantly improve knowledge.<sup>202</sup>

For example, when the Service de police de la Ville de Montréal [Montreal police department] wanted to sensitize the officers assigned to the Montreal subway system to the realities of Indigenous people's lives, participants said that they did not find training about the historical context useful. They were interested in learning more about the day-to-day reality of Indigenous people: "[It is] unfortunate that the session focused more on the realities of the past rather than the day-to-day realities of Indigenous people in Montreal."<sup>203</sup> Participants also expressed the need to learn "the [best] ways of doing things, the best practices, the problems encountered in their work, etc."<sup>204</sup> that is, to acquire the tools and resources that could help them intervene more effectively in Indigenous communities.

Furthermore, openness toward different cultures is so important, in practising a profession or in providing a public service, that this requirement for cultural plurality was codified in a number of legal instruments in Quebec.<sup>205</sup>

That being said, there is no single model for providing services to Indigenous people:

It is important to start with people's needs and to see the Indigenous models as guides that express values which emerge from a common identity, but which can still be adapted based on individual characteristics, personalities and aspirations. Therefore, there are essential elements that must be taken into account when intervening with Indigenous people, but acting and being in the same way with all the participants based on their common identity is poor practice. Each of them also has a gender, a personality and specific experiences.<sup>206</sup>



However, while appointing people in various government departments or public services to act as “liaison officers” with Indigenous people can be a useful transitional measure, it does not solve the problem of discrimination experienced by Indigenous people. They should be able to communicate with any member of the public service or elected government representative, in the knowledge that those organizations are able and equipped to interact effectively with them.

One of the major limitations of the government liaison officer concept is the fact that there is often only one person who is given all the responsibility as the designated resource for all of the Indigenous communities, including those whose specific characteristics they know nothing about. Such an officer can serve as an intermediary, but that does not satisfy the state’s responsibility to provide public services.

For example, regarding the Comité de déontologie policière [police ethics board], the National Assembly of Quebec decided that the administrative judge in charge of a case involving police officers from an Indigenous police force must be “Indigenous.” According to the Court of Quebec, “evidence of a particular specialization would be required, connected to a specific context,”<sup>207</sup> even though no other parameter except “Indigenous” origin is identified that would qualify a person as a specialist on the community in question. For example, a member of a First Nation could be in charge of a case involving an Inuit police force, regardless of that person’s actual level of expertise, and even if that person requires an interpreter to translate the testimonies to be heard,<sup>208</sup> the person could still be considered a “specialist.”

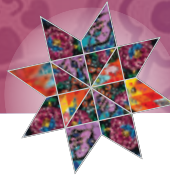
As for the police officers themselves, progress has been made but there is still an urgent need for practical training.

In its 2015-2016 annual management report, the École nationale de police du Québec [national police school of Quebec] (ÉNPQ) reported that 88% of the training measures from the *Government Action Plan on Sexual Assault 2008-2013* had been implemented, for example, by developing practical tools and selecting qualified investigators.<sup>209</sup> Regarding the Comité sur la formation en matière d’interaction avec les membres des communautés autochtones [committee on training in interactions with members of Indigenous communities], barely 50% of the measures had been implemented. According to this report, the actions taken consisted in meeting with representatives of Quebec Native Women and collaborating with the colleges to take stock of their practices in terms of training on Indigenous diversity.

The following year, in its 2016-2017 management report, the ÉNPQ stated:

The main themes that have impacted the School’s activities and training are Indigenous realities, including kidnapping and disappearances in relation to the inquiries on missing and murdered Indigenous women and girls; de-escalation in cases involving mental health and homelessness; the fight against radicalization; and intimate partner violence.<sup>210</sup>

In that report, the ÉNPQ also noted that it had held an “Indigenous culture awareness week,” involving activities focused on Indigenous history, a traditional ceremony held in the tipi set up on the School grounds and a themed exhibit, with a view to “better knowledge and understanding of Indigenous culture.”<sup>211</sup>



In its 2017-2018 report, the ÉNPQ stated that it had achieved 82% of its objectives regarding training on matters related to social realities. It specifically mentioned the implementation of the following processes:

- Sexual violence: The research project in collaboration with the Centre Marie-Vincent (follow-up of the training on sexual assaults against 0- to 12-year-olds) is on schedule;
- Indigenous peoples: the project to develop capability for giving the initial training on investigations in English is going well. An agreement is about to be signed with the Ontario Police College (OPC) that would allow the School to use the OPC's program for teaching investigation;
- Diversity: the seminar on prevention of racial and social profiling planned for this year has been postponed until 2019-2020.<sup>212</sup>

Regarding training of Indigenous police officers, the ÉNPQ had this to say:

After a year without Indigenous training, the School provided training for the initial training cohorts. In addition, the training team was active in professional development, in training Indigenous police officers as first responders, on active shooter situations and on use of the Taser.<sup>213</sup>

However, no action was taken to adapt police officers' response policies in Indigenous communities in order to avoid stereotyping and ethnocentrism and prevent discriminatory, racist behaviour against Indigenous people.

To give just one example, the police response policy for individuals in crisis still identifies “looking to the side or looking downward”<sup>214</sup> as signs of “imminent assault,” even though that behaviour is widespread in many Indigenous communities where the values and culture differ from those that prevail in non-Indigenous society.<sup>215</sup>

## 5.6. Significant and Unmet Needs

The legacy of historical trauma—associated with forced settlement, deportations, residential schools, removal of children, control exerted by religious authorities, and specifically with the physical, psychological and sexual abuse committed by certain representatives of the State—largely explains the reality facing Indigenous women, girls and 2SLGBTQQIA people today.

We have demonstrated that the prejudices, racism and indifference displayed by agents of the State are the direct result of that colonial legacy and are an inherent part of the daily reality of Indigenous women, girls and 2SLGBTQQIA people in Quebec.





In addition, the picture would be incomplete without a discussion of the difficult living conditions in which Indigenous communities in Quebec have been, and continue to be, maintained. Those living conditions, which are also part of the colonial legacy, are contributing factors in systemic violence against Indigenous women, girls and 2SLGBTQQIA people in Quebec.<sup>216</sup>

Many of the Indigenous women, girls and 2SLGBTQQIA people who came to testify before the National Inquiry spoke of poverty, housing shortages, lack of resources and of qualified personnel, low levels of education, lack of jobs and poor economic prospects.<sup>217</sup> A number of witnesses said that they had grown up in severe poverty.<sup>218</sup> In fact, the Indigenous women, girls and SLGBTQQIA people who testified before the National Inquiry described realities that are already well known and extensively documented in the literature.<sup>219</sup>

All of this means that Indigenous women, girls and 2SLGBTQQIA people are confronted with significant barriers to education, graduation and employability. For example, not all communities have the same resources to provide them with education that will help them fulfill their potential. One witness explained that the primary school in her community was not built until 2010. Before then, the nearest school was 130 kilometres from her home, which meant that the children had to spend the entire school year away from the community. The same witness also noted that, even with a diploma, young people have difficulty finding a job.

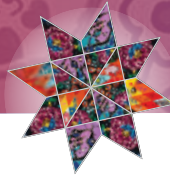
That situation discourages young people from staying in school and leads to major social problems. For example, another witness, talking about her son, said, “He had finished his program, all that. But since there weren’t even any jobs for him, he fell into alcohol, drugs.”<sup>220</sup> She is not the only one to make the connection between difficult living conditions, alcohol and drug use in the communities, violent situations, and impacts on mental health.<sup>221</sup>

Indigenous women, girls and 2SLGBTQQIA people did not choose to be among the poorest people in Quebec or to live in such precarious conditions. Article 21 of UNDRIP states that

Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

These economic and social rights are also protected by the *International Covenant on Economic, Social and Cultural Rights* (ICESCR)<sup>222</sup> and the Quebec Charter.

It is important to understand that fundamental rights are interdependent and indissociable. That means that the right to life and the right to security, which we discussed previously, depend on respect for economic and social rights.<sup>223</sup> Clearly, in the majority of Indigenous communities in Quebec, all these fundamental rights are not being respected. Yet the failure to respect economic and social rights, including the right to health, may create conditions conducive to violence. That link was recognized by the Supreme Court of Canada in *Gladue*:



The background factors which figure prominently in the causation of crime by aboriginal offenders are by now well known. Years of dislocation and economic development have translated, for many aboriginal peoples, into low incomes, high unemployment, lack of opportunities and options, lack or irrelevance of education, substance abuse, loneliness, and community fragmentation.<sup>224</sup>

More recently, Justice LeBel, writing on behalf of the Supreme Court of Canada, reiterated those principles and stated that “[t]he overwhelming message emanating from the various reports and commissions on Aboriginal peoples’ involvement in the criminal justice system is that current levels of criminality are intimately tied to the legacy of colonialism.”<sup>225</sup>

What is certain is that alcohol and drug use is an element in the stories of most of the survivors of sexual assault, family violence or lateral violence.<sup>226</sup>

During the National Inquiry hearings, survivors explained why they began using substances: to ease their fears or to forget that they had been sexually abused.<sup>227</sup> The majority of those women have also been diagnosed with major depression, and many women have attempted suicide.<sup>228</sup> For example, a witness clearly made the link between violence, depression, suicide and the increased vulnerability of Indigenous women: “It was at the start of my acute depression.... Okay, violence also pushes you to want to take your life. I tried three times.”<sup>229</sup> Another woman said, “The suicides we’ve had – the many suicides we’ve had in the community – most were people who had been sexually assaulted.”<sup>230</sup> Similarly, women survivors of lateral violence within their communities described similar situations, notably the impacts of that violence on their mental health.<sup>231</sup>

The majority of families who lost a loved one also highlighted the links between violence, substance abuse issues and the impacts on physical and mental health.<sup>232</sup>

One woman saw her father start drinking after her two brothers disappeared from the hospital in Blanc Sablon: “Every time he drank, he would get in a very bad way, he would talk about his children and he would cry. I was still expecting my brothers to come home.”<sup>233</sup> For one family member, his sister’s death was a trigger: “It was the beginning on a part of my destructive patterns in life, my destructive behaviour, my addictions that consumed me. I have managed to live life to the best I could, to try and help and support my mom, but I also was an addict in the process.”<sup>234</sup> This witness spoke of her own alcohol and drug problems, as well as her suicidal thoughts triggered by her sister’s death: “That was my whole life. I had no interest in anything, in going to school or work. There was nothing I wanted to do anymore.”<sup>235</sup>

Although some women and families benefitted from support services and assistance, the testimonies of several others revealed a widespread lack of useful, functional services. In some cases, the distrust of those services and the institutions that provide them discourage women, girls and 2SLGBTQIA people from using them.<sup>236</sup>



That is yet another factor which dissuades women from using the justice system and government services, particularly in the field of health care. First Nations and Inuit women, girls and families in Quebec experience many more social and health problems than the majority of Quebecers. Nevertheless, they have access to fewer resources that can help them.

In its submission to the National Inquiry, the organization<sup>237</sup> notes that, in Quebec:

[t]here is a shortage of shelters for Indigenous people. Currently, there are only 13 shelters for the 55 First Nations and Inuit communities in Quebec. QNW believes that every community should have a shelter in order to make it possible for women who are victims of violence to remain in their community, if they want to do so, and thereby avoid uprooting their children from their schools and social networks. Otherwise, a woman may decide to remain with her abuser if she feels that the distance from her home to the shelter is too great. In addition, the Indigenous shelters lack personnel and financial resources, even though they must meet multiple needs in the communities. The shelter workers are confronted with various forms of violence. They are overworked providing all the necessary services to the women and their children, as well as the external services they offer to the entire community. For example, health and public security institutions tend to refer Indigenous women in crisis to the Indigenous shelters, since no other resource can manage those situations.

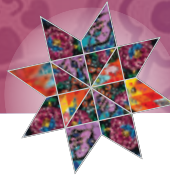
The truths of the women, girls and families heard by the National Inquiry echo those of other First Nations women in Quebec.

In fact, QNW has amply demonstrated that violence has multiple consequences and impacts, including moral, economic, social, physical and psychological.<sup>238</sup>

Recent studies have shown that Indigenous women who are or have been subjected to violence, whether in childhood or adulthood, generally have trouble reclaiming their lives and fulfilling their dreams. They also struggle with feelings of anguish and generalized anxiety, and suffer from a lack of self confidence and trust in others that affects their ability to build and maintain healthy family and social relationships.

These women may have phobias or feel anger, guilt, shame, loss of identity, and sometimes loneliness. They are more likely to develop addiction problems, have suicidal thoughts or exhibit violent behaviour, not to mention the physical consequences of experiencing violence. Lastly, Indigenous women who are or have been subjected to violence are more likely to drop out of school or flee their community, even the province, with the socio economic consequences that this implies.<sup>239</sup>

To summarize, violence against Indigenous women, girls and 2SLGBTQQIA people in Quebec is part of a socio-historical context that stems from the combination of colonialist policies pursued throughout history, the effects of which are still felt today.



As QNW demonstrated, “[w]hat emerges ... is a historical chain of erasures. The women who lost their Indian status, the children who died or went missing from residential school, those who were adopted out of their communities...”<sup>240</sup>

In addition to that chain of erasures, there are the deportations of families and the disappearances of children from hospitals, as well as Indigenous women, girls and 2SLGBTQIA people remaining in bleak socio-economic conditions. The life trajectories of missing or murdered Indigenous women, girls and 2SLGBTQIA people and of all those who survived violence must be understood in light of that chain of erasures.

## 5.7. Beyond the Colonial Legacy: Identities and Cultures to Recognize

### 5.7.1. The Importance of Transmitting Culture and Legal Status

The establishment and maintenance of genocidal colonial policies and structures have had significant impacts on the ability of First Nations to keep their cultures alive and to deal in their own way with the many social issues.

In the area of international law, the right to identity and culture is protected by article 27 of the *International Covenant on Civil and Political Rights* (ICCPR). It protects the right of members of ethnic minorities “in community with the other members of their group, to enjoy their own culture.” The concept of an “ethnic minority” is probably not the best way to describe Indigenous peoples, but the United Nations Human Rights Committee has always affirmed that Indigenous peoples can invoke article 27. In fact, section 43 of the Quebec Charter incorporates the substance of article 27 of the ICCPR. In addition, the basic premise of the UNDRIP is the recognition of the right to identity and culture: the second paragraph of the annex affirms “the right of all peoples to be different,” while article 5 states that Indigenous peoples have the right “to maintain and strengthen their distinct political, legal, economic, social and cultural institutions.”

In Canadian law, protection of the right to identity and culture stems from section 35 of the *Constitution Act, 1982*, which recognizes and affirms the existing Aboriginal and Treaty rights of Indigenous peoples in Canada.

The physical and sexual assaults to which Indigenous women and girls were and are subjected, as well as forced settlement, deportation and the abolition of traditional governance, have been deeply and inevitably detrimental to maintaining and developing Indigenous identities.

During the National Inquiry's community hearings, an Innu woman explained how the loss of connection to the land had contributed to creating a social climate that enabled violence to occur.<sup>241</sup> The relationship with the land and traditional governance not only maintained solidarity, but also ensured that there were social regulation processes in place consistent with Indigenous





values and beliefs. The loss of those cultural markers has caused many social problems that could otherwise have been solved, as well as a major identity crisis that especially affects the younger generations.

Given this history, a number of witnesses emphasized the importance of returning to their roots, traditions and culture as a way of ensuring healing.<sup>242</sup> For many, healing must come through discovering their own identity and developing pride in it, including by promoting traditions and culture with traditional ceremonies such as sweat lodges<sup>243</sup> and a return to traditional activities, such as visits to the land,<sup>244</sup> the implementation of “Out on the Land” programs involving the Elders,<sup>245</sup> and a spiritual path based on the beliefs of the ancestors.<sup>246</sup>

It is also important that culture be transmitted in populations with mixed identities.<sup>247</sup>

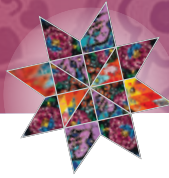
Lastly, help must be provided to Indigenous men who are caught in a cycle of violent behaviour given that the well-being of each individual in the community affects the safety of Indigenous women, girls and 2SLGBTQQIA people.

Mohawk activist Ellen Gabriel, who testified as a knowledge keeper, emphasized the importance of restoring Indigenous women’s traditional roles of decision making, leadership and transmission of culture: “You know, raising women back up to the places that they had and hold today, in today’s society, that we shouldn’t be just relegated with domestic affairs.”<sup>248</sup> She also added that every level of government should be capable of listening to and understanding the solutions proposed by women:

That they be solutions, that Indigenous women be the leader for those solutions. And, all the women that you have heard, not just the ones that are organizations, but Indigenous women. And, for a real understanding of our human rights, be they social, economic, cultural, linguistic, spiritual, health, traditional governance, et cetera, that those be understood by all levels of government, federal, provincial, municipal and Indigenous. That that is part of the education component.<sup>249</sup>

The right to maintain a distinct identity and culture is at the heart of Indigenous peoples’ rights. It encompasses everything that encourages and keeps alive people’s link to their culture, free from discrimination or prejudice. The right to culture and identity requires the State to support Indigenous people in developing such community initiatives.

According to several participants, the historical traumas cannot be healed solely by having the violent men criminally prosecuted. Nor can the healing just be individual; the social fabric must be healed. Given that this type of healing is collective and culturally specific, it can be achieved only at the community level, through their own knowledge and abilities. In order to do that, self-government is the most promising option for ensuring the right to culture and identity, in part because it ensures cultural safety.



Self-government is related to the peoples' right to self-determination, as guaranteed by article 1 of the ICCPR and the ICESCR. Article 4 of the UNDRIP states that “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.” Although the courts have not yet ruled in this matter, in the *Principles respecting the Government of Canada's relationship with Indigenous peoples*<sup>250</sup> the Canadian government recently recognized the right to self-government as one of the rights protected by section 35 of the *Constitution Act, 1982*.

According to the FNQLHSSC, cultural safety “occurs when Aboriginal people feel they can trust their health care providers.”<sup>251</sup> In order to establish this trust, Indigenous people must actively participate in seeking solutions that are right for them.

Non-Indigenous stakeholders working with Indigenous people must know and recognize the effects of socio economic conditions and oppressive policies on the health of Indigenous people, the abuse of power over them and the institutional discrimination they face.

Establishing a relationship of trust requires a willingness to correct these inequities. It requires showing respect for the beliefs, behaviours and values of Indigenous people.<sup>252</sup>



*Elle a un nom - She has a name, a collective embroidery project carried out during the mandate of the National Inquiry in tribute to missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. In projects like this one, embroidery can be a tool for social and collective mobilization. Photo by Michèle Audette, 2018.*



The FNQLHSSC also states:

When applied within First Nations communities, cultural safety requires that the different parties involved, from government authorities to service providers—which include counsellors and police officers—acknowledge the effects of colonization and ensuing intergenerational trauma. Such awareness opens the way to decolonization, self-determination and cultural revitalization, and facilitates the full application of the principle of cultural safety.<sup>253</sup>

Indigenous women were patently denied cultural safety by the Canadian legislation under subsection 6(2) of the *Indian Act*, which prevented them from passing on Indian status to a second generation. That provision deprived status from children after two successive mixed marriages,<sup>254</sup> meaning that Indigenous women could pass on Indian status to their children only if their Indigenous ancestor was male.

## 5.8. Pathways to Resilience

Throughout the community hearings held in Quebec, the Indigenous women and families heard by the National Inquiry demonstrated not only their courage and strength, but especially their resilience in the face of tragic, unjust and traumatic situations. Their truths illustrate the range of strategies adopted by survivors and families to cope with their trauma.

Thus, survivors do not remain passive in response to situations of domestic violence. To the contrary, they are astute and adept in seeking solutions to ensure their safety, their survival and that of their family, including when choosing to stay with an abusive partner. In many cases, the decision to deal with domestic violence is rooted in the desire to protect their children or keep their family together. As one participant explained during her testimony, “I stayed for the love of my kids. I didn’t want to deprive my children of their father’s presence...”<sup>255</sup>

Although there are various reasons why women stay in unhealthy relationships—fear, love, the fact of having grown up with violence, logistical or financial barriers—ultimately, all of the family violence survivors who testified at the hearings left their abusive partners.

Some women were prompted to make changes in their lives following a serious incident. For example, one woman decided to “[clean] up” her life after attempting suicide for a third time and suffering a burnout.<sup>256</sup> Another survivor chose to stand up to violence following the death of her sister, who was murdered by her partner: “I didn’t know she was experiencing so much violence. Today, when I look back, I think, no, I don’t want to live with violence anymore.”<sup>257</sup> Others found the strength to escape and seek help when faced with situations threatening their safety and that of their children.<sup>258</sup>

These stories reflect the courage and determination of survivors. However, they also speak to the lack of formal recourse to keep these women safe in the longer term. Efforts to pull themselves out of violent situations are sometimes hindered by a lack of resources and services.





What is most striking in all the findings so far is the resilience displayed by the women and families who testified before the National Inquiry. Despite the effects of historical trauma, difficult lives and unimaginable hardships, many First Nations women and families in Quebec manage, at one point or another, to recover and rebuild their lives.<sup>259</sup> As one witness explained:

Now I'm never going to give up, I'm going to work hard. What I have experienced, with me and my daughter, and what we have done today, I am so sad when I think about it. But I will continue my journey and I still have strength in me and I will never give up because of what I have experienced and I will never abandon the cause for my daughter.<sup>260</sup>

Families and survivors are certainly very honest in admitting that they have felt discouraged and hopeless and that they have had suicidal thoughts, but they were also able to pick themselves up, regroup and start the healing process. To do so, they adopted a set of strategies to better manage and ease their pain and trauma. For example, some women noted the importance of physical activity,<sup>261</sup> prayer and religious beliefs<sup>262</sup> as means to achieving well-being and inner peace.

Although some women acknowledge that they came out of it on their own, most of them say that they sought counselling or therapy to support them in their journey.<sup>263</sup> The women and families also find strength and courage in solidarity and in family and community support. The journeys to healing are made easier by the collective support of the people around them. Many women, like this participant, spoke about the support they received from their partners or their family members.<sup>264</sup>

I can never tell my family enough that—family is something important in political life. Anyway, for me, that was the case because they are the ones who supported me, who held me in their arms when I needed to cry.<sup>265</sup>

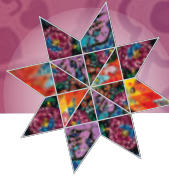
Some women also emphasized the role that women play in the healing process, be it as friends or role models:<sup>266</sup>

I was all on my own.... At least I had ... my good friend who was helping me, who was supporting me.<sup>267</sup>

I was blessed to have many women, whether they were related to me or not, they were aunties. They showed us a way of life: to be independent, to be strong, and to have a voice.<sup>268</sup>

It is also clear from the testimony that culture plays a key role in the well-being and healing of women and families. To a certain extent, identity affirmation and the reclamation of Indigenous cultures are essential for enhancing the well-being and safety of Indigenous women. In fact, the resilience of families and survivors is often an extension of a rediscovered or enhanced cultural pride that pushes them to demand better for themselves and their children.<sup>269</sup>





Similarly, spirituality is also part of the healing process for many women. Traditional healing practices, medicines and Indigenous spirituality help strengthen pride in identity. Some women therefore found what they needed to continue their journey in ceremonies, Indigenous languages and traditional foods:<sup>270</sup> “It’s been about ten years now that I’ve been on the spiritual journey. And I am happy to have discovered the strength that was buried inside me.”<sup>271</sup>

Lastly, one feeling much stronger than fear was at the heart of the many testimonies heard at the community hearings: love.

This love can be viewed as the driving force of resilience, the feeling underlying the belief in and hope for better lives for future generations.<sup>272</sup> Despite the anger expressed in some accounts, what motivates women, first and foremost, is their love for their children and their hope for future generations.

Everything I’ve spoken out about, the people I’ve denounced, the people I’ve confronted, the protests I’ve done, I did it for our children. I did it for the little girls I’m raising, for my grandchildren, for your children too. I did it for the whole community, without any exceptions, for all children.<sup>273</sup>

So you know, I dedicate this to my kids, who are also parents now. And I know, as a mother, I tell them, “Yes, it’s hard, but just don’t worry about the world; just love your kids. Just play with your kids.” That’s all life is about, teach them...<sup>274</sup>

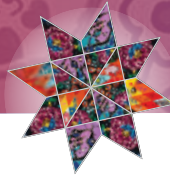
I’m a survivor of abuse; of physical, sexual, mental abuse. And I am so proud of myself because my aim was that my daughter—I have two daughters. And my aim was that they do not have to live with this. And today, they don’t. They are not ashamed of themselves. They are strong, beautiful women that stand tall in society. And I managed to do that.<sup>275</sup>

The National Inquiry also witnessed and felt this love through the comfort that families brought to one another before and after testimony, in the songs offered up to grieving women, in how the space was prepared by the Elders who provided assistance at the public events, in the concern of local caseworkers who never failed to offer support to members of their community, and in the tea, bannock and jams that were prepared with care to sustain participants during the long hearing days.

It is also in love that some women find the strength to forgive themselves and to forgive those who caused them suffering.<sup>276</sup> As one participant explained:

I have forgiven this man. I almost died when I was young, because of what he had done to me – I thought he was going to kill me....My grandfathers listened to me and I have forgiven him. I know his behaviour. If it can get into his head and his heart, my forgiving him.<sup>277</sup>

The healing observed on the path to resilience was, in most cases, individual healing. Many women manage to recover from their trauma, but they sometimes feel powerless in



the face of the trauma experienced by their loved ones and their communities.

Yet, to break the cycle of intergenerational violence, there must be community healing. Some women emerge as leaders and actively advocate for measures that need to be implemented to promote community healing.

These women speak out publicly against the injustices, the multitude of shortcomings, the violence and anything that is undermining the well-being of their people. They hope for and expect large-scale and long-lasting societal changes to address the social issues facing First Nations in Quebec.<sup>278</sup> Other women work tirelessly to help members of their community by serving in decision making positions or by being positive role models in society.<sup>279</sup> Most women want their testimony to bring hope to all the women and families who, like them, have experienced similar tragedies:

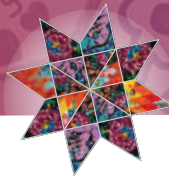
I still have a lot of hope. I'm not giving up, even though the Crown said [the case is] closed. And, I have put my faith in the National Inquiry to make this happen for all the families, not just our family, because it's not easy living life not knowing what happened, not getting justice for your loved one.<sup>280</sup>

So, I feel I am honouring my sister, Jacquie. But I am also honouring all these women who just had no window of light, of hope, of wanting a better life. Of knowing there is a better life somewhere; there is a way out. But I think this is where we need to make people know that there is a way out.<sup>281</sup>

I think that's the cure, listening, reaching out your hand. For me, it's giving the most love that I can, and hope.<sup>282</sup>

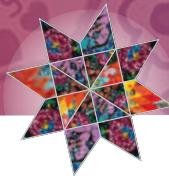


1. Lessard et al, “Les violences conjugales.”
2. Adopted in 1982.
3. Adopted in 1975.
4. Ratified by Canada in 1976.
5. Adopted in 2007. Even though Canada voted against the Declaration when it was adopted in 2007, it later expressed its support for the principles it contains, first in 2010 with some reservations, then in 2016 with no reservations.
6. The Declaration was adopted in 1993 by the UN General Assembly. Canada supports this declaration.
7. Canada ratified the Convention on October 14, 1970.
8. Canada ratified the Covenant in 1976.
9. The Declaration was adopted in 1993 by the UN General Assembly. Canada supports this declaration.
10. Ville de Montréal, “Procès-verbal de l’assemblée ordinaire du conseil municipal du 21 août 2017,” p. 60 and 112.
11. Ville de Montréal, “Séance ordinaire du comité exécutif du mercredi 26 avril 2017,” p. 8.
12. Ville de Montréal, “La Commissaire.”
13. This general grant given to “cultural” activities seems disproportionate, particularly in relation to the \$31,150 (\$9,000 for 2017, \$18,000 for 2018 and \$4,150 for 2019) provided to support the Iskweu project geared specifically to addressing the issue of missing and murdered Indigenous women and girls and establishing a climate of trust, “in a context where relations between police services and Indigenous women are strained and many of them fear asking for help when they feel their security is threatened.” See, to this effect: Ville de Montréal, “Séance ordinaire du comité exécutif du 22 novembre 2017.”
14. TRC, 2015, summary, p. 1.
15. TRC, 2015, summary, p. 135.
16. Part 1, Public Volume 32, Malientenam, QC; Part 1, Public Volume 34, Malientenam, QC; Part 1, Public Volume 36, Malientenam, QC; Part 1, Public Volume 60, Montreal, QC; Part 1, Public Volume 71, Montreal, QC.
17. Françoise R., Part 1, Public Volume 61, Montreal, QC, p. 49.
18. Tess L., Part 1, Public Volume 71, Montreal, QC, p. 4.
19. Kirby B., Part 1, Public Volume 60, Montreal, QC, p. 25.
20. Simone B., Part 1, Public Volume 34, Malientenam, QC, p. 80.
21. Dion et al., “Pensionnats autochtones.”
22. Dion et al., “Pensionnats autochtones.”
23. Basile, “Le rôle et la place des femmes Atikamekw” ; Loiselle et al., “Les impacts de l’arrivée des *wemitikojik* (colons blancs).”
24. Dion et al., “Pensionnats autochtones.”
25. Jérôme, “Ka atanakanith.”
26. Simone B., Part 1, Public Volume 34, Malientenam, QC; Mary M., Public Volume 33, Malientenam, QC.
27. Part 1, Statement Volume 156, Malientenam, QC.
28. Yvette B., Part 1, Public Volume 35, Malientenam, QC, p. 103.
29. Ambroise M., Part 1, Public Volume 34, Malientenam, QC, p. 15.
30. Part 1, Public Volume 33, Malientenam, QC; Part 1, Public Volume 34, Malientenam, QC; Part 1, Public Volume 68, Montreal, QC; Part 1, Public Volume 71, Montreal, QC.
31. Mary M., Part 1, Public Volume 33, Malientenam, QC, p. 97.
32. Simone B., Part 1, Public Volume 34, Malientenam, QC, p. 42.
33. Part 1, Public Volume 71, Montreal, QC.
34. Jean Vicaire, Part 2, Volume 8, Regina, SK, pp.111-112.
35. Anastasia N., Part 1, Public Volume 35, Malientenam, QC.
36. Part 1, Public Volume 32, Malientenam, QC; Part 1, Public Volume 34, Malientenam, QC.
37. Part 1, Public Volume 36, Malientenam, QC.
38. Part 1, Public Volume 35, Malientenam, QC.
39. Part 1, Public Volume 67, Malientenam, QC.
40. Part 1, Public Volume 65, Montreal, QC; Part 1, Public Volume 70, Montreal, QC.
41. Part 1, Public Volume 35, Malientenam, QC; Part 1, Public Volume 34, Malientenam, QC; Part 1, Public Volume 32, Malientenam, QC.
42. Part 1, Public Volume 35, Malientenam, QC; Part 1, Public Volume 36, Malientenam, QC.



43. Part 1, Public Volume 32, Malietenam, QC; Part 1, Public Volume 33, Malietenam, QC; Part 1, Public Volume 34, Malietenam, QC; Part 1, Public Volume 35, Malietenam, QC.
44. Jenny R., Part 1, Public Volume. 35, Malietenam, QC.
45. Nathalie H., Part 1, Public Volume 68, Malietenam, QC.
46. For security reasons, the testimonies are not cited.
47. Part 1, Public Volume 35, Malietenam, QC; Part 1, Public Volume 71, Montreal, QC.
48. Perreault, “Femmes autochtones,” p. 19.
49. Flynn et al., “Sortir la violence,” p. 38.
50. QNW, “Nānāwīg Māmawe Nīnawind.”
51. Green, “Taking Account of Aboriginal Feminism,” p. 20-32.
52. Part 1, Public Volume 32, Malietenam, QC; Part 1, Public Volume 34, Malietenam, QC; Part 1, Public Volume 60, Malietenam, QC; Part 1, Public Volume 59, Montreal, QC.
53. Kirby B., Part 1, Public Volume 60, Montreal, QC, pp. 40-41.
54. Part 1, Public Volume 34, Malietenam, QC.
55. QNW, “Nānāwīg Māmawe Nīnawind,” p. 25.
56. QNW, “*Indigenous women and violence*”; QNW, “Nānāwīg Māmawe Nīnawind”; Flynn et al., “Sortir la violence.”
57. Bergeron, “Voix des femmes ilnu.”
58. Part 1, Public Volume 35, Malietenam, QC.
59. Part 1, Public Volume 59; Part 1, In Camera 66, QC.
60. Part 1, Public Volume 59, Montreal, QC; Part 1, Public Volume 32, Malietenam, QC; Part 1, Public Volume 35(b), Malietenam, QC; Part 1, Public Volume 67, Montreal, QC.
61. Cheryl M., Part 1, Public Volume 59, Montreal, QC, pp. 57-58.
62. Part 1, Public Volume 67, Montreal, QC; Part 1, Public Volume 35(b), Malietenam, QC.
63. Part 1, Public Volume 67, Montreal, QC.
64. Part 1, Public Volume 60, Montreal, QC.
65. Concerning the interpretation of article 7 of the Charter, see notably *New Brunswick (Minister of Health and Social Services) v. G. (J.)*, [1999] 3 RCS 46, par. 58 à 61; *Rodriguez v. British Columbia (Attorney General)*, 1993 CanLII 75 (CSC), [1993] 3 R.C.S. 519, at pp. 587 et 588; Art. 193 and Art 195.1(1)c) of the Criminal Code, [1990] 1 R.C.S. 1123, at p. 1177; *R. v. Morgentaler*, [1988] 1 R.C.S. 30, par. 243. Concerning the interpretation of Article 1 de la Quebec Charter, see *Chaoulli c. Québec (Procureur général)*, [2005] 1 RCS 791, 2005 CSC 35, par. 41; 3 R.C.S. 211, par. 95; *Dupuis c. Directeur de l'état civil*, 2010 QCCS 1526, par. 13; Québec (Curateur public) c. Syndicat national des employés de l'hôpital St-Ferdinand, [1996].
66. *New Brunswick (Minister of Health and Community Services) v. G. (J.)*, [1999] 3 S.C.R. 46.
67. For example, in this case, whether legal aid is available to parents.
68. Part 1, Public Volume No. 33, Malietenam, QC; Jérôme, “Ka atanakaniht.”
69. Art. 10 states as follows: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
70. As presented in the testimony of Jérôme Mesténapeo et al., Public Volume 33, Malietenam, QC.
71. Jérôme, “Ka atanakaniht,” p. 184.
72. Part 1, Public Volume 33, Malietenam, QC; Part 1, Public Volume 34, Malietenam, QC.
73. Part 1, Public Volume 32, Malietenam, QC; Part 1, Public Volume 36, Malietenam, QC; Part 1, Public Volume 35; Malietenam, QC; Part 1, Public Volume 34, Malietenam, QC.
74. Part 1, Public Volume 32, Malietenam, QC.
75. Part 1, Public Volume 36, Malietenam, QC.
76. Part 1, Public Volume 35, Malietenam, QC.
77. Jenny R., Part 1, Public Volume 35, Malietenam, QC, p. 155.
78. *R. v. Neashish*, 2016 QCCQ 10775, 2016 QCCA 1915.
79. *R. v. W.G.R.*, 2017 QCCQ 16076.
80. *R. v. Auclair*, 2006 QCCQ 7093.

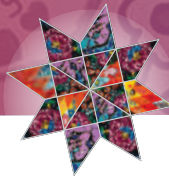




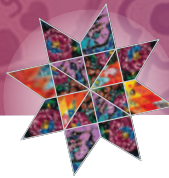
81. Lafontaine, “Rapport de l’observatrice civile indépendante,” p. 65.
82. Anastasia N., Part 1, Public Volume 35, Malietenam, QC, p. 58.
83. Germaine M., Part 1, Public Volume 34, Malietenam, QC, p. 115.
84. Gilberte V., Part 1, Public Volume 32, Malietenam, QC, p. 74.
85. Nakuset, Part 2, Public Volume 4, Calgary, AB, p. 99.
86. Nakuset, Part 2, Public Volume 4, Calgary, AB, p. 101.
87. Salée, “Peuples autochtones, racisme.”
88. INSPQ, “Rapport québécois sur la violence,” p. 296.
89. INSPQ, “Rapport québécois sur la violence,” p. 300, 303 and 304.
90. INSPQ, “Politiques publiques et santé,” pp. 10-11; See also Morin, “Pratique sociale des intervenants inuits.”
91. Matte, “Les besoins des proches de personnes assassinées,” p. ii.
92. Dion, Collin-Vézina, and Lavoie, “Les violences sexuelles chez les peuples autochtones,” p. 174.
93. CSSSPNQL, “Charte.”
94. FAQ, “Celles dont on a pris la vie” ; APNQL, “Honorer les victimes.”
95. Groupe de recherche et d’interventions psychosociales en milieu autochtone, “Étude sur l’abus sexuel” ; Capone, “Résistances des Innues.”
96. Radio-Canada, “Où sont passés 8 enfants.”
97. Part 1, Public Volume 33, Malietenam, QC.
98. Part 1, Public Volume 63, Montreal, QC.
99. Part 1, Public Volume 32, Malietenam, QC.
100. Part 1, Public Volume 34, Malietenam, QC.
101. Part 1, Public Volume 34, Malietenam, QC.
102. Part 1, Public Volume 34, Malietenam, QC.
103. Part 1, Public Volume 34, Malietenam, QC.
104. Part 1, Public Volume 61, Montreal, QC.
105. La Presse, “La mystérieuse disparition.”
106. Part 1, Public Volume 63, Montreal, QC; Part 1, Public Volume 61, Montreal, QC.
107. In one of these cases, the death had not been reported to the Registrar of Civil Status. In that case, the Director, following the National Inquiry’s requests for information, launched a summary investigation and issued a death certificate based on the information available, as provided for in section 130 of the *Civil Code of Québec*.
108. These are situations for which we obtained medical information and a death certificate.
109. Anne Panasuk’s report mentions eight children. <https://ici.radio-canada.ca/nouvelle/748777/pakuashipi-enfants-disparus-cote-nord-quebec-innus>.
110. Savard, “Des tentes aux maisons.”
111. Savard, “Des tentes aux maisons,” p. 26.
112. The hospitals that admitted and treated those children, according to the testimonies and documents received by the Commission, are the Hôtel-Dieu hospital in Amos, the St-Eusèbe hospital in Joliette, the hospital in La Tuque and the hospital in Blanc-Sablon.
113. M.-P. Bousquet, Director of the Indigenous studies program, Université de Montréal, telephone interview, December 12, 2018.
114. FAQ, “Nānīawig Māmawe Nīnawind,” ; FAQ, “Dans le passé, il y a eu les pensionnats indiens”.
115. Ringuette, “Le sens du placement,” p. 8.
116. Bill no. 99: An Act to amend the Youth Protection Act and other provisions.
117. Assemblée nationale, “Journal des débats de la Commission” p. 3.
118. Part 1, Public Volume 32, Malietenam, QC; Part 1, Public Volume 35, Malietenam, QC; Part 1, Public Volume 36, Malietenam, QC; Part 1, Public Volume 59, Montreal, QC; Public Volume 60, Montreal, QC; Part 1, Public Volume 60, Montreal, QC.
119. Part 1, Public Volume 60, Montreal, QC.
120. Kirby B., Part 1, Public Volume 60, Montreal, QC, p. 6.
121. Part 1, Public Volume 36, Malietenam, QC; Part 1, Public Volume 59, Montreal, QC.
122. Part 1, Public Volume 36, Malietenam, QC; Part 1, Public Volume 59, Montreal, QC.
123. Part 1, Public Volume 59, Montreal, QC.
124. Part 1, Public Volume 35, Malietenam, QC.



125. Part 1, Public Volume 36, Malietenam, QC.
126. Part 1, Public Volume 64, Montreal, QC.
127. Part 1, Public Volume 36, Malietenam, QC.
128. Part 1, Public Volume 36, Malietenam, QC; Part 1, Public Volume 59, Montreal, QC; Part 1, Public Volume 35, Malietenam, QC; Part 1, Public Volume 32, Malietenam, QC.
129. Maurice K., Part 1, Public Volume 70, Montreal, QC, p. 25.
130. Jenny R., Part 1, Public Volume 35, Malietenam, QC, p. 169.
131. Lise J., Part 1, Public Volume 32, Malietenam, QC, p. 123.
132. Gloria S., Part 1, Public Volume 36, Malietenam, QC, p. 66.
133. CDPDJ, “Racial Profiling and Systemic Discrimination.”
134. Paul Charbonneau, Part 2, Volume 10, Regina, SK.
135. Brenda Lucki, Part 2, Volume 6, Regina, SK.
136. Lafontaine, “Independent Civilian Observer’s Report,” p. 10.
137. *Commissaire à la déontologie policière c. Boulianne*, 2018 QCCDP 11.
138. Gagnon-Fontaine, “Les variations spatiales du comportement.”
139. Boutet, “Pression policière et actes de défiances.”
140. CIS, “National use of force model.”
141. ÉNPQ, “Vulnérable,” 3.1.2.
142. *Police Act*, ss. 28-29.
143. BEI, “Statistiques.”
144. Sometimes, the BEI does not even know when its investigators will be able to arrive on site when it opens an investigation (BEI-2017-026, Inukjuak) or it states that they will get there “in the next few days” (BEI-2018-014, Umiujaq).
145. Demers, “Ce que nous devons savoir,” p. 35.
146. Jean Vicaire, Part 2, Public Volume 8, Regina, SK, pp. 105-106.
147. Document submitted as evidence by the Ministère de la Sécurité publique, Presentation before the National Inquiry into Missing and Murdered Indigenous Women and Girls, “Les services policiers autochtones au Québec,” Richard Coleman, Part 2, Regina, SK.
148. Journal des débats (Hansard) of the Committee on Institutions, May 7, 1992; Journal des débats (Hansard) of the Committee on Institutions, April 22, 1993, p. CI-1608 and CI-1609; Journal des débats (Hansard) of the Committee on Institutions, April 29, 1993, p. CI-1718.
149. Document submitted as evidence by the Ministère de la Sécurité publique, Presentation before the National Inquiry into Missing and Murdered Indigenous Women and Girls, “Les services policiers autochtones au Québec,” Richard Coleman, Part 2, Regina, SK, p. 11.
150. *Police Act*, RSQ, c. P-13.1.
151. Aubert and Jaccoud, “Genèse et développement.”
152. Document submitted as evidence by the Ministère de la Sécurité publique, Presentation before the National Inquiry into Missing and Murdered Indigenous Women and Girls, “Les services policiers autochtones au Québec,” Richard Coleman, Part 2, Regina, SK.
153. Of the 11 communities, 7 have been served in the past by an Indigenous police force: Kanesatake, Unamen Shipu, Lac Barrière, Matimekush-Lac John, Ekuanitshit, Natashquan and Winneway. The remaining 4 communities have never been served by an Indigenous police force: Cacouna, Gespeg, Hunter’s Point and Kitchisakik.
154. Jean-Pierre Larose, Part 2, Volume 6, Regina, SK, p. 171.
155. Document submitted as evidence by the Ministère de la Sécurité publique, Presentation before the National Inquiry into Missing and Murdered Indigenous Women and Girls, “Les services policiers autochtones au Québec,” Richard Coleman, document submitted as evidence no. 36, p. 13.
156. Jean-Pierre Larose, Part 2, Public Volume 6, Regina, SK, p. 156.
157. Jean Vicaire, Part 2, Public Volume 8, Regina, SK.
158. Jean Vicaire, Part 2, Public Volume 8, Regina, SK.
159. Jean Vicaire, Part 2, Public Volume 8, Regina, SK.
160. The same is true for the Sûreté du Québec in remote areas: see Gauvin, “Les mouvements du personnel,” pp. 137 and 139.
161. *Commissaire à la déontologie policière c. Boulianne*, 2018 QCCDP 11.
162. *Commissaire à la déontologie policière c. Grondin*, 2012 CanLII 37105 (QC CDP), aff’d *Larochelle c. Grondin*, 2015 QCCQ 510; *Commissaire à la déontologie policière c. Ross*, 2003 CanLII 57332 (QC CDP).

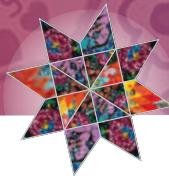


163. *Commissaire à la déontologie policière c. Beaudin*, 2013 QCCDP 17, aff'd *Beaudin c. Simard*, 2014 QCCQ 4544; *Commissaire à la déontologie policière c. Coon-Come*, 2012 CanLII 5089 (QC CDP).
164. *Police Ethics Commissioner v. McDougall*, 2008 CanLII 41346 (QC CDP).
165. *Code of ethics of Québec police officers*, RSQ, c. P-13.1, r. 1, subs. 10(4).
166. Public Inquiry Commission on relations between Indigenous Peoples and certain public services, *Commissaire à la déontologie policière*, "Engagement recommendations," pp. 32-33.
167. *Ibid.*
168. Part 1, Public Volume 35, Malientenam, QC.
169. Part 1, Public Volume 59, Montreal, QC.
170. *Isaac c. Commissaire à la déontologie policière*, 2005 CanLII 26460 (QC CQ).
171. *Picard v. Canada (Attorney General)*, 2018 FC 747 (in appeal); *Morin v. Kitigan Zibi Anishinabeg Band Council*, 2015 QCCS 965; *Pitawanakwat v. Wikwemikong Tribal Police Service*, 2010 FC 917, para. 20, citing "Report on the Ipperwash Inquiry (Ontario: Ministry of the Attorney General, 2007), at 261 of Vol. 2"; *L. (D.) v. Listuguj Police Service*, 1999 CanLII 10820 (QC CS), aff'd *I. (A.M.) v. L. (D.T.)*, 2001 CanLII 39648 (QC CA).
172. *Cross c. Conseil Mohawk de Kanesatake*, 2004 CanLII 49186 (QC CQ).
173. Public Inquiry Commission on relations between Indigenous Peoples and certain public services, Ministère de la Sécurité publique, "Pouvoir de révision dans le cas d'un directeur de poste de police," p. 493.
174. *King c. Québec (Comité de déontologie policière)*, 2004 CanLII 10779 (QC CS); *Commissaire à la déontologie policière c. Bonneau*, 2004 CanLII 59936 (QC CDP); *Commissaire à la déontologie policière c. Bonneau*, 2004 CanLII 72770 (QC CDP); *Montour c. King*, 2005 QCCA 706; *Bonneau c. Monty*, 2006 QCCQ 1765; *Commissaire à la déontologie policière c. King*, 2007 CanLII 54105 (QC CDP).
175. Jean Vicaire, Part 2, Public Volume 8, Regina, SK, pp. 87-88.
176. Bureau du coroner, "Rapport d'enquête."
177. Part 1, Public Volume 35, Malientenam, QC.
178. Part 1, Public Volume 71, Montreal, QC.
179. Part 1, Public Volume 35, Malientenam, QC.
180. Part 1, Public Volume 35, Malientenam, QC.
181. Part 1, Public Volume 35, Malientenam, QC.
182. Part 1, Public Volume 32, Malientenam, QC; Part 1, Public Volume 34, Malientenam, QC.
183. In 2015, Indigenous women interviewed for a report on the television program *Enquête*, broadcast on Radio Canada, revealed that they had suffered abuse at the hands of police. In this regard, see Lafontaine, "Rapport de l'observatrice civile indépendante."
184. Part 1, Public Volume 32, Malientenam, QC.
185. Part 1, Public Volume 35, Malientenam, QC.
186. Barbeau-Le Duc, "La judiciarisation de la violence familiale."
187. Pelletier, "Pour le respect de notre dignité humaine," p. 7.
188. *R v. Gladue* [1999] 1 SCR 688, paras. 64 and 93.
189. Grammond, "Les Autochtones et la justice pénale," pp. 99-101.
190. Isabel Grant, "The Role of Section 718.2(a)(ii)," pp. 160 and 168.
191. *R. v. Gladue*, [1999] 1 SCR 688, paras. 69 and 93; *R v. Ipeelee*, [2012] 1 SCR 433, paras. 60 and 77.
192. *R. c. Gunn*, 2018 QCCQ 1846, paras. 47 and 50.
193. *R. c. A.B.*, 2016 QCCQ 2362, paras. 69-71.
194. *R. c. V.B.*, 2018 QCCQ 3870.
195. *R. c. M.C.*, 2017 QCCQ 1586.
196. Part 1, Public Volume 35, Malientenam, QC, p. 52.
197. *R. v. Ipeelee*, [2012] 1 SCR 433, 2012 SCC 13.
198. *R. c. Neashish*, 2016 QCCQ 10775.
199. *Police Ethics Commissioner v. Ross*, para. 24; *Commissaire à la déontologie policière c. Ross*, para. 330.
200. INSPQ, "Contexte de vulnérabilité."



201. Dufour, “Les racines éducationnelles.” In the meantime, to try to fill the educational void, local and other initiatives are being created, such as the “Sous le Shaputuan” project by the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) and the Institut culturel et éducatif montagnais (ICEM), and the sensitization workshops by Nicole O’Bomsawin or by Wapikoni mobile, which are given at schools and elsewhere in Quebec with the aim of demystifying Indigenous cultural realities for non-Indigenous young people.
202. Barsalou Verger, “Évaluation d’un programme de formation.”
203. Rosa, Viens Commission, “Session de sensibilisation” 4-5; SPVM, Viens, “Réalisations du SPVM,” p. 8.
204. Ibid., pp. 13-17.
205. See for example: *Code des professions*, CQLR c. C-26, s. 57; *Code de déontologie des policiers du Québec*, CQLR c. P-13.1, r. 1, s. 5(4); *Code de déontologie des avocats*, CQLR c. B-1, r. 3.1, preamble, paras. (3) and (9).
206. Carufel, “Les théories d’expérience,” p. 128; Carufel and Thomas, “Les représentations sociales,” p. 99.
207. *Isaac v. Commissaire à la déontologie policière*.
208. *Commissaire à la déontologie policière v. Eremina*.
209. ÉNPQ, “Rapport annuel de gestion 2015-2016.”
210. ÉNPQ, “Rapport annuel de gestion 2016-2017.”
211. ÉNPQ, “Rapport annuel de gestion 2016-2017.”
212. ÉNPQ, “Rapport annuel de gestion 2017-2018,” p. 50.
213. ÉNPQ, “Rapport annuel de gestion 2017-2018.”
214. ÉNPQ, “Vulnérable,” 3.4.
215. *Davis v. Canada Border Services Agency*, paras. 287-291.
216. Part 1, Statement Volume 142, Malientenam, QC; Part 1, Statement Volume 148, Malientenam, QC.
217. Part 1, Public Volume 59, Montreal, QC; Part 1, Public Volume 61, Montreal, QC; Part 1, Public Volume 67, Montreal, QC.
218. Part 1, Public Volume 61, Montreal, QC; Part 1, Public Volume 59, Montreal, QC.
219. Canadian Human Right Commission, “Report on Equality Rights of Aboriginal People”; Anaya, “Report of the Special Rapporteur.”
220. Adrienne A., Part 1, Public Volume 67, Malientenam, QC, p. 24.
221. Part 1, Public Volume 67, Montreal, QC.
222. Canada ratified the Covenant in 1976.
223. Although Canadian courts have generally resisted the justiciability of economic, social and cultural rights, those rights are nevertheless fundamental human rights and are therefore inseparable, interdependent and closely linked to civil and political rights, including the right to life and the right to security.
224. *R v Gladue*, [1999] 1 SCR 688, para. 67
225. *R v Ipeelee*, [2012] 1 SCR 433, para. 77.
226. Part 1, Public Volume 32, Malientenam, QC; Part 1, Public Volume 34, Malientenam, QC; Part 1, Public Volume 35, Malientenam, QC; Part 1, Public Volume 68, Montreal, QC.
227. Part 1, Public Volume 68, Montreal, QC.
228. Part 1, Public Volume 32, Malientenam, QC; Part 1, Public Volume 35, Malientenam, QC; Part 1, Public Volume 34, Malientenam, QC.
229. Yvette B., Part 1, Public Volume 35, Malientenam, QC, p. 118.
230. Lise J., Part 1, Public Volume 32, Malientenam, QC.
231. Part 1, Public Volume 61, Montreal, QC.
232. Part 1, Public Volume 33, Malientenam, QC; Part 1, Public Volume 60, Montreal, QC; Part 1, Public Volume 32, Malientenam, QC; Part 1, Public Volume 36, Malientenam, QC.
233. Mary M., Part 1, Public Volume 33, Malientenam, QC, p. 233.
234. Kirby B., Part 1, Public Volume 60, Montreal, QC, p. 28.
235. Andrée V., Part 1, Public Volume 32, Malientenam, QC, p. 89.
236. Part 1, Public Volume 35, Malientenam, QC.
237. QNW, “Ka utshinikanat utinniunnuau.”
238. QNW, “*Les femmes autochtones et la violence*”; QNW, “Nānāawig Māmawe Nīnawind.”
239. Bourque, “La violence familiale chez les femmes autochtones”; Flynn et al., “Sortir la violence de sa vie.”
240. QNW, “Nānāawig Māmawe Nīnawind,” p. 18.





241. Part 1, Public Volume 35, Malietenam, QC.
242. Part 1, Statement Volume 142, Malietenam, QC.
243. Part 1, Public Volume 60, Montreal, QC.
244. Part 1, Public Volume 67, Montreal, QC.
245. Part 1, Public Volume 35, Malietenam, QC.
246. Part 1, Public Volume 34, Malietenam, QC.
247. Chow, “*Who Do You Think You Are.*”
248. Ellen Gabriel, Mixed Parts 2 and 3, Volume 9, Quebec City, QC, pp. 42-43.
249. Ellen Gabriel, Mixed Parts 2 and 3, Volume 9, Quebec City, QC, p. 51.
250. Department of Justice Canada, “Principles respecting the Government of Canada’s relationship.”
251. FNQLHSSC, “Another step toward self-determination,” p. 24.
252. Health Council of Canada, “Empathy, dignity, and respect.”
253. FNQLHSSC, “Another step toward self-determination.”
254. Grammond, “L’Identity autochtone saisie,” p. 328.
255. Anastasia N., Part 1, Public Volume 35, Malietenam, QC, p. 30.
256. Yvette B., Part 1, Public Volume 35, Malietenam, QC, p. 121.
257. Nathalie H., Part 1, Public Volume 68, Montreal, QC, p. 19.
258. Part 1, Public Volume 35, Malietenam, QC.
259. Alma M., Part 1, Public Volume 36, Malietenam, QC.
260. Alma M., Part 1, Public Volume 36, Malietenam, QC, p. 51.
261. Part 1, Public Volume 36, Malietenam, QC.
262. Part 1, Public Volume 35, Malietenam, QC; Part 1, Public Volume 67, Montreal, QC.
263. Part 1, Public Volume 32, Malietenam, QC; Part 1, Public Volume 33, Malietenam, QC; Part 1, Public Volume 34, Malietenam, QC; Part 1, Public Volume 35, Malietenam, QC; Part 1, Public Volume 67, Montreal, QC; Part 1, Public Volume 68, Montreal, QC; Part 1, Public Volume 71, Montreal, QC.
264. Part 1, Public Volume 67, Montreal, QC.
265. Adrienne A., Part 1, Public Volume 67, Montreal, QC.
266. Part 1, Public Volume 35, Malietenam, QC; Part 1, Public Volume 59, Montreal, QC.
267. Anastasia N., Part 1, Public Volume 35, Malietenam, QC, p. 45.
268. Cheryl M., Part 1, Public Volume 59, Montreal, QC, p. 5
269. Part 1, Public Volume 59, Montreal, Quebec.
270. Part 1, Public Volume 34, Malietenam, QC; Part 1, Public Volume 36, Malietenam, QC.
271. Sylvanne B., Part 1, Public Volume 34, Malietenam, QC, p. 45.
272. Part 1, Public Volume 67, Montreal, QC.
273. Lise J., Part 1, Public Volume 32, Malietenam, QC, p. 106.
274. Cheryl M., Part 1, Public Volume 59, Montreal, QC, p. 52.
275. Tess L., Part 1, Public Volume 71, Montreal, QC, p. 12.
276. Part 1, Public Volume 34, Malietenam, QC.
277. Germaine M., Part 1, Public Volume 34, Malietenam, QC, p. 107.
278. Part 1, Public Volume 34, Malietenam, QC; Part 1, In Camera Volume 66, Malietenam, QC.
279. Part 1, Public Volume 67, Montreal, QC.
280. Mary-Annie B., Part 1, Public Volume 60, Montreal, QC, p. 9.
281. Tess L., Part 1, Public Volume 71, Montreal, QC, p. 6.
282. Nathalie H., Part 1, Public Volume 68, Montreal, QC, p. 40.



## CONCLUSION



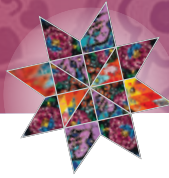
The truths spoken by the survivors and families revealed that the disappearances, violent deaths and murders are the product of accumulated violence that Indigenous women, girls, and 2SLGBTQQIA people have experienced for generations, and which has often been met with indifference and even contempt.

The violence perpetrated against Indigenous women, girls, and 2SLGBTQQIA people is set against a complex backdrop. That violence may be physical, psychological, financial, sexual or spiritual. It may occur between individuals, within families or in communities, or be perpetrated by institutions. Frequently, it falls into all of those categories. It is important to remember that this violence is, above all, structural: it is rooted in the system and the genocidal policies that were put in place long before these women and girls were born. Colonial policies and the control exercised by the Church have ruptured family and community ties including ties to the land, and have significantly altered the way of life of First Nations families in Quebec.

The truths shared by survivors and families also revealed that the prejudices and racism which drove colonialist policies have persisted over time and have infiltrated public institutions, so much so that they have created a social climate which disadvantages Indigenous women, girls, and 2SLGBTQQIA people in Quebec.

What the survivors and the women who have gone missing or been murdered all have in common is the fact that they were born into a world where being both female and Indigenous places them in a position of inequality in both the socio-economic and the legal senses and in terms of health care. It is clear that Indigenous women in Quebec do not have the same opportunities as non-Indigenous women to fulfill their potential and realize their dreams. Many of them have had their childhoods stolen and have been traumatized repeatedly throughout their lives. Yet they have the right to live safely in a country where justice of the same quality is available to all citizens.





*Petite perle, raconte-moi ta vérité. Photo by Michèle Audette, 2019.*

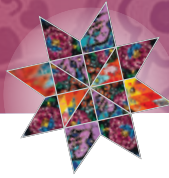
Analysis of the testimonies heard by the National Inquiry reveals numerous violations of the rights of Indigenous women, girls, and 2SLGBTQQIA people in Quebec.

From a very early age, their right to life and security is threatened by the cycle of violence that has been perpetuated for generations. Colonial policies of oppression, including the forced relocation of the community of Pakuashipi and the disappearance of Indigenous children in Quebec hospitals in the 1960s and 1970s, have compromised Indigenous Peoples' right to security. This right is still largely compromised today, notably due to ongoing acts of oppression that are perpetuated by police toward Indigenous women, girls, and 2SLGBTQQIA people.

The testimonies also revealed that shortcomings in implementing the right to health, in all its dimensions, are major factors in the violence perpetrated against Indigenous women, girls, and 2SLGBTQQIA people. In all cases, those shortcomings make Indigenous women, girls, and 2SLGBTQQIA people more vulnerable and therefore more likely to be exposed to violence.

These violations of fundamental rights and freedoms described in the testimony are also violations of the right to equality, since they are discriminatory toward Indigenous women, girls, and 2SLGBTQQIA people. Yet the right to equality and non-discrimination are protected by the





*Canadian Charter of Rights and Freedoms* and the *Charte des droits et libertés de la personne* [Quebec's Charter of Human Rights and Freedoms), as well as by international law.<sup>1</sup>

The most obvious violations of the right to equality occur when agents of the state demonstrate racist or sexist behaviour, show contempt for Indigenous women, girls, and 2SLGBTQQIA people, or are negligent or make errors in the conduct of their duties in cases involving Indigenous women, girls, and 2SLGBTQQIA people.

The State must put into place a system for justice that protects Indigenous women, girls, and 2SLGBTQQIA people from violence. As the truths shared have revealed, the Quebec justice system fails in this task, particularly because of the indifference and contempt of many actors within the system and the institutions themselves. The absence of conflict resolution mechanisms within communities is also a contributing factor. Survivors and family members also insisted on the need to respect rights to culture and to identity, notably through a recognition of self-determination, as a necessary precursor for healing.

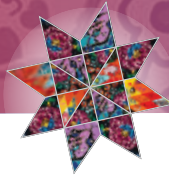
It is essential to state clearly that these violations are the consequences of genocidal colonial structures that are both racist and oppressive, and that have been maintained for centuries. We must be honest in naming and acknowledging this reality.

For years, attempts have been made to sum up that complex socio historical backdrop by using words like “assimilation,” “oppression” and, most recently, “cultural genocide.”<sup>2</sup> Yet, in light of the National Inquiry’s work and of the truths it heard from family members, survivors, Expert Witnesses and Knowledge Keepers, the most appropriate term is “genocide.”<sup>3</sup> Considering the importance of this conclusion, the National Inquiry into Missing and Murdered Indigenous Women and Girls is preparing a supplementary report on the Canadian genocide of Indigenous peoples according to the legal definition of “genocide,” which will be publicly available on our website. Here, we include a few observations relevant to this conclusion.

In international law, genocide is defined as follows:

[G]enocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: a) Killing members of the group; b) Causing serious bodily or mental harm to members of the group; c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; d) Imposing measures intended to prevent births within the group; e) Forcibly transferring children of the group to another group.<sup>4</sup>

For the National Inquiry, the term “genocide” is more appropriate than “cultural genocide.” It is worth noting that, although the Truth and Reconciliation Commission (TRC) chose to use the term “cultural genocide” rather than “genocide,” it did not dismiss the latter.



In fact, in its report, the TRC notes that, even if the courts have not ruled on this point,

articles 2(d) and 2(e) [of the *Convention on the Prevention and Punishment of the Crime of Genocide*] do not require that the victims themselves be “destroyed” but that the measures taken against them be intended to result in the destruction of the “national, ethnical, racial or religious group, as such ...”. It seems logical to conclude that Canada’s actions in forcibly transferring Aboriginal children from their racial group to another in order to eliminate or destroy their cultures and languages – and therefore their racial group – could at least amount to a legal wrong cognizable in Canadian law because of Canada’s acceptance of it as a legal wrong in international law.<sup>5</sup>

One of the debates that exist over the international use of the term genocide is centred on whether the intention to destroy, in whole or in part, a group, is in fact restricted to an intention to destroy a group physically or biologically, or if article 2 of the *Convention on the Prevention and Punishment of the Crime of Genocide* (CPPCG) provides a basis for international recognition of a cultural form of genocide that is not limited to an intention to destroy a group physically or biologically, referring, for instance, to some of its other aspects, such as subsection (e), which discusses the forced transfer of children from one group to another.

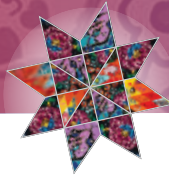
It is useful to recall that, at the time when the term “genocide” was adopted, the original draft of the CPPCG (Resolution 96[1]) included a reference to a cultural form of destruction.

R. Lemkin, the originator of the concept of genocide, defined it more broadly. In his view, genocide

does not necessarily mean the immediate destruction of a nation, except when it is carried out through mass murder of all the members of a nation. Rather, it means a coordinated plan involving different actions aimed at the destruction of the essential foundations of the life of national groups, for the purpose of exterminating the groups themselves. Such a plan would have as its objectives the destruction of the political and social institutions, the culture, the language, the national identity, the religion and the economic life of national groups, as well as the suppression of the personal security, freedom, health, dignity and even the lives of the people belonging to those groups.<sup>6</sup>

Other countries have had the courage to name what they have done to Indigenous Peoples. In 1997, an Australian inquiry into the practice of separating Indigenous children from their parents concluded that those practices, the purpose of which was, at least in part, to destroy Indigenous culture, identity and social organization, constituted genocide within the meaning of the CPPCG.<sup>7</sup> An obvious parallel exists between the policies concerning residential schools, which aimed at destroying Indigenous Peoples through the forcible transfer of children.

Beyond these debates on the recognition of a form of “cultural genocide” in Article 2 with regard to its intentional aspect, it is indisputable that the definition adopted by international law is not limited to massacres aimed at the physical destruction of a group in a relatively short period of



time, such as the genocide of the Holocaust or the genocide perpetrated against the Tutsis of Rwanda, who immediately come to mind as recent and indisputable examples. Genocide may also include “serious injury to the physical or mental integrity of members of the group” or “intentional surrender of the group to conditions of life that would result in total or partial physical destruction”; acts of slow destruction which are no less genocidal, if accompanied by the requisite intent.

The evidence gathered in the context of the National Inquiry, particularly the elements that stand out in this report concerning Quebec, contains many past and contemporary practices that could be described as: sexual, physical and psychological abuse; enforced disappearance of children; forced relocation and its impacts, such as the deportation of the Pakuashipi Innu, which the National Inquiry has heard about at length; targeted and chronic underfunding of essential services; and the inability to protect Indigenous women, girls and 2SLGBTQQIA people from exploitation and violence, among others.

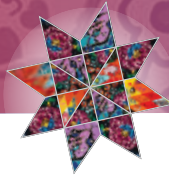
This evidence points to the existence of genocide within the meaning of the CPRCG, whether or not it includes the intent of cultural destruction that is the subject of debate, which we will elaborate in the context of the supplementary report dedicated to the question. Colonial structures that have allowed this genocide and the intergenerational effects that continue today must be understood in both Quebec and Canadian contexts.

Recognition of the existence of genocide perpetrated against Indigenous Peoples in Canada helps to explain the high rates of acts of violence committed against Indigenous women, girls, and 2SLGBTQQIA people. In fact, these disappearances and these murders are simply the most recent iteration of this genocide.

The colonial and genocidal structures maintained for centuries in Canada, as well as in Quebec, provide an environment where racism and indifference towards Indigenous people continues. The normalization of violence, or in other words, the normalization of a lack of safety and security, becomes another way through which Indigenous women, girls, and 2SLGBTQQIA people are targets of new acts of violence, or at risk for increased violence. The inaction and the maintenance of discriminatory policies and institutional practices by governments exposes their complicity in the violence perpetrated against Indigenous women, girls, and 2SLGBTQQIA people. This violence is the consequence of genocidal structures that persist today.

Despite that dark reality, many survivors and families are walking the path toward healing.

The survivors and the families have shown their determination to tell their truths and work to prevent the violence from affecting future generations or from being inflicted, once again, upon them. Many participants concluded their testimony by expressing their hope for a better future for their children and grandchildren.



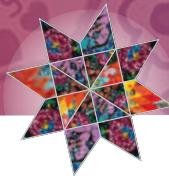
The truths of everyone who came to testify as a survivor or as the mother, sister, father or grandmother of a missing or murdered woman, girl, or 2SLGBTQQIA person remind us of all the work that remains to be done so that Indigenous women, girls, and 2SLGBTQQIA people can live safely and with dignity.

Honouring their lives, as the National Inquiry has sought to do throughout its work, means giving a voice to their loved ones and listening to their truth. However, we cannot stop there.

Honouring the lives of these Indigenous women, girls, and 2SLGBTQQIA people is the responsibility of the state. It is also the responsibility of all members of society, without exception.

Honouring the lives of these Indigenous women, girls, and 2SLGBTQQIA people means starting to make structural changes right now that will ensure a safe, healthy environment for them in Quebec.





1. They are at the heart of the *International Covenant on Civil and Political Rights* (ICCPR), the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and the *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW). The preamble to the *United Nations Declaration on the Rights of Indigenous People* (UNDRIP) affirms the equality of all peoples and the right to be different. The right to equality is guaranteed by section 15 of the Canadian Charter, by section 10 of the Quebec Charter and by a number of other acts intended to combat discrimination.
2. Truth and Reconciliation Commission of Canada, *Final Report*.
3. Assembly of First Nations Quebec-Labrador (AFNQL), "Honor les victimes, porter la voix des survivantes." Submission presented at the National Inquiry on Missing and Murdered Indigenous Women; Ellen Gabriel, Mixed Parts 2 and 3, Volume 9, Quebec City, QC.
4. *Convention on the Prevention and Punishment of the Crime of Genocide*, approved by UN General Assembly resolution 260 A (III) on December 9, 1948 [online]: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx>.
5. Truth and Reconciliation Commission of Canada, "Final Report: Volume 5," p. 126.
6. Lemkin, cited in Rabinbach, "Raphael Lemkin et le concept de génocide," p. 513.
7. National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, "Bringing Them Home."





## Calls for Justice

The participation of survivors, family members and Parties with Standing within the National Inquiry's Truth-Gathering Process made it possible to highlight the specific realities of First Nations women, girls and 2SLGBTQQIA people in Quebec. The truths shared made it possible to highlight the distinctive and specific characteristics of First Nations in Quebec, namely their histories, their cultures, their linguistic identities and their realities. Beyond these distinctions, the testimonies also highlighted experiences common to many Indigenous women, girls and 2SLGBTQQIA people in Canada, as well as their solidarity with each other.

All measures taken to ensure the safety and well-being of Indigenous women, girls, and 2SLGBTQQIA people in Quebec must include their participation, including privileging the voices and direction of those with lived experience. In addition, the recognition, protection and respect of the human rights and Indigenous rights of Indigenous women, girls, and 2SLGBTQQIA people in Quebec, on an equal footing with non-Indigenous people, is a legal imperative.

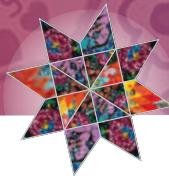
The diversity of experiences experienced by women, girls, and 2SLGBTQQIA people in Quebec is rich and complex, and must be fully recognized and understood. These Calls for Justice come from the experiences of our mothers, grandmothers, daughters and sisters who showed us the way during the work of the National Inquiry.

These Calls are directed specifically toward the needs of those who testified about their experiences in Quebec in confronting violence and discrimination within Quebec society, in its public institutions and its government. They are issued both in addition to, as well as in association with, the Calls for Justice highlighted in the National Inquiry's *Final Report*, Volume 1b.



1. **WE CALL UPON** the Government of Quebec to establish an independent mechanism to report annually to the Quebec National Assembly on the implementation of the Calls for Justice included in this and other volumes of the Final Report;
2. **WE CALL UPON** the Government of Quebec and Indigenous governments to work with Indigenous women and girls in Quebec, including members of 2SLGBTQQIA communities, immediately to prepare an action plan to prevent and eradicate all forms of violence against Indigenous women, girls, and 2SLGBTQQIA people; we call upon the Quebec Government to further participate in the development and implementation of a National Action plan as outlined in Call for Justice 1.1 in the National report.
3. **WE CALL UPON** the Government of Quebec to realize and prioritize the implementation of the *Government Action Plan for the Social and Cultural Development of the First Nations and Inuit*;
4. **WE CALL UPON** the Government of Canada and the Government of Quebec to establish an independent, multi-jurisdictional civilian entity to protect Indigenous citizens, with the mission to safeguard rights, receive complaints, investigate, and report on the quality of public services provided to the members of Indigenous communities as is proposed in Call for Justice 1.7 of the National Report. We call upon the Government of Quebec to ensure this body has jurisdiction and authority within the province of Quebec;
5. **WE CALL UPON** the Ministère de la Sécurité publique [Ministry of Public Security] to establish a multi-disciplinary crisis team for cases of missing Indigenous women and girls, including members of 2SLGBTQQIA communities, in Quebec;
6. **WE CALL UPON** the Government of Canada and the Government of Quebec to fund the establishment and long-term operation of culturally appropriate resources, such as healing lodges, culturally appropriate shelters and halfway houses, for Indigenous women and girls, including members of 2SLGBTQQIA communities, in urban areas and in all Indigenous communities throughout Quebec;
7. **WE CALL UPON** the Government of Canada and the Government of Quebec to fund and disseminate the awareness campaigns developed by Indigenous organizations, to prevent, denounce, de-normalize and address violence against Indigenous women and girls, including members of 2SLGBTQQIA communities throughout Quebec;
8. **WE CALL UPON** the Government of Canada, the Government of Quebec and municipal governments to fully train Quebec based public service workers so that they can adapt their interventions to the socio-cultural realities of Indigenous people and the particular challenges faced by them;





9. **WE CALL UPON** the Ministère de l'Éducation et Enseignement supérieur [Ministry of Education and Higher Education] and all educational institutions in Quebec to incorporate in the mandatory curriculum training developed together with Indigenous organizations on the socio-cultural, historical and contemporary realities of Indigenous Peoples;
10. **WE CALL UPON** the Government of Quebec to guarantee the permanent provision and availability of victim services in all Indigenous communities and in urban areas;
11. **WE CALL UPON** all police forces with jurisdiction in Quebec to systematically compile statistics on the number of reported disappearances and offences against the person committed against Indigenous women and girls, including members of 2SLGBTQQIA communities, and that the Ministère de la Sécurité publique [Ministry of Public Security] publish these statistics on an annual basis;
12. **WE CALL UPON** the Government of Canada and the Government of Quebec to ensure the continuity of tripartite agreements with Quebec's Indigenous police forces by granting increased, long-term funding to cover all needs, specifically with respect to staff, training and equipment;
13. **WE CALL UPON** the Ministère de la Sécurité publique [Ministry of Public Security] to coordinate between the various police forces to provide Indigenous people with access to effective public safety services regardless of jurisdictional barriers;
14. **WE CALL UPON** the Government of Quebec to amend all laws governing the institutions responsible for training police officers and monitoring police work so as to impose the appointment of Indigenous representatives, including at the Commission de formation et de recherche [training and research commission] of the École nationale de police du Québec [Quebec National Police School] and at the Bureau des enquêtes indépendantes [Independent Investigation Bureau];
15. **WE CALL UPON** Quebec's police forces and the École nationale de police du Québec [Quebec National Police School] to train all active police officers and police cadets on the socio-cultural realities of Indigenous people and the particular challenges faced by them, the issue of missing and murdered Indigenous women and girls, including members of 2SLGBTQQIA communities, and the importance of being familiar with the particular reality of each community to which they are assigned;
16. **WE CALL UPON** the École nationale de police du Québec [Quebec National Police School] to hold specialized English training sessions every year and offer specialized training sessions to Indigenous police forces, specifically on investigating;



17. **WE CALL UPON** every Indigenous community in Quebec to appoint by election an independent liaison officer tasked with supporting community members in exercising the remedies available when their rights have been violated, and provide this person with specialized training on the realities faced by Indigenous women and girls, including members of 2SLGBTQQIA communities; and that the Government of Canada and the Government of Quebec allocate long-term funding to help fulfill this mandate;
18. **WE CALL UPON** the Government of Canada to immediately remove all discriminatory aspects from the Indian Act, RSC 1985, c. I-5;
19. **WE CALL UPON** the Government of Canada, the Government of Quebec, municipal governments and Indigenous governments to approve and implement the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP);
20. **WE CALL UPON** the Quebec government to provide Indigenous families with all the information it has about children who have been apprehended following admission to a hospital or any other health center in Quebec;
21. **WE CALL UPON** the Government of Quebec to establish a commission of inquiry on the children taken from Indigenous families in Quebec.



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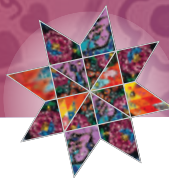
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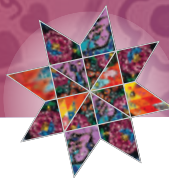
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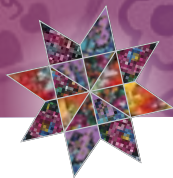


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