



Confronting Oppression – Right to Health

Introduction: Connecting Health and Safety

In Chapter 5, we explored how the destructive impact of colonial policies on culture, family, and community constitutes a form of cultural violence, which many people who shared their truths with the National Inquiry recognize as the starting point for other forms of violence that they or their missing and murdered loved ones have experienced in the past and continue to experience today. In this chapter, we build on this foundation, as told to us by families and survivors, to consider how colonial violence directed toward traditional cultural practice, family, and community creates conditions that increase the likelihood of other forms of violence, including, in particular, interpersonal violence, through its distinct impacts on the mental, emotional, and spiritual health of Indigenous Peoples. In sharing stories about the health issues they or their missing or murdered loved ones faced, the experiences they had in seeking health services, and the consequences of encounters that more often than not further diminished rather than promoted health and wellness, witnesses illustrated how addressing violence against Indigenous women, girls, and 2SLGBTQQIA people must also address their right to health.

This chapter begins by defining “health” as a human right according to international human rights standards, in order to explain how the right to health is directly connected with positive outcomes, both individually and in communities, for women, girls, and 2SLGBTQQIA people. In addition, we explore health as understood through distinctive First Nations, Inuit and Métis perspectives, to understand how Indigenous ways of being well are directly connected to maintaining safety. We then look more closely at the testimonies witnesses shared about physical, mental, emotional, and spiritual health, and the connections between health and violence, in the context of the four pathways that maintain colonial violence.

Then, we share testimony that explains and demonstrates how the impact of colonial violence on traditional culture, family, and community, as well as the ongoing disruption to cultural continuity through present-day iterations of colonial policies such as child welfare apprehensions,



environmental destruction, or gender-based discrimination within the *Indian Act*, carries significant health consequences for Indigenous people, often in the form of multigenerational and intergenerational trauma. Next, we consider how the socio-economic marginalization of Indigenous people and their communities further compromises their physical, mental, emotional and spiritual health, particularly by creating conditions that facilitate violence and that exacerbate trauma. We consider how, despite widespread recognition of the significant health problems faced by Indigenous Peoples – and widespread recognition of the significant health consequences all forms of interpersonal violence hold for Indigenous women, girls, and 2SLGBTQQIA people in particular – the systems and institutions that Indigenous people reach out to for health care-related support often fail to provide the support needed and, in doing so, often deepen these health concerns. We demonstrate how these failings within the health care systems to repair harm and restore health seem to demonstrate a willful ignorance of many alternative Indigenous health care and healing models that, through centring culture and cultural continuity at the same time, address and improve physical, mental, emotional, and spiritual health. As an example, we end by discussing how respecting the knowledge and agency Indigenous Peoples hold in terms of their own needs in the areas of physical, mental, emotional and spiritual health, and the steps that must be taken to create the conditions with which they can meet these needs, is an important part of addressing all forms of violence against Indigenous women, girls, and 2SLGBTQQIA people.

Ultimately, what we heard is this: when the right to health is in jeopardy, so is safety. Improving health services and delivery mechanisms can contribute in concrete ways to promoting community and individual health, safety, and healing, especially when it involves embracing effective and self-determined solutions that challenge racist, sexist, homophobic, and transphobic assumptions that all too often continue to shape how the health of Indigenous Peoples, and especially Indigenous women, girls, and 2SLGBTQQIA people, is valued.

Defining “Health”

In 1948, the World Health Organization (WHO), an agency within the United Nations system, defined “health” as a “state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”¹ Although the definition itself has not been amended since 1948, the United Nations and other international health organizations have since the 1990s acknowledged the particular importance of understanding health in a holistic context and in a way that includes Indigenous world views. As health researcher Odette Mazel argues, this recognition opened up new opportunities for viewing health as a legal entitlement and for recognizing it as a social justice issue with societal causes.²

Today, the WHO recognizes that “this definition extends beyond the traditional Western biomedical paradigm which treats body, mind and society as separate entities and reflects a more holistic understanding of health.” This includes the idea that “well-being is about the harmony that exists between individuals, communities and the universe.”³ Traditional health systems, as the Pan



American Health Organization/WHO has defined them, “include the entire body of ideas, concepts, beliefs, myths, procedures and rituals (whether explainable or not) connected with the maintenance of health or health restoration through the treatment of physical and mental illness or social imbalances in a particular individual, community or people.”⁴ Simply put, the context in which a person lives directly contributes to their health and well-being or takes away from it, and it is the interaction of all of these factors, which includes many of the themes reflected in our testimonies, that can be determinative of good or poor health.

FIRST NATIONS HEALTH AUTHORITY (BC): FIRST NATIONS’ RIGHT TO HEALTH

The First Nations Perspective on Health and Wellness visualization below is intended to serve as a starting point for discussion by First Nations communities on what they conceptualize as a vision of wellness for themselves and the First Nation Health Authority in British Columbia.

The Centre Circle represents individual human beings. Wellness starts with individuals taking responsibility for our own health and wellness (whether we are First Nations or not).

The Second Circle illustrates the importance of Mental, Emotional, Spiritual and Physical facets of a healthy, well, and balanced life. It is critically important that there is balance between these aspects of wellness and that they are all nurtured together to create a holistic level of well-being in which all four areas are strong and healthy.

The Third Circle represents the overarching values that support and uphold wellness: Respect, Wisdom, Responsibility, and Relationships.

The Fourth Circle depicts the people that surround us and the places from which we come: Nations, Family, Community, and Land are all critical components of our healthy experience as human beings.

The Fifth Circle depicts the Social, Cultural, Economic and Environmental determinants of our health and well-being.

The people who make up the Outer Circle represent the First Nations Health Authority's vision of strong children, families, elders, and people in communities. The people are holding hands to demonstrate togetherness, respect and relationships, which in the words of a respected BC elder can be stated as “one heart, one mind.” Children are included in the drawing because they are the heart of our communities and they connect us to who we are and to our health.



Source: Adapted from First Nations Health Authority Perspective on Health and Wellness, www.fnha.ca/wellness/wellness-and-the-first-nations-health-authority/first-nations-perspective-on-wellness.



In this chapter, we define “health” as a holistic state of well-being, which includes physical, mental, emotional, spiritual, and social safety and does not simply mean an absence of illness. The right to health is also a right to wellness,⁵ and is linked to other fundamental human rights such as access to clean water or adequate infrastructure in Indigenous communities, as well as the right to shelter and food security, which impact all Indigenous communities but have particular import in the North. These basic services, which also include access to medical care without the need to travel long distances, are key to the security and safety of Indigenous women, girls, and 2SLGBTQQIA people. The right to health also speaks to the prevention of danger and harm to others, to the health of children and families, and to all aspects of physical and mental wellness.

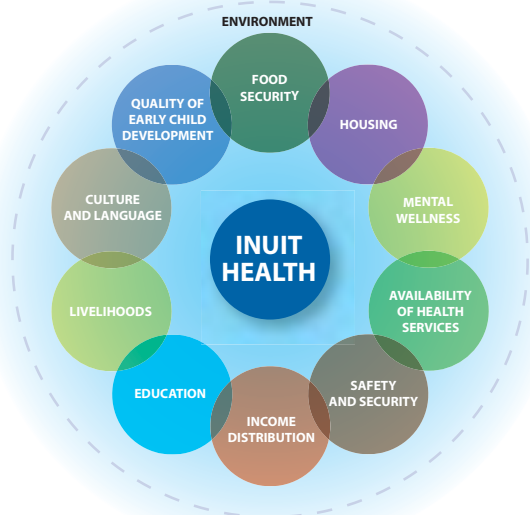
Witnesses that shared with the National Inquiry also addressed how health challenges may be distinctive for particular groups. For instance, Timothy Argetsinger explained that Inuit social determinants of health include food security, housing, emotional wellness, availability of health services, safety and security, income distribution, education, livelihoods, culture and language, quality of early childhood development, and, finally, surrounding all of it, the environment. As he explained,

So there are ... a few aspects of this visual that make it different from other representations.... So the main one being the environment and the role that that plays within our Inuit culture and society, and every aspect of our lives. So that’s why it is surrounding the other determinants.⁶

The connection between health and violence against Indigenous women, children, and 2SLGBTQQIA people is important, because of the way in which many loved ones went missing or were murdered in circumstances that served to target them because of their physical, mental, emotional, and spiritual health and well-being. In addition, testimonies related to the issue of suicide, as well as to the issue of travelling for medical care to outside or foreign locations, made clear how the right to health is connected to the issue of violence, beyond the idea of preserving health as preserving life. In addition, as the United Nations Permanent Forum on Indigenous Issues has pointed out:

Children born into indigenous families often live in remote areas where governments do not invest in basic social services. Consequently, indigenous youth and children have limited or no access to health care, quality education, justice and participation. They are at particular risk of not being registered at birth and of being denied identity documents.⁷

INUIT TAPIIRIT KANATAMI (ITK): SOCIAL DETERMINANTS OF INUIT HEALTH



Source: ITK, *Social Determinants of Inuit Health in Canada*, 2014.



This sense of dislocation and isolation, fed by insufficient or inadequate health policies and procedures, compounds the issues facing Indigenous communities, particularly within a remote context.

MÉTIS NATIONAL COUNCIL: MÉTIS INITIATIVES FOR HEALTH AND WELLNESS

In August of 2018, the Métis Nation Health Policy Session concluded with the signing of a Memorandum of Understanding (MOU) between the Government of Canada and the Métis Nation for the development of a 10-year accord designed to address the specific health needs of Métis people.

Elements of the Accord will include:

- Métis capacity to participate effectively in health care systems;
- Métis Nation research, surveillance, knowledge and evaluation;
- Métis Nation supplementary health benefits;
- Métis Nation participation in primary health and specialist care;
- Métis Nation home, community, long-term and palliative care models;
- Métis community and wellness hubs (i.e. Métis service/wellness access centres);
- Métis people within the health human resources sector;
- Healthy living and disease prevention and health promotion capacity;
- Cultural competency of the health care system;
- Intergovernmental coordination to adapt and to improve health care systems that reflect expanded roles of the Métis Nation;
- Climate change related health effects and risks mitigation, and associated data management; and
- Access to mental health supports

Source: Métis Nation, "Métis Nation Presses Health and Wellness, Family and Child Care Priorities at Policy Sessions in Ottawa," September 6th, 2018. <http://www.metisnation.ca/index.php/news/metis-nation-presses-health-and-wellness-family-and-child-care-priorities-at-policy-sessions-in-ottawa>

Further, the Inter-Agency Support Group on Indigenous Peoples' Issues (IASG) points out that, globally, Indigenous Peoples suffer from poorer health than non-Indigenous populations, and that "Indigenous women experience health problems with particular severity, as they are ... often denied access to education, land property, and other economic resources." In addition, the IASG asserts that "Indigenous youth and adolescents face particular challenges in the realization of their right to health that are often not adequately addressed, including sexual and reproductive health and rights, and mental health."⁸ Conditions that will support the right to health may include:

- physical and geographic accessibility;
- economic accessibility;
- information accessibility; and
- non-discrimination in accessing services.⁹



The National Inquiry heard about the lack of all of these conditions for health from our testimonies. In the sections that follow, we take a closer look at how the absence of many of these conditions manifests for Indigenous women, girls, and 2SLGBTQQIA people seeking help, support, and safe spaces, and fleeing violence.

Current Approaches to Health in Canada

One of the witnesses testifying for the National Inquiry shared important information regarding the current federal approach to health programs and services. As we saw briefly in our examination of Indian hospitals, federal responsibility for health in a First Nations context officially began as early as 1904, when the Department of Indian Affairs appointed a general medical superintendent to start medical programs and develop health facilities. Indian Health Services came under the umbrella of the Department of National Health and Welfare in 1945, and, in 1962, Indian Health and Northern Health Services came together as the Medical Services Branch. By 1974, the minister of National Health and Welfare tabled the Policy of the Federal Government concerning Indian Health Services, which rearticulated the Medical Services Branch's assertion that there existed no statutory or Treaty obligation to provide health services for Status Indian people. Still, in its own words, the federal government wanted to make sure that services were available, "by providing it directly where normal provincial services (were) not available, and giving financial assistance to indigent Indians to pay for necessary services when the assistance (was) not otherwise provided."¹⁰

As Expert Witness Dr. Valérie Gideon testified, the mandate of the First Nations and Inuit Health Branch (FNIHB) is still based in the 1979 Indian Health Policy that emerged from the 1974 document, which identified three pillars as the foundation of the branch. These pillars are: community development, recognition of a special relationship between the Crown and Indigenous Peoples, and interrelationships among systems at multiple levels of government, all intended to support the advancement of Indigenous health. As Gideon admitted, "It is a dated document. However, those three pillars continue to – to guide the mandate of the branch."¹¹ Although the policy was updated with broader and more relevant language in 2012, the basic foundations of the branch's approach remain unchanged. Gideon believes this is because, fundamentally, the branch's focus on supplementing access offered within territorial and provincial health services and systems is still the main focus of its work, along with developing health partnerships with First Nations and Métis leadership at the community or regional level.¹²

In her estimation, Gideon explained, the greatest barriers to health rest in how provincial and territorial health systems organize their services, rather than with the federal agency responsible for recognizing the direct relationship between Indigenous Peoples and the Crown or the interrelationships between systems and levels of government.



It's that it is absolutely important to collaborate with provincial and territorial health systems in order to be able to access those areas such as physician support, specialist support, and diagnostic technology, laboratory, pharmacy services, that really, within the FNIHB context, is not something that we have direct funding and responsibility for. So it's ... creating those linkages with provincial and territorial health systems that is extremely important in order to increase access to services and communities.¹³

INDIAN HEALTH POLICY, 1979

According to the First Nations and Inuit Health Branch (FNIHB), "The Federal Indian Health policy is based on the special relationship of the Indian people to the Federal Government, a relationship which both the Indian people and the Government are committed to preserving. It recognizes the circumstances under which many Indian communities exist, which have placed Indian people at a grave disadvantage compared to most other Canadians in terms of health, as in other ways."



Community Development:
Socio-economic and cultural and spiritual development, to remove the conditions of poverty and apathy preventing community members from achieving full state of well-being.



Recognition of Crown-Indigenous Relationship:
Federal government serves as an advocate for interests of First Nations and Inuit communities, promoting the capacity to achieve aspirations. Depends on good communicating and involvement in delivery of programs.



Canadian Health System:
Divisions between jurisdictions are superficial in light of viewing the health system as related, and as a whole. System is interdependent and includes public health activities in communities, promotion of health, and mitigation of health hazards.



Source: Adapted from Government of Canada, *Indian Health Policy 1979*, <https://www.canada.ca/en/indigenous-services-canada/corporate/first-nations-inuit-health-branch/indian-health-policy-1979.html>.

The branch provides programs and services to First Nations and Inuit. Inuit-specific funding is directed to the area of mental health and healthy child development. This approach, Gideon explained, was developed with Inuit Tapiriit Kanatami (ITK) and the National Inuit Committee on Health in 2014 and is focused on working with land claims organizations, for instance, in Nunavut, where a tripartite partnership is working to address the needs of Inuit.¹⁴ There remain, however, significant gaps in services, including the lack of a hospital in Nunavik.¹⁵



In describing the process of allocating funding and determining priorities, Gideon described partnership tables composed of First Nations representatives assigned by leadership, including representatives like “community Chiefs, political territorial organizations ... as well as, of course, some FNHIB regional executives.”¹⁶ When asked if grassroots organizations had a seat at the table, or if urban organizations could participate, Gideon answered: “Well, I mean, anybody can absolutely contact us and sit with us to talk about what needs exist in context and what priorities, and we can bring that information and – and invite presentations at the partnership committee tables.”¹⁷

The FNIHB, like many government agencies, works through established leadership structures, such as the Assembly of First Nations, as well as elected chiefs in different communities, to determine these priorities; for some women, testifying from a grassroots perspective, this is tantamount to complete exclusion.

In speaking specifically on the Métis, Gideon explained that the branch has been approached by the Métis Nation with a draft memorandum of understanding to work collaboratively to look specifically at health priorities and to work toward a 10-year Métis Nation health accord.¹⁸ When asked about the application of Jordan’s Principle to Inuit, Métis, and non-Status people, Gideon noted that “the departmental position is not confirmed at this point.”¹⁹

While the branch notes a positive responsibility on it to fill gaps while respecting the roles of other jurisdictions, such as the provinces and territories, First Nations governments, and land claims agreements,²⁰ Gideon also pointed out that their programs and services did not flow from a rights-based perspective, but from a policy mandate that includes recognition of, but is not based in, rights instruments.²¹

Pathway to Violence: Intergenerational and Multigenerational Trauma

In her testimony, Sharna S. used the metaphor of a diseased tree to describe the many factors that negatively impact the physical, mental, emotional, and spiritual health of Indigenous people.

The way that I look at the National Inquiry and all the atrocities that have happened to my people, to me it’s like a tree that’s diseased. And the branches branch out.

One [branch] of it is for the residential school survivors; one of it is for the murdered and missing; you know, another branch is for the mental health and addictions and the fentanyl crisis. You know, the other ones are how the bands are treating their own members. The discrimination that happens, the racism that happens, you know, our loss of our culture, the Truth and Reconciliation Commission, all of this stuff.²²



In her description, Sharna identified many historical and contemporary factors impacting the health of Indigenous Peoples: residential school attendance, interpersonal violence, drug and alcohol addiction, lateral violence,²³ discrimination, racism, and the loss of culture. She also acknowledged that each of the branches on this tree “branch out” – that is, the physical, mental, emotional, and spiritual health impacts that each of these experiences carry cross generations in ways that create and contribute to intergenerational trauma.

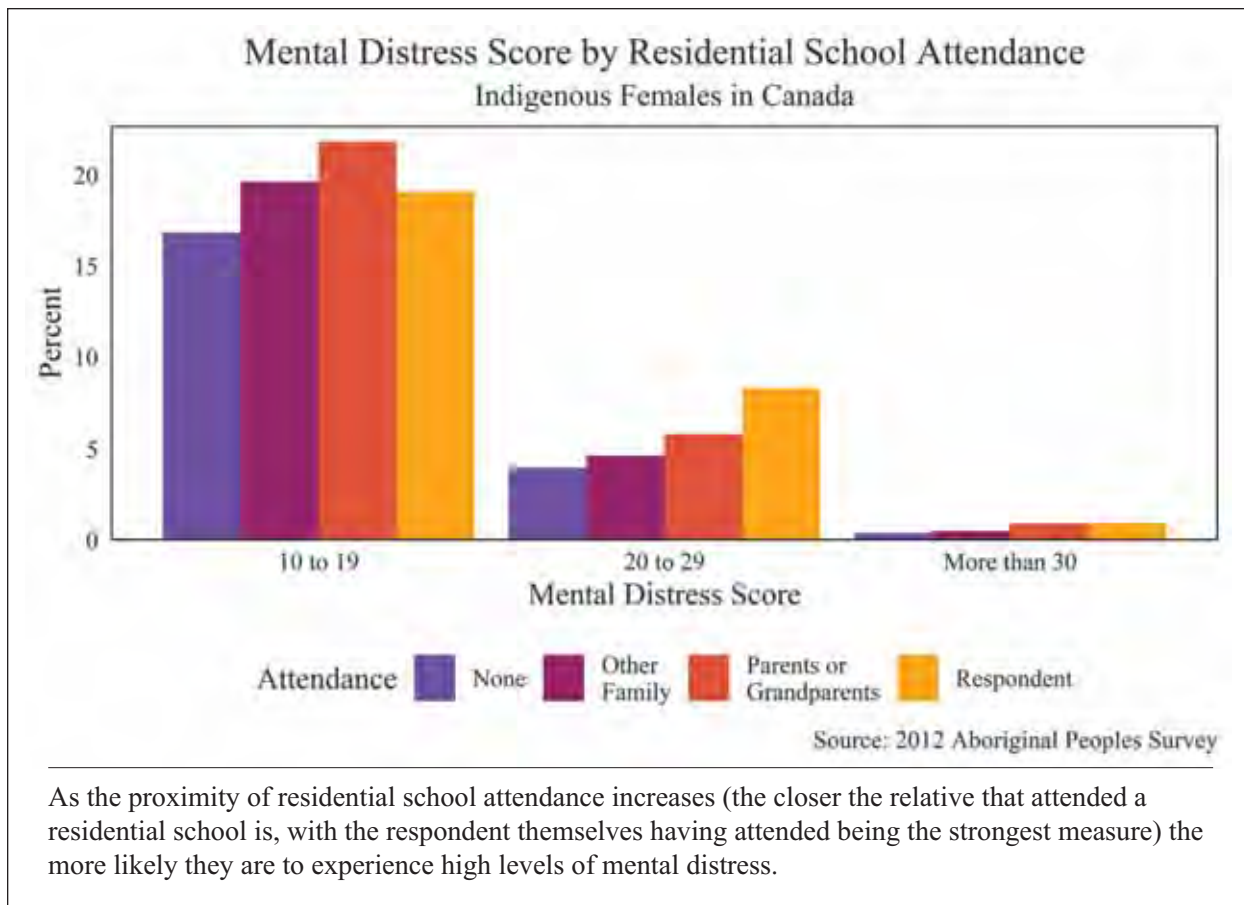
Like Sharna, many witnesses described how these acts of cultural, institutional, and interpersonal violence carry – among other things – significant health consequences for Indigenous people, including widespread trauma, suffering, and pain, which can, in turn, lead to further violence. For Indigenous women, girls, and 2SLGBTQQIA people, against whom these acts of violence are more frequently directed, the health consequences are severe and lasting.

In this section, we look more closely at what the families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, as well as others who shared their truths, had to say about their own and their loved ones’ health and wellness.

Long-Term Poor Health Standards: An Overview of Health and Wellness

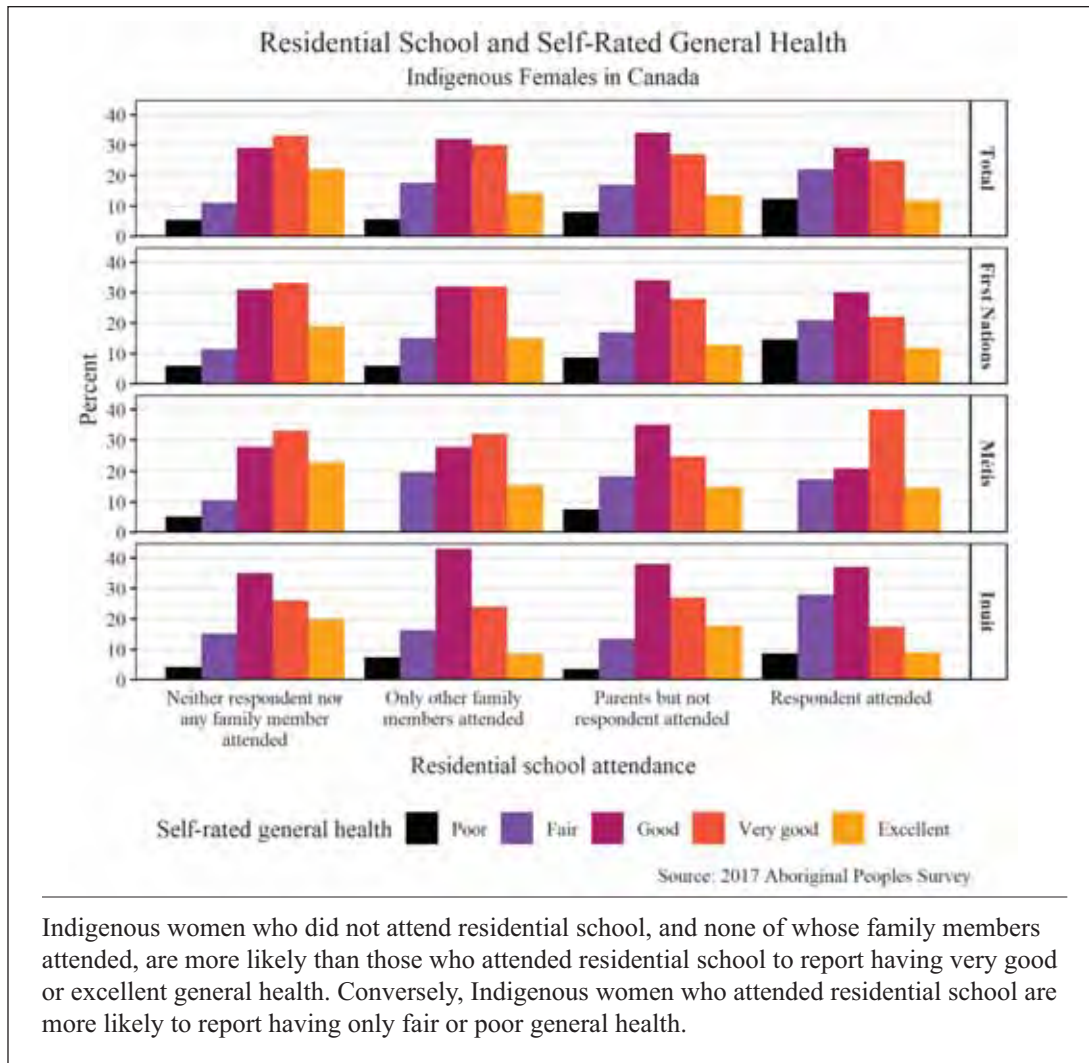
In describing their experiences of health and wellness, the families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, survivors, and others who spoke about the impacts of violence offered stories that demonstrate the resilience and strength Indigenous Peoples and communities cultivate in the face of the many barriers that compromise their wellness. Nonetheless, in many instances, their stories also illustrated what is widely recognized as the significant health disparities that exist between Indigenous and non-Indigenous populations in Canada.²⁴ For many witnesses, the long-term impacts of dispossession, of relocation, of harm inflicted at residential school, and of the many forms of social and cultural disruption are key drivers for these health disparities. As the First Nations Information Governance Centre (FNGC) explains in contextualizing the findings from its most recent First Nations Regional Health Survey (2015–16):

High rates of chronic health conditions do not occur in isolation, rather health inequalities are shaped by – and rooted in – the inseparable relationship between health and generations of racist colonial policies. The effects of colonization have resulted in a legacy of environmental dispossession, degradation of the land, substandard living conditions, inadequate access to health services, social exclusion and a dislocation from community, language, land and culture. These policies have been clearly linked to adverse health consequences for individuals and community.²⁵



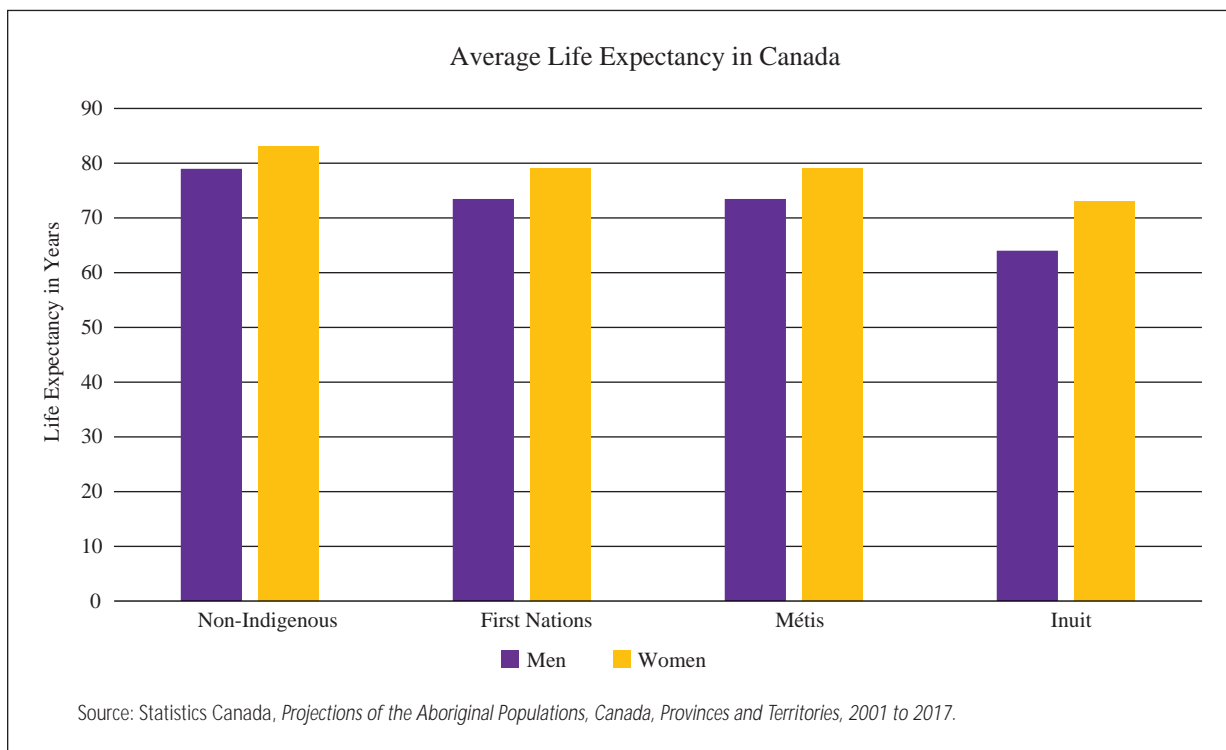
To André Picard, health columnist for the *Globe and Mail*, it is no wonder, given this context, that First Nations, Inuit, and Métis populations all experience poorer health than the non-Indigenous population.

The indigenous community is young and the fastest growing by far – more than 50 percent of indigenous people in Canada are under the age of 15. This is the time to stop generation after generation of disaster, poverty, isolation, addiction and suicide – we’ve created all that. We have an apartheid system designed to oppress people and it’s given the exact results it was designed to produce. Take away their culture, their language, their ability to earn money, their ability to have land, and then, oh, we’re surprised they’re the most unhealthy people in our country? It’s not a surprise at all.²⁶



In general, First Nations, Inuit, and Métis have a lower life expectancy than Canada's non-Indigenous population. According to the most recent data available from Statistics Canada, in 2017, the projected life expectancy for the Canadian population was 79 years of age for men and 83 years of age for women. For Métis and First Nations populations, this life expectancy is approximately five years lower for both men (73 to 74 years of age) and women (78 to 80 years of age) than the non-Indigenous Canadian population. The Inuit have the lowest projected life expectancy, at 64 years for men and 73 years for women.²⁷

Indigenous people represent the fastest growing population in Canada, as well as the youngest.²⁸ In part because of this young population, First Nations, Inuit, and Métis mothers are younger than non-Indigenous mothers. For instance, between 2003 and 2007, 34.3% of First Nations mothers were under 24 years of age and an additional 29.3% were under the age of 29.²⁹ The most recent data available on infant mortality rates also demonstrates significant differences between Indigenous and non-Indigenous populations, with infant mortality rates being more than twice as high



for First Nations, Métis, and Inuit populations than for the non-Indigenous population, and the rates of death from sudden infant death syndrome (SIDS) was more than seven times higher in First Nations and Inuit populations than in the non-Indigenous population.³⁰

Research on infant mortality demonstrates that when infant mortality occurs in the postneonatal period (from 28 days to one year after birth), it is more likely to reflect social and environmental factors than factors associated with access to obstetric and neonatal care, which is more likely to occur during the neonatal period (birth to less than 28 days). While postneonatal deaths make up about one-quarter of all infant deaths in the non-Indigenous population, they make up nearly half of infant deaths in the Indigenous population.³¹ This reality speaks to the urgent need to address those social and environmental factors that impact health – as many of the witnesses who described their experiences as mothers indicated – even in the earliest days.³²

Chronic Health Conditions

Indigenous children, youth, and adults more frequently live with chronic health conditions. According to the First Nations Regional Health Survey (2015–16), “nearly two-thirds (59.8%) of First Nations adults, one-third (33.2%) of First Nations youth, and more than one-quarter (28.5%) of First Nations children reported having one or more chronic health conditions,” such as diabetes, arthritis, high blood pressure, allergies, and chronic back pain.³³ More First Nations women (46.5%) than men (36.4%) report co-morbid conditions (two or more chronic health conditions



occurring at the same time) – a finding that underlines the need for health care supports, and the manner in which First Nations women are at a distinct disadvantage where a lack of health care supports exist, given that multiple chronic conditions are “often associated with complex health outcomes, clinical management and health care needs.”³⁴ For First Nations youth, among the most common chronic health conditions are those connected to mental health, including anxiety (8.3%) and mood disorders (6.6%).³⁵

In addition, higher adult obesity rates are found in Indigenous populations than in the non-Indigenous population: First Nations and Inuit, 26%; Métis, 22%; non-Indigenous population, 16%.³⁶

For Inuit, chronic conditions, as seen in 2012 among Inuit, included those such as high blood pressure, arthritis, asthma, depression, and diabetes in approximately 43% of the population, many of which can directly be linked to a changing way of life. Tuberculosis, a focus of colonial policy in previous decades, is also much more prevalent among Inuit: according to ITK, while it was 0.6 per 100,000 in Canada, the rate of tuberculosis as of 2018 was 181 per 100,000 among Inuit.³⁷

Like the Inuit and First Nations, Métis people also experience a high incidence of chronic conditions such as arthritis, high blood pressure, asthma, intestinal ulcers, and diabetes: according to 2016 data from the Aboriginal Peoples Survey (the most recent available), only 54% of the Métis population aged 12 and older reported a good state of general health.

For 2SLGBTQQIA people, health outcomes are less consistently measured or studied. Nonetheless, available research suggests that 2SLGBTQQIA people may experience higher rates of chronic health conditions, mental health issues, substance use, suicide, and violence than other Indigenous people and the non-Indigenous population.³⁸

Mental Health

In addition to chronic health conditions related to physical health, First Nations, Inuit, and Métis are also more likely to experience mental health concerns than the non-Indigenous population. For instance, 2012 data from the Aboriginal Peoples Survey shows that over one in five Indigenous individuals reported having suicidal thoughts. All First Nations age groups up to age 65 are at increased risk, compared with the Canadian population; males are at a higher risk than females. The suicide rate of Inuit is 10 times that of the rest of Canada, with the greatest difference between the Inuit and non-Indigenous population being among young to middle-age females.³⁹ Among Inuit females aged 15 to 24, the suicide rate is approximately eight times that of non-Indigenous people; for Inuit females aged 25 to 39, it is approximately five times greater.⁴⁰ In 2016, the Aboriginal Peoples Survey also reported that Indigenous youth are particularly at risk for poor mental health, with just over one in ten of off-reserve First Nations youth and 7.8% of Métis youth having a mood disorder. Further, “Rates of acute-care hospitalizations for intentional self-harm are high among Indigenous youth aged 10 to 19,” with the highest in Inuit Nunangat.⁴¹



Compounding the health issues, access to health services remains a barrier to health and wellness. According to Health Canada data for the period between 2006 and 2010, 39% of First Nations adults reported that they had less access to health services than the rest of the Canadian population, with the most common barrier being waiting lists for health services.⁴²

For many Inuit, and as we heard from several witnesses, access to health care in the Inuit population is an important determinant of health, and many who need treatment, including expectant mothers, are forced to leave the community for extended periods of time. The difficulties of access are exacerbated by problems with recruitment and retention of health professionals in Inuit communities. For example, in 2012, 59% of Inuit had seen or talked to a medical doctor, compared with 79% in the Canadian population.⁴³ Only 32% of Métis had access to traditional medicine or wellness practices in their own communities, with more and better services cited as being in larger urban areas.⁴⁴ Due to the relatively recent tracking of disaggregated data related to the Métis, there is not a great deal of data available to make comparisons over the longer term.⁴⁵

“THE INDIGENOUS COMMUNITY IS YOUNG AND THE FASTEST GROWING BY FAR – MORE THAN 50 PERCENT OF INDIGENOUS PEOPLE IN CANADA ARE UNDER THE AGE OF 15. THIS IS THE TIME TO STOP GENERATION AFTER GENERATION OF DISASTER, POVERTY, ISOLATION, ADDICTION AND SUICIDE – WE’VE CREATED ALL THAT. WE HAVE AN APARTHEID SYSTEM DESIGNED TO OPPRESS PEOPLE AND IT’S GIVEN THE EXACT RESULTS IT WAS DESIGNED TO PRODUCE. TAKE AWAY THEIR CULTURE, THEIR LANGUAGE, THEIR ABILITY TO EARN MONEY, THEIR ABILITY TO HAVE LAND, AND THEN, OH, WE’RE SURPRISED THEY’RE THE MOST UNHEALTHY PEOPLE IN OUR COUNTRY? IT’S NOT A SURPRISE AT ALL.”

André Picard



Understanding Youth Suicide

In testimonies before the National Inquiry, many witnesses cited the important barriers to rights that come with challenges in the area of mental health, particularly for youth. The epidemic of suicide, particularly among youth, represents a manifestation of many of the factors that have been outlined in this report, including intergenerational and multigenerational trauma, the apprehension rates within the context of child welfare, and the social and economic marginalization of Indigenous Peoples more broadly.

Contextualizing the Suicide Crisis in Remote Communities

In Saskatchewan's Advocate for Children and Youth Corey O'Soup's home province, the rates of youth suicide are epidemic. As he explained, "Indigenous youth suicide is an epidemic within our province. And I know it's not just Saskatchewan and I know it's not just Indigenous kids. It's all across our country in all areas of life but specifically we've targeted our Indigenous kids and mental health."ⁱ In Saskatchewan, Indigenous girls are 26 times more likely to die by suicide than non-Indigenous girls.ⁱⁱ

As award-winning journalist and author on the issue of youth suicide Tanya Talaga shared, in an interview with Anna-Maria Tremonti on CBC's *The Current*, part of the reason for the high incidence of youth suicide is the normalization of it: "What is so hard for someone, who doesn't live in that community and is not surrounded by suicide, to understand is, it becomes part of your normal everyday life." She cites her uncle, her mother's friend, and her friend as examples of people close to her that took their own lives. In the same interview, Talaga expressed how the foundational factor to all of these deaths is something that can be addressed in attending to the issue of inequality.

Growing healthy children, it's not really rocket science. You have to have safe housing, you have to have a family that loves you, someone who

tucks you in at night, to say to you, "You belong." You need nutritious food, you need access to an education, you need access to health care. And when you're growing up in a community that's missing all of these things, all these things that every other ... non-Indigenous Canadian enjoys in urban and rural settings – suicide is there, suicide becomes normal."ⁱⁱⁱ

In a study analyzing trends across 23 different studies of Indigenous youth suicide, researchers Henry G. Harder, Josh Rash, Travis Holyk, Eduardo Jovel, and Kari Harder found evidence to suggest that some of the factors raised by Talaga manifest themselves in mental health challenges and specifically, in depression. Their synthesis of existing literature found that the strongest risk factors to Indigenous youth suicide emerge as depression, and having a friend or someone close die by suicide.^{iv} This explains, in part, why youth suicides within Indigenous communities tend to appear in clusters, rather than as isolated incidents, particularly when the community is tight-knit or small. The next strongest factors included conduct disorder, defined as "violent behaviour, aggression, violent ideation, anger, delinquency, antisocial behaviour," and substance or alcohol abuse. The third most likely risk factor was the existence of another psychiatric disorder other than depression and suffering from childhood abuse or trauma.^v

Importantly, the same analysis also showed that the strongest protective influence against Indigenous youth suicide was "high support, whether social or familial.... Personality variables of high self-esteem



and having an internal locus of control further reduced the risk of suicide.”^{vi} As the researchers explain, “Individuals are likely to search for identity during developmental crises where psychological growth can be triggered through the experience of stressful life events.... If such meaning cannot be located and the struggle for identity cannot be resolved, then a serious period of hopelessness or depression occurs.”^{vii} The failure to find continuity or a sense of belonging can lead youth to adopt addictive lifestyles or to adopt unhealthy self-images leading to suicidal thoughts or attempts.

Compounding these problems is a perceived sense of isolation in some communities, and a lack of access to services that could help in a crisis situation. As O’Soup testified, the challenges in addressing mental health are particularly severe in northern and remote communities: “We have 15 child psychiatrists – and I’m just using this as an example – in Saskatchewan. One of them travels one day every two weeks to our northern communities. So I’m guessing that the actual wait list for them is longer than two years.”^{viii} In her testimony, Tanya Talaga highlighted a similar issue, citing the example of the community of Wapekeka, a community of approximately 400 people in northwestern Ontario, where youth experiencing mental health crises and needing to see someone “have to be flown away, flown away from their families, flown away from everything that they know, put in a hotel or put into the Sioux Lookout Hospital.... I mean, all by themselves, you know, without any support. And, these are children in crisis.”^{ix} In part, and as we heard in many testimonies, improving outcomes includes properly resourcing health services, including mental health services, for children and youth, to decrease these kinds of barriers to well-being.

Part of the problem, as O’Soup testified, is the way that mental health issues are treated in Canada today. He pointed out:

When you break your leg or you have a flu ... when something like that happens to you, what do you do? You go to the doctor. You go to the emergency room if it’s really bad. And the doctor sees you. They’ll give you some medicine. They’ll write you a prescription. If your leg’s broken,

they’ll set your leg. They’ll put a cast on it. And you’ll go away and you’ll feel like you’ve received some sort of help and, like, you’re on the way to getting better. But when you look at our mental health system, the challenges there exist. They’re real for our children and our youth.... You take the same child that’s suffering with mental health issues, whatever it is, you know, ADHD, anxiety, OCD, ODD, youth – there’s so many of these different diagnoses. If you take that same child into that same emergency room or that same health clinic, that child sits there for 10, 12, 14, 16 hours. And you know what happens? Someone on a phone says, send them home. So those kids go home. I’m telling you, we’re dealing with life-and-death situations when that happens.^x

Suicide among Inuit Youth

In the decades before the way of life based on the land and in geographic mobility was changed to a more sedentary life in centralized settlements as a result of colonization, Inuit suicide was a phenomenon reserved for a very few and older Inuit. Back then, Inuit who were suffering from illness, famine, or old age could decide which moment they wished to die. The choice by individuals to die by suicide was in keeping with the respect Inuit have for the autonomy of their fellow Inuit to make decisions about their own matters and lives.^{xi} However as societal changes occurred through colonization and settlement, the death of Inuit youth by suicide began to occur. While Indigenous groups across Canada have also experienced increased suicide rates among their youth, Inuit have seen very high suicide rates. Inuit youth suicides began in the 1970s followed by a dramatic increase in the 1980s, and Inuit youth suicide rates continued to rise since. In Inuktitut someone who chooses to end one’s life is *qivittuq* and more commonly now, *imminiartuq*, taking one’s own life.

According to the “*Learning From Lives That Have Been Lived*,” *Nunavut Suicide Follow-Back Study: Identifying the Risk factors for Inuit Suicide in Nunavut*, Nunavut, as in the three other Inuit regions of Canada, currently has a suicide rate 10 times higher than the Canadian suicide rate. Nunatsiavut and Nunavik suicide rates are similar to the Nunavut region.



Here are some facts: studies over the last five decades have consistently shown that more young Inuit men die by suicide than young Inuit women. The study above examined 120 cases of suicide completers in the period from 2005-2010, and compared them to another 120 who did not die by suicide. Of the 120 suicide completers, 99 (82.5%) were male and 21 female (17.5%). The average age was 23.6 years old. As for the level of education of individuals who died by suicide, they were 3.6 times more likely to have had less than seven years' education. Dropping out of school could be an indication of living in more difficult situations that could lead to suicidal behaviour.^{xii} Another fact was their contact with the legal system, showing a greater tendency to experience legal problems. Crowded houses, which impact many families in Inuit Nunangat, did not appear to be a factor linked to suicide. Adoption, whether it be adoption between kin, or adoption outside of kin showed there was no major difference between those of the suicide group and the comparison groups.

The study also demonstrates the close link mental health problems have with the suicidal behaviours, such as anxiety, depression and drug and alcohol abuse or dependence problems.^{xiii} The most important issue raised in the follow-back study was childhood maltreatment, which encompasses physical abuse, sexual abuse, emotional abuse and neglect during childhood.^{xiv} There are strong indicators that survivors of childhood abuse attempt or die by suicide in greater numbers than those not maltreated in their childhood. As well, childhood maltreatment could lead to serious issues impacting on mental and physical health and suicidal behaviour. The study found that almost half of those who died by suicide had been abused, physically and/or sexually, during their childhood compared to one third of the comparison group.^{xv} Another major factor was the state of mental health – 61% of those who died by suicide and 24% of those in the comparison group suffered from a major depressive disorder six months prior, and these rates were higher than the national average of 8%.^{xvi} Alcohol dependency or abuse was an indicator for higher risk for suicide, as the data showed that 37.5% of those who died by suicide had abused alcohol or had a dependence on it in the last six months of their lives.^{xvii}

As mental health researcher Eduardo Chachamovich concludes in his study on Nunavut:

The rapid increase in suicidal behaviour in recent decades, especially young people, is probably the result of a change in the intensity of social determinants – among them the intergenerational transmission of historical trauma and its results (increased rates of emotional, physical, and sexual abuse, violence, substance abuse, etc.)... Since difficult life experiences are associated with the onset of mental disorders (particularly if substance abuse is included in the definition of “mental disorder”), it is reasonable to deduce that there are elevated rates of mental disorders in Nunavut society.^{xviii}

The Inuit regions are well aware of the crisis among youth and are developing strategies for the prevention of suicide, such as the *National Inuit Suicide Prevention Strategy* created by the national Inuit organization Inuit Tapiriit Kanatami (ITK), which supports families and youth to be strong and resilient as the Inuit ancestors once were. Its Strategy addresses social inequity, community safety and cultural continuity to help create well-being in the Inuit communities. It expresses its vision of suicide prevention as a shared national, regional and community-wide effort, that collaborative and well supported policies and programs can and will make a difference. The Strategy defines priority areas such as creating social equity and cultural continuity, nurturing healthy Inuit children from birth, access to comprehensive mental wellness services for Inuit, healing unresolved trauma and grief and mobilizing Inuit knowledge for resilience and suicide prevention. These are themes that were consistently identified by Inuit witnesses testifying before the National Inquiry, as well. The ITK *Suicide Prevention Strategy* prioritizes the importance of Inuit perspectives and knowledge to bring about action in the Inuit communities. It is an example of self-determination, working with Inuit communities and regions, to acknowledge the crisis of suicide among Inuit youth and to help heal Inuit communities.



Engaging Children and Youth to Generate Solutions

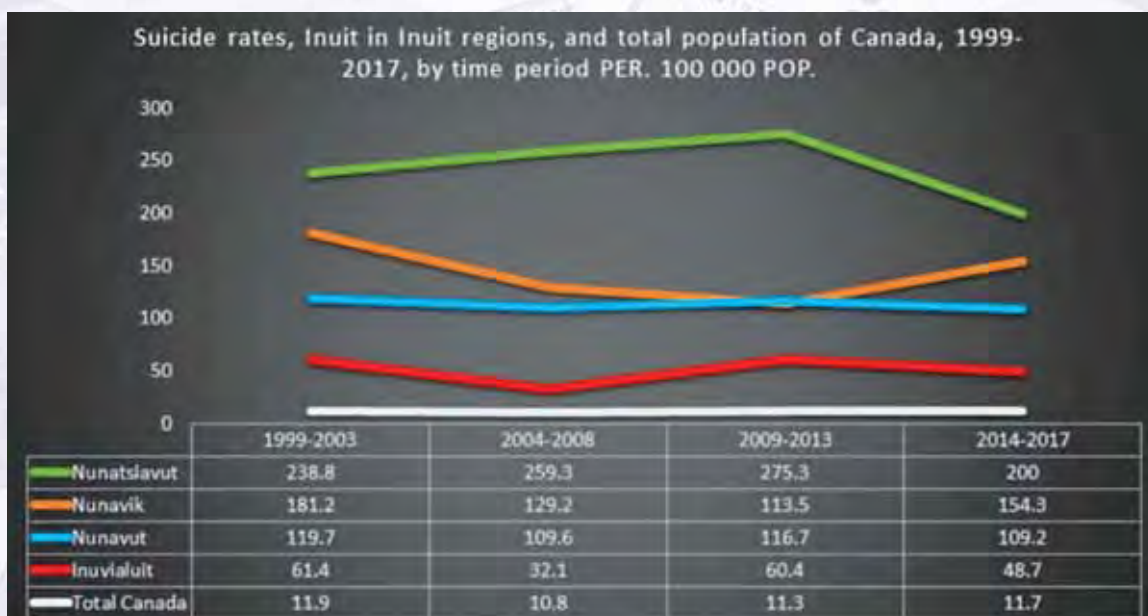
Part of the way forward begins with listening. As O'Soup contends, children and youth must be at the table in discussing the way forward: "It is their right to be at the tables when decisions are being made about them, when they are being discussed. They need to have a voice. And that voice just can't be me ... I believe that we can't get that voice without talking to our children and our youth."^{XXIX} And, as he points out, children and youth are already talking about it "in chat rooms ... on social media and their phones ... at parties in basements. They're just not talking to us about it. And the data we have already shows us that they're already doing it."^{XXX}

This crisis is surmountable; as Cindy Blackstock insisted, "And so, when I see the suicide rates, I am horrified at the loss of every child, but I think it's an absolutely predictable thing to happen when you're treating children in this way as a country."^{XXI} As the researchers conducting the survey of existing literature conclude, and as many of the studies they analyzed suggest, decision-makers should take seriously the way in which culture and bonding can mitigate these rates of self-harm:

The maintenance of culture and formation of social and familial supports are ingredients that may offset IYS [Indigenous Youth Suicide]. Social and family support positively influences the development of relational, occupational, and self-identity.... It was found to be the strongest protective factor reducing the risk of suicide among the studies examined.^{XXII}

Finally, and in reference to the report entitled *Shhh...Listen!! We Have Something to Say! Youth Voices from the North*, O'Soup talks about some important findings, with implications for decreasing youth suicide in all Indigenous communities.^{XXIII} As he explained, "Our kids ... state that in order for them to not think about suicide, they need a safer community. They don't want to be scared walking down their streets. They need to be safe and protected."^{XXIV}

Upholding cultural safety and belonging as well as physical safety, along with sufficient support services and the right to be heard, are important building blocks that can work to improve outcomes for youth by looking to those most impacted for solutions.



Source: Nunavik Regional Health Board. Used with permission.



- I Corey O'Soup (Métis/First Nations from the Key First Nation), Part 3, Public Volume 6, Quebec City, QC, p. 97.
- II Corey O'Soup (Métis/First Nations from the Key First Nation), Part 3, Public Volume 6, Quebec City, QC, p. 109.
- III CBC Radio, *The Current*, "Suicide shouldn't be 'normal.'"
- IV Harder, Rash, et al., "Indigenous Youth Suicide," 134.
- V Ibid.
- VI Ibid., 134-135.
- VII Ibid., 138.
- VIII Corey O'Soup (Métis/First Nations from the Key First Nation), Part 3, Public Volume 6, Quebec City, QC, p. 99.
- IX Tanya Talaga (Anishinaabe/Polish), Part 3, Public Volume 10, Toronto, ON, p. 91-92.
- X Corey O'Soup (Métis/First Nations from the Key First Nation), Part 3, Public Volume 6, Quebec City, QC, p. 98.
- XI Thorslund, "Why Do They Do It?," 151.
- XII Chachamovich, Tomlinson et al., *Learning From Lives*, 28.
- XIII Ibid., 15.
- XIV Ibid., 32.
- XV Ibid., 33.
- XVI Ibid., 37.
- XVII Ibid., 42.
- XVIII Ibid. See also Inuit Tapitit Kanatami's "National Inuit Suicide Prevention Strategy," <https://www.itk.ca/wp-content/uploads/2016/07/ITK-National-Inuit-Suicide-Prevention-Strategy-2016.pdf>.
- XIX Corey O'Soup (Métis/First Nations from the Key First Nation), Part 3, Public Volume 6, Quebec City, QC, pp. 99-100.
- XX Corey O'Soup (Métis/First Nations from the Key First Nation), Part 3, Public Volume 6, Quebec City, QC, p. 103.
- XXI Dr. Cindy Blackstock (Gitksan), Part 3, Public Volume 10, Toronto, ON, p. 232.
- XXII Harder, Rash, et al., "Indigenous Youth Suicide," 138.
- XXIII See Saskatchewan Advocate for Children and Youth, *Shhh...Listen!! We Have Something to Say! Youth Voices from the North: A Special Report on the Youth Suicide Crisis in Northern Saskatchewan*. Corey O'Soup (Métis/First Nations from the Key First Nation), Part 3, Public Volume 6, Quebec City, QC, p. 99.
- XXIV Corey O'Soup (Métis/First Nations from the Key First Nation), Part 3, Public Volume 6, Quebec City, QC, p. 99.



Seeing Health and Wellness in the Context of Colonialism

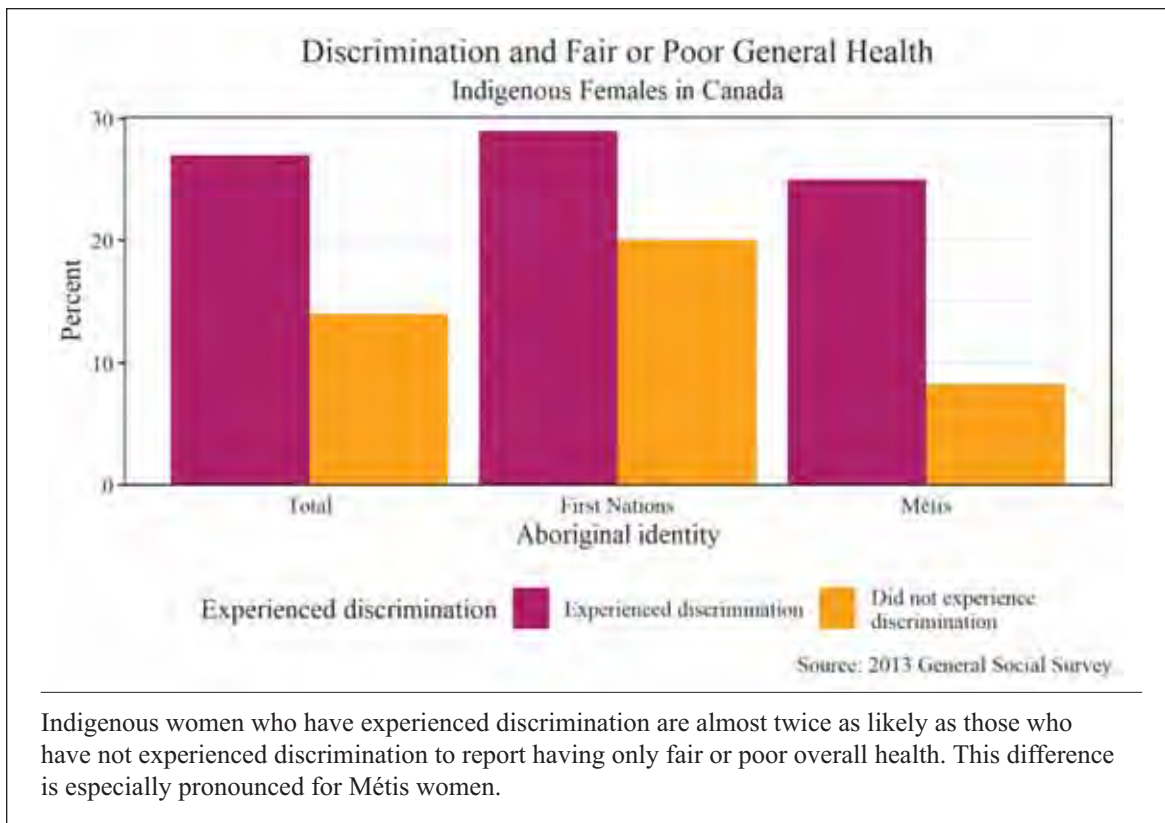
As with many of the challenges facing Indigenous Peoples and communities, Indigenous people themselves are often blamed for poor health, especially within dominant medical and health promotion models that focus on individual behaviour and choices as the route to good health and wellness.⁴⁶ However, as health researchers such as Amy Bombay, whose research focuses on intergenerational and multigenerational trauma, explained, the health of Indigenous Peoples must be contextualized within historical, social, and economic factors connected to the cumulative impacts of colonization, as well as persistent and harmful policies that serve to harm communities and individuals.

For example, researchers have found that, compared with those who did not attend residential school, residential school survivors are more likely to suffer various physical and mental health problems.⁴⁷ According to Bombay, the most recent First Nations Regional Health Survey likewise found that residential school survivors are “more likely to report higher levels of psychological distress, poorer self-rated health, and ... [are] more likely to be diagnosed with various chronic health conditions.”⁴⁸

In their descriptions of health, witnesses made connections between colonial violence and physical, mental, emotional, and spiritual wellness. Wet’suwet’en Chief Vivian T., for example, who testified in relation to her daughter, explained how she has ongoing health issues from infant pneumonia and tuberculosis when she was seven or eight. Her mother “was not sure” if the doctors treated her properly for her illness.⁴⁹

Viola Thomas connected the high rate of chronic health conditions among the Indigenous population with the forcible displacement of Indigenous Peoples from their communities.

And also there’s the other side of that displacement where it’s, what I would refer to as forcible displacement. Because of the historical, irreparable harms that’s been inflicted on our people, we have a large number of folks that are displaced, who must travel long distances to be able to access health services, for example. We have a high chronic disease within our communities.⁵⁰



In her testimony, Shara L., a residential school survivor, described how she continues to live with the traumatic memories of the abuse she experienced there, and how, despite efforts at healing, it is still easy for her to become triggered, especially in the absence of proper support. Shara, who was staying in a hotel to be close to her hospitalized grandson, reported how the smell of the vinyl shower curtain in the bathroom triggered her memories of residential school. As she explained, it reminded her of

the shower room in residential school, and that's where they would sexually abuse you.... They made you suffer in there. They scrubbed your skin with a – with a nail file, you know, those really hard coarse brushes. And if you had scabs on your skin you'd just scrape it like they were trying to scrape off your skin ... because you're dirty. Dirty little Indian.⁵¹

Shara collapsed in the bathroom of the hotel, paralyzed with fear. As she recalled:

I just collapsed there and I couldn't get up, and I couldn't get out of that bathroom. I started sobbing. It controlled me like a child. And I was screaming. I wanted to get out of there. I don't know why I couldn't move. I just couldn't get out of there.... I was in that room for a while, I just couldn't move. I just laid – collapsed on the bed and I just laid there. I was just crying.⁵²



As Carol M. suggested, the health impacts of colonial violence – particularly in the absence of adequate health supports – continue to threaten the health and well-being of Indigenous people and their communities. As she reported, “I did some heavy work on myself and I thought, doesn’t the healing ever stop? It never stops. It’s like you think you deal with it, and it’s like something else pops up, and it’s right there.”⁵³

“AND ALSO THERE’S THE OTHER SIDE OF THAT DISPLACEMENT WHERE IT’S, WHAT I WOULD REFER TO AS FORCIBLE DISPLACEMENT BECAUSE OF THE HISTORICAL, IRREPARABLE HARMS THAT’S BEEN INFLICTED ON OUR PEOPLE. WE HAVE A LARGE NUMBER OF FOLKS THAT ARE DISPLACED, WHO MUST TRAVEL LONG DISTANCES TO BE ABLE TO ACCESS HEALTH SERVICES, FOR EXAMPLE. WE HAVE A HIGH CHRONIC DISEASE WITHIN OUR COMMUNITIES.”

Viola Thomas

To be sure, the long-term health impacts associated with residential and day school attendance, relocation, and other forms of colonial violence and abuse, which, as Carol described, never seem to stop, continue to be felt by the children, grandchildren, and other family members of those struggling with trauma associated with these experiences. Research shared by Amy Bombay demonstrates how the health consequences of surviving residential school “branch out” – as Sharna S. described – to later generations. For example, First Nations adults living off-reserve, compared to those living on-reserve, who had at least one parent or grandparent who attended residential school were more likely than those who did not have a relative who was a residential school survivor to experience psychological distress: approximately 54% to 40%.⁵⁴

Many witnesses spoke about how the health-related impacts of historical colonial policies continue to shape the health of the children and grandchildren of those directly affected by these policies. Chrystal S. shared how the spiritual and emotional health impacts associated with the removal of her ancestors from their lands have been “passed down” to the next generation and can contribute to stressors that create poor health outcomes.

I believe that is so true with our First Nations people is that our body, our mind, our blood has been without our homes, without our food, without a place where we belonged. And I believe that is one of the many causes of the stress, the depression, and that longing ... just to go home and not knowing where that is.

That happened, I can imagine, way before residential schools because we were moved first, before residential schools, and we were killed off, many of us, by the diseases, smallpox and TB [tuberculosis], so before we were even moved, many of us were killed off, but I believe those 10% that survived had that longing for their home, and I believe that’s been passed down ever since in our genes, in our blood, as we don’t have our home anymore. We don’t have that place of peace, that place of belonging, that place of safety, because we were moved to a different part of the land that we never grew up on.⁵⁵



Stephanie H. described the impact that her mother's deteriorating health had on her family. According to Stephanie, her mother had mental health problems as a result of her upbringing. The doctors she went to see would give her pills and shock treatments. Stephanie said that her mother was never the same after the shock treatments and that her mother became addicted to the pills. She said that the shock treatment "ruined their lives." Stephanie said that she herself was also an addict an early age.⁵⁶

Kim C.-M. shared how relocation and residential school trauma continue to impact communities, and women, in particular, whose parents or grandparents are relocatees or residential school survivors, and how these experiences have "in turn contributed to negative factors in their lives, as well, such as substance abuse, alcohol, drugs, we know that. Family violence, sexual abuse, we know that. Child sexual abuse, we know that."⁵⁷

As Kim C.-M. pointed out, one of the most significant health impacts of colonial violence in the lives of Indigenous women, girls, and 2SLGBTQQIA people is the prevalence of interpersonal violence, including family/domestic violence, sexual violence, and all forms of childhood abuse. Again, in the absence of adequate support for those who are affected by it, the experiences of interpersonal violence carry significant health impacts for Indigenous people, including addiction, self-harm, and suicide.

In the next section, we look more closely at some of those most significant health impacts experienced by Indigenous people, which are rooted in colonial violence and the cultural loss associated with this violence.

Violence as a Health Issue

Interpersonal violence directed against Indigenous women, girls, and 2SLGBTQQIA people is one of the most significant health impacts associated with the colonial violence of residential schools, family separation and relocation, dispossessions of land, and the *Indian Act*. Although interpersonal violence is not always considered a public health issue, the health-related impacts associated with violence are far-reaching. In addition to the psychological impacts of violence, the severity of violence often experienced by Indigenous women can lead to many additional health problems, such as various types of injuries, including broken bones; chronic pain; gastrointestinal issues; sexually-transmitted infections, including HIV; unplanned pregnancy and other gynaecological complications.⁵⁸

Throughout our testimony, witnesses courageously offered often difficult testimony that explained the impact on their health of acts of physical violence, sexual assault, and childhood physical, sexual, and emotional abuse. In many cases, the efforts survivors take to cope with the traumatic impact of this violence (often in the absence of other culturally relevant supports) can create additional health problems. Isolation, addiction, self-harm, and suicide are all common health-related challenges that Indigenous women and girls confront in the aftermath of violence and are those that increase the risk of further violence.



In her testimony, Nikki K. described how addiction and mental health and other health challenges were some of the ways that severe childhood sexual and physical abuse impacted the health of her cousin Jessica, who eventually allegedly took her own life. Speaking on behalf of her cousin, Nikki explained:

She was working the streets for money. She was hooked on crack cocaine. At 14 years old, like that's crazy, you know, and I believe if we would have had family or someone there with us, she wouldn't have gone down that road. But we had no one.⁵⁹

As Nikki explained, the impacts of this abuse on Jessica were compounded by the apprehension by child welfare services of Nikki and Jessica and their subsequent separation from their Inuit family and culture. In the absence of culturally relevant mental health supports and family, Jessica died at 17 years old of an apparent suicide.

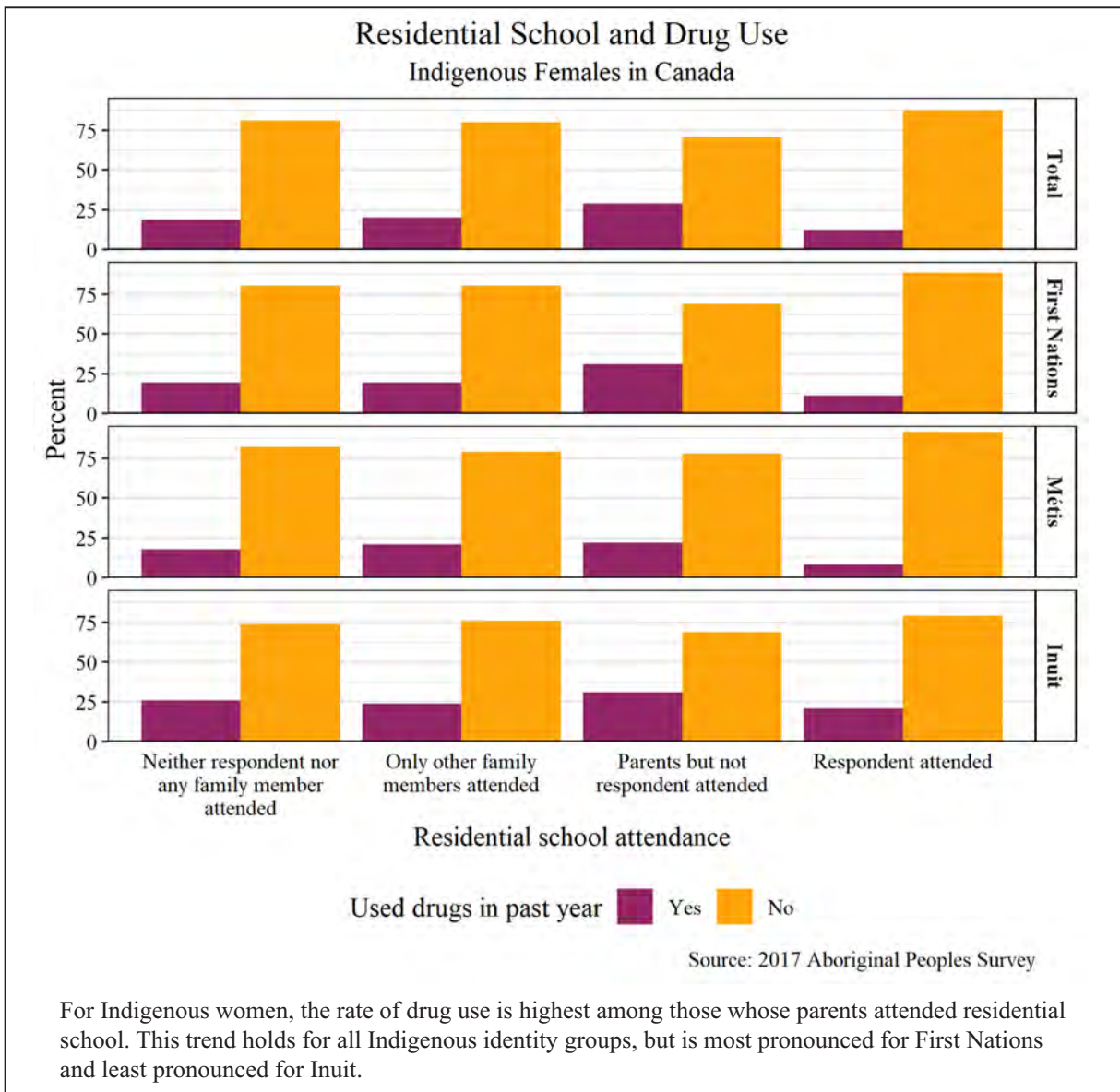
Sonia B. described how childhood abuse led her to use substances as a way to cope with the pain she experienced. As Sonia explained, she started drinking and smoking when she was 10 years old. She was on the street from age 10 to 15. She grew up in a home with a lot of dysfunction, and her maternal grandmother used to beat her and tell her that it should have been her who died, not her mother. She was also twice beaten nearly to death.

In reflecting on why she was drinking, she explained:

It took a lot of years for me to realize I was drinking to numb the pain and to numb the anger and the resentment.... But through the treatment centre and learning to understand myself, learning to deal with all the anger, I don't want to say it made life easier, but it kind of did in a way so that I was able to acknowledge my defects, my hurt. Because of the way I was raised, it made so much sense for me to be numb, for me to be hateful, for me to be angry. I didn't understand what anger was. I thought it was just a natural – I thought that was normal to be that way.⁶⁰

As she recalled, “Some days, being sober was the loneliest place I ever was at.”⁶¹

In her addiction and despair, Sonia said, she wanted to just end it, feeling like there was nothing and no one who could save her. She explained what motivated her, while she was lying in the hospital, to keep fighting: “I didn't know who would love my children the way I did as a mother. I did the best I could with them as an alcoholic.” Sonia went to a treatment centre for her alcoholism 27 years ago and has been on that healing journey since.⁶²



Despite the healing that can occur, the memories of the pain don't fade easily. As Paula P. noted, "It's really hard to sober up and then look at all the pain that you carried on and how much it's affected your children and grandchildren, and to face it and try to change it. And that's why I'm here. I want to make change for all our children."⁶³



Expert Witness Allan Wade believes that the early experiences of violence or witnessing violence described by women like Jessica and Sonia is directly connected to their struggles with addiction and suicide later in life. Wade explained that:

70 to 80% of people who get a diagnosis of serious mental illness also report significant violence and trauma histories.... The best single predictor of whether or not a child will get a diagnosis of a mental illness as an adult is whether or not they experienced violence as a child. So there's no question that the main problem we're dealing with across all these social problems is interpersonal violence. It follows that if we get better at dealing with violence, we get better at everything.⁶⁴

As the stories that witnesses shared demonstrate, “getting better at dealing with violence” in the lives of Indigenous women, girls, and 2SLGBTQQIA people must occur in a context that acknowledges the historical and ongoing consequences of colonial violence for the physical, mental, emotional, and spiritual health of Indigenous Peoples. As we explore in the next section, this involves acknowledging and addressing how the social and economic marginalization of Indigenous Peoples as a result of colonialism also contributes to the many health-related barriers they face.



The Disproportionate Impact of Opioids on Indigenous Peoples in Canada

During its Truth-Gathering Process, the National Inquiry heard from families and survivors, as well as those working in health care, mental health, and other social services, about the challenge substance use and addiction creates for individuals, families, and communities. As those who shared their truths with the National Inquiry explained, using drugs and alcohol is, for many Indigenous people living with a history of trauma and violence, one of the only ways of managing significant pain, suffering, shame, and despair within broader systems and institutions that fail to provide other forms of meaningful and adequate support. Families of missing and murdered Indigenous women, girls, and 2SLGBTQIA people, as well as survivors of violence, spoke about how drug use is part of the broader story about violence that has impacted themselves or their loved ones. While women, girls, and 2SLGBTQIA people may turn to drugs as a way of coping with the violence and other difficulties they experience, such as poverty or homelessness, drug use also often becomes a factor that increases their vulnerability to further violence of all forms.

Over the past few years, significant growth in the prevalence of opioids among street-level and non-prescription drug use – in particular, fentanyl and carfentanyl – means that the use of non-prescription drugs is becoming even more dangerous. Given the overrepresentation of Indigenous people among those affected by opioid and fentanyl overdoses and deaths,ⁱ this public health crisis is also part of the crisis of violence against Indigenous women, girls, and 2SLGBTQIA people.

Overview of the Opioid Crisis

The opioid crisis – as it is often referred to because of the significant increases in hospitalizations and deaths associated with the use of opioids – is a Canada-wide problem that continues to worsen rather than improve.ⁱⁱ The most up-to-date data available released by the Public Health Agency of Canada shows that between January 2016 and June

2018, more than 9,000 people in Canada died as a result of an apparent opioid-related overdose, with more than 2,000 of those deaths occurring in the first six months of 2018.ⁱⁱⁱ Equally troubling is the rapid increase in the number of hospitalizations associated with opioid-related poisonings or non-fatal opioid overdoses: recent findings from the Canadian Institute for Health Information indicate a 27% increase in hospitalizations due to opioid-related poisonings over the past five years. Data for 2016–17 shows that, each day in Canada, there was an average of 17 opioid-related poisoning hospitalizations.^{iv}

One of the most troubling trends in the opioid crisis is the increase in fentanyl-related substances responsible for deaths and hospitalizations. While it is an opioid that doctors may prescribe to treat pain, fentanyl is increasingly produced illegally, and then found in other substances, such as OxyContin and heroin. Roughly 50 to 80 times more potent than morphine, fentanyl is more powerful than other opioids, and thus the possibility of accidental



overdose is much higher.^v For example, almost three-quarters (72%) of opioid-related deaths that occurred between January to June 2018 as a result of accidental overdoses involved fentanyl-related substances.^{vi} The Public Health Agency of Canada reported that fentanyl has now been detected in the illegal drug supply in all Canadian jurisdictions.^{vii} More recently, carfentanil – a drug almost 100 times more potent than fentanyl and one that can be lethal in even small doses – has started to surface in various jurisdictions across the country.^{viii}

Although the opioid crisis is one that impacts all jurisdictions across Canada, and impacts people from all walks of life, the available data shows that certain jurisdictions, including British Columbia and Alberta, as well as Yukon and Northwest Territories, have been impacted to a greater extent than others.^{ix} For example, from January to June 2018, the national rate of opioid-related deaths was 11.2 per 100,000 population (2,066 apparent opioid-related deaths); however, in British Columbia, the number of deaths due to illicit drugs (not limited to opioids) was 30.2 per 100,000 (or 754); in Alberta, the number of apparent opioid-related deaths was 17.6 per 100,000 or 379.^x Despite widespread recognition of the problem, however, the rates of deaths and hospitalizations in these jurisdictions continue to increase.

Disproportionate Impact on Indigenous Peoples

Another important trend emerging in information about the opioid crisis is its disproportionate impact on Indigenous Peoples.^{xi} Available research focusing on opioid deaths and hospitalizations in British Columbia and Alberta indicate that First Nations are more likely than non-First Nations people to die from an opioid-related overdose.^{xii} According to British Columbia's First Nations Health Authority, First Nations people were five times more likely than non-First Nations to experience an opioid-related overdose and three times more likely to die from that overdose.^{xiii}

In terms of gender breakdown, First Nations men and women are about equally likely to experience an opioid overdose or death. However, when the rate of overdose and death among First Nations women and

non-First Nations women was compared, significant differences emerge, with Indigenous women being eight times more likely to experience a non-fatal overdose and five times more likely to have a fatal overdose than non-Indigenous women.^{xiv} Currently, there is no data to demonstrate the extent to which Indigenous 2SLGBTQIA individuals have been affected by the opioid crisis.

Understanding the impact and nuances of the opioid crisis on Indigenous Peoples is hampered by a lack of disaggregated data – a limitation that means that the most recent numbers are an underrepresentation of the actual extent of the issue. This lack of disaggregated data also makes it difficult to understand the scope of the problem among Inuit and Métis people.^{xv}

Underlying Factors

The overrepresentation of Indigenous people among those experiencing non-fatal and fatal opioid overdoses is another iteration of the legacy of colonial violence and the intergenerational trauma it carries, the socio-economic marginalization that circumscribes access to health- and wellness-promoting resources, and the institutional racism that continues to create barriers to treatment, not only for substance use but also for the many other harms caused by colonialism and intergenerational trauma.^{xvi} Many of the socio-economic indicators associated with Indigenous Peoples, such as poverty, homelessness, and incarceration, are also associated with an increased likelihood of opioid-related harms.^{xvii} In its report, the British Columbia First Nations Health Authority identified a number of factors that create conditions that contribute to the overrepresentation of Indigenous people within the opioid crisis, including 1) barriers to health care because of racism and intergenerational trauma; 2) the ongoing impact of intergenerational trauma; and 3) reduced access to mental health and addiction treatment.^{xviii} Certainly, as witnesses described throughout the Truth-Gathering Process, the lack of culturally appropriate services, particularly within the fields of health care and mental health, make it exceedingly difficult for people to reach out for support. In a recent study by the Canadian Centre on Substance Use and Addiction, researchers found that



one of the main reasons Indigenous and non-Indigenous users cited for not calling 911 in the event of an overdose and/or the administration of Naloxone was because of a fear of police involvement.^{xix}

Creating Solutions

Addressing the opioid crisis as it impacts Indigenous Peoples requires Indigenous-specific solutions. Advocates highlight the importance of harm-reduction interventions, such as needle exchange programs, access to drugs not laced with other harmful substances, and the distribution of Naloxone, but also emphasize that these interventions must also be grounded in Indigenous values and be delivered in ways that are culturally appropriate.^{xx} Of the witnesses who spoke about their help-seeking experiences during the Truth-Gathering Process, many talked about how, as an Indigenous woman, girl, or 2SLGBTQQIA person, especially one using or involved with drugs, reaching out to health care, emergency responders, or the police may not be safe, given

the institutional racism Indigenous Peoples often encounter in these settings. In order to ensure people do seek support in these extremely vulnerable times, services that are culturally appropriate and responses that do not create further harm or difficulty – for instance, by criminalizing an individual for drug possession during an overdose – are essential.^{xxi}

Beyond reactionary responses to managing the current crisis, however, Indigenous health care advocates and others emphasize the necessity of addressing the structural and institutional inequalities that continue to impact Indigenous people and contribute to the crisis in the first place. This includes addressing many of the socio-economic factors, such as poverty and housing, that continue to create risk in the lives of Indigenous people. This also involves providing culturally appropriate addiction and mental health support that allows space for Indigenous people to understand and access support that assists them to work through the trauma, pain, and suffering they may be carrying so that using drugs does not have to be the only means of survival.^{xxii}

- I Belzak and Halverson, "Evidence Synthesis – The Opioid Crisis."
- II Ibid.
- III Public Health Agency of Canada, "Overview of National Data."
- IV Canadian Institute for Health Information, "Opioid-Related Harms in Canada," 5.
- V Toward the Heart, "Opioid Overdose in BC."
- VI Public Health Agency of Canada, "Overview of National Data."
- VII Belzak and Halverson, "Evidence Synthesis – The Opioid Crisis."
- VIII Alberta Health Services, "Carfentanil – Background."
- IX Belzak and Halverson, "Evidence Synthesis – The Opioid Crisis."
- X Public Health Agency of Canada, "Overview of National Data."
- XI Canadian Institute for Health Information, "Opioid-Related Harms in Canada." See also Belzak and Halverson, "Evidence Synthesis – The Opioid Crisis."
- XII Belzak and Halverson, "Evidence Synthesis – The Opioid Crisis," 228.
- XIII First Nations Health Authority, *Overdose Data and First Nations*, 8.
- XIV Ibid., 7.
- XV Lavalley, Kastor, Valleriani, and McNeil, "Reconciliation and Canada's Overdose Crisis."
- XVI First Nations Health Authority, *Overdose Data and First Nations*, 6.
- XVII Lavalley, Kastor, Valleriani, and McNeil, "Reconciliation and Canada's Overdose Crisis."
- XVIII First Nations Health Authority, *Overdose Data and First Nations*, 2–3.
- XIX As cited in Belzak and Halverson, "Evidence Synthesis – The Opioid Crisis," 228.
- XX Lavalley, Kastor, Valleriani, and McNeil, "Reconciliation and Canada's Overdose Crisis."
- XXI First Nations Health Authority, *Overdose Data and First Nations*, 4–5.
- XXII Ibid.



Pathway to Violence: Social and Economic Marginalization

Social and economic factors, including employment, education, housing, income, food, and sustainable resources, shape the health of Indigenous people, as well as their encounters with the Canadian health care system.⁶⁵ Poverty, lack of safe housing, food insecurity, and other socio-economic realities are widely understood to compromise the physical, mental, emotional, and spiritual health of Indigenous people, and, in particular, Indigenous women, girls, and 2SLGBTQQIA people. In addition, the marginalization of Indigenous Peoples and Indigenous approaches to health and wellness within mainstream health care systems, despite the widespread need for these services, creates additional barriers to health that maintains rather than addresses health inequities.⁶⁶

Poverty, Health, and Wellness

As Fred Wien, of the National Collaborating Centre for Aboriginal Health, has noted, “the economic dimensions of poverty are one of the most important determinants of health.”⁶⁷ For Indigenous people living in poverty, the possibility of encountering situations that have a negative impact on physical, mental, emotional, and spiritual health is greater than for those not experiencing poverty. The median, after-tax income of Indigenous people in Canada, in 2016, varied among groups. First Nations had a median total income of \$21,875, and Inuit were listed at \$24,502 and Métis at \$31,916.⁶⁸ According to more recent data available through the First Nations Regional Health Survey (2015–16), nearly 30% of First Nations adults surveyed had a household income under \$20,000.⁶⁹ Not surprisingly, many First Nations people struggle to meet their basic needs. For example, only 67.2% of First Nations adult participants in the First Nations Regional Health Survey (2015–16) reported that they never struggle to meet their food-related expenses.⁷⁰

Housing, Health, and Wellness

For many Indigenous families, poverty acts as a barrier to securing safe and affordable housing. As researchers Yale Belanger, Gabrielle Weasel Head, and Olu Awosoga have argued, “adequate, affordable, and suitable housing contributes directly to improved health and well-being” and is “directly linked to an individual’s ability to participate in the economy and general society.”⁷¹ The issue of unaffordable housing is linked, though not equivalent, to the concept of Indigenous homelessness. As researcher Jesse Thistle explains, “Indigenous homelessness is a human condition that describes First Nations, Métis and Inuit individuals, families or communities lacking stable, permanent, appropriate housing, or the immediate prospect, means or ability to acquire such housing.”⁷² He cites a report from the Aboriginal Standing Committee on Housing and Homelessness about homelessness.

[It is] not defined as lacking a structure of habitation; rather, it is more fully described and understood through a composite lens of Indigenous worldviews.... Importantly, Indigenous Peoples experiencing these kinds of homelessness cannot culturally, spiritually, emotionally or physically reconnect with their Indigeneity or lost relationships.⁷³



According to Statistics Canada, in 2016, one in five First Nations people lived in a dwelling that was in need of major repairs. While the proportion living in a dwelling that needed major repairs decreased for First Nations, Métis, and Inuit from 2011 to 2016, the proportion of on-reserve people living in these types of dwellings actually increased by 0.8%. Further, in 2016, 18.3% of Indigenous people lived in housing that was considered “crowded.”⁷⁴ For First Nations adults living in remote communities, the challenges in securing safe housing are significant, with more than one in three (37.9%) living in homes in need of major repairs and 31.8% living in crowded households.⁷⁵

For many witnesses, these types of living situations can contribute to poor health. In 2016, 26.2% of Inuit, 24.2% of First Nations people and 11.3% of Métis lived in a home “in need of major repairs.” Among them, these rates were highest for Inuit in Inuit Nunangat (31.5%) and First Nations people living on reserve (44.2%). To compare, only 6.0% of the non-Indigenous population were recorded as living in a home in need of major repairs.⁷⁶ In her testimony, for example, Sandra L. spoke about how the condition of her granddaughter’s house creates significant health care concerns for Sandra and her family. She said:

When I went into my granddaughter’s house [for Christmas], it’s just full of mould. And I have three generations of my kids living under one roof. And I went, “Oh, my God, oh, my God.” I was their voice.... So I came home from Christmastime and I was sick because I got that mould and that I got the flu because my lungs are compromised. And I started to think my grandchildren are breathing that in every day.⁷⁷

She also noted that her family has to purchase water, because the water in their home is not drinkable – a reality that also creates health risks for all family members, and one that impacts the more than one in four (27.5%) of First Nations adults who lack a safe water source for drinking year-round.⁷⁸

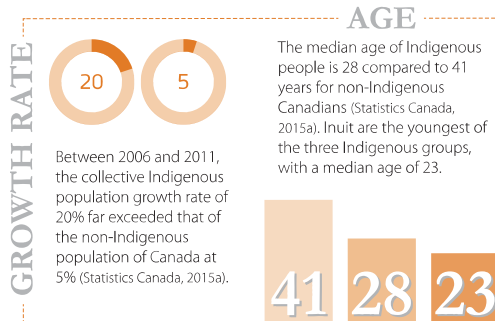
Sandra’s story also illustrates research findings that indicate problems with mould and mildew in First Nations households identified in a 2018 report at a rate (39.7%) three times higher than the general population (13%),⁷⁹ and something that has been linked to lower incomes and overcrowding, as well as to poorer health. For instance, the First Nations Regional Health Survey (2015–16) found that “a higher percentage of First Nations adults with chronic health conditions, compared to those with none, reported living in homes where household mould or mildew was present.”⁸⁰



INFOGRAPHIC OVERVIEW

DEMOGRAPHICS

While there have been some improvements over the past decade in the availability and quality of housing for Indigenous people, these have so far failed to keep pace with demographic pressures.



Estimated demographic projections by (Statistics Canada, 2015b)

2036
between
1,965,000
and
2,633,000



HOUSING CONDITIONS

7x Close to half (49.3%) of all First Nations people live on reserve (Statistics Canada, 2015a). Statistics Canada (2015a) reports that, "[m]ore than one-quarter (27%) of First Nations people living on reserve were living in **crowded conditions** in 2011, about 7 times the proportion of non-Aboriginal people nationally" (p. 14).

10x According to the most recent data, "nearly **4 in 10** (39%) Inuit living in Inuit Nunangat lived in **crowded homes**, about 10 times the proportion of non-Indigenous people (4%) nationally" (Statistics Canada, 2015a, p. 14).

Homes needing major repairs, compared to 7% nationally (Statistics Canada, 2015a).



Strategies to improve Indigenous housing for measurable health outcomes will require significant investments in housing and services that are congruent with population growth and with localized needs.



SIGNIFICANT BARRIERS IN ACCESSING SERVICES AND

HOMELESSNESS

Indigenous women represent 35% of the homeless population in many of Canada's urban centres (Patrick, 2014).



Percent of homeless identifying as Indigenous*

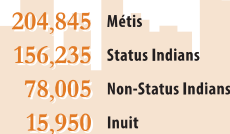


Hwang (2001) reports that the homeless are at risk of dying prematurely and suffer from a wide range of health problems stemming from the physical and social conditions under which they live. They are admitted to hospital up to five times more than the general population. (*See pg. 6 of the accompanying fact sheet for citations.)

HEALTH CARE

GROWING URBANIZATION

The number of urban Indigenous households jumped by 83.8% between 1996 and 2006 (CMHC, 2011). Growing urbanization over this ten year period has translated into an increase of 218,310 to 401,145 urban dwellings, of which were occupied by:



2011 home ownership for Status First Nations people living off-reserve was 51%

compared to 70% of non-Indigenous Canadians (CMHC, 2016).

11% of urban Indigenous households were overcrowded in 2011 **compared to 4%** of non-Indigenous households (Statistics Canada 2015a).

INVESTMENTS NEEDED

Source: National Collaborating Centre on Aboriginal Health, "Housing as a Social Determinant of First Nations, Inuit and Métis Health," 14.

Likewise, for Indigenous people living in urban centres, issues with housing persist. A number of initiatives were pursued in the 1960s and 1970s, alongside postwar efforts to relocate Indigenous people to urban centres, as discussed in Chapter 4, but, by the late 1980s and due to cutbacks, many of these programs were abandoned. The result was a general devolution of



involvement whereby “a coterie of private, public, and third sector parties filled the policy void with a complex array of still-operational programs that remain burdensome to navigate.”⁸¹ Low-income First Nations who live off-reserve can apply for Canada Mortgage and Housing Corporation (CMHC) programs available to all Canadians, as well as the host of other programs funded by the federal government, including public housing, non-profit housing, rent supplement programs, the Rural and Native Housing (RNH) program, the Urban Native Non-Profit Housing program, and cooperative housing. There are relatively few urban Aboriginal housing-specific programs. This means that little money is available to improve housing conditions that, in many cases, contribute to poor health.

For many witnesses, without necessary resources and supports available, there are few options to improve these situations.

In her testimony, Verna W. described how this traditional way of life practised by her parents when she was a child enabled them to feed, house, and keep healthy a large family, as well as other members of the community.

We were a very happy family of 10 kids, and my mom and dad. Mom would take us picking berries in the summer, and Dad would take us out fishing.... When we finished picking berries, we would help Mom wash the berries and she would show us how to can them. My sister ... and I, because my other sisters were too young, but – we were too young, too, but we had to learn at a young age. When my dad went out fishing for food, we had to give to the Elders first, but my dad would always make sure everyone got enough for the winter.⁸²

For Verna’s family, like many other Indigenous families, this way of maintaining family and community health through traditional practice was undermined when Verna and her brothers and sisters were taken to residential school.

In other situations, destruction to traditional environment and territories has also interrupted the ability of Indigenous people to meet their basic needs within their own communities. In addition, there are many First Nations communities that have been directly threatened by development and pollution. Members of Grassy Narrows First Nation, for instance, subjected to mercury poisoning as of the 1960s through the dumping of chemicals into the river system, are, today, six times more likely to suffer from a wide range of debilitating health issues than those not living in the community. Those diagnosed with mercury poisoning as a result of living in the community are:

- almost six times more likely to have a neuropsychological disorder;
- five times more likely to have stomach and intestinal problems;
- four times more likely to suffer from a range of problems, including hearing loss and joint pain in people over 30 years old; and
- three times more likely to have blindness or vision problems.⁸³



Urban Migration, Health, and Wellness

As many witnesses shared throughout the Truth-Gathering Process, many First Nations, Inuit, and Métis make the decision to migrate to urban centres in order to access better services, including health care. The most common reasons for First Nations adults to move away from their community are education (45.3%) and employment (44.8%). However, housing (16.9%), marital/domestic problems (3.6%), other medical needs (1.5%), and support for disability (0.9%) are also factors that may prompt migration to an urban centre.⁸⁴ In 2011, 62.4% of First Nations people lived off-reserve, and one quarter of Métis in Canada lived in Winnipeg, Edmonton, Vancouver, and Calgary, as well as significant populations in Saskatoon and in Toronto.⁸⁵ Although, according to Statistics Canada's 2011 National Household Survey, most Inuit live within Inuit Nunangat, just over one quarter lived outside, with 37.5% of those in large urban population centres including Edmonton, Montréal, Ottawa-Gatineau, Yellowknife, and St. John's.⁸⁶ Again, however, despite their attempts at making a better life in a larger city, Indigenous people living in urban centres experience greater health inequities than those living on-reserve.⁸⁷ As health researchers Ashley Goodman and others observe in their research focusing on the health care experiences of Indigenous people living in downtown Vancouver, "with comparatively higher rates of homelessness, suicide, tuberculosis, HIV/AIDS, and diabetes, and an increased risk of substance use, urban Aboriginal peoples are likely to experience immense vulnerability to health-related harms."⁸⁸

The health-related concerns of Indigenous Peoples are often compounded by the way poverty, homelessness, and other related barriers interfere with their ability to access health care services. Despite the praise Canada often receives for its provision of universal health care, as Goodman et al. observe, research of the experiences of Indigenous Peoples' access to such care demonstrates that the Canadian health care system "fails in meeting the healthcare needs of many of its most vulnerable citizens."⁸⁹ Doris G. provided an example of this inequality when she described the challenges she faced in meeting her financial needs after she received a diagnosis of cervical cancer.

So now my son takes care of me, and I get \$600 from Alberta Works, but I feel it's just not enough. They also cut my health benefits because – because I became First Nations. I used to have both – like, my First Nations was my primary coverage, and then the Province was my secondary coverage, but they're refusing to [cover] that [if] you have both coverages, you can only have one coverage. So now I'm down to the one, where First Nations coverage will cover certain things where the Province doesn't cover certain things, so I would like to have them both back.⁹⁰

The health care needs of Indigenous women, girls, and 2SLGBTQQIA people in relation to their experiences of violence are often extensive. Nonetheless, accessing health care supports to meet these needs is often complicated within settings where few health care resources exist, but also where few other supports, such as safe housing and adequate and healthy food, necessary to healing from such injuries are available.

As a result, and as the National Inquiry heard, the issue of poverty is inextricably linked to the issue of health and well-being, linked to the issue of violence and abuse, and linked to the violation of the foundational right to health and well-being.



DEEPER DIVE

Understanding Distinctive Experiences of Danger in the Lives of 2SLGBTQQIA People

Included in the Truth-Gathering Process are the experiences of Indigenous people who identify as Two-Spirit, transgender, lesbian, bisexual, queer, questioning, intersex, asexual, and/or gender diverse or non-binary (2SLGBTQQIA). In some cases, these truths were shared by the family members of missing or murdered Indigenous 2SLGBTQQIA people. In other cases, Indigenous people who are part of the 2SLGBTQQIA community shared their own experiences as survivors of violence. Each of these truths offered unique accounts of the way gender identity and expression and sexual orientation intersect with race, socio-economic standing, geography, and ability, and with other identity factors, to shape the individual experiences of Indigenous 2SLGBTQQIA people living within dominant systems that are racist, sexist, homophobic, and transphobic. Common to these truths, however, was the call to prioritize 2SLGBTQQIA communities and immediately address the way members of these communities and their loved ones have been impacted by colonial violence in ways that are both similar to, and distinct from, the experiences of Indigenous cis-gender women and girls.^A

Many witnesses also argued that 2SLGBTQQIA victims are most often forgotten in discussions about violence. As Jasmine Redfern, the past assistant director of Social and Cultural Development with Nunavut Tunngavik, pointed out:

I think what immediately comes to mind when a lot of people talk about violence against Indigenous women is immediately thinking about men harming women, and that can leave out some of the lateral violence that happens between women, but also, specifically, can leave out the violence in LGBTQ couples, or on trans bodies, or trans individuals, or people who are outside of the gender binary.^B

In this Deeper Dive, we look more closely at those truths that draw attention to violence in the lives of Indigenous 2SLGBTQQIA people. We share the stories of some of the missing or murdered 2SLGBTQQIA people whose experiences were shared during the Truth-Gathering Process, and we acknowledge those whose stories remain hidden and unknown. We also share some of the teachings that family members, Knowledge Keepers, experts, and advocates offered about the distinct challenges Indigenous people in 2SLGBTQQIA communities encounter in their efforts to meet their needs for culture, identity, health, security, and justice in the face of discrimination and violence. Enforced colonial gender binaries, homophobia, and transphobia are symptoms – and effects – of colonization and assimilation, and occur in these areas both outside of Indigenous communities as well as within. The testimonies heard before the National Inquiry reinforce the point that, when Indigenous communities are homophobic or transphobic, they are reinforcing colonial actions. We consider how, despite these challenges, many Indigenous 2SLGBTQQIA people are resisting the marginalized positions the colonial state would have them occupy through reclaiming their traditional roles in community and culture, and taking up positions as effective advocates working to end colonial violence and its distinct impacts on gender and sexual minorities.

Recognizing What Was, and What Is

The term “Two-Spirit” is a relatively new one, although gender- and sexually diverse people have existed in different communities since time immemorial. Expert Witness Albert McLeod explained how questioning these identities, historically, could be seen as a questioning of life itself.



And so, there was an understanding that animals had a process of being created through nature, and that plants as well had that process, and that humans was specific to humans, but it was understood – in the Ojibwe belief system, it was understood that each newborn child had a purpose, a role and a destiny, and we're known to possess a divine gift. The expression of gender, sex, and sexual orientation were pre-ordained by a life force in the spiritual realm. An important ethic that prevented homophobia and transphobia was that of non-interference. It was bad form to question another person's destiny or divine gifts as it implies you question life itself. Spirit naming is an important ritual that connects humans to the spirit world. The name Two-Spirit was introduced through ceremony at a gathering in 1990 in Manitoba. The name essentially affirms that LGBTQIA people are spiritual beings.^C

As McLeod also explained, through Indian residential schools and other practices, the Canadian state enacted a policy that forcibly altered Indigenous gender norms and aimed to erase and exclude 2SLGBTQQIA identities and cultural roles – a policy of erasure and exclusion that continues today.

The imposition of colonial gender norms on Indigenous Peoples around the world has resulted in the rise of ultra-male and ultra-female or type of roles in colonial states. Social systems like health, justice, education, and politics extol these binary gender identities as ideal while discounting or erasing Indigenous values of inclusion and non-interference.^D

Leaving Home: Encounters with Lateral Homophobic and Transphobic Violence

The extent to which colonial gender systems have disrupted traditional Indigenous gender and sexual identities and cultural roles is most evident for some people in the way the sexist, homophobic, transphobic, and patriarchal beliefs upon which colonial gender systems rest have been internalized and taken up within Indigenous communities. For many Indigenous 2SLGBTQQIA people, the

pervasiveness of these beliefs has meant that they are often forced to leave their traditional territories and communities – sometimes because of the threat of violence directed toward them due to their gender identity or sexual orientation, and sometimes in search of acceptance and belonging that is unavailable to them in their community.

As Albert McLeod shared with the National Inquiry, the intersectional oppression faced by Two-Spirit Indigenous people can alienate them from both Indigenous and 2SLGBTQQIA communities, particularly in times of transition.

Well, in 1986 ... in our sort of little collective in Winnipeg at the time of gay and lesbian Indigenous People, we were kind of segregated from the broader LGBT community, and there was really no central place. We had a Friendship Centre in Winnipeg, but we really didn't feel aligned with the Indigenous organizations at the time, and because we had two youth suicides within two months, it really galvanized us to think about how can we support these youth so that they're dealing with whatever they're dealing [with] coming to the city, which is really not a friendly place to Indigenous people.... So, if you're First Nations, Inuit, or a Métis youth migrating to the city, you would be experiencing not only racism, but homophobia and transphobia.^E

Anni P., a Two-Spirit woman who left her community for Edmonton at the age of 18, describes the difficult and mixed emotions that she grappled with upon leaving.

From the age of 18, after my father died, I left Saskatoon and I moved to Edmonton because – you know, finding my Two-Spiritedness, I needed to find more Two-Spirited people and I knew there were some in Edmonton. So, I went to Edmonton to find another part of my tribe. You know, I was just searching for pieces of me and – but during that time – this is a sad part, you know? I go back, and I think about it and – I was 18, I didn't start my healing journey until I was 25.... So, when I went to Edmonton, the sad part of this is, in order to heal, I had to leave my Indigenous family, right? It was too hard.^F



Albert McLeod said this about his decision to leave his home community:

I left The Pas when I was 19. I had come out as a gay male in high school when I was about 17. So, I was generally seeking a safe community. The Pas itself was a very homophobic, transphobic environment as well as a racist environment, and people really didn't have the skills or knowledge to deal with gender identity or sexual orientation.⁶

Viola Thomas spoke about how the long-term pain and isolation of being excluded from one's family and community make it imperative that homophobia and transphobia within Indigenous communities is addressed.

We also really need to address the homophobia within Indigenous communities. And I've witnessed so many of my dear friends who are Two-Spirited in the Downtown Eastside, you know, how they've shared – they would never ever – if they ever died, they would always tell me, "Don't ever bury me back home in my community because of how I've been treated because of who I am."⁷

Like Viola, National Inquiry Grandmother Blu emphasized the importance of welcoming Two-Spirit people back to their communities.

We have driven them out of our communities because we've accepted that gender binary, and our youth are suffering because of that, because our Two-Spirited people are not allowed to be who they are, they're not accepted in ceremonies, they're not accepted outside of ceremonies, they're not accepted in their own reserves, and they're not accepted in the city, from those Elders in the city, because they've been influenced through Christianity and through the colonial effects, and it's time we bring them back into the circle because they bring the balance, those Two-Spirited youth, and I'll go anywhere – I'll go anywhere to help them because I was fortunate enough to be who I am.⁸

Barriers to Finding Community

For those who leave their community, moving to an urban centre can offer new opportunities and lead to a better sense of connection and community. In part, as Albert McLeod explained, this is because 2SLGBTQQIA communities often work to support those who may be isolated.

And so I think – so what we've done in the Two-Spirit community across Canada, we've created, sort of, chosen families where we have people from different age groups, generations, who kind of act as surrogate parents, grandparents, siblings. As I mentioned this morning, you know, I carry many names, you know, Grannie, Grannie Albert is one of them, Momma. So in that sense, I act as the surrogate of the absent family member.

Just because of geographic isolation, or it's difficult to go home, or if you are shunned from being in your home community, or it's risky to go back to your home community, that you know, the parents still love them but can't, because of the segregation or the distance, can't provide that safety. We as family members, surrogate family members play that role, so we informally adopt our peers into our subcultures in the rural, or in the urban context. There's a lot of Mommas around.⁹

For many Indigenous 2SLGBTQQIA people, however, the necessity of moving to find community, safety, and belonging is often fraught with many of the same challenges they faced at home, as well as many new ones. Poverty, homelessness, and barriers to accessing education, training, employment, child care, medical and psychological services, and transportation are all factors that many Indigenous people face in their efforts to find a safe community.¹⁰ For Indigenous 2SLGBTQQIA people, these challenges can be compounded by discrimination related to gender and sexual identities.



For instance, in her testimony, Jamie Lee Hamilton talked about how she is forced to put up with racist and derogatory comments about her identity as a trans woman from other tenants in her building in order to live in affordable housing: “Right now, I have affordable housing downtown, but even in my building I encounter transphobia or phobia. I’m misgendered. You know, people trying to, you know, be nasty to me.”^L

Others pointed out that the lack of access to gender-affirming health care, mental health counselling, and anti-violence services further marginalizes Indigenous 2SLGBTQQIA people and makes it difficult for them to get the support they need. As Jasmine Redfern explained:

For a lot of LGBTQ2S individuals, we can experience elevated rates of sexualized violence that can necessitate higher interactions with institutions. So trying to get health services, trying to get justice services to help deal with those interactions and – potentially exposing people to additional harm from those institutions themselves.^M

This translates into many people not getting the help that they need. For example, in a research project that examined the experiences of Indigenous people who identify as Two-Spirit, lesbian, gay, bisexual, transgender, and/or queer, living in Winnipeg and Vancouver, researchers J. Ristock, A. Zoccole, L. Passante and J. Potskin found that the majority of those interviewed did not seek out anti-violence services when they experienced violence because of a lack of culturally specific resources and service providers equipped to acknowledge their gender, sexual, and cultural identities.^N

Jasmine Redfern noted that these challenges impact all 2SLGBTQQIA people, but can be compounded in certain regions, or among certain groups. Redfern offered the following example of what these challenges might look like.

So I’ll use the example of here in Iqaluit we have a domestic violence shelter, and that domestic violence shelter is a space for women who are fleeing violence but doesn’t necessarily have the policies in place to deal with people who are fleeing a violent situation in which a woman is the

perpetrator of violence, or to deal with relationships amongst clients who are already staying there.^O

In addition, T.J. Lightfoot, a Mi’kmaq, Two-Spirit person with front-line service delivery and research experience in mental health, sexual health, addictions, and crisis intervention, also offered the following observation about the challenges 2SLGBTQQIA people face in navigating health care and other systems.

Often LGBTQ2 people are dealing with complex intergenerational traumas that can be compounded within those systems. And so that we need to be cognizant of while racism plays a part in people’s experiences while they’re accessing help and health services, or even accessing justice, that the onus is double that on Indigenous people. And often we have – we find ourselves having to either come out multiple times, explain our realities, or make the decision that today I am going to shut down who I am as a person so that I can access the services I need in a safe way.^P

In their^Q testimony, Fallon Andy described how lack of access to appropriate health care and other supports creates challenges for Indigenous 2SLGBTQQIA youth, particularly those living in remote or northern communities.

A lot of them [youth living in northern communities] really do not have access to appropriate health care. So, for Two-Spirit and trans kids ... they wouldn’t have access to hormone restorative therapy or ... hits for – if they experience sexual violence – because Two-Spirit and trans kids are at an elevated risk for experiencing that type of violence.... How do you deal with that after, right, because of their gender identity or their orientation?

And then they also just wouldn’t have access to ... regular goods that Two-Spirit and trans kids need, like some Two-Spirit kids need binders or, like, other types of, like, clothing requirements. Yes. And, I think you would be able to find those on the Internet. But, in terms of access immediately, northern communities would not have that.^R



Similarly, Lightfoot explained: “Often Inuit that are LGBTQ2 have to fight really hard in order to be visible in their everyday life. And so to access those services and being made invisible again is another form of violence on these people.”^s

Nonetheless, when they move to the city in hopes of finding a community of belonging or a better life, 2SLGBTQQIA youth often experience significant economic instability and struggle to find shelter, making them more likely than cis-gender Indigenous youth to become street-involved.^t In the 2014 British Columbia *Homeless and Street-Involved Youth Survey*, researchers found that “approximately one in three Indigenous 2SLGBTQQIA youth that were homeless or street involved had been sexually exploited as compared to 15% of heterosexual cisgender Indigenous youth.”^u

In each of these examples, poverty and other forms of socio-economic marginalization occurring within racist, sexist, homophobic, and transphobic systems puts all Indigenous 2SLGBTQQIA people at risk for violence. In addition, those seeking help, particularly in health support, may face the same challenges they sought to escape in their own communities. As Jasmine Redfern explained, the reality of needing to “come out” to the service provider and sometimes having to educate that person can also be a particular burden on 2SLGBTQQIA people.

Sometimes when you’re going to services, especially in a crisis state, that can make that much more difficult for you, is to have to shift out of your immediate needs to be able to provide for the educational needs of the person who’s providing you with services. And this happens not only once, but every single time ... and it can be emotionally, spiritually, physically exhausting for the people that have to go through this.^v

And, she added, the consequences of this type of challenge can be striking, resulting in what Redfern called “system burnout, where accessing systems, the burden becomes so high that the perceived benefit of accessing those services can seem to be outweighed by that burden ... some people can choose to completely disengage.”^w

In addition, the realities of poverty and marginalization within racist, sexist, and homophobic or transphobic systems are also compounded by the reality that there are limited options for seeking protection from that violence.

In her testimony in Vancouver, for example, Jamie L. H. described an encounter with the police while she was being held on charges that were later dropped. Her description of the treatment she received while being booked demonstrates the way that police may use violent, transphobic, and discriminatory tactics to reinforce rather than challenge those systems that position her as at risk for violence.^x

The intentional act of misgendering is a form of severe psychological violence and emotional abuse. As one of her first encounters with the police as a young Indigenous transwoman, the deliberate disregard – even ignorance – of her physical and emotional safety sends a clear message that Indigenous 2SLGBTQQIA people involved in the sex industry cannot assume that their rights to safety, justice, or gender identity and expression will be protected once they are in police custody. Moreover, it indicates that those rights may be further violated through additional acts of violence, threat, and degradation.

In her testimony, Alaya M. shared a similar story about her encounter with the police after she, too, was arrested under charges that were later dropped.

So, in 2007, I was, you know, I – again, this is one of my turning points in 2007. I came in confrontation with the Winnipeg Police Service ... who took me to District 3 here in Manitoba, and interrogated me and taunted me for my gender, as being a trans Indigenous woman. They were calling me brutal names and really rude names for people with an authority figure. They really, you know, took their power and used it to their ability to degrade someone who was very marginalized. But, one thing I told them, I looked at them when the whole district was standing there making fun of me, insisting that I had two ounces of powdered coke, that they would never get away with it, that they would never get away with it.^y



The common experience of harassment and intentional misgendering of both of these transwomen's gender identities isn't an act of overlooking, or of ignoring – but of targeting. Many of those who shared about these difficult experiences have gone on to become strong advocates for Indigenous 2SLGBTQQIA sex workers and to work collaboratively with police officers to build relationships that challenge these discriminatory attitudes toward sex workers. This fact offers a powerful teaching about the strength Indigenous trans and Two-Spirit women hold to lead change, even when they are targeted within systems that seek to erase that strength.

Making Violence Visible

Researchers, advocates, survivors, and family members of those who are missing and murdered argue that Indigenous 2SLGBTQQIA people whose lives have been impacted or taken by violence are often overlooked in public discourse, grassroots activism, and other broader discussions of missing and murdered Indigenous women and girls.^z This erasure was evident in the scope initially set out for the National Inquiry to focus only on women and girls – parameters that, in echoing the federal government's terminology and understanding of what constitutes an Indigenous woman or girl, maintain a colonial binary view of gender.^{AA} Fallon Andy noted the importance of expanding the mandate of the Inquiry to include a more inclusive understanding of gender identity.

I do think that the Inquiry should expand its mandate to include transwomen and gender-nonconforming people, just because I think that it is inherently discriminatory that people are excluded, even though they identify as women, are not included here. And I think that that is a systemic underinvestment of time and labour and funding and could ... signal a larger shift in Canada to say we do need these people in our communities because they have a lot of value and what they bring to us is specific and unique and we need this in our society.^{BB}

For these reasons, the National Inquiry has worked to include the voices of 2SLGBTQQIA advocates, survivors, and family members of missing and

murdered 2SLGBTQQIA people as a step toward acknowledging the ways colonial violence impacts and violates the rights of those within these communities. At the same time, it heeds the advice given by Jasmine Redfern about the importance of remembering those whose stories have not been heard, and, as such, there remains much work to be done. Redfern commented, "Whenever we're in these positions of power to be able to have some control over the narrative [it is important to] always look around and take note of who's there, but most importantly, take note of who's not here."^{CC}

In part, researchers suggest, one of the barriers to recognizing and acknowledging violence in the lives of 2SLGBTQQIA people is a lack of information related to the nature and scope of that violence. For instance, researchers point out that while national data is collected on violence against Indigenous women and men, the same is not captured for those identifying as another gender.^{DD} Accurate data about violence in the lives of Indigenous Peoples in general is difficult to find, due to data-collection methods that fail to disaggregate information by gender, sex, race, or Indigenous identity.^{EE} Moreover, most statistical information related to violence is collected when a crime is reported to police; for many Indigenous Peoples, a deep mistrust in the criminal justice system that has historically harmed and continues to harm rather than help Indigenous Peoples means that they are unlikely to report incidents of violence.^{FF} All of these factors impact what is known about the rate and nature of violence against Indigenous 2SLGBTQQIA people.

For many researchers, advocates, and grassroots organizations working to support the Indigenous 2SLGBTQQIA communities, taking steps to refine data-collection methods in order to accurately collect information about gender identity and expression is important to making visible gender-based violence specifically as it relates to the experiences of trans, Two-Spirit, and gender-nonconforming people. In their testimony, Shaun L., a Kaska Dena transman living in the Yukon, demonstrated that making these sorts of changes is possible. He and other advocates are in the process of introducing territorial legislation to change the *Vital Statistics Act* so that people have the option of identifying themselves according to their preferred gender identity.^{GG}



Despite the lack of national statistical data, smaller-scale studies, needs assessments, and research carried out by grassroots organizations that focus broadly on the experiences and needs of Indigenous 2SLGBTQQIA people consistently identify homophobic, transphobic, and racist violence as a significant and common concern and reality. For example, in *An Introduction to the Health of Two-Spirit People*, one of the few studies to look specifically at the relationship between health and violence among Canadian Indigenous people who identify as Two-Spirit, lesbian, gay, bisexual transgender, and/or queer, researchers found that experiences of interpersonal or domestic violence are common and often occur in tandem with other forms of violence and/or as connected to the vulnerability of having moved from one community to another.^{HH} While Indigenous women experience more frequent and more severe physical and sexual violence than non-Indigenous women,^{II} Two-Spirit women are often additionally targeted because of gender identity and/or sexual orientation, creating what one researcher describes as “triple jeopardy” for various forms of interpersonal and institutional violence.^{JJ}

Researchers focusing on the experiences of 2SLGBTQQIA people also point out that many confront acts of violence that target gender identity and expression. For instance, in a study of transgender people living in Manitoba, researchers found that transgender and gender-nonconforming people are more likely to experience violence in everyday situations such as accessing public washrooms, change rooms, or transportation, or filling out forms that require one to identify one’s sex/gender.^{KK} T.J. Lightfoot offered an example of what this looks like in daily life.

So, an intake process for clinics or doctors’ appointments or hospital visits, often, the individual is asked right when they walk in for some basic information, for their name, their date of birth, and their gender, and that the identity of trans, Two-Spirit or gender-fluid individuals often don’t fit into the gender boxes that are listed on that intake form. And, the lack of space for those identities can result in individuals feeling erased or that they are not being treated with dignity or respect.^{LL}

The presence of everyday violence targeting Two-Spirit and trans people was also identified in the Ristock, Zoccole, Passante and Potskin study, where it was found that, for them, simply walking down the streets of their neighbourhood often involves encounters with racist, homophobic, or transphobic violence.^{MM} Fallon Andy offered a description of what some of these other “everyday” acts of violence look like in the daily lives of Indigenous trans and Two-Spirit youth.

I would even say some kids get, like, different kinds of traumas because of the discrimination they face, especially in relation to, like, hate crimes. Like, people will get jumped, people get punched, you know, they get sworn at. These are, like, some of the real types of violence that people experience. You know, they get things thrown at them from cars just for being gay, or just for being trans or just for being nonconforming, and I think that that ... can result in real trauma and real pain, poor self-esteem.^{NN}

For 2SLGBTQQIA survivors who shared their personal stories, experiences of violence that began in childhood and extended throughout adolescence and into adulthood were common. In her testimony, Commissioner Audette’s Grandmother Bernie talked about the physical and sexual abuse she endured as a child, both within her family and while in foster care. As a young girl, Bernie was also sold to a trafficker working out of a hotel. As a means of survival and to escape the foster care system within which she had been repeatedly abused, Bernie explained, she entered into a marriage with a man, even though, as she said, “I – always knew in my life that ... I was very different.” Nonetheless, Bernie said, she believed marriage might offer some security, although it meant suppressing her identity as a Two-Spirit woman: “I just got tired of being a target, tired of running.” This sacrifice, however, was met only with further violence when her then-husband became, as she described, “the most violent man in my life.”^{OO}

Like Bernie, other survivors and family members shared various stories of often severe physical and sexual childhood abuse, sexual exploitation, interpersonal violence, and sexual assault. In addition to these experiences of violence, however, witnesses



also described how the violence they encountered within their families, communities, and institutions that targeted their identity as Two-Spirit, trans, or lesbian, as in the following examples, further compromised their safety and well-being.

In speaking about her deceased daughter Deanna, a Two-Spirit First Nations woman, Ruth M. explained how Deanna was often a target for violence, beginning at age 13 when she was “brutally raped.”

It really had an effect on her life, and I don’t know if that had anything to do with her being Two-Spirit. She never wanted to be with a man. She always wanted to be with a woman. It seemed to me that she had a – oh, I don’t know – being an Indigenous woman, a girl, young girl, she was very dark in colour. And she had that already going against her because there was so much racism out there. And now she is a Two-Spirit woman. And that was another thing for them to beat her up for. She would be just walking down the street, and people would sucker punch her.^{PP}

In her truth, Anni P., a lesbian First Nations woman, talked about how violence came as a threat from family members who did not accept her sexual orientation as lesbian. Fear for her own safety meant that she had to limit her connection to family, something she spoke about with sadness.

So, I severed ties with [my] family. I had to. There was too much pain there. And, my ... family, my brothers were trying to, you know, make connection, but I was afraid of them. I was afraid of them because I had no trust for Indigenous people. My brothers, if you’re listening to me, I’m sorry. I’m sorry to say this. I don’t want to hurt you with that, but I was afraid of you. So, you would come around and you would try to get to know me, but I was afraid of you, I had to keep you at arm’s-length.^{QQ}

Jamie L. H., a transwoman and former sex worker, talked about how “violence began at an early age” when, as a 16- or 17-year-old, she was sexually assaulted by a police officer.

I was walking home late one night on Granville Street and a police squad car drove up and asked me to get in the car. There was a dog in the back;

and it, the officer asked for my ID, which I produced. And he insisted that he wanted to give me a ride home. I didn’t want to, because I was only two blocks away from home, living at Hemlock and Seymour.

But he insisted, and I didn’t know what to do, I’m very young. And the next thing I know, I’m in Stanley Park in this squad car, and of course, was forced to perform oral sex on the officer. It was a very terrifying time for me. I didn’t know whether I was going to survive. I thought, you know, he could kill me; like, I knew officers carried guns. And it was very, very difficult for me that night.

And I remember, something in his mind snapped and he thought that there was a police car coming up behind. And he said, “I’m going to quickly drive away, you’re going to get out of the car. I’m going to pretend that I’m talking to you. And if they stop, you know, that you’re just providing me information.” And so, he stopped. This was way over in the middle of the park, deep into the park; and it’s about three in the morning. And I got out and he drove away, along with my ID, which I never had again for a very long time.

But it was very terrifying, because not only had I been through a traumatic experience of this, what I consider a sexual assault, I also had to find my way out of the park, and I was pretty frightened; you know, that late, and young.^{RR}

In her testimony, Jamie pointed at another type of violence – this time directed not specifically at 2SLGBTQQIA individuals, but, rather, at organizations that work to support them. She described how, following her efforts to create a much needed drop-in centre for Indigenous trans and Two-Spirit sex workers in Vancouver’s Downtown Eastside, her organization became targeted by police for not being properly zoned and was forced to relocate.^{SS}

Remembering Missing and Murdered 2SLGBTQQIA People

In addition to speaking about their own experiences of violence, survivors also spoke about Indigenous 2SLGBTQQIA people who are missing or who have lost their lives to violence. Like women and girls,



Indigenous trans, Two-Spirit, and gender-nonconforming people are also victims of the most severe forms of violence; rarely, however, are their stories shared or their lives acknowledged.

In speaking of her own experiences of violence as a young Two-Spirit woman, Alaya M. paid tribute to her best friend, Divas Boulanger. Divas was a transwoman originally from Berens River First Nation who moved to Winnipeg to pursue an education.^{TT} In 2004, her body was discovered outside of a Portage la Prairie rest stop. Divas had died of blunt force trauma at the hands of Theodore Herntier, who was charged and is serving a life sentence. Alaya shared the following words about the impact Divas's death had on her.

She went missing September 29, 2004. November the 3rd or 4th that year, her body was found eight kilometres outside of Portage la Prairie at a rest stop. Her name was Divas Boulanger. She came from a northern community, Berens River First Nation. She was a transwoman. I lost it, and I lost my best friend. It was so traumatizing. It was so traumatizing that I was asking every perpetrator that would pick me up if they were going to murder me, to murder me now, because – excuse me. Because society had so much and [would] rather judge us than understand us. You know, we couldn't go get proper supports from the general public ... the way we can today.^{UU}

In her testimony, Alaya also asked for other missing and murdered Indigenous trans and Two-Spirit women to be remembered, including those whose names and stories remain unknown. In particular, Alaya drew attention to the death of a Two-Spirit individual who was tied to a tree and murdered in her community.^{VV}

In his testimony, Albert McLeod shone a light on the 2008 murder of Rose Osborne, a transwoman who was murdered in Winnipeg. That Rose's sister, Helen Betty Osborne, was also murdered almost 40 years earlier in 1971 shows, as Albert McLeod observed, "how pervasive even after 30 years; her sister was murdered on racist ideals, by racist murders, and her herself [Rose] as a transwoman was murdered decades later. And [it shows] how pervasive that violence is in our society."^{WW}

In addition to these people, family members, friends, and families of the heart identified other missing or murdered Indigenous 2SLGBTQQIA people. Muriel D. shared the story of her sister Judy D., a First Nations woman and lesbian who has been missing for over a decade. Muriel observed:

I think that is why my sister is missing because she didn't know how to handle life, how to talk to anybody or how to be open or to, really – I always felt like an outsider. And I always felt like to be – I had to make myself invisible, because I never felt good about myself. And I think my sister, I think was the same. And I – she was lesbian, and I think that is another thing too that. Traditionally in our family that is really looked down on. And she was not accepted by my brothers for that.^{XX}

Leona W. drew attention to the story of her niece Brandy, a trans First Nations woman who is also missing. Leona recalled the following memory of Brandy as "kind and caring and funny ... and that she, too, was taken and that her life mattered, too."^{YY}

In each of these stories, family members talked about how transphobia, homophobia, sexism, and racism intersected in the lives of their loved ones in ways that created serious challenges in the areas of culture, health, security, and justice. Many were living in poverty at the time of their disappearance or death; many were unable to find safe and accessible housing and were instead living on the street; and many were unable to access health care, mental health support, or gender-affirming services to address the trauma they were carrying.

While these truths begin to give voice to the stories of missing and murdered 2SLGBTQQIA people, they are only the beginning. As witnesses described, many of the pieces of these stories are unknown; others have been completely forgotten. Substantive efforts to treat each life with value is imperative to ending violence and restoring the place of Two-Spirit people in their communities. In their testimony, Fallon Andy pointed to an Indigenous-led and community-based website and database called "It Starts With Us," which is working to build a record to honour the missing and murdered, including 2SLGBTQQIA people, as one intervention that aims to make visible those still missing or those who have been murdered.^{ZZ} The list devoted to "2-Spirit & Trans" includes Colten Pratt as



a missing person, and Edward Denecheze, Divas Boulanger, Rose (Kelvin) Osborne, Charlene Two Hearts, Derek Boubard, and (Edgar) Gordon Badger as murdered. A community-led database, the project is seeking stable funding and support to continue and expand its work.

Resilience and Change

In sharing their truths, Indigenous trans and Two-Spirit people demonstrated that, despite the systemic violence that seeks to erase their experiences and to make invisible the violence they confront, many are working to resist colonial narratives, policies, and structures that deny the identities and cultures of 2SLGBTQQIA communities. As Albert McLeod observed, “Despite that 400 years [of colonization], Two-Spirit people are now at a place of resurgence within Canadian society generally, but also within the Indigenous populations, cultures, as well as families and communities.”^{AAA}

Witnesses provided a number of examples of that resurgence when speaking of individual and collective efforts to restore culture, health, safety, and justice to 2SLGBTQQIA communities.

As Jeffrey McNeil-Seymour, artist and associate professor at Ryerson University, explained, he created an art piece to complicate artist Jaime Black’s “REDress Project,” noting that “not all bodies wear red dresses.”^{BBB} As he said, the piece was intended to “speak to the invisibilization of Two-Spirit presence and, you know, gatekeeping.” He described the show, which also included work from celebrated artists Kent Monkman, Dayna Danger, and Preston Buffalo, as amazing and impactful.^{CCC}

Many of the 2SLGBTQQIA people who spoke with the National Inquiry occupy influential roles in creating change through organizations that work to protect the rights of gender and sexual minorities. For McLeod, evidence of some of the positive changes that have come about can be found in growing acceptance of Two-Spirit people in traditional ceremonies, such as Pow-Wows and Sun Dances, where they were, in the past, excluded.^{DDD} Fallon Andy, likewise, described innovative ways social media is being used to connect Indigenous trans and

Two-Spirit youth to community and traditional teachings.

So, instead of – like for Two-Spirit and trans youth, sometimes they may not have access to a lot of ceremony or a lot of Elders like I mentioned earlier, or a lot of aunties who are safe who will respect and love their identities. A way to give values to those youth is using memes and using social media, and Instagram, and Twitter and stuff to get people to just understand that they’re not alone in fighting these anti-violence movements or within the fight of the anti-violence movements, and that they’re not alone when they believe something.^{EEE}

In other instances, witnesses like Shaun L. demonstrated how individual acts of bravery and honesty are creating changes within remote communities to be more accepting of those who identify as Two-Spirit or trans. Shaun described what happened when an article about his experience of transitioning from a person assigned female at birth to a transman was published in the *Yukon News*.

I had already come out as trans to my family, and I had family friends who encouraged me to go to the media because there's probably other people in the Yukon who were trans who are struggling. So they did a newspaper article on me and it's called “Becoming a Man” in the *Yukon News*. And so this was published. It's a nice picture of me and a good story. It was done very well. And I go back home and Ross River is a bit of a tough town sometimes. You know, if you're a bit different, you might not be well accepted, and I was a little bit concerned, you know. And I noticed that somebody had taken it out of the newspaper and posted it on the – on the community bulletin board. There was no marks on it. It was just up there. And I thought ... if the rough guys in town see this, they might just kick my ass, you know, heterophobia, homophobia, that type of stuff.

And I walk out the door and there was about five or six of the tough guys in town are in front of the judge every two months and, you know, drinking lots and stuff and I'm going, “I can't run fast enough and I didn't bring the truck,” and they go,



"Shaun, Shaun, come over here. Come over here." I'm, like – so I sort of slide over towards them, "Hey, guys." They start clapping me on the back, "Right on, man. Right on, being your true self." They – "We respect you for that." One of the guys, a little guy but he's tough, he looks at me and goes, "Anybody give you shit, you come tell us, we'll kick their ass for you." Okay. This is – this is the kind of respect you can get when people acknowledge your authentic self and it feels good, you know.^{FFF}

Healing through Knowledge and Relationships

For those who shared their truths, finding ways to celebrate and honour the diverse experiences of Indigenous 2SLGBTQQIA people is important to culturally safe healing in communities and within traditions. Viola Thomas spoke about the importance of restoring traditional Indigenous ways of understanding gender.

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

Witness Shaun L. spoke about how being accepted as a transman within his community has allowed him

to reconnect with his traditional culture and to draw on his distinct experiences that have brought him to where he is today. His words offer a vision of healing that is possible when relationships allow for people to embrace and express their full identities.

And those are my unique perspectives in growing up, you know, being seen as this colourful white child because I grew up in a middle-class white home, and also as a girl, and then transitioning and going back home and living in my traditional territories and learning how to hunt and learning how to keep a wood stove going all winter when it's minus 40 and building my own house, you know, those types of things. And a lot of people have come to me and said, "Since you changed, you've changed." And what they're trying to say is since I have transitioned I'm at peace with myself, of who I am. There is no struggle there anymore. I am a Kaska Dena man and that's how it is.^{HHH}

In addition, and as T.J. Lightfoot pointed out, the solutions aren't about money: "We don't have ... a silver bullet to say ... if you put money in this pot, this is going to fix it for us; that's not the reality. But having people included and visible, and making safe spaces everywhere so that people can just be who they are – that's very important."^{III} Similarly, Jeffrey McNeil-Seymour noted how important it is to bring back those "accepted spaces, forcing interruptions," and confronting "embedded heteropatriarchy in our governance structures and ceremonial spaces."^{JJJ} Ultimately, expressions like Shaun's, Jasmine's, and Jeffrey's reinforce the ideas the National Inquiry heard from many witnesses: acceptance, protection, and love can work to ensure security for 2SLGBTQQIA people, and must come from families, from communities, and from all levels of government.



Findings:

- 2SLGBTQQIA individuals have been impacted by colonial violence in ways that are both similar to, and distinct from, cis-gender women and girls.
- 2SLGBTQQIA individuals face distinct challenges in their efforts to meet their needs for culture, identity, health, security, and justice in the face of discrimination and violence, both within and outside of Indigenous communities (that is, transphobia and homophobia within Indigenous and non-Indigenous communities, as well as racism outside of Indigenous communities, including racism from mainstream 2SLGBTQQIA organizations and services), which can alienate 2SLGBTQQIA people from both Indigenous and 2SLGBTQQIA communities.
- Many traditional Indigenous cultures held an honourable place for 2SLGBTQQIA persons. This honourable place was destroyed by cis-normative and heteronormative colonial policies that aimed to erase and exclude 2SLGBTQQIA identities and cultural roles. As a result, there is a lack of awareness of the distinct roles of 2SLGBTQQIA people in Indigenous culture and ceremony.
- Colonization also led to tensions within First Nations, Inuit, and Métis communities regarding differing perspectives on gender identity and sexual orientation, and the associated barriers to accessing culture and ceremony, as a result of colonization.
- While some 2SLGBTQQIA individuals are embraced and supported by their communities, which allows them to participate in ceremonies in a way that aligns with their gender identity, others face discrimination, marginalization, and harassment. Some are permitted to take on only roles in ceremonies that correspond with their biological sex, instead of with their gender identity.
- Despite challenges, many 2SLGBTQQIA people are resisting and reclaiming their traditional roles in community and culture, and taking up positions as effective advocates working to end colonial violence.
- Even though many 2SLGBTQQIA individuals are reclaiming their traditional roles, they are often forced to leave their traditional territories and communities, sometimes because of the threat of violence directed toward them due to their gender identity or sexual orientation. For many 2SLGBTQQIA people, moving to find community, safety, and belonging is often fraught with many of the same challenges they faced at home, as well as many new ones.
- For example, 2SLGBTQQIA individuals face barriers and discrimination in accessing a broad range of services and in accessing services that are appropriate to their needs, including housing (emergency shelter and safe long-term housing); health, mental health, and addictions treatment; child welfare; Elder care; policing; corrections; criminal justice; and victim and other support services.
- In particular, there is a lack of appropriate emergency housing and shelters and safe housing to meet the needs of 2SLGBTQQIA individuals in all communities. Therefore, 2SLGBTQQIA people are forced to live in unsafe conditions.
- There is also a lack of access to appropriate health care that specifically meets the needs of 2SLGBTQQIA individuals, particularly in remote and northern regions.
- 2SLGBTQQIA individuals experience marginalization that is evidenced by poverty, limited education, and limited employment opportunities. This marginalization forces some 2SLGBTQQIA individuals into the sex industry. As a result, 2SLGBTQQIA individuals must contend with further violence. Racist, homophobic, and transphobic attitudes of police make it difficult for 2SLGBTQQIA individuals to seek and receive police protection.
- Indigenous 2SLGBTQQIA youth face particular barriers and discrimination with child welfare systems.
- Indigenous 2SLGBTQQIA people, and trans people in particular, face barriers and discrimination in federal and provincial correctional systems.
- Current data collection methods and practices lead to inaccurate or incomplete data on violence against 2SLGBTQQIA people, contributing to the erasure or invisibility of 2SLGBTQQIA individuals and their experiences.



- A The term “cis-gender” refers to a person whose sense of personal identity and gender corresponds with their birth sex.
- B Jasmine Redfern (Inuit), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, p. 143.
- C Albert McLeod (Nisichawayasihk Cree Nation/Métis community of Norway House), Part 3, Public Volume 8, Toronto, ON, pp. 54–55.
- D Albert McLeod (Nisichawayasihk Cree Nation/Métis community of Norway House), Part 3, Public Volume 8, Toronto, ON, p. 64.
- E Albert McLeod (Nisichawayasihk Cree Nation/Métis community of Norway House), Part 3, Public Volume 8, Toronto, ON, pp. 47–48.
- F Anni P. (Cree), Part 1, Public Volume 80, Vancouver, BC, p. 14.
- G Albert McLeod (Nisichawayasihk Cree Nation/Métis community of Norway House), Part 3, Public Volume 8, Toronto, ON, p. 44.
- H Viola Thomas (Kamloops Tk’emlúps te Secwepemc), Part 1, Public Volume 104, Vancouver, BC, p. 13.
- I Blu W. (Cree/Mi’kmaq/Métis), Part 1, Public Volume 117, Vancouver, BC, pp. 43–44.
- J Albert McLeod (Nisichawayasihk Cree Nation/Métis community of Norway House), Part 3, Public Volume 8, Toronto, ON, p. 156.
- K Hunt, “An Introduction to the Health of Two-Spirit People”; Lyons et al., “Experiences of Trans Women”; Taylor, “Health and Safety Issues.”
- L Jamie Lee Hamilton (Indigenous/Irish), Part 1, Public Volume 104, Vancouver, BC, pp. 20–21.
- M Jasmine Redfern (Inuit), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, p. 140.
- N Ristock et al., “Impacts of Colonization.”
- O Jasmine Redfern (Inuit), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, p. 143.
- P T.J. Lightfoot (Mi’kmaq), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, p. 140.
- Q Fallon Andy indicated that their preferred pronoun is they/them. Witnesses testifying as part of 2SLGBTQIA communities emphasized the importance of respecting and using their preferred pronoun.
- R Fallon Andy (Anishinaabe, Couchiching First Nation), Part 3, Public Volume 8, Toronto, ON, p. 190.
- S T.J. Lightfoot (Mi’kmaq), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, p. 141.
- T Saewyc et al., “Homeless and Street-Involved”; Hunt, “An Introduction to the Health of Two-Spirit People.”
- U Saewyc et al., 24.
- V Jasmine Redfern (Inuit), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, p. 142.
- W Jasmine Redfern (Inuit), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, p. 142.
- X See, for instance, the experience Jamie shared about being strip-searched by the police as documented in Chapter 1. Jamie L. H. (Indigenous/Irish), Part 1, Public Volume 78, Vancouver, BC, pp. 12–13.
- Y Alaya M. (Sandy Bay Ojibway First Nation), Part 1, Public Volume 13, Winnipeg, MB, pp. 23–24.
- Z Jasmine Redfern (Inuit), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU; T.J. Lightfoot. (Mi’kmaq), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU; Hunt, “An Introduction to the Health of Two-Spirit People,” pp. 15–16.
- AA Albert McLeod (Nisichawayasihk Cree Nation/Métis community of Norway House), Part 3, Public Volume 8, Toronto, ON, p. 53.
- BB Fallon Andy (Anishinaabe, Couchiching First Nation), Part 3, Public Volume 8, Toronto, ON, p. 263.
- CC Jasmine Redfern (Inuit), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, p. 174.
- DD Hunt, “An Introduction to the Health of Two-Spirit People,” 15.
- EE Canada, Department of Justice Canada, “Data Sources on Indigenous Victimization.”
- FF Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, pp. 239–240.
- GG Shaun L. (Kaska Dena, Crow Clan), Part 1, Public Volume 3, Whitehorse, YT, p. 23.
- HH Ristock et al., “Impacts of Colonization.”
- II Sinha, “Measuring Violence against Women,” 19.
- JJ Lehavot et al. as quoted in Hunt, “An Introduction to the Health of Two-Spirit People,” 15.
- KK Taylor, “Health and Safety Issues.”
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- VV Alaya M. (Sandy Bay Ojibway First Nation), Part 1, Public Volume 10, Winnipeg, MB, p. 36.
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- YY Leona W. (Nakaneet First Nation), Part 1, Statement Volume 127, Saskatoon, SK, p. 51.
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- BBB Jeffrey McNeil-Seymour (Tk'emlups te Secwepemc/English), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, p. 191.
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- DDD Albert McLeod (Nisichawayasihk Cree Nation/Métis community of Norway House), Part 3, Public Volume 8, Toronto, ON, p. 51.
- EEE Fallon Andy (Anishinaabe, Couchiching First Nation), Part 3, Public Volume 8, Toronto, ON, p. 131.
- FFF Shaun L. (Kaska Dena, Crow Clan), Part 1, Public Volume 3, Whitehorse, YT, pp. 22–23.
- GGG Viola Thomas (Kamloops Tk'emlups te Secwepemc), Part 1, Public Volume 104, Vancouver, BC, p. 6.
- HHH Shaun L. (Kaska Dena, Crow Clan), Part 1, Public Volume 3, Whitehorse, YT, p. 16.
- III T.J. Lightfoot (Mi'kmaq), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, p. 149.
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Pathway to Violence: Lack of Will and Insufficient Institutional Responses

Despite widespread recognition of the health problems faced by Indigenous Peoples, as well as the significant health consequences that all forms of interpersonal violence hold for Indigenous women, girls, and 2SLGBTQQIA people in particular, the systems and institutions that Indigenous people might reach out to for health care-related services often fail to provide the support needed, and, in doing so, often deepen these health concerns. In describing their efforts to receive much-needed health care, including in situations connected to experiences of physical and sexual abuse or violence, families and friends of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, and survivors, drew attention to the insufficient institutional responses and the associated lack of will for change.

These responses and the encounters they represent are both structural and individual, and deal with attitudes of health care providers, emergency or first responders, and police. In addition, some witnesses identified the challenges of medical relocations, or the separation of families due to medical issues, as contributing to violence as a result of compromising their ability to have their health care needs met. This section examines deaths associated with negligence within the context of health services, as well as racism and insufficient mental health services that contribute to the targeting of Indigenous women, girls, and 2SLGBTQQIA people by creating or driving them into dangerous situations.

"I WAS VISITING A COUSIN IN THE NORTHWEST AREA OF THE CITY. THERE WAS JUST THE TWO OF US, AND WE WERE WATCHING A HOCKEY GAME. A WOMAN SHOWED UP AND SHE PROVIDED ME WITH MARIJUANA THAT HAD BEEN LACED WITH SOMETHING, AND I DIDN'T KNOW. I OVERDOSED. I STOPPED BREATHING. I HAD A GRAND MAL SEIZURE, AND I WAS TRANSPORTED TO THE [DELETED] HOSPITAL. DESPITE THE FACT THAT I HAD NO JACKET, NO SHOES, NO MONEY, I WAS ASKED TO LEAVE AT 6:30 A.M. ON THAT COLD FALL ... MORNING. IT WAS DARK AND IT WAS COLD AND I WAS ALONE. NOBODY KNEW WHERE I WAS. AND I LINGERED IN THE ENTRANCE BECAUSE WHEN I WENT OUTSIDE, I WAS SO COLD, AND I HAD NO SHOES, AND I DIDN'T KNOW WHAT I WAS SUPPOSED TO DO OR WHERE I WAS SUPPOSED TO GO THE NEXT MONTH, THEY FOUND A BODY RIGHT WHERE I WAS, WHERE I WAS SUPPOSED TO WALK BY.... AND THEY TOLD ME THAT I HAD TO WALK WITH NO SHOES AND NO MONEY."

Melissa C.

Negligent Treatment from Health Care Service Providers

In describing their interactions with various facets of the health care system, the families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, as well as survivors, Knowledge Keepers, and other researchers, highlighted how the racism Indigenous Peoples encounter within these systems directly contributes to lower quality care, or lack of care



altogether. In some of these cases, one of the consequences of this lack of care was the disappearance or death of a loved one. Dr. Barry Lavallee, former director of student support and education for the Centre for Aboriginal Health Education at the University of Manitoba, gave an example of how racism works within the Canadian health care system to create barriers for all Indigenous Peoples.

[A person] who is identified as Indigenous either by their brown skin, or their name, or if they identify themselves is that an Indigenous person cannot enter a health care system except in stereotype.... It means that if you're a brown skin Indigenous man and you may have had a beer at a barbeque, but you're not an alcoholic, and you go to emerg[ency], there's a chance that you will be assigned the stereotype of being a drunken Indian. And, [they'll assume that] the chest pain you're experiencing has nothing to do with your heart, but with alcoholic gastritis. And so, the differential access for particular treatments as well as investigations are harnessed on stereotyping.⁹¹

In many of the stories shared by witnesses, coping mechanisms, such as drugs and alcohol, that they had been using to manage previously unaddressed health-related concerns, including trauma, are used against Indigenous people in ways that at times further undermine their health. As we heard, for Indigenous women, girls, and 2SLGBTQIA people who have experienced or are experiencing violence and may be using drugs or alcohol to cope with that violence, the consequences of negligence within the health care system can be severe.

"DUE TO MY HISTORY WITH ADDICTIONS AND MY SISTER'S HISTORY WITH ADDICTIONS, WE WERE BOTH DISCRIMINATED AGAINST WITHIN THE HEALTH CARE SYSTEM. I WAS LUCKY ENOUGH TO FIGURE OUT WHAT WAS GOING ON AND GET THE PROPER HEALTH CARE, AND SHE WASN'T. BECAUSE OF THAT SHE PASSED AWAY. IF SHE WASN'T DISCRIMINATED AGAINST AND THEY HAD HELPED HER AND DIDN'T LOOK AT HER AS AN ADDICT, SHE MAY STILL BE HERE TODAY."

Jaylene D.

In describing what happened when she was discharged from the hospital following a drug overdose, Melissa C. demonstrated how she was placed in an extremely dangerous situation that could have led to further harm or violence, were it not for her assertiveness.

I was visiting a cousin in the northwest area of the city. There was just the two of us, and we were watching a hockey game. A woman showed up and she provided me with marijuana that had been laced with something, and I didn't know. I overdosed. I stopped breathing. I had a grand mal seizure, and I was transported to the [deleted] hospital. Despite the fact that I had no jacket, no shoes, no money, I was asked to leave at 6:30 a.m. on that cold fall ... morning. It was dark and it was cold and I was alone. Nobody



knew where I was. And I lingered in the entrance because when I went outside, I was so cold, and I had no shoes, and I didn't know what I was supposed to do or where I was supposed to go. So, I went back and I begged them to help me. And the worker at that time only got annoyed with me, but I was persistent, because I didn't want to go walking by myself. I still had the heart monitor stickers attached to me. After a lot of begging and asking, I was granted a taxi slip....

The next month, they found a body right where I was, where I was supposed to walk by.... And they told me that I had to walk with no shoes and no money.⁹²

For other witnesses, stereotypes about Indigenous Peoples and addictions such as those described by Barry Lavallee can play into the kind of treatment they can access. For example, Doris G., a survivor of childhood abuse, domestic abuse, and family violence, was forced into sex work as a teenager and became addicted to crack and alcohol. As she reported, “I started getting sick. My sister worked at [the] hospital, and she red-flagged my name, so when I came in for help, they treated me like an addict and just heavily medicated me and just sent me home.” Ultimately, doctors performed emergency surgery to remove her gallbladder, and found a type of cervical cancer that could have been prevented with proper vaccination.⁹³

In Jaylene D.'s case, these assumptions likewise impacted the level of services offered to her sister and ultimately drove her back to danger. Jaylene, whose sister eventually overdosed, reports how her sister had bad sores on her feet where she was in her early 30s and used a walker because she couldn't walk on her own. She would go to the hospital to find relief to manage the pain and heal her feet.

Due to her history with addictions, she wasn't getting the help she needed. They weren't properly medicating her to accommodate her pain. Because of that, she resorted to using drugs.... On one of her trips to Edmonton, her last trip, she connected with one of her friends from school, and she ended up buying crystal meth. That crystal meth killed her. She went into cardiac arrest seven times within half an hour, and then was, I think, dead on arrival at the hospital.⁹⁴

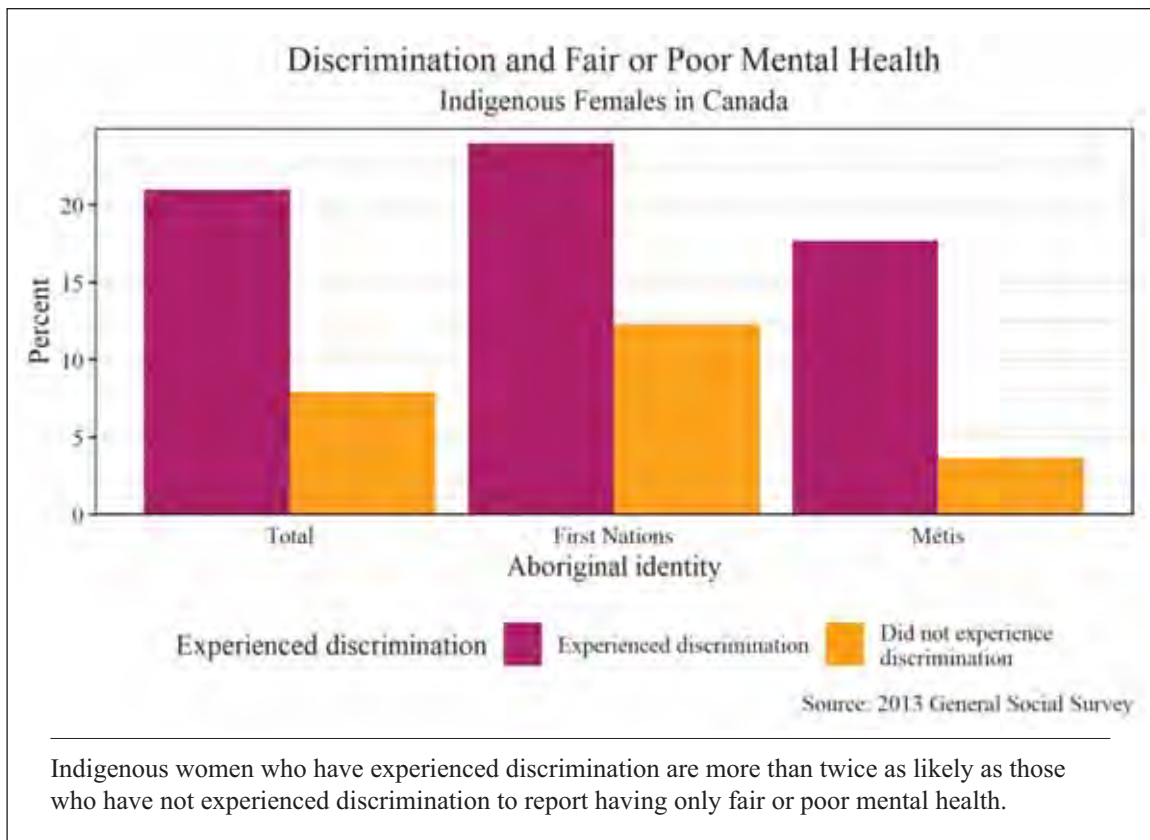
Jaylene herself had a similar experience in trying to secure proper medical care.

I was in the hospital at one point ... I was in so much pain, I couldn't handle it. I, as well, have a history with drug addictions. When I was asking the doctors to properly medicate me – as well, on my file the history with addictions is there – one of the doctors had told me that he is not going to give me anything just to get me high.⁹⁵

Jaylene links her sister's discriminatory experience within the system to the violence she experienced later on.



Due to my history with addictions and my sister's history with addictions, we were both discriminated against within the health care system. I was lucky enough to figure out what was going on and get the proper health care, and she wasn't. Because of that she passed away. If she wasn't discriminated against and they had helped her and didn't look at her as an addict, she may still be here today.⁹⁶

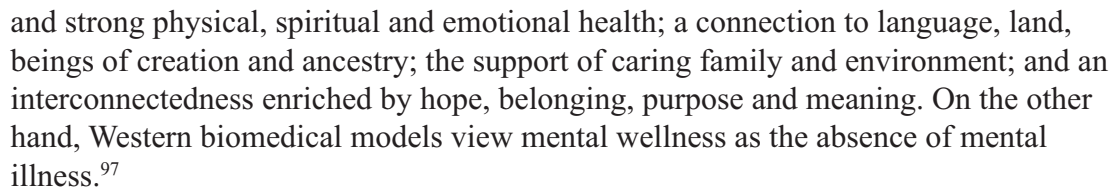


As these testimonies demonstrate, when the health care needs of Indigenous women, girls, and 2SLGBTQIA people are interpreted through a racist belief system that includes inaccurate stereotypes about Indigenous Peoples, their health is further compromised.

Reporting Gaps in Mental Health Services

When describing their encounters with providers of mental health services, some witnesses described similarly troubling experiences that often served to compound rather than minimize the mental health challenges they faced. As the First Nations Information Governance Centre's National Report explains,

Comparisons between mental health conditions in First Nations populations and in the general population are complicated by cultural differences in the understanding of mental wellness. First Nations cultures see a strong connection between mental wellness



So, you know, the cultures that gave us the prison camps that are called residential schools also gave us the talking cure, they also gave us psychiatry. So, it would be, kind of, surprising if there were not linkages, wouldn't it, between the discourse and the



concepts of the helping professions and the colonial practices past and present. The helping professions, the system of professions is part of the colonial project. Colonialism is written into the genetic code of the mental health industry.

As Wade goes on to explain, the dominant mental health care system is rooted in colonial values.

So, when you think about what is colonialism, what does it boil down to, what is the link between colonialism and the helping professions, this might be a way to explain it. You could say it consists of a ... message: you are deficient. Disordered, ill, heathen, Indigenous, queer, savage, non-white, female, poor, uneducated, suffering, drug addicted. You are deficient. There is something the matter with you.

The second part of the message is, I am proficient. Christian, European, male, white, closer to God, expert, mentally well, educated, elected, wealthy, secure. And we know that I am proficient because I am the one that gets to say that you are deficient. My proficiency requires your deficiency, therefore I have the right and duty to perform certain operations upon you, steal your land, destroy your culture, abduct and rape your children, diagnose, prescribe, educate, isolate, maim, and theorize all for your own good. So, I think that, kind of, distills the kind of colonial ethic or the colonial code of relationship.⁹⁸

In describing their encounters with mental health professionals, witnesses offered many examples that illustrate the power, hierarchy, racism, and limited notions of what constitutes expertise inherent in the “colonial code of relationship” Allan Wade describes.

“THERE IS AN EXPONENTIAL HUGE BREAKDOWN IN MENTAL HEALTH SERVICES. TRUST ME, I’VE LIVED IT. I’VE SEEN THERAPISTS THAT LOOK AT THEIR CLIENT AND – AND THE WORST OF IT, AT A CHILD, AND MAKE THEM FEEL SO BAD THAT THEY DON’T WANT TO TALK. AND MY THEORY IS IF YOU’RE NOT IN YOUR JOB TO DO YOUR JOB, IF YOU DON’T WANT TO WAKE UP AND DO WHAT YOU BELIEVE YOU’RE TRYING TO DO AND HELPING SOMEBODY, GET THE HELL OUT OF IT BECAUSE YOU’RE DOING MORE HARM THAN YOU ARE DOING GOOD.”

Vanessa B.

For example, Sharna S. described the patronizing and dismissive treatment she received from a helping professional within a mental health facility at a point when she was in need of support following a drug relapse. She described what happened when she returned to the mental health unit with instructions from the court.

I don’t even know if he was a nurse, but he was always on the unit ... [and he] wouldn’t let me back into the mental health unit. Because it says on it there’s some type of wording that says “if” or something like that. And he’s reading it and he’s being cocky. And he says, “It doesn’t say here that I have to let you back in here.”



And I said, “You're letting me back in here.” I said – he had my stuff all packed. He said, “Well, you didn't come back here last night.” I said, “I was removed here by the police last night...”

[The worker] wouldn't let me in. Hands me all of my stuff in a white plastic bag and says, “We have already given your room to somebody else.”

In response, Sharna, by her own description, “became desperate,” taking all of the medication she could find and admitting herself to the hospital for an overdose so that she could get back in.⁹⁹

Paula P. described a similar experience in which the negligent mental health treatment she received created further health problems and deepened rather than alleviated her suffering. Paula reported that, at one point, she went for counselling for help dealing with her sexual abuse. After six months, the counsellor told her that everything Paula had told her in the beginning was true. She said, “Now I'm going to begin helping you.” Paula felt “psychologically raped” because she hadn't been believed and the counsellor had to investigate everything before she would help her. Paula was still a teenager at that time. As she explained, she gave up, stopped reporting rapes, and quit standing up for herself.¹⁰⁰

Paula's experience reflects the particular challenges Indigenous women, girls, and 2SLGBTQQIA survivors of violence may encounter when seeking mental health support, and the way in which the “colonial code of relationship” described by Allan Wade plays out in the specific context of counselling for those who have experienced interpersonal violence. As Wade explained:

We have developed all kinds of models in the interpersonal violence field that continue to blame victims, particularly women, and that hide the nature of violence. A good example is the so-called cycle theory of violence.... The three-part cycle, there is, like, an explosion, honeymoon phase, tension building. You will notice in this model there is no social context, there is no reference to culture, we do not know where the people are. And, why – if the man has been committing violence, why do we have the women sitting in the middle?

You will see this over and over again. What happens is instead of focusing on the violence by the man, we focus on the brain, body of the woman. We have been inside the minds of women for 125 years, trying to change the behaviour of men. It has never worked. It cannot work. It will not work.¹⁰¹

Vanessa B., speaking for her sister, who was murdered, leaving behind five children, also identified significant problems in mental health services.



There is an exponential huge breakdown in mental health services. Trust me, I've lived it. I've seen therapists that look at their client and – and the worst of it, at a child, and make them feel so bad that they don't want to talk. And my theory is if you're not in your job to do your job, if you don't want to wake up and do what you believe you're trying to do and helping somebody, get the hell out of it because you're doing more harm than you are doing good. And I believe that if our workers are – are getting so overworked both in the social services and the mental health aspect of – of the jobs, then you need [a] break because you're not – you're no longer helping. And it's the same thing I found with Tanya. She didn't – she could have used these services and she could have had these services, but if she felt at some point that she wasn't getting what she needed, you're not really helping her, are you? So ... there we go. We have failure right there.¹⁰²

In addition to the challenges many Indigenous women, girls, 2SLGBTQQIA people and their families face in terms of accessing unbiased and culturally appropriate mental health services, many witnesses also talked about the difficulties of accessing any mental health services due to long wait-lists and a lack of options. As Adrienne B. noted, in an urban context:

You know, if I was to access these resources in Edmonton, there's a two-month wait to see a mental health worker. I booked an appointment with a psychiatrist because I knew what I was feeling was coming up. I started getting, you know, triggers, flashbacks. That appointment was rebooked for next month. Like a lot of these resources here need to be put in place to help the parents and relatives who are dealing with missing and murdered women.¹⁰³

“SO WHEN THE AMBULANCE CAME, AND THIS IS WHAT MY MOM TOLD ME, WHEN THE AMBULANCE CAME SHE WAS ON THE GROUND AND IN EXCRUCIATING PAIN. AND SHE THOUGHT THEY WERE TREATING HER AS THOUGH SHE HAD FALLEN OVER BECAUSE SHE WAS DRUNK. AND THEY PICKED HER UP – AND SHE WAS A FAIRLY HEAVYSET WOMAN – THEY PICKED HER UP AND PUT HER ON HER FEET, AND SHE FELL AGAIN, BECAUSE SHE HAD A BROKEN HIP IN THE BEATING. AND THEY LAUGHED AT HER. AND THEY PICKED HER UP AGAIN. SHE SAID, “I CAN’T. IT HURTS. MY HIP HURTS.” AND WHEN SHE FELL AGAIN THEN THEY THOUGHT MAYBE THERE WAS SOMETHING ELSE WRONG, SO THEY – I GUESS THEY PUT HER ON A STRETCHER AND THEY TOOK HER AWAY TO THE HOSPITAL.”

Dianna B.

Lorna B. spoke of a particular case in one centre in British Columbia where services are severely limited.

I work at Canada's First Nations Radio and we service 42 communities throughout the northwest, so we're talking from Haida Gwaii, Terrace, Kitimat, Prince Rupert. Those are the bigger centres so we have a lot of people that come in from those communities.



And there's – that is not enough people to be helping that many First Nations people, 42 communities that are surrounding the northwest. One counsellor? That's absurd.¹⁰⁴

As each of these examples demonstrate, the knowledge and wisdom held by Indigenous women and girls themselves as to what they need to support their mental health and well-being are ignored, minimized, or dismissed by those to whom they have reached out to help. For Wade, these types of attitudes and responses are a reflection of how what he refers to as the “colonial code of relationship” is embedded within the training and language many people working in the mental health field receive. Wade shared some of the instructions offered to psychiatrists about conducting a clinical interview.

Show expertise. Empathy goes a long way, but empathy is not enough. Convince him you are an expert. Use three techniques to convince him that you understand his disorder. Make him understand that he is not alone. Communicate to him that you are familiar with his illness. Show knowledge. And, third, deal with his distrust – mistrust. This expertise sets you above well-meaning family and friends, it distinguishes you as a professional.

As Wade asked, “Does that sound colonial at all?”¹⁰⁵

Seeking Health and Safety through Emergency Service Providers and Police

In describing institutional responses to Indigenous women's, girls', and 2SLBTQQIA people's health care needs, witnesses offered examples that demonstrated that racist, dismissive, or otherwise inadequate responses to their needs occurred not only in health care facilities, such as hospitals, but also extended to those times when, after experiencing violence, they reached out for emergency health care to the police or other emergency responders.

For example, Dianna B. and others shared disturbing stories about how the health care needs of their loved ones or themselves were minimized when those needs were a result of violence. As Dianna explained, in relation to the death of her nearly 80-year-old mother, who was severely beaten:

So when the ambulance came, and this is what my mom told me, when the ambulance came she was on the ground and in excruciating pain. And she thought they were treating her as though she had fallen over because she was drunk.

And they picked her up – and she was a fairly heavyset woman – they picked her up and put her on her feet, and she fell again, because she had a broken hip in the beating. And they laughed at her. And they picked her up again. She said, “I can't. It hurts. My hip hurts.” And when she fell again then they thought maybe there was something else wrong, so they – I guess they put her on a stretcher and they took her away to the hospital.¹⁰⁶



When police came to investigate the crime, Dianna said, similarly dismissive treatment occurred. Although the police came to see her mother, they never took a statement. When Dianna called to ask why, they told her that they couldn't get one: police said they couldn't get a statement because she was so "out of it." As Dianna said:

I don't know. But she was on pretty strong medication, but I know I would – I was able to visit with her. I was able to talk to her. She was able to give me a statement. She was able to give my husband a description of what happened. So she was coherent and she was able to speak to people. So I don't know how much they really tried.¹⁰⁷

In her testimony, Robin R. described how, after finding her two-year old daughter badly beaten by her partner, she called an ambulance. However, as Robin described, when the emergency responders arrived, they refused to take her daughter to the hospital until she found her daughter's health card.

[The] ambulance came into my house and they checked my daughter's vitals. They went to get a stretcher and they asked for her care card. I didn't know the number of her care card off the top of my head and we didn't have a family doctor. But the ambulance insisted that they needed the care card before they drove her to the hospital. And it was like, they refused to leave my house unless I had her care card to go to the hospital.

So I went into every drawer in my house and I ripped everything else out of the drawers. I ripped everything off the shelves. I ripped everything open. I was panicked. I was scared. And my house was in disarray after. I ripped apart my house looking for the damn care card because the ambulance said they wouldn't leave unless they had that number.¹⁰⁸

Robin's daughter later died of her injuries. In addition, detectives interpreted the disarray caused by her looking for the care card as her house being "strewn with garbage" – a characterization that Robin believes contributed to her losing custody of her other child.¹⁰⁹

Cecil J., whose mother died when he was very young, remembered a similar problem with police attitudes and the failure to provide proper care.

The circumstances, she was out, basically walking down the street and got into an altercation with the women. The officers apparently thought she was drunk, but she wasn't. And, I guess this must be prior to ... there being a drunk tank. So, they took her home. They said, "Oh, she's drunk." But she wasn't. She had a brain injury. They took her home, she fell asleep, and basically didn't wake up.¹¹⁰

Stephanie H., whose mother was murdered, recalled what happened when her mother was found at the bottom of a set of stairs with blunt-force trauma to the head. Her mother was taken to a hospital and two police officers came to visit her later on. As she remembered:



And then there were two officers in the kitchen just, kind of, off to the side, and I heard one whisper to the other ... under their breaths, “Another drunken Indian just fell down the stairs.” And I, like, all the colour and all everything just left me – my – my blood. Everything left me. I didn’t want to react because I was scared I wouldn’t get help. This made it so much harder because, oh my god, do I have a chance? Does my mother have a chance? Just – does she have a chance here? I don’t even know if she has a chance. I – I was so outraged. I was so hurt. I was – I was disgusted. I was in mourning, and that ripped my heart out.¹¹¹

In her testimony, Sharna S. explained how the fact that she was receiving care in a mental health unit wasn’t enough to protect her from harassment from the police.

I managed to get back in the hospital before the cop came. I get back into the mental health unit, which is all, you know, like, you have to be buzzed in and stuff. That night two cops showed up at the hospital demanding that the mental health nurses, that they have – they’re going to remove me.... And I said, “I’m not leaving.” Because actually my psychiatrist – because I had a fear of the police, so he wrote in my records on every page under no circumstance is Sharna to be released to – in the police custody unless there’s a warrant, unless there’s something he can’t override. Well, they didn’t have a warrant. They wouldn’t let them in at first into the unit. Then they threatened the nurses with obstruction and a bunch of other stuff. So the one nurse finally caved, buzzed them in.... They threw me in a police cell for the night. They laughed at me; they thought it was funny. Well, the one cop laughed at me; the other guy didn’t laugh so much.¹¹²

As these situations shared by witnesses demonstrate, health care professionals and emergency responders fail in their responsibility to provide adequate health care services to Indigenous women and girls at some of the most vulnerable and dangerous moments in their lives. In failing to recognize the transformative potential that exists in these opportunities to promote health, to restore relationship, and to find a way forward that protects the right to health and safety held by all Indigenous people, these individuals and the systems in which they work serve to reinforce rather than challenge the racist, sexist, and discriminatory foundation that structures and defines so many of the experiences that Indigenous women, girls, and 2SLGBTQIA people have with the health care system.



DEEPER DIVE

Issues Specific to Inuit and Remote Communities

Throughout the Truth-Gathering Process, the National Inquiry collected truths from Inuit, as well as from other First Nations and Métis people living in remote and northern communities. While the truths these witnesses shared held similarities with those shared by Indigenous Peoples across the country, there were also aspects of these truths that spoke to the cultural, historical, and geographical realities distinct to Inuit and to living in remote and northern locations. In this Deeper Dive, we take a closer look at what witnesses shared with the Inquiry about their unique experiences as Inuit who are living with, or who have been impacted by, violence. We also look at testimony that speaks to some of the challenges connected to life in remote and northern communities and the way these geographical realities shape issues related to violence.

While it is impossible to provide a detailed discussion of the rich and nuanced culture of Inuit here, one of the key features of that cultural life that Inuit families, Elders, and Knowledge Keepers spoke about as central to the nurturing of relationships that protect Inuit women and girls from violence is *ilagiinniq*, or “being family.” As these witnesses emphasized, it is crucial to have an understanding of the way Inuit conceive of *ilagiinniq* and, with it, the kinship relations and how these help in forging the identity of the Inuk individual. *Tursurautiniq* is the Inuit term to describe kinship relationships of kin and individuals that exist by the name they share with someone. In *The Inuit Way: A Guide to Inuit Culture*, Pauktutit Inuit Women of Canada described the importance of kinship bonds: “These bonds ensured that virtually all the people in the camp were related to each other in some way. Combined with an intricate system of reciprocal obligations and responsibilities, the community was tightly knit and interdependent.”^A

In the “Parnasimautik Consultation Report” – a report that was prepared by Inuit organizations of Nunavik

after listening to Inuit in Nunavik on their views about a northern economic strategy in Quebec – *ilagiinniq* was considered a top priority. In summary, the greatest concern about *ilagiinniq* was the risk of losing *tursurautiniq*, the use of kinship terms so important to Inuit families in keeping bonds together and, thus, the community thriving.^B

Many who came to share their truth with the National Inquiry did so with the intent of talking about a missing or murdered loved one. In doing so, however, the stories of violence they ended up sharing revealed a much longer and multi-layered account of the context in which that violence took place. As many witnesses who spoke about missing and murdered Inuit women and girls made clear, the violence that took the life of their loved one was in many ways another iteration of a long history of colonial violence directed against Inuit. For many witnesses, the starting point of any explanation or understanding of the violence that took the lives of their loved ones are those influences that contributed to the weakening of *ilagiinniq* and *tursurautiniq*.

Disruption of a Way of Life

As witnesses explained, it was this destruction of *ilagiinniq* and *tursurautiniq* through residential and day schools, hostels, forced resettlement, medical relocation, and, more recently, child welfare apprehensions that has contributed in such damaging ways to the health, safety, and well-being of all Inuit, and Inuit women and girls in particular. Here, we take a closer look at some of the stories Inuit witnesses shared with the National Inquiry related to their experiences of residential and day schools, resettlement and relocation, and interactions with child welfare, and the impacts of these experiences on multiple generations of Inuit, as well as on Inuit culture, family, and kinship systems.



Residential Schools, Day Schools, and Hostels

As we discussed in more detail in Chapter 4, the history of the residential and day school and hostel systems in relation to Inuit families and communities begins more recently than for First Nations and Métis living in more southern locations. Nonetheless, the operation of residential and day schools and hostels throughout the 1950s, 1960s, and 1970s meant that Inuit children, like First Nations and Métis children elsewhere, were forced to attend schools at often great distances from their families and traditional land. For instance, while approximately 15% of Inuit children attended the schools in 1955, by June 1964, 75% of Inuit school-aged children were enrolled in these schools.^C The structure of these schools varied, and they were referred to variously as “missions,” “hostels,” and “boarding schools.” However, they were ultimately the same as residential schools in the South in terms of the manner in which they served to separate children and youth from their families. As anthropologist Marie-Pierre Gadoua explains:

Most of the ... [schools] were considered “federal day schools” by [the Department of] Northern Affairs. The Inuit children stayed in nearby small or large hostels that could accommodate eight to a hundred children. Although the federal government did not use the term “residential school,” the children who attended these institutions and lived in the hostels, far away from their original homes, were considered residential school students.^D

As we heard from Inuit witnesses and survivors or relatives of survivors, the residential school system continues to have widespread impacts on *ilagiiniq* and *tursurautiniq*. Pauktuutit Inuit Women of Canada outlines that these impacts include the erosion of Inuit language, culture, and spiritual beliefs, and the disruption of cultural continuity or the passing on of traditional knowledge, practical skills, and cultural values from one generation to the next. In particular:

Traditional Inuit skills includ[ing] hunting, meat and pelt preparation, sewing, building igloos and navigating the land and water [have been threatened]. The rich tradition of oral storytelling, music, dance and craft and a respect for the

environment that were an integral part of Inuit knowledge and way of life was eroded as a result of the Residential School experience.^E

In sharing their truths with the National Inquiry, witnesses such as Elder Elisapi Davidee Aningmiuq – an Inuk Elder from the South Baffin region with a lifetime of experience working for cultural and community well-being programs in Iqaluit – talked about the devastating and long-lasting impact of the residential school system on cultural identity and family. She described the resentment and anger she felt as a result of her experiences as a student in federal day schools, and how she inadvertently projected this anger on to her children when she was a young adult. Of her time in the day school, she said:

And, growing up these are the things that we first experienced, putting us down as Inuit, because we were speaking only Inuktitut. And, it was feeling of that we were not normal, or that we were treated maybe, if we had a sign, it was like not good enough sign on your chest. I never thought of it when I was a very young girl, but at the older age I’ve experienced those feelings.^F

The result, she maintained, is inter- and multi-generational for Inuit, as well: “What I see and what we know, is that there is a lot of [low self-] esteem. Really, people who don’t know their Inuit identity, who don’t know their Inuit background.”^G Elder Elisapi spoke about how her attendance at residential school impacted her choices about what language to teach her children.

When I start having children, my children were not allowed to speak English at home. If they did I would scold them. The tears are because I’m sorry to my children. I’m sorry that I scolded my children in a very unhealthy way. I didn’t know where that was coming from. You know, I would say, don’t speak in English. And it wasn’t just friendly words, it was like scolding words to them. I didn’t know where that was coming from, like I said, until so many years later. It was that coming from, you know, the schooling, it was me revenging. It was me going against those that were telling me not to speak my language. It was me that was angry. It was stuff that was coming out from the deepest part of me, from the deepest part of me that was damaged.^H



Group Relocations, Medical Relocations, and Distinctive Inuit Realities

In addition to the impact of the residential and day school system on family, kinship, and culture, group relocations, such as the 1953 High Arctic relocation, as well as medical relocations, were identified by witnesses as an important part of the context within which violence became more prevalent.

In Chapter 4, we provided a more in-depth consideration of government-led relocations of Inuit families between 1940 and 1970 from their traditional land and territories. As we discussed, these relocations occurred without proper planning or information and led to significant distress for those affected. They also increased the disruptions to family, culture, and tradition, all of which were deeply interwoven with their environment. For example, when Canadian government officials, together with the Royal Canadian Armed Forces (RCAF), moved seven Inuit families from Inukjuak Nunavik to Ellesmere Island in 1953, these Inuit families were not informed that they would be brought to three different spots. Only after some time had passed during their travel by boat were they told that they would be separated, and this caused distress among the families who had fully expected to remain together in their move to Ellesmere. According to the 1994 *Report on the 1953–55 High Arctic Relocation of the Royal Commission on Aboriginal Peoples*, not only was their relocation coerced, but the families were also forced to separate. Having considered what the relocated Inuit recounted about their experiences many years later, the Royal Commission found that their separation – clearly a forced separation – had been a painful and distressing experience for them. Over the years, these Inuit families struggled to adapt to a totally new environment, and the neglect of the government and inability to visit family in Inukjuak made their life extremely difficult.¹

Due to their relatively recent past with relocations, many Inuit witnesses talked about the struggle to restore familial and kinship bonds as a way to improve safety for Inuit women and girls. In her testimony, Laura M. talked about how forced relocations and the transition from a nomadic,

traditional lifestyle to centralized communities had safety and security implications, particularly through the introduction of drugs and alcohol.

When the communities came and the style to offer a wage and a free shack to live in was offered.... Many opportunities came and the colonial lifestyle provided an advanced and easier way of living where the family could support themselves with the wage economy. All this type of living included the drugs, alcohol, and lots of sexual promiscuity that was rampant with the little Hudson Bay Liquor Store. This was the many problems that added to the dysfunction of a family home.²

As Hagar Idlout-Sudlovenick, director of social development for Qikiqtani Inuit Association, explained:

After the relocation they felt a sense of loss, of ... their kinship to the land, or where they belong or they belong certain areas of the land. And being removed from the area that is known to them, like hunting grounds, the place where the ... families, where [*ilagiit*] would normally have Inuk camps or hunting grounds, it would be like seasonal, they would move from one area to another. So by being relocated to the area sometimes really faraway places, they felt the sense of loss because they were not familiar with those areas, or they had to get to know the new hunting areas. And sometimes there's different game that were – that they were used to, now, with being relocated to different areas, they had to change their hunting strategy based on the games that were available to that area. So they had to relearn some of these hunting practices because they were in unfamiliar areas. I think that was the impact that had on those families that were relocated. And it had long-lasting effect on the members and including their families.³

In addition, Hagar Idlout-Sudlovenick said that, after relocation, people didn't get access to the services and to the help they were promised. She explained how this history and its impact on family and kinship became the starting point for social and economic conditions that allow for violence against Inuit women and girls.



They were told that they would have a job, they would be provided with housing and very low rent, and that the government will be assisting them for everyday life necessities. And, some of them were told if you move to the community, you will have a house with everything in it. So, if you leave your thing, it's okay. You can leave your things out in the camp, because they believed what they were told. When they moved to the community, there were no houses ... once they got into the community, they didn't have anything to do, just waiting around as to what the RCMP or the government wants them to do. They were just waiting for them to be told. And, this is where the life started changing.^L

In addition to the stories of these relocations, Inuit witnesses also shared their experiences of the impact of medical relocations through which individuals were sent to southern locations to receive medical care for tuberculosis (TB), often with very little understanding or information about where they were going or for how long. Elder Elisapi Davidee Aningmiqu talked about the impact of medical relocations, and how the forced separation of children from their families resulted in emotional trauma for Inuit and alienation from their families because of the length and distance of separation.

When you don't have that bond anymore with parents or family, then you can be seen as an outcast. I guess in your culture you would say black sheep of the family.... So, in the times where people were being sent out for TB, and probably residential schools too, you know, that bond that should have been there was lost. And, I can give one example. A friend who said when a child was crying, she just watched her because she didn't know what to do. She said she never had any hugs, so she didn't know that she could have hugged that child.^M

In addition, for Inuit relocated to the South for years at a time, the impacts on patients and families were devastating. As Micah A. told the National Inquiry, her mother, who died in a southern sanatorium, was never found.^N She explained:

They never informed us, only when the ships came up, we got that information. It was a while before we were informed of her death. And I haven't seen Martha [T.]'s [her grandmother's] grave; I never seen her. Only my mother used to tell stories about her. When my mother was alive, she wanted us to find her body, and I found it. However, it's in Winnipeg, and they were moved to Moose Jaw; from Moose Jaw and buried in Winnipeg on Indian land. And we've heard different stories. I haven't seen the gravesite myself.^O

In her testimony, Annie B. described being taken from her community of Pangnirtung at age four or five and being transported to a hospital in Toronto for treatment for TB without any understanding of why she was being moved and without the accompaniment of her parents or anyone she knew. She stated, "No, my parents were not there at all. Not even my mother. I can't remember anything of how I leave my camp. But all I remember is the two men came to pick me up.... My parents were too far away to be down there [in Toronto]. No. No family members. Nothing."^P Instead of returning to Pangnirtung, however, Annie was moved to a residential school where she experienced abuse. As she put it, "There was so much abuse. We were so abused. And I totally forgot who I was."^Q When Annie was eventually returned to her family, she learned that they had believed that she was no longer alive because of the lack of any communication with them about Annie's whereabouts.

Elder Abraham Arnakak took some time to explain how the relocation of Inuit groups led to a rise in violence against Inuit women, specifically because it led to a breakdown of family.

After [being relocated], after our lives started to go down, because Pangnirtung had some things, and there were was some gambling, and when we started to go into these communities, we started to turn back from our relatives, and we started mistreating our spouses. So, we started to break our family unit because of moving into these communities. That's how broken we were, and that's what I'm telling you.^R



For some, the trauma of breaking families apart continues in new and modern relocations. Amy Hudson, manager of Research, Education and Culture for the NunatuKavut Community Council, told the National Inquiry that the coerced relocation of Inuit communities continues into the present day, with a community's being relocated the previous fall. As she explained:

The government in our province promised that they would not do that to Indigenous people anymore, that they wouldn't forcibly remove people from their homes because they recognize the connection between Indigenous people and the land and their ancestors, and that tie, and how that's integral for their health and well-being, and for not perpetuating those same colonial injustices.

To accomplish relocating the community, Hudson said, the government began to eliminate

significant and necessary services ... whether that be school, or health, housing, whatever the case may be, and bit-by-bit, once all these resources are gone, families can't live there anymore, or families are broken up and torn apart because someone has to go away to go to school, or someone is sick and has to stay away for health care reasons.⁵

Some witnesses spoke about how the necessity to leave the community to access health and social services means that individuals are forced to relocate in ways that continue to compromise family relationships and well-being. In her testimony, Sarah B. shared a story describing how she had to travel to Montréal to care for her son, who was dying of leukemia, but because of a lack of other resources was forced to leave her other children behind. It was while she was away that one of her daughters was murdered.

I took my child to hospital and left my daughters at home. I was supposed to leave the same day that I was notified, to leave for hospital. I was there for a long time and I was unable to leave my child.

Once I was told by the doctor to take my child to hospital out of my community, I cried when I heard. I didn't think it would be of any use. It was only in the evening that I became able to cry. Not to anyone else, but I was unable to leave Montreal Hospital when I heard; it was strange to not be able to go home.

In the morning, in the early morning, I was summoned; I was told that a social worker wished to see me. It was then I would be told [that her daughter had been murdered], as it turned out. I couldn't cry. Mary Ann was so important to me and I couldn't accept that she was gone.... I was sad that I had to leave my two girls behind to be in the hospital with my son, with the youngest child in my family. I had no choice in the matter.⁷

Inuit and Child Welfare

In describing recent and contemporary experiences with child welfare, witnesses shared accounts of the ways this system, and the removal of Inuit children and youth from their families and communities, continues the breakdown of culture, kinship, and family, with far-reaching impacts. For instance, many Inuit families whose children are under child welfare services outside of Inuit Nunangat deal with the same feelings of isolation and the loss of connection to culture and family as described by those speaking about residential school attendance or forced relocations and resettlement. Nonetheless, despite the known hardships associated with familial separation and breakdown, systemic responses continue to look to relocation as a solution to a lack of services and resources rather than working to meet those needs in the community. As Tom Sheldon, Inuit Tapiriit Kanatami's (ITK) director of policy advancement, stated: "If a youth is not able to access those services in their community, they're often sent out of community and even out of region.... But there's very limited information on how many Inuit children and youth are in care, and where they're in care. We need better access to those numbers."⁸ Even in situations where family- or community-based solutions exist that could keep a child in the community, witnesses described instances of these being overlooked.



Within Inuit communities, the crisis of child welfare is exacerbated by distance and the way in which Inuit children and youth are often sent south to encounter a completely different way of life. The mistrust of many Inuit for the *qallunaat*, or “white people’s” systems and laws is also heightened by the relatively recent experiences of relocation and colonization in the North. Harriet (Rutie) and her husband Johannes L. of Nain, Labrador, spoke to this, in memory of their daughter Kimberley J., who was murdered by her boyfriend at age 20. Johannes shared about how families in Inuit communities are under threat.

And then there are, like, certain families who live in poverty, who don’t have the means to support their children and grandchildren and do not have enough money to support their families. And this is because the education system has taken children away from their Inuit families as if education – the education system has become more responsible for the children, for the education of the children, so that responsibility has been taken away from Inuit; so our culture, our language is no longer being taught to our Inuit children and grandchildren. Our Inuit way of being – is being used less and so our way of life has been diminished. There are youth who have forgotten whether they are Inuit. They ask, “Am I Inuit or am I not?”^{vi}

In their testimony, Gordon and Silpa O. described how the separation of children and breakdown of family through government intervention create unforeseen repercussions for Inuit parents, and in particular for the safety and well-being of women. In Nain, northern Labrador, Gordon and Silpa O. tragically lost their daughter-in-law, Katie. Their son, her husband, had died previously from tuberculosis. They had four children who were already under the care of child welfare services before the parents died and the children were fostered by non-Inuit away from their hometown. In talking about the impact child welfare services had on the children, Gordon O. explained:

I had [written] a letter ... to the minister of Health and Social Development of Nunatsiavut Government ... of what happened and how we tried to intervene as a family ... knowing that my

son and his wife had – had problems at the time. There we sort of tried to ask for help to – for them to intervene and see if they can prevent – help prevent from our grandsons being taken out of town, but we did not hear back from them. Eventually they were ... permanent care children. ... My son and his wife were called to court, and we were there to listen to their hearing.... Our son and his wife – we were asked to speak, and I did speak. What we had to say or wanted to say did not seem to have an impact whatsoever. The lawyer for the Child, Youth, and Family services was the only person who spoke with authority.^{vii}

The loss of their children and the lack of control or say over how long they could have visitation rights impacted children, parents, and grandparents. That the children were being fostered outside of their community made it particularly hard for Katie after her husband and the children’s father had died. Gordon explained that he felt it important that children be reconnected to their parent, especially when a parent was mourning, and that it is best when they grow up at home. For Katie, this separation from her children was very difficult; she missed her children, and she was grieving and lonely. Already alienated, she isolated herself even further from her in-laws. Those encounters in her life made her particularly vulnerable during that time.

Contemporary Social and Economic Contexts

The impact of colonial policies and practices on Inuit family and kinship systems, as well as on Inuit connection to the land and traditional practices, extends beyond the emotional well-being of Inuit families and communities to also hold significant social, economic, and health consequences. Despite the strength and resilience of Inuit families and communities, the barriers many face in meeting basic needs for housing, food, and health are significant. As witnesses and research demonstrate, many of these barriers to adequate social and economic infrastructure contribute to conditions that increase the likelihood of violence and other threats to health and well-being.



Housing

As with First Nations and Métis people living elsewhere in Canada, Inuit face significant challenges in accessing safe and affordable housing. In the case of Inuit and those living in northern communities, some of these common challenges are exacerbated by the small size and remoteness of communities. According to the most recently available data from Inuit Tapiriit Kanatami (ITK), 52% of Inuit in Inuit Nunangat live in crowded homes. This is a vast difference from the only 9% of all Canadians who live in such conditions. In addition, almost one-third of Inuit live in homes that need major repair, while only 6% of non-Indigenous people in Canada do.^x The challenge of undertaking repairs is complicated by the cost of, and access to, materials in remote locations. Given these numbers, it is not surprising that organizations like ITK believe that the housing situation for Inuit in northern and remote communities has reached a “crisis” level.^y As many witnesses throughout the Inquiry described, overcrowded, unsafe, and unaffordable housing is often the catalyst for further problems. Inuit Tapiriit Kanatami reports that overcrowded housing is “associated with high rates of communicable disease (such as tuberculosis), stressors that can lead to friction and violence between family members, poor conditions in which children must learn and study, and other challenges.”^z

In addition, and as some witnesses shared, there are restrictions on housing as it is built or exists in many communities. For one, culturally inappropriate architecture, as manifested in the absence of communal spaces required for traditional transmission of language and culture, or single-family dwellings not built to accommodate multiple generations, can generate increased hardship. As well, and as one witness shared, the restrictions on the use of housing in Nunatsiavut, for instance, according to the housing authority, mean that some women who rely on selling crafts are not allowed to make them in their home. As Kim C.-M. explained,

They are not allowed to make a pair of slippers to sell to their neighbour to make that money to go to the store to feed their children. That has been very impactful.... As we know, many of our

women are still very much traditional craft-makers, and for many of our women, that is their only source of income, and for that stipulation to be put on our women, that causes more economic hardships for families.^{aa}

As Tim Argetsinger, executive political advisor with Inuit Tapiriit Kanatami, explained, poor or inadequate housing conditions create additional opportunities for, and vulnerability to, violence and other threats to safety.

Since we’ve been talking about housing, safety and security ... is linked to things like ... the stress that is often more prevalent in households that are crowded, in the ability of people who are experiencing violence to leave and to seek alternative housing, whether that’s in their community or elsewhere. It’s in part what anecdotally we know is safety and security is a pressure that people talk about when they talk about the reasons why they may have relocated to an urban centre, to seek safety and security elsewhere, which in some cases may ... contribute to them becoming more vulnerable and facing other challenges.^{bb}

Food Insecurity

In addition to housing, many Inuit face challenges in ensuring they have adequate food. Recent data from the Inuit Statistical Profile shows that food insecurity is a major concern across Inuit Nunangat: in Nunatsiavut, 44% of households are food insecure; in the Inuvialuit Settlement Region, 46% are food insecure; and in Nunavut, 70% of households are food insecure. These numbers are a stark contrast to the 8% of households in Canada that struggle to have adequate food.^{cc} Again, the causes of food insecurity in remote and northern communities are connected to the remoteness of the communities combined with the ongoing impact of colonial practices that have disrupted traditional ways of gathering food. These causes include, as the Inuit Statistical Profile indicates, the “high cost of food in Inuit communities, poverty, cost of supplies required for harvesting food, and the decline in some animal species such as caribou.”^{dd}



In the same way that inadequate housing creates further challenges, so, too, is food insecurity a catalyst for other health-related problems. Food insecurity is connected to poorer physical and mental health; cognitive, academic, and psychosocial development delays in children; and disruptions in cultural continuity and cultural well-being connected to practices of harvesting and consuming country foods, such as seal, whale, and fish.^{EE} Kim C.-M., the executive director of the AnānauKatiget Tumingit Regional Inuit Women's Association of Nunatsiavut, talked about the fears she carries related to this move away from traditional hunting and gathering practices and the importance of these practices to the health and well-being of her community.

So my fear is that this generation will not have any of the knowledge of what my generation had because we are on a caribou-hunting ban. We can no longer hunt our caribou. Our salmon is in jeopardy due to methylmercury concerns. Our seals are in jeopardy due to methylmercury concerns, and we know that development takes away from the natural habitat of our animals and sometimes their breeding grounds, and I'm fearful, I really am, that the more Labrador gets exploited, the more our culture will diminish, and that's a fact.... Many of us here are [afraid], and that would be a very sad day for me.^{FF}

For many Inuit, the challenge of securing housing and food is made more difficult by poverty resulting from low-paying employment and barriers to education. For example, the median income of Inuit living in Inuit Nunangat in 2015 revealed an almost \$70,000 difference between Inuit (\$24,485) and non-Indigenous people living in the region (\$92,011). For many Inuit families, low income creates challenges unique to the geography of the region where basic necessities, such as food, clothing, and hunting and fishing supplies, are more expensive.^{GG}

As Laura M. described, in speaking about her aunt Betsy, who was murdered, poverty remains a significant barrier for women who may want to leave their community to seek out new opportunities or who need to leave their community in order to escape violence.

Women such as Betsy never was given the opportunity to have a better life. Those opportunities came to those who may have had family in higher levels of government or who hold high levels of office or maybe people who have good paying jobs. You have no chance of escaping. If you don't have the means or family relations to climb the success ladder. Very few are fortunate to climb but do with a lot of barriers, you know, such as the glass ceiling. I'm sure you guys all understand that.^{HH}

The Cumulative Effects of Marginalization Among Inuit

In understanding the cumulative effect of these social and economic factors on the physical and mental health and wellness of Inuit, it is important to approach health and wellness as a holistic concept – one that “encompass[es] every area of life ... and is grounded in expectations to contribute, share, care, belong, live well, be respectful and celebrate life.”^{II} Of particular concern are the high rates of tuberculosis compared with rates in other people in Canada. Inuit Tapiriit Kanatami reports that “the average rate of active TB among Inuit Nunangat was over 300 times the rate for Canadian-born non-Indigenous population.”^{JJ} This reality is rooted in the economic marginalization of Inuit that creates inadequate housing, food insecurity, and poverty, as well as in the ongoing legacy of past government-led responses to TB and the ongoing lack of effective approaches – an issue that will, we hope, be addressed by the government of Canada's commitment to the elimination of TB across Inuit Nunangat by 2030.^{KK}

Another health issue closely connected to the socio-economic conditions and multigenerational traumatic impacts of colonial violence is suicide: as ITK reports, “the four Inuit regions in Canada have rates of suicide that range from five to 25 times the rate of suicide for Canada as a whole.”^{LL} Inuit Elders again return to the loss of culture and connection to the land as a contributing factor to the mental health struggles facing Inuit youth. Kim C.-M. observed:



Well, that's our identity. That makes us who we are. Youth need to [know] their culture, and they need to be able to embrace it, and they need to be able to embrace all aspects of their culture, and when we talk about traditional food sources, you know, if young people can no longer do those things that we have done, and we cannot teach them what we have been taught and to pass it on as we are obligated to do as human beings on this earth, what will be left of our children? Where will they be without their connection to the land and to our animals and to the cultural practices that comes along with that? Culture's everything.^{MM}

When Services Don't Exist: Isolation in Remote or Northern Communities

The physical, mental, emotional, and spiritual health challenges facing Inuit in Inuit Nunangat and other Indigenous people living in remote and northern communities are compounded by a lack of resources and supports to address these concerns. For instance, not only is mental health counselling not available, but there is also a lack of treatment centres for Inuit in Inuit Nunangat. For someone wishing to receive treatment for alcohol or drug abuse, one must leave home and family to go to a treatment centre in an urban area. For a mother with young children, for example, this is nearly impossible unless she has the full support of her family. Addictions services are also identified by Inuit, particularly in remote communities, as being of high priority.^{NN}

On the question of prevention and the type of support needed in a community, Benigna A. shared the following:

In Nain, I have to say that there are services – like you know, there's never enough, but we do have a shelter, but the counsellors and stuff – like I said, they're always outsiders. They come to Nain, they stay maybe six months and then they're gone again. And then by that time the people who have been seeing them are opening ... their can of worms ... and then nobody's there to help them after they've already opened up their wounds. They're left hanging till the next counsellor comes maybe a year later.^{OO}

The transient nature of much of the workforce in the helping professions – such as police, nurses, counsellors, and teachers – creates significant challenges related to the quality of care and the continuity of care and services. In particular, when helping professionals, such as the counsellors Benigna described, are present in the community only for limited periods of time, it becomes difficult for community members to build safe and trusting relationships necessary for healing.^{PP} Benigna felt that proper training and capacity building of local people would be helpful: "People who already live there, who love the community, who love their people, who want to help."^{QQ} Once again, however, access to necessary training and qualifications is often difficult to obtain without leaving the community, as well as access to the necessary financial means to do so. In her testimony, Dr. Pertice Moffitt talked about this challenge in relation to the nursing profession and the challenges faced in seeking the basic educational requirements in math and science to gain entry into a nursing program.^{RR}

For expectant mothers, the lack of adequate obstetric care within many communities carries distinct repercussions when women have to leave their homes and families to give birth. The long-standing practice of evacuating Indigenous women living in remote communities from these communities to more southern locations to give birth is done under the auspice of ensuring the safety and well-being of both mother and baby. It is a practice that many people feel carries significant negative impacts on both the expectant mother and her family.^{SS} As Tracy Denniston, a social worker and executive director of Nain Transition House, explained:

Our pregnant women have to leave a month in advance for their babies unless they sign a waiver to say they're allowed to stay for another two weeks. I think that impacts some women's decisions because sometimes they may have other children that they're taking care of, even though the husband or the partner is involved. Sometimes it may mean that they're putting their child – unborn child at risk because they need to stay to help for the other two because it's too long of a time frame for them to be gone for a month versus the two weeks.^{TT}



Social and economic factors, such as lack of housing, food insecurity, and inadequate support and care, contribute in significant ways to the challenges facing Inuit communities and others living in remote and northern communities. These factors intersect in ways that contribute to violence directed against Inuit women and girls.

Confronting Violence in Northern and Remote Communities

In discussing the problems and challenges of confronting violence in northern and remote communities, witnesses once again emphasized the importance of understanding the role of family, kinship, and culture in relation to the safety of Inuit women and girls living in this environment, and the way colonialism has fundamentally disrupted this safety net. Inukshuk Aksalnik, Qikiqtani Truth Commission coordinator, described some of the distinct historical, socio-economic, and geographical factors that can spur violence in these communities.

Contributing factors to violence experienced by girls and women included Qallunaat demographics, namely, the prevalence of young single men living together with little supervision, no parents or spouses that would have regulated their behaviour, drunkenness as a form of entertaining, and drunkenness as a defence for criminal acts. The breakdown of Inuit family units that could protect Inuit girls and women from harm. Families were split up when parents were taken south for health treatments as one important example. Other contributing factors were alcohol consumption within Inuit families, and as well, inadequate and crowded housing. In addition to assaults by police ... violence experienced by girls attending residential schools and living in hostels and confined to hospitals in the South. Women and men spoke about domestic assaults of all kinds.^{UU}

In sharing her truth with the National Inquiry, Susan A. reflected on her own experience of enduring violence within a small community. Susan explained how she survived the sexual abuse of a predator who had also abused many others in the Inuit community

of Kangirlliniq/Rankin Inlet. She was a child when she was assaulted, and it was years later, as a young adult, that she felt she had to leave her community after particularly trying times.

It took almost a year from the point of giving my statement to that first court hearing. [The circuit court delayed the court proceedings], and in that year, we're living in the same community. This is when all of the mental health issues that I believe could be managed got worse up to that point, beside the isolation. I've always had amazing family support. This is when, in that year, waiting four months, "Oh no, he didn't get a lawyer." Next time, "Another four months." ... In that year, the following mental health conditions developed. Small ticks, the twitching got worse. Hyper-awareness of my surroundings. Are you a threat? Do you hate me? What are you going to say to me? It's no longer your community. You don't belong here anymore. Anxiety attacks. And the biggest one for me was trust. Who do you trust in your community? Who do you talk to? Everybody knows everybody. The isolation makes you socially inept.... All relationships struggle.... I stayed on here in Rankin trying to get back my life until he showed up in church after serving his time, and he wanted to shake my hand, and I knew then that I had lost the community. Not because the people chose, but the system makes us choose. It protects him more than it protects the victim. And I had to leave.... Searching out anything, something better, whatever it is.^{VV}

Despite winning the case, Susan lost her sense of belonging in the small community, because "everything had changed." As she explained, "The whole process left me unsettled.... I left because there was no emotional support. There was no place to go for an overall sense of safety.... There was no place to go to understand that I had lost the sense of self ... that is where I was at when I left roughly 27 years ago and moved to Ottawa."^{WW} This sense of vulnerability never left her – a "constant companion," as she described it, common to many survivors: "We feel always vulnerable, so we create a life around protecting ourselves from that vulnerability, and this is a normal state in many of our communities."^{XX} Had she had access to support, Susan said, she would have stayed to create a life in her community and among Inuit.



As this account demonstrates, for Inuit women living in a small northern community where most people know one another and who are bound to be related through kin, custom adoption, or marriage, obtaining justice has its particular set of challenges. Among Inuit in the past, abusive behaviour was often stopped, and if it did not stop or if it worsened, the parents of an abused daughter would remove her. Sandra Omik, lawyer at the Nunavut Tunngavik Incorporated based in Iqaluit, said:

They resolve the problem right away.... If there was violence they would split them, if it's [going on] too long. So they would just split them. Looking at their future, it's not going to be beneficial for the future if that keeps up.... So we have to use the laws.... They always protected things before – before something happens. But Canada's law works afterwards, like they arrest them and they try to fix the person after they arrested him or her ... I think it's jumbled up.^{yy}

With kinship bonds weakened through colonialism, and the RCMP's being a fundamental part of colonialism, Inuit deal with laws that do not work for them in the northern context. For women living in remote or northern communities, turning to the police for help may put them at risk of further violence from community members. Farida Deif, the Canada director of Human Rights Watch, spoke about some of these distinct challenges.

In the North, the remoteness of many of the detachments that are there, the feeling of sort of isolation, of the real fear of filing a complaint because there are only, you know, two police officers in that detachment. The community is very, very identifiable. They're – you know, if you suffer any kind of abuse at the hands of police officers, if you file a complaint in a remote part of northern BC, it'll be very clear who you are to the community. And you are, you know, in many ways a lot more vulnerable when you are in a remote setting with only, you know, two police officers, for the most part two male police officers. And so in that sense, I think that there was an added level of, you know, potential, in a way, for abuse, because of the remoteness, because of the isolation, the less options for remedies that you might find in a city environment.^{zz}

In sharing their truths before the National Inquiry, Emilia and Arsene A. illustrated the barriers they and their daughter faced in receiving services and protection that may have saved their daughter's life. Emilia and Arsene A.'s daughter had had two children from a previous relationship, and was close with her parents. She had always wanted to be out on the land, and enjoyed on-the-land activities and joking around, and was able to confide in her father about her life. Her current partner, however, was violent, and she experienced significant violence within the relationship. Her mother, Emilia, said:

I felt very much that she couldn't stay home anymore, even though I felt – I know that she was being controlled. And when they started arguing and she would get beat up ... and told her dad she thought she was going to be killed. I wrote a statement to the RCMP ... they went there to go see them and they said they were fine.^{aaa}

The abuse went on; Emilia and Arsene described how, at different points, their daughter would have bruises; another time, she had a broken nose and a broken wrist. She would tell her father. However, Emilia and Arsene said that they were told that if she needed help, she would have to make the call herself. Emilia explained why it was difficult for her daughter to report the violence, and how her decision not to do so was motivated by a desire to protect her family: "Yes, she had to go ask for help for herself as they said she was an adult now. But she was afraid and ... she mentioned one time that if she tells on him, that he would come after us, too, us family. So because she was afraid, then she couldn't speak out.... she was trapped."^{bbb}

As her mother recalled, she started calling social services to ask for support for her daughter in fear for her safety, and was told by social services that she could do things on her own. They also directed her to the RCMP, who said they couldn't help. In the aftermath of her daughter's murder, Emilia recounted her feelings when the RCMP came to see them.

The RCMP started coming to our place. The one RCMP officer called me and probably came to visit us [after she had been murdered], but myself, I didn't want to see them anymore.... I was too angry. They were – it was too late. We didn't want



the RCMP to come around anymore because when we asked for their help they never came.... Like where was the help when I needed it? Why wait so late – like so late for it after?^{CCC}

As Arsene also said:

Because we are here in a small community, we're not living in the city – my wife used to ask for help, but there's too much red tape. They're using – we're using the same rules and laws as down south, it shouldn't be like that. They probably would have been able to help and we probably wouldn't have gone through this. They already knew, the RCMP, what was happening. But because of the laws and they're using the laws, they couldn't do anything.^{DDD}

Inuit families and Elders continue to express how today's laws do not work in Inuit communities. The enforcement of these laws, especially as seen in the example of the non-interference of RCMP and their inability to act unless they receive a call from someone whose life is in danger, goes against what Inuit parents see. Inuit parents watch helplessly as their daughters' lives deteriorate and end in violence under their very eyes. Yvonne Niego, deputy minister of the Department of Family Services with the Government of Nunavut and a former RCMP officer, spoke about the difference between traditional Inuit values and RCMP values.

The RCMP has six core values, Inuit have eight core principles, and comparatively, there's a lot of similarity, but the difference is that ... [Inuit ways are] very much holistic and there's a lot more depth and feeling to it. Consensus – the social decision making, the working together for a common cause, that is so much more pronounced in our Inuit ways I find than with the RCMP values, which are based on general Canadian values.^{EEE}

The ability of Inuit parents to remove their daughters from violent relationships is also hampered by the change in Inuit society. Parents no longer have full authority over their children like they used to, so it is very difficult for parents to remove their daughter from a man she is living with, especially if he remains in the same community and could pose further danger. In the many cases where the RCMP had been

called by the mother of a daughter before her murder, requesting that her daughter be helped, the stories also show that young Inuit women were not offered any kind of resources for help. They were not offered counselling programs and, most important of all, no safety networks were made available to them. And, in the majority of Inuit women killed by their spouses, intergenerational trauma is connected. Although the Nunavut Court of Justice decisions clearly show that link, the police do not bring this knowledge to their work in protecting Inuit women from violent spouses.

As Sophie N. put it:

Why is it that men hurt and beat women? I thought the point of our union was love and caring. We as women are happy when we are loved, it's a very joyous relationship. It's very, very fearful when we get beaten up in a drunken state. There is no place to go, there is no shelter, there is no one to talk to, and so we lose our strength and our train of thought as to plan some sort of escape.... I have walked out of the mental health service offices and I was struggling. What we need ... is good mental health support in the communities where we don't have to get flown out every time there's a tragedy of some nature. You can then have access for health support, including mental health support, in the communities. We are the landowners of our communities. It would be ideal for those who suffer not to have to fly out for counselling every time there's a tragedy.^{FFF}

Restoring Family, Kinship, and Culture

To be sure, restoring health and well-being is deeply connected to restoring family and kinship relationships within community, and to exercising self-determination. Yvonne Niego spoke about the need for, and challenges of, reconciliation in the Inuit context: "We can't go back to the way we used to live as nomadic Inuit, strong, resilient as we once were. We're rebuilding that, reclaiming that, but I really feel strongly that there's a federal responsibility to reconcile. So, whatever that looks like, it has to reach into the community."^{GGG} The testimony gathered



from Inuit families and survivors of violence, as well as Elders and Knowledge Keepers, wove together the many contributing factors to violence in the lives of Inuit women and girls and others living in remote and northern communities. To end acts of violence that take the lives of women and girls requires action

that reflects an understanding of the distinct history, culture, and geography of those living in these communities; it also requires an acknowledgement of past and present acts of colonial violence that have fundamentally disrupted family and kin systems so integral to safety, health, and well-being.

Findings:

- The interference in the lives of Inuit and the imposition of laws, policies, and systems on Inuit by the Canadian state have largely been motivated by Canada's assertion of sovereignty over Inuit lands and waters in order to secure political positioning and economic resources. This has been a disruptive, tragic, and painful experience for Inuit. Throughout this time, Inuit have always asserted their rights and their place as the rightful people of the land. As a result, and after years of legal and political battles, Inuit within Inuit Nunangat have entered into various land claims and self-government agreements with the Crown. These agreements define the rights, benefits, roles, and responsibilities of the Crown and Inuit. The agreements reflect the desire and the commitment of Inuit to be a part of Canada, and the agreements define and govern part of Canada's commitments and obligations to Inuit. Canada's sovereignty is entirely reliant and predicated on these agreements with Inuit.
- The adherence to the obligations, commitments, intentions, and objectives of the agreements is an imperative. The objective is the self-determination and the social, economic, cultural, and political prosperity of Inuit within Canada. If Canada wishes to benefit from Inuit lands and continue to assert sovereignty over Inuit Nunangat, then Canada must uphold and protect the human rights and Indigenous rights of Inuit and must ensure substantive equality for all Inuit. This is in the best interest of all Canadians.
- Social and physical infrastructure deficits within Inuit communities are an impediment to the economic, social, political, and cultural development and well-being of Inuit. This infrastructure deficiency directly contributes to maintaining and perpetuating the high rates of violence experienced by Inuit women, girls, and 2SLGBTQIA people, and their social, economic, political, and cultural marginalization. All governments and government agencies have failed to recognize and take effective action to substantively remedy these deficits.
- Although most Inuit communities have settled land claims and self-government agreements with the hope of ensuring Inuit self-determination and the economic, social, and cultural well-being of Inuit, governments have failed to meaningfully uphold and protect Inuit rights and have failed, in many cases, to ensure the agreements have met their intended objectives. These failures impede Inuit self-determination and directly contribute to maintaining and perpetuating the conditions that lead to the high rates of violence and the denial of safety for Inuit women, girls, and 2SLGBTQIA people.
- The recognition of the rights of Inuit to be self-determining in all aspects of their lives is imperative. The development of safe and healthy families and communities will be best met through Inuit self-determination that is respected and supported by the Canadian state.
- Culture, language, and strong kinship and community ties are integral to the empowerment and revitalizing of Inuit communities and are critical sources of support, healing, and safety for Inuit women, girls, and 2SLGBTQIA people. This includes the well-being and unity of families and the strength of kinship ties, which are central to the safety and well-being of individual Inuit women, girls, and 2SLGBTQIA people.



- Childhood is a critical period in life that can strengthen and protect a child from harm, or can cause lasting trauma and risk of violence and exploitation. The number of Inuit children in state care is unclear. Child welfare agents within Inuit communities have tremendous power and can exert largely unchallenged control over Inuit families. Accountability and oversight of child and family services, and of apprehensions and placements in care, remain a serious concern.
- For the most part, laws in force within Inuit communities do not reflect Inuit laws and values. This is particularly the case in the areas of child welfare, criminal law, and law enforcement. As such, most laws in force are not reflective of Inuit values and therefore largely fail to provide the effective and meaningful services, supports, and protections these systems are intended to provide.
- Deep intergenerational trauma and family disruption exist as a result of colonialism and the numerous human rights violations the Canadian state has committed against Inuit. The unaddressed human rights violations and the deep trauma are a root cause of the violence to which Inuit women, girls, and 2SLGBTQQIA people are subjected. There is an urgent need for the restoration of Inuit self-determination and governance and the need to address the trauma by facilitating the healing and well-being of all Inuit.
- All measures to ensure the safety and well-being of Inuit women, girls, and 2SLGBTQQIA people must be inclusive and holistic, and include Inuit men and boys. The loss of traditional roles for Inuit men and boys due to the impact of colonialism coupled with high rates of unemployment and intergenerational trauma all contribute to low self-worth among men and boys and an increased risk of resorting to violence.
- Inaccessibility of services is a contributing factor in the violence that Inuit women, girls, and 2SLGBTQQIA people experience. Specifically, gaps in accessible services and infrastructure deficits in Inuit communities result in Inuit women, girls and 2SLGBTQQIA people not having access to essential services or having to travel out of their communities to access services. The services that are lacking in Inuit communities are essential services that most Canadians have access to within their reach and communities. The absence of services increases the risk of violence because it results in the separation of Inuit women, girls, and 2SLGBTQQIA people from the safety and security of family and community. Further, the inadequacy of services within Inuit communities exposes Inuit women, girls, and 2SLGBTQQIA people to predation in urban centres where they are sent for treatment. This is particularly true for those seeking mental health and health services, addictions treatment, and educational services outside of their communities. Further, the lack of maternity, prenatal, and postnatal care in most Inuit communities and the loss of traditional birthing practices force many Inuit women to travel out of their community to give birth. This has been found to have long-term negative impacts on the mother and the child, and, in some cases, the disruption of the family has led to violence and risk of violence against the mother or the children she is forced to leave behind.
- A lack of cultural appropriateness and effectiveness of services is a contributor to the violence, including the failure of service provision, lack of Inuit design, and services that are not Inuit-led and -delivered. Services that are Inuit-led, using Inuit values, practices, and laws, delivered by Inuit, and are accessible and holistic, are the most meaningful and effective services.
- Quality and effectiveness of services within Inuit communities are compromised by a largely transient workforce occupying these positions and implementing and operating services that are not developed or designed by Inuit. Effective service provision requires long-term, trusting relationships with the community they serve. This is particularly true in the areas of social work, education, health provision, and law enforcement.
- Socio-economic inequality directly contributes to the violence and the lack of safety experienced by Inuit women, girls, and 2SLGBTQQIA people. The lack of safe and affordable housing and overcrowding in Inuit communities are factors that increase the risk of violence and harm, and are barriers to fleeing violence. Low educational achievement and the general lack of educational and training opportunities are a barrier to the



ability of Inuit women, girls, and 2SLGBTQQIA people to gain economic independence. Further, economic insecurity, poverty, and food insecurity are factors that increase the risk of violence and represent barriers to fleeing violence.

- The absence of Inuit women in decision-making positions within governments and Inuit representative organizations is a barrier to advancing laws, policies, and programs designed to combat violence against Inuit women, girls, and 2SLGBTQQIA people.
- There is a growing population of Inuit living outside of the Inuit homeland, often referred to as “urban Inuit,” who are not fully counted or provided services due to deficiencies in the current census process and methods employed. The number of Inuit outside of their homeland is far larger than the current data reflects. The failure to understand the reasons for the scope of the movement and of the urban Inuit population greatly limits our understanding of the needs and services required to address this issue.
- For many urban Inuit, reasons for moving south to urban centres include the pursuit of services such as treatment and education, or to flee circumstances of violence or economic disparity, for which they would not need to relocate if those services were available in their communities. Due to lack of facilities and services in the Inuit homeland, Inuit are sent south for addictions treatment, to serve federal jail terms, and to reside in foster and group homes, and, more recently, Elders are sent south to assisted living facilities. Many Inuit don’t return home because of their ongoing needs, and get stuck in the South, especially in reference to correctional and treatment facilities.
- Urban Inuit, including women, girls, and 2SLGBTQQIA people, face additional discrimination and exclusion in exercising their rights and accessing culturally appropriate services when they are outside of their Inuit homeland. Being separated from their homeland, their families, community ties, and culture, urban Inuit are in turn denied the safety and security that family and culture provide. Further, urban Inuit experience political marginalization once they are outside of their homelands.

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| B | Makivik Corporation et al., “Parnasimautik Consultation Report.” | L | Hagar Idlout-Sudlovenick (Inuit), Mixed Parts 2 & 3, Public Volume 1, Iqaluit, NU, p. 42. |
| C | King, “A Brief Report of the Federal Government,” 10. | M | Elder Elisapi Davidee Aningmiqu (Inuit, Lake Harbour/Iqaluit), Mixed Parts 2 & 3, Public Volume 1, Iqaluit, NU, p. 112. |
| D | Gadoua, “The Inuit Presence,” 169. | N | Micah A. (Inuit, Talurjuaq), Part 1, Public Volume 46(b), Rankin Inlet, NU, p. 2. |
| E | Pauktuutit Inuit Women of Canada, “Violence and Abuse Prevention.” | O | Micah A. (Inuit, Talurjuaq), Part 1, Public Volume 46(b), Rankin Inlet, NU, p. 2. |
| F | Elder Elisapi Davidee Aningmiqu (Inuit, Lake Harbour/Iqaluit), Mixed Parts 2 & 3, Public Volume 1, Iqaluit, NU, p. 10. | P | Annie B. (Inuit, Pangnirtung), Part 1, Public Volume 16, Winnipeg, MB, p. 6. |
| G | Elder Elisapi Davidee Aningmiqu (Inuit, Lake Harbour/Iqaluit), Mixed Parts 2 & 3, Public Volume 1, Iqaluit, NU, pp. 14–15. | Q | Annie B. (Inuit, Pangnirtung), Part 1, Public Volume 16, Winnipeg, MB, p. 5. |
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| I | For more on the aftermath of the relocations, see Canada, Royal Commission on Aboriginal Peoples, <i>The High Arctic Relocation</i> . | S | Amy Hudson (Inuit, NunatuKavut), Part 3, Public Volume 9, Toronto, ON, pp. 161–162. |
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- DDD Arsene A. (Inuit), Part 1, Public Volume 47(b), Rankin Inlet, NU, pp. 4, 6.
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- FFF Sophie N. (Inuit, Pond Inlet), Part 1, Public Volume 47(a), Rankin Inlet, NU, p. 4, 6.
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Pathway to Violence: Denying Agency and Expertise in Restoring Health

Although many witnesses talked about the deficits and dangers within health care systems, and the violations of their individual and collective rights to health, they also repeatedly cited the need to recognize their own strength. As Danielle E. shared, “I do feel the pain, but I also do feel the strength.”¹¹³



Sandra DeLaronde, co-chair of the MMIWG Coalition in Manitoba, speaks with Commissioners in Winnipeg, Manitoba.

Part of recognizing this strength means listening to the women, girls, and 2SLGBTQQIA people who share their experiences and who have expertise to offer about health and wellness. Karen C. emphasized the importance of understanding and raising Indigenous voices.

Having a voice is huge. I used to be the little girl, me and my sister, whose mom used to sit in the back. Never had a voice because we were always told to be quiet. What happens in our house stays in our house.... Today and since I've come into recovery, I have a voice and I'm very loud and proud about it. And that's just who I am today.¹¹⁴

Accessing Culturally Appropriate Health Care Services and Supports

One of the priorities that many witnesses shared, as part of recognizing their expertise and agency, was the need to create and to support culturally appropriate health care services, regardless of location.

Carla and Moses M. spoke about how the parameters placed on government funding often conflict with Indigenous concepts of health care provision that is rooted in community and culture. Carla described what happened when her husband, Moses, attempted to secure funding and open a health care centre in their community.

Moses fought really hard for funding for a health centre for our community, and he got it, and the – and in some ways I just want to call it evil. In some ways the process was hijacked by evil and greed.... And most recently hijacked by a white guy from INAC



[Indigenous and Northern Affairs Canada]... The intention of the building was for a health centre. It was supposed to have a doctor's office, a dentist's office. It was supposed to have a kitchen area with a room so we could rebuild our families, where people could come for their family dinners because a lot of times our home are too small, where we could have dance practice. And it was supposed to have an area for first responder supplies because we live in an isolated community where if we have like a big earthquake we're probably going to be cut off from everybody else. It was even supposed to have an ambulance.

[Now] it has no ambulance, no first responder supply, and nobody can access the building. And they've set up video cameras all over the place so they video everybody. And our families – unless you're part of that chief councillor's family and a friend of that white guy who's the band manager, we can't access the building for our family dinners.

So then when I talk about the language and that kind of funding, that's the kind of stuff I'm talking about. We need help and how do we get services to all our community members and not allow any one person or one group to hijack it from everybody else. And I don't have the answers to that. It's something I'm sure lots of communities struggle with.¹¹⁵

Witnesses shared some of the innovative ways they have found, despite these barriers, to provide culturally appropriate health care support and services. Barb L. discussed her work with pride, underlining the way in which culturally appropriate services can provide a way forward.

I belong to a fabulous organization now, and they have opened a medical clinic. So they started with housing, it's Lu'ma Native Housing. We started with housing, and then now we have all these subsections of what kind of the gaps that are being created around Vancouver.

So my program is, you know, helping the youth that are aging out of care, and we have a medical centre as well. That medical centre practises both Western medicine and our traditional medicine. So we have healing rooms, we have Elders, and anybody in the city has access to that. So that makes me proud. That's a great place to be and take care of yourself in all areas, so it's good.¹¹⁶

At the same time, and as some witnesses noted, the support for these services must be sustained. Indigenous-led solutions are an important part of this. Sadie C. advocated, "It's so important, you know, to let us know that we matter, that our opinion matters, that the suffering we went through is real, and we're not the only one. And there is help." Speaking of her experience at the Native Education College, she added: "They have the counsellors. They have the prayers. They have



the crafts ... and the courses that help them along the way, bringing us out to other resources where we can continue on this journey, this Red Road and common ground of leaning upon our Creator.”¹¹⁷

Ceremonies and traditional teachings play a role in this. As Sonia B. remembered, while attending an upgrading class, she met a woman who came to do a fire ceremony. After participating in the ceremony, the group talked about treatment centres, and the woman who provided ceremony discussed that with her. She explained:

So she did what she could to get me in. She said it's a six-month to a year waiting list, and I was kind of sad about that because I was just tired of drinking. I wanted to end it yesterday. That was February 13, 1991. On February 14, she came to my school and asked me to come outside. They had a date for me March 10. I went to the treatment centre and pretty much didn't look back.¹¹⁸

As Barb L. argued:

So for people that are living – that [have] lived experience of the hardship, we focus a lot on taking care of what we see, so we focus on addictions. We focus on, you know, education, employment, getting them housed. But the underlying barrier there is even once you do that, you haven't taken care of the spirit. Until our spirits are taken care of and held and feel safe, secure and actually able to take our breath in and practise our culture – if culture is what you choose, some don't ... you still need to take care of the inner being, not just the superficial stuff.¹¹⁹

To “take care of the inner being,” Ann M. R. advocated for a renewed understanding of culture and of cultural strength as a way to restore health, well-being, and safety.

With addictions, the government needs to put their money where their mouth is. First Nations, our people, our community want to heal, they want to learn their culture. They want to go on the land. That's where they want to be. That's where they want to heal. They want the Elders, they want to heal, they want to live our culture.¹²⁰

Like Ann, Lillian H. echoed the importance of “on the land” programs as a way of promoting health and healing.

So just in terms of support, funding is really important, but I think one of the most important things is the Indigenizing the space. For example ... be creative in terms of ... Indigenizing the space from a Tla-o-qui-aht or a Nuuchah-nulth approach, and I think that relates to the land-based healing, it relates to the cultural relationships that as Tla-o-qui-aht/Nuuchah-nulth [we] have with the land, and all our regalia, all our songs come from the land, the resources, so that's a real healing – kind of land-based healing approach.¹²¹



Many witnesses identified land-based healing as a key part of their journey to wellness.

For other witnesses, learning and maintaining languages are deeply connected to health and well-being. Carla M. said:

He's teaching the language now, and our two youngest sons are working on learning the language, and his daughter Carol is facilitating the language in the preschools now.... We talked before we came and one of the things that we'd recommend is continued support for the language revival in our communities as a health issue as well. It's in the language that the teachings in our communities are encompassed, including the spiritual teachings, values. And I think already it's been statistically shown that communities that lose their language, things like suicide rates go up significantly.¹²²

"SO FOR PEOPLE THAT ARE LIVING – THAT [HAVE] LIVED EXPERIENCE OF THE HARDSHIP, WE FOCUS A LOT ON TAKING CARE OF WHAT WE SEE, SO WE FOCUS ON ADDICTIONS. WE FOCUS ON, YOU KNOW, EDUCATION, EMPLOYMENT, GETTING THEM HOUSED. BUT THE UNDERLYING BARRIER THERE IS EVEN ONCE YOU DO THAT, YOU HAVEN'T TAKEN CARE OF THE SPIRIT. UNTIL OUR SPIRITS ARE TAKEN CARE OF AND HELD AND FEEL SAFE, SECURE AND ACTUALLY ABLE TO TAKE OUR BREATH IN AND PRACTISE OUR CULTURE – IF CULTURE IS WHAT YOU CHOOSE, SOME DON'T ... YOU STILL NEED TO TAKE CARE OF THE INNER BEING, NOT JUST THE SUPERFICIAL STUFF."

Barb L.

As these examples demonstrate, access to health care that reflects an understanding of the role of culture, ceremony, land, and language can be transformative in promoting both individual well-being and collective healing. In her research, Amy Bombay emphasizes how access to culturally appropriate and relevant services that allow for Indigenous healing practices has been identified as one of the most important factors in healing for residential school survivors.¹²³

The following reflection offered by Patrick S. underlines how powerful the link is between culture and health.



That has been what has stabilized my life, you know, learning about, you know, my culture. And I have a great – a great debt of gratitude to the Dakota, Lakota and Nakota people who adopted me into their ceremonies, you know, and taught me how to pray and how to heal and, you know, look after myself, you know.¹²⁴

“WITH ADDICTIONS, THE GOVERNMENT NEEDS TO PUT THEIR MONEY WHERE THEIR MOUTH IS. FIRST NATIONS, OUR PEOPLE, OUR COMMUNITY WANT TO HEAL, THEY WANT TO LEARN THEIR CULTURE. THEY WANT TO GO ON THE LAND. THAT'S WHERE THEY WANT TO BE. THAT'S WHERE THEY WANT TO HEAL. THEY WANT THE ELDERS, THEY WANT TO HEAL, THEY WANT TO LIVE OUR CULTURE.”

Ann M. R.

The Ties that Bind: Prioritizing the Family Unit and Future Generations

Of the most important aspects of health services and of healing that we heard about, the need to focus on youth and future generations is key. Chrystal S. noted:

I think that's just a – really a universal teaching is talking to your children, teaching them, and I think many of our First Nations people have lost that tradition because there's so much trauma in the way. You're just surviving, you're just dealing with hour by hour, sometimes day by day of how to get through, and so we don't have the safety and the space and the time to pass down teachings to our children.¹²⁵

Verna W. likewise talked about how one of the lasting effects of residential schools is the breakdown in communication between Elders and youth. For Verna, repairing this connection is an important part of restoring health and fostering well-being in youth.

Get the Elders and the young people together. Got to encourage that, because you know, when I look at our – on our reserves today ... our youth aren't with the Elders anymore, and I feel that it has a lot to do with the Indian residential school, Indian day school, Sixties Scoop, that's what it all has to do with. That's how I feel.¹²⁶

Other witnesses demonstrated the efforts they are undertaking in their communities to support youth. Paul T. said:

We always keep reminding our kids, you know.... There's always kids ... at our house because we just – because we do stuff with the kids, and the kids, they – they like coming to our house because of whatever reason. You know, we – we have fun with the kids. We – it's a safe place, you know. We feed them, we do sports with them, we – we talk to them about their life.... We try to encourage them.¹²⁷



Connecting to International Human Rights

As the testimony cited in this chapter has identified, the right to health, and its connection to missing and murdered Indigenous women and girls, is complicated. The right to health engages standards of living and of well-being that are often connected to other rights, such as economic, social, and political rights, and that connect globally with the well-being of families and what happens to these units when these rights are threatened.

Overt or implicit discrimination violates one of the fundamental principles of human rights and often lies at the root of poor health status. Discrimination against ethnic, religious, and linguistic minorities, Indigenous Peoples, and other marginalized groups in society both causes and magnifies poverty and ill-health. As the Inter-Agency Support Group on Indigenous Peoples' Issues (IASG) notes:

Data indicates that circumstances of extreme poverty are significantly more prevalent among indigenous peoples than non-indigenous groups, and are rooted in other factors, such as a lack of access to education and social services, destruction of indigenous economies and socio-political structures, forced displacement, armed conflict, and the loss and degradation of their customary lands and resources. These forces are determined and compounded by structural racism and discrimination, and make indigenous women and children particularly vulnerable to poor health.¹²⁸

The IASG also adds:

These health inequities are of grave concern from a public health perspective, but also from a human rights perspective. All peoples have the right to the highest attainable standard of physical and mental health, and states have the responsibility to promote, protect, and fulfil all human rights.¹²⁹

The United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance encouraged states to adopt action-oriented policies and plans, including affirmative action, to ensure equality, particularly in relation to access to social services such as housing, primary education, and health care.¹³⁰



KEY CONVENTIONS: RIGHT TO HEALTH

The National Inquiry considers as foundational to all of human and Indigenous rights violations the conventions associated with genocide. In health and wellness, these relate specifically to killing members of the group, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about destruction, and imposing measures to prevent births. In addition, the forcible transfer of children from the group has direct impacts on health and on wellness.

For reference, the complete Article II of the *Convention on the Prevention and Punishment of the Crime of Genocide*, which provides a definition of genocide, includes “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.”

IESCR:

- widest possible protection to the family
- protection to children from exploitation
- right to enjoy highest attainable standard of physical and mental health
- guaranteeing this right includes creating conditions to access health care

ICCPR:

- family is the natural and fundamental group unit of society
- every child has right to protection, without discrimination

CEDAW:

- calls on States Parties to eliminate discrimination against women in field of health, to ensure access to health services and appropriate pre and post-natal care, and adequate nutrition and health during pregnancy

ICERD:

- condemns racial discrimination in all areas of service delivery
- pledges to prevent and prohibit all forms of apartheid and discrimination

CRC:

- child has the right to enjoy highest standard of health
- States Parties are responsible for lowering child mortality, ensuring necessary medical care, combatting malnutrition and ensuring clean drinking water, and developing preventative health care

IESCR: International Covenant on Economic, Social and Cultural Rights

ICCPR: International Covenant on Civil and Political Rights

CEDAW: Convention on the Elimination of all Forms of Discrimination Against Women

ICERD: International Covenant on the Elimination of All Forms of Racial Discrimination

CRC: Convention on the Rights of the Child



KEY DECLARATIONS: RIGHT TO HEALTH

The following international human rights instruments hold States accountable in the area of health.

DEVAW: <ul style="list-style-type: none">- women entitled to highest attainable standard of physical and mental health- includes the right not to be subjected to torture or other cruel, inhuman or degrading treatment	UNDRIP: <ul style="list-style-type: none">- Indigenous Peoples have the right to life, physical and mental integrity- right to traditional medicines and health practices- right to highest attainable standard of health	VIENNA PROGRAMME: <ul style="list-style-type: none">- states have responsibility to eliminate gender-based violence through legal measures and by taking action in relevant fields, including safe maternity and health care and social support- states must create measures to promote and protect rights of vulnerable sectors of the population and ensure the participation of those affected in generating solutions	BEIJING: <ul style="list-style-type: none">- knowledge of traditional medicines, treatments and practices should be respected, preserved, and promoted- national policies, regulations and standards to ensure appropriate, safe and effective use of traditional medicine should be part of comprehensive national health systems
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DEVAW: Declaration on the Elimination of Violence Against Women

UNDRIP: United Nations Declaration on the Rights of Indigenous Peoples

Vienna Programme: The Vienna Declaration and Programme of Action

Beijing: The Beijing Declaration



There are a number of human rights instruments that support the various aspects of the right to health. Signatories to the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) agree that protection and help should be given to the family as a fundamental unit in society, “particularly for its establishment and while it is responsible for the care and education of dependent children” (Article 10). This includes that special measures be taken on behalf of children without discrimination with respect to who the child’s parents might be, or any other condition. In addition, the ICESCR recognizes the right to an adequate standard of living, which includes key determinants of health. In particular, the covenant cites adequate food, clothing, and housing, and “continuous improvement of living conditions” (Article 11) – all key elements of physical and mental health. As Brenda Gunn noted in her testimony, the overseeing committee of this covenant has also noted that a failure to protect women from violence or the failure to prosecute perpetrators does, in fact, represent a violation of the right to health.¹³¹

The covenant also explicitly makes reference to health in Article 12, identifying that everyone has a right to the “highest attainable standard of physical and mental health.” The steps to achieve full realization of this right may include “the creation of conditions which would assure access to all medical service and medical attention in the event of sickness.” Particularly within the context of communities without health resources, or remote communities including those in the North, the lack of access to health services was frequently cited as a reason that people left the relative security of the community to get treatment in larger centres. For many people, this relocation – whether temporary or permanent – created conditions in which they were unsafe.

The *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) also specifically mentions health, in reference to women’s rights. It asserts that states should take all measures available to eliminate discrimination against women in the field of health, including access to services, such as family planning. Signatories further agree that women should receive appropriate services in connection with pregnancy and in the postnatal period, including proper nutrition during pregnancy and when breastfeeding (Article 12).

The *United Nations Convention on the Rights of the Child* (UNCRC, or CRC) is devoted to the well-being of children and also specifically addresses health. Like CEDAW, the UNCRC recognizes the rights of children to the highest attainable standard of health and to facilities devoted to the treatment of health conditions. Its Article 24 makes this clear: “States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.” This raises the question of access in remote or northern communities. In addition, UNCRC calls upon States Parties to take action with respect to reducing rates of child and infant mortality, to provide necessary medical assistance and health care, to combat disease and malnutrition, and to ensure pre- and postnatal care for young mothers.

Preventative health care is also identified as a priority, along with access to education and basic knowledge about health. Under Article 24, States Parties are also directed to take measures to help parents or others responsible to ensure this right, including help with programs or money. In the case of child victims, Article 39 provides that States Parties should make every effort to promote recovery, both physical and psychological, of child victims, including those within its



own care, in child welfare. Considering the number of missing and murdered loved ones who emerged from child welfare systems in Canada, the need to foster recovery and reintegration from the system itself is both a present and a future priority, in terms of dealing with trauma in one's own lifetime, as well as intergenerational trauma.

Conclusion: Creating a New Normal

A cruel twist in many of the accounts that we heard is what happens when a lack of community and personal well-being persists over time. In many cases, this kind of trauma and trauma over generations has led to a normalized view of health and well-being as “poor.” As Chrystal S. reflected, of her own experience:

I didn't know I had depression. I guess because it's so normalized to experience trauma for Indigenous [people]. It's normal. It's like the norm to witness violence, family separation, poverty, violence. It's normal, I think, in every Indigenous family across Canada. We all have experienced losing somebody. We've all experienced and know somebody in our family that has been murdered. We've experienced seeing our cousins or our nephews and nieces or our neighbours' children taken away. We've experienced violence, lateral violence, and we experience racism, discrimination. And those are all somehow normal for Indigenous Peoples.¹³²

We maintain that barriers to health and well-being for Indigenous people should never be considered normal, and neither should the violence that ensues in cases where Indigenous women, girls, and 2SLGBTQQIA people are refused service, provided with discriminatory service, or abused by service providers in ways that render them targets to violence later on.

Our hearings demonstrated how many of the solutions to health and well-being already exist, and are being tirelessly pursued by advocates often dealing with precarious or time-limited funding and exhaustion. In addressing healing, the restoration of the right to culture, and to health, is the restoration of safety.

“I DIDN'T KNOW I HAD DEPRESSION. I GUESS BECAUSE IT'S SO NORMALIZED TO EXPERIENCE TRAUMA FOR INDIGENOUS [PEOPLES]. IT'S NORMAL. IT'S LIKE THE NORM TO WITNESS VIOLENCE, FAMILY SEPARATION, POVERTY, VIOLENCE. IT'S NORMAL, I THINK, IN EVERY INDIGENOUS FAMILY ACROSS CANADA. WE ALL HAVE EXPERIENCED LOSING SOMEBODY. WE'VE ALL EXPERIENCED AND KNOW SOMEBODY IN OUR FAMILY THAT HAS BEEN MURDERED. WE'VE EXPERIENCED SEEING OUR COUSINS OR OUR NEPHEWS AND NIECES OR OUR NEIGHBOURS' CHILDREN TAKEN AWAY. WE'VE EXPERIENCED VIOLENCE, LATERAL VIOLENCE, AND WE EXPERIENCE RACISM, DISCRIMINATION. AND THOSE ARE ALL SOMEHOW NORMAL FOR INDIGENOUS PEOPLE.”

Chrystal S.



Findings: Right to Health

- Intergenerational and multigenerational trauma negatively impacts every aspect of an Indigenous person's life and well-being and includes the individual's family, community, and Nation.
- Unresolved trauma is a root cause of high rates of chronic health problems, interpersonal violence, and substance abuse. Trauma flows through generations and is cyclical. Trauma contributes directly to the decreased safety, security, and violence experienced by Indigenous women, girls, and 2SLGBTQQIA people, and ultimately to the disproportionate rates of their going missing and/or being murdered.
- To stop the cycle of intergenerational trauma, we must focus on healing individuals, families, and communities. Healing from trauma, compound traumas, and, in many cases, multi-generational and intergenerational trauma can be a lifelong process, and often requires healing work that involves individuals with their families and community members. Healing programs and services should be Indigenous-led or in partnership with Indigenous communities. In order to be successful, trauma care cannot be bound to specific time limitations or approaches.
- Canada has failed to ensure that the health and wellness needs of Indigenous women, girls, and 2SLGBTQQIA people have been met, and has failed to ensure that Indigenous women, girls, and 2SLGBTQQIA people have access to services and resources that are equitable to those received by non-Indigenous people. Current health and wellness services are grossly lacking and often inappropriate and inaccessible, which contributes directly to the decreased safety and security of, and the violence experienced by, Indigenous women, girls, and 2SLGBTQQIA people.
- The current system of health and wellness services provision for Indigenous women, girls, and 2SLGBTQQIA people is largely designed and delivered by non-Indigenous people. Efforts to train, hire, and retain Indigenous health and wellness services providers have been inadequate, due to systemic barriers within educational institutions and due to challenges in delivering culturally appropriate services. As a result, there is a lack of language speakers and cultural knowledge in some locations.
- There are not enough financial supports and sustainable funding models to encourage Indigenous individuals to enter into health and wellness fields. Existing health and wellness services fail to encourage Indigenous health care professionals to work within urban, rural, remote, and northern communities. The result is high turnover in staffing and lack of continuity of care.



- Health and wellness services are most effective when they are designed and delivered by the Indigenous Peoples they are supposed to serve, in a manner consistent with and grounded in the practices, world views, cultures, languages, and values of the specific communities they serve. There are not enough culturally relevant treatment and healing centres for Indigenous Peoples, based on the distinct needs and perspectives of diverse Inuit, Métis, and First Nations communities, and stable, sufficient, and reliable funding is a barrier for the ones that do exist.
- Gaps in social and physical health and wellness infrastructure and services within First Nations, Inuit, and Métis communities often require women, girls, and 2SLGBTQQIA people in need of health and wellness services to leave their communities to obtain these essential services. In many Inuit and northern communities, women have to leave their communities to give birth. These forced and coerced relocations to access services contribute to heightened exposure to harm and risk. This kind of relocation removes women, girls, and 2SLGBTQQIA people from the safety net of their communities and families, and separates women from their children. Relocation for health and wellness services often involves travelling alone, and being housed or placed in culturally and physically unsafe environments that fail to provide the supports for Indigenous women, girls, and 2SLGBTQQIA people to be safe while accessing services. These factors create risk and expose Indigenous women, girls, and 2SLGBTQQIA people to targeting by gangs or human traffickers for exploitation and abuse.
- Jurisdictional neglect results not only in the failure to properly address important policy issues but also in the failure to uphold and respect human rights through the inconsistent and unregulated manner of services delivered through a patchwork of program delivery, rather than the provision of essential services grounded in rights.
- First Nations, Inuit, and Métis people, including 2SLGBTQQIA people, have the solutions and knowledge to care for and heal themselves, but their strengths and knowledge are undervalued by the current system of health and wellness services.



Notes

- 1 World Health Organization, "Constitution," 1.
- 2 Mazel, "Indigenous Health and Human Rights," 10–11.
- 3 World Health Organization, "Health of Indigenous Peoples."
- 4 Pan American Health Organization and World Health Organization, "Harmonization," 22.
- 5 First Nations Information Governance Centre, "National Report," 8. The First Nations Regional Health Survey collects information about on-reserve and northern First Nations communities.
- 6 Timothy Argetsinger (Inupiaq), Part 3, Public Volume 4, Quebec City, QC, p. 70.
- 7 United Nations Permanent Forum on Indigenous Issues, "Report on the Inter-Agency Support Group," as quoted in World Health Organization, "Health of Indigenous Peoples," Fact sheet N°326, October 2007.
- 8 Inter-Agency Support Group on Indigenous Peoples' Issues, "The Health of Indigenous Peoples," 1.
- 9 Ibid., 9.
- 10 Canada, "History of Providing Health Services." Parentheses in quote from source material.
- 11 Dr. Valérie Gideon (Mik'maq Nation of Gesgapegiag) Part 2, Public Volume 3, Calgary, AB, p. 12.
- 12 Dr. Valérie Gideon (Mik'maq Nation of Gesgapegiag) Part 2, Public Volume 3, Calgary, AB, p. 13.
- 13 Dr. Valérie Gideon (Mik'maq Nation of Gesgapegiag) Part 2, Public Volume 3, Calgary, AB, p. 51.
- 14 Dr. Valérie Gideon (Mik'maq Nation of Gesgapegiag) Part 2, Public Volume 3, Calgary, AB, pp. 194-95.
- 15 Dr. Valérie Gideon (Mik'maq Nation of Gesgapegiag) Part 2, Public Volume 3, Calgary, AB, pp. 198-99.
- 16 Dr. Valérie Gideon (Mik'maq Nation of Gesgapegiag) Part 2, Public Volume 3, Calgary, AB, p. 276.
- 17 Dr. Valérie Gideon (Mik'maq Nation of Gesgapegiag) Part 2, Public Volume 3, Calgary, AB, p. 278.
- 18 Dr. Valérie Gideon (Mik'maq Nation of Gesgapegiag) Part 2, Public Volume 3, Calgary, AB, pp. 51-52. The Métis Nation has since signed an MOU with the Government of Canada for the development of a 10-year health accord (August 2018).
- 19 Dr. Valérie Gideon (Mik'maq Nation of Gesgapegiag) Part 2, Public Volume 3, Calgary, AB, p. 72.
- 20 Dr. Valérie Gideon (Mik'maq Nation of Gesgapegiag) Part 2, Public Volume 3, Calgary, AB, p. 279.
- 21 Dr. Valérie Gideon (Mik'maq Nation of Gesgapegiag) Part 2, Public Volume 3, Calgary, AB, p. 74.
- 22 Sharna S. (Blackfoot, Blood Tribe), Part 1, Statement Volume 397, Richmond, BC, p. 3.
- 23 Lateral violence is violence directed against one's peers instead of their adversaries.
- 24 See First Nations Information Governance Centre, "National Report." See also Reading and Wien, *Health Inequalities and Social Determinants of Aboriginal Peoples' Health*.
- 25 First Nations Information Governance Centre, "National Report," 41.
- 26 Duong, "Canada has the least universal."
- 27 Canada, Statistics Canada, "Life Expectancy."
- 28 Canada, Statistics Canada, "Aboriginal Statistics at a Glance."
- 29 Canada, Health Canada, "A Statistical Profile on the Health of First Nations in Canada," 4.
- 30 Sheppard, et al., "Birth Outcomes," 13.
- 31 Ibid.
- 32 Smylie, et al., "A Review of Aboriginal Infant Mortality."
- 33 First Nations Information Governance Centre, "National Report."
- 34 Ibid., 40.
- 35 Ibid.
- 36 University of Ottawa, "The Health of Indigenous Peoples in Canada."
- 37 Inuit Tapiriit Kanatami, "Inuit Statistical Profile," 14.
- 38 Hunt, "An Introduction to the Health of Two-Spirit People," 15-17.
- 39 Kumar, "Aboriginal Peoples Survey, 2012, Lifetime Suicidal Thoughts."
- 40 Canada, Statistics Canada, "First Nations People, Métis and Inuit in Canada."
- 41 Ibid.
- 42 Canada, Health Canada, "A Statistical Profile on the Health of First Nations, 2006 to 2010," 2.
- 43 University of Ottawa, "The Health of Indigenous Peoples in Canada."
- 44 Ibid.
- 45 Canada, Statistics Canada, "Aboriginal Peoples Survey."



- 46 Goodman, et al., “They treated me like crap.”
- 47 Dr. Amy Bombay (Ojibway, Rainy River First Nations), Mixed Parts 2 & 3, Public Volume 10, Winnipeg, MB, p. 149.
- 48 Dr. Amy Bombay (Ojibway, Rainy River First Nations), Mixed Parts 2 & 3, Public Volume 10, Winnipeg, MB, p. 149.
- 49 Chief Vivian T. (Wet’suwet’en), Part 1, Public Volume 4, Smithers, BC, p. 60.
- 50 Viola Thomas (Kamloops Tk’emlúps te Secwepemc), Part 1, Public Volume 104, Vancouver, BC, p. 19.
- 51 Shara L. (Dene), Part 1, Statement Volume 101, Edmonton, AB, p. 51.
- 52 Shara L. (Dene), Part 1, Statement Volume 101, Edmonton, AB, pp. 52–53.
- 53 Carol M. (Nisga’a Gitanyow), Part 1, Statement Volume 357, Richmond, BC, p. 76.
- 54 Dr. Amy Bombay (Ojibway, Rainy River First Nations), Mixed Parts 2 & 3, Public Volume 10, Winnipeg, MB, pp. 165-166.
- 55 Chrystal S. (Musqueam), Part 1, Statement Volume 385, Richmond, BC, p. 26.
- 56 Stephanie H. (First Nations, Fort McKay), Part 1, Public Volume 20, Edmonton, AB, p. 103.
- 57 Kim C.-M. (Inuit, Labrador), Part 1, Public Volume 49, Happy Valley-Goose Bay, NL, p. 23.
- 58 Campbell, “Health Consequences.”
- 59 Nikki K. (Inuit), Part 1, Public Volume 46(a), Rankin Inlet, NU, p. 45.
- 60 Sonia B. (First Nations), Part 1, Statement Volume 371, Richmond, BC, pp. 4-5.
- 61 Sonia B. (First Nations), Part 1, Statement Volume 371, Richmond, BC, p. 6.
- 62 Sonia B. (First Nations), Part 1, Statement Volume 371, Richmond, BC, p. 6.
- 63 Paula P. (Cree/Lakota/Scottish), Part 1, Statement Volume 374, Richmond, BC, p. 20.
- 64 Dr. Allan Wade, Mixed Parts 2 & 3, Public Volume 14, Winnipeg, MB, p. 19.
- 65 First Nations Information Governance Centre, “National Report.”
- 66 Goodman, et al., “They treated me like crap.”
- 67 Wien, “Tackling Poverty in Indigenous Communities,” 1.
- 68 Canada, Statistics Canada, “Data Tables, 2016 Census.”
- 69 First Nations Information Governance Centre, “National Report,” 24.
- 70 Ibid., 25.
- 71 Belanger, et al., “Housing and Aboriginal People,” 4.
- 72 Thistle, “Definition of Indigenous Homelessness,” 6.
- 73 Ibid.
- 74 Canada, Statistics Canada, “The Housing Conditions of Aboriginal People in Canada,” 1.
- 75 First Nations Information Governance Centre, “National Report,” 16, 27.
- 76 Canada, Statistics Canada, “The Housing Conditions of Aboriginal People in Canada,” 1-2.
- 77 Sandra L. (Cree/Dakota), Part 1, Public Volume 41, Yellowknife, NT, pp. 193-194.
- 78 First Nations Information Governance Centre, “National Report,” 15.
- 79 Ibid., 31.
- 80 Ibid., 39.
- 81 Belanger, et al., “Housing and Aboriginal People,” 7.
- 82 Verna W. (Cape Mudge), Part 1, Public Volume 88, Vancouver, BC, pp. 5-6.
- 83 Prokopchuk, “Grassy Narrows mercury victims.”
- 84 First Nations Information Governance Centre, “National Report,” 33.
- 85 Canada, Statistics Canada, “Aboriginal Peoples in Canada,” 11.
- 86 Ibid., 15.
- 87 Goodman et al., “They treated me like crap.”
- 88 Ibid., 88.
- 89 Ibid., 87.
- 90 Doris G. (Cree, Driftpile First Nation), Part 1, Statement Volume 79, Edmonton, AB, p. 14.
- 91 Dr. Barry Lavalley (First Nations/Métis), Part 3, Public Volume 9, Toronto, ON, pp. 38-39.
- 92 Melissa C. (Fisher River Cree Nation), Part 1, Public Volume 15, Winnipeg, MB, pp. 114–115.
- 93 Doris G. (Cree, Driftpile First Nation), Part 1, Statement Volume 79, Edmonton, AB, p. 13.
- 94 Jaylene D., Part 1, Statement Volume 220, Yellowknife, NT, pp. 1, 2.
- 95 Jaylene D., Part 1, Statement Volume 220, Yellowknife, NT, pp. 2-3.
- 96 Jaylene D., Part 1, Statement Volume 220, Yellowknife, NT, p. 3.



- 97 First Nations Information Governance Centre, "National Report," 71.
- 98 Dr. Allan Wade, Mixed Parts 2 & 3, Public Volume 14, Winnipeg, MB, pp. 47-49.
- 99 Sharna S. (Blackfoot, Blood Tribe), Part 1, Statement Volume 397, Richmond, BC, pp. 55-57.
- 100 Paula P. (Cree/Lakota/Scottish), Part 1, Statement Volume 374, Richmond, BC, p. 38.
- 101 Dr. Allan Wade, Mixed Parts 2 & 3, Public Volume 14, Winnipeg, MB, p. 50-51.
- 102 Vanessa B. (Millbrook First Nation), Part 1, Public Volume 19, Membertou, NS, pp. 88-89.
- 103 Adrienne B. (Cree), Part 1, Public Volume 23, Edmonton, AB, p. 66.
- 104 Lorna B. (Wet'suwet'en), Part 1, Public Volume 4, Smithers, BC, p. 165.
- 105 Dr. Allan Wade, Mixed Parts 2 & 3, Public Volume 14, Winnipeg, MB, p. 49.
- 106 Dianna B. (Mohawk, Six Nations), Part 1, Statement Volume 376, Richmond, BC, p. 12.
- 107 Dianna B. (Mohawk, Six Nations), Part 1, Statement Volume 376, Richmond, BC, p. 17.
- 108 Robin R. (Nakota Sioux), Part 1, Public Volume 92, Vancouver, BC, pp. 16-17.
- 109 Robin R. (Nakota Sioux), Part 1, Public Volume 92, Vancouver, BC, p. 15.
- 110 Cecil J. (First Nations from Rolling River), Part 1, Public Volume 14, Winnipeg, MB, pp. 5-6.
- 111 Stephanie H. (First Nations, Fort McKay), Part 1, Public Volume 20, Edmonton, AB, pp. 119-120.
- 112 Sharna S. (Blackfoot, Blood Tribe), Part 1, Statement Volume 397, Richmond, BC, pp. 53-54.
- 113 Danielle E. (Kawacatoose First Nation), Part 1, Public Volume 31, Saskatoon, SK, p. 105.
- 114 Karen C. (Kwakwaka'wakw), Part 1, Public Volume 94, Vancouver, BC, p. 59.
- 115 Carla M., (Nuu-chah-nulth), Part 1, Public Volume 82, Vancouver, BC, pp. 16-17.
- 116 Barb L. (Heiltsuk/Nisga'a First Nations), Part 1, Statement Volume 360, Richmond, BC, p. 15.
- 117 Sadie C. (Wet'suwet'en), Part 1, Statement Volume 395, Vancouver, BC, p. 32.
- 118 Sonia B. (First Nations), Part 1, Statement Volume 371, Richmond, BC, pp. 3-4.
- 119 Barb L. (Heiltsuk/Nisga'a First Nations), Part 1, Statement Volume 360, Richmond, BC, p. 10.
- 120 Ann M. R. (Kaska Dena), Part 1, Public Volume 3, Whitehorse, YT, p. 39.
- 121 Lillian H. (Mowachat from the Mowachat Tribe/Nuu-chah-nulth/Kwakwaka'wakw), Part 1, Public Volume 82, Vancouver, BC, p. 14.
- 122 Carla M. (Nuu-chah-nulth), Part 1, Public Volume 82, Vancouver, BC, p. 6-7.
- 123 Dr. Amy Bombay (Ojibway, Rainy River First Nations), Mixed Parts 2 & 3, Public Volume 10, Winnipeg, MB, p. 180.
- 124 Patrick S. (Kwagu't, Fort Rupert, Qualicum), Part 1, Public Volume 102, Vancouver, BC, p. 10.
- 125 Chrystal S. (Musqueam), Part 1, Statement Volume 385, Richmond, BC, p. 9.
- 126 Verna W. (Cape Mudge), Part 1, Public Volume 88, Vancouver, BC, p. 27.
- 127 Paul T. (Mikisew Cree Nation), Part 1, Public Volume 20, Edmonton, AB, pp. 38-39.
- 128 Inter-Agency Support Group on Indigenous Peoples' Issues, "The Health of Indigenous Peoples," 2.
- 129 Ibid.
- 130 World Health Organization, "Health of Indigenous Peoples."
- 131 Brenda Gunn (Métis), Part 3, Public Volume 6, Quebec City, QC, p. 38.
- 132 Chrystal S. (Musqueam), Part 1, Statement Volume 385, Richmond, BC, pp. 47-48.



Confronting Oppression – Right to Security

Introduction: “We’re not safe. Nobody is safe.”

Across the country, the right to security held by Indigenous women, girls, and 2SLGBTQQIA people is routinely compromised. As families, survivors, and others shared their truths with the National Inquiry, it became clear that, for the majority of Indigenous women, girls, and 2SLGBTQQIA people living in all settings and regions, security is a key area where violence against Indigenous women and girls can and should be addressed. As we heard, Indigenous women, girls, and 2SLGBTQQIA people live with an almost constant threat to their physical, emotional, economic, social, and cultural security. As Bernice C., who spoke in Winnipeg, observed when speaking about her daughter, who went missing on her 18th birthday in 2008: “We’re not safe. Our women are not safe anymore. Nobody is safe.”¹

This chapter examines the right to security with reference to the four pathways that maintain colonial violence. We examine the ways that the security of Indigenous women and girls is compromised by interpersonal violence, and how the risk of interpersonal violence is heightened by such factors as intergenerational trauma, poverty, homelessness, addictions, and barriers to education, training, and employment, as well as a lack of anti-violence services and supports. In addition, we explore how the absence of basic economic, social, and political rights that can guarantee security contributes to the targeting of Indigenous women and girls. We then explore how an unwillingness on the part of institutions to address these issues maintains a status quo that ensures that the crisis continues, and how, ultimately, the solutions required to restore security, as understood in a holistic way, lie within the experiences and the knowledge of Indigenous women, girls, and 2SLGBTQQIA people themselves.



Like many of the witnesses who shared their story of a lost loved one, Cee-Jai J. talked about her sister, Norma, who went missing from Vancouver's Downtown Eastside on September 28, 1992, and was found deceased a few days later. Twenty-five years later, to the day of her sister's death, Cee-Jai's daughter Shayla J. died after a car accident on September 28, 2017, when police took her home, rather than taking her to a hospital. As in the lives of so many of the other families and support people who shared their truths, the violent act that took the life of their loved one was only one of many incidents of violence in their lives. When Cee-Jai spoke about her sister's murder, she contextualized this act of violence as part of her own story of violent encounters and relationships she had experienced and witnessed, beginning from when, as she puts it, "I was just a baby in the crib."²

Like many of the witnesses, Cee-Jai experienced repeated acts of physical, sexual, and psychological violence throughout her entire life. From witnessing her father stab her mother when she was very young, to witnessing her mother being physically beaten and abused by men as a young girl, to repeated sexual and physical abuse and neglect in various foster homes, to the sexual assault and physical violence she experienced as a teenager and adult, violence permeates Cee-Jai's life story, and her relationships reflect a truth that is unfortunately not uncommon. She shared, "I feel like my spirit knows violence," summarizing what many Indigenous women, girls, and 2SLGBTQQIA people experience as the almost constant presence of violence that contributes to an overall absence of basic human security.³

Defining "Human Security"

In many of the Indigenous world views presented within the context of the Truth-Gathering Process, the right to security includes both a physical right and a social right. International covenants and conventions also take a broad look at the concept of "security" as being both physical and social.

This broad sense of human security draws from an approach that places well-being at its very centre, and that recognizes complex economic and social interactions – encounters – that work to shape security, or a lack of security, in a person's life.⁴ It moves human security beyond the agenda of the state alone, and instead considers other factors or "non-traditional" threats such as poverty, disease, and the roots of issues such as the crisis of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people.

"I FEEL LIKE MY SPIRIT KNOWS VIOLENCE."

Cee-Jai J.



STATE SECURITY VS. HUMAN SECURITY

State Security

- Protects the state and its boundaries, as well as its institutions.
- Defends the state from external aggression; ability to defeat an attack.
- The state works to ensure its own survival.
- State security relies on military strategies and defense, including armament, alliances, and other state-level structures and processes.

Human Security

- People-centred and focused on security of individuals and of groups within the state.
- Expanded definition of threats, which can include things like environmental threats, as well as economic and social threats, food insecurity, and more.
- Involves not only governments but also internal organizations, including government organizations, community groups and other organizations.
- Based on the idea of going beyond protection to empower people as participants in ensuring security; in this model, people affected are direct contributors to solutions.

The concept of human security was redefined in the 1990s, after a focus on military or traditional state security that went hand-in-hand with the Cold War period. As researcher Taylor Owen explains, the fall of the Berlin Wall made it clear that the biggest threats to human security might not come from militarized states anymore. Instead, citizens in the post-Cold War period “were being killed by the remnants of proxy wars, environmental disaster, poverty, disease, hunger, violence and human rights abuses.”⁵ In this context, the focus on the state as the only means for human security actually served to mask many of the ongoing human security crises targeting people all over the world.



In 1994, the United Nations Development Programme's (UNDP) "Human Development Report" (HDR) laid out four primary characteristics of human security, including that it is universal, that its components are interdependent, that it is best ensured through prevention, and that it is people-centred.⁶ Importantly, it is *not* focused on militarized or state security apparatus, but on the safety of persons living in states, as conceived broadly and within the context of human rights. More specifically, the 1994 HDR listed seven "essential dimensions" of human security:

- economic security threatened by poverty;
- health security threatened by injury and disease;
- personal security threatened by various forms of violence;
- political security threatened by political repression;
- food security threatened by hunger and famine;
- environmental security threatened by pollution, environmental degradation, and resource depletion; and
- community security threatened by social unrest and instability.⁷

These elements are not comprehensive, as the HDR pointed out, but are dynamic and could be analyzed to understand the "particular threats experienced by particular groups of people, as well as the participation of those people in the analysis process."⁸ They are also all interconnected, in that the threat to economic security is also linked, for instance, to threats to personal and political security, as well as to health. As Secretary-General of the United Nations Kofi Annan explained in 2000:

Security can no longer be narrowly defined as the absence of armed conflict, be it between or within states. Gross abuses of human rights, the large-scale displacement of civilian populations, international terrorism, the AIDS pandemic, drug and arms trafficking and environmental disasters present a direct threat to human security, forcing us to adopt a much more coordinated approach to a range of issues.⁹

As it is commonly understood today, and as adopted by UN Resolution in 2012, the common understanding of human security now includes:

- the right of people to live freely and with dignity, free from poverty and despair, including freedom from fear and freedom from want;
- a people-centred and comprehensive approach that understands context-specific threats and that contributes to the empowerment of people;
- an approach that recognizes the connections among peace, development, and human rights, and that considers civil, political, economic, social, and cultural rights as interdependent and indivisible;



- an approach that does not include the threat or use of force or coercion, and that does not replace state security;
- national ownership, or, in other words, programs and policies that consider the distinctions among nations, and that work to strengthen national solutions that “are compatible with local realities”;
- a primary responsibility for government to ensure the “survival, livelihood and dignity of their citizens”; and
- a full implementation of human security with respect for the UN Charter and the sovereignty of nation-states.¹⁰

As UN Deputy Secretary-General Asha-Rose Migiro remarked in 2012,

Let us remember that human security is more than an abstract concept. For a hungry family, human security means dinner on the table. For a refugee, human security is shelter and safe haven from the storms of conflict or disaster. For a woman caught in conflict, human security is protection from harm. For a child living in poverty, human security is the chance to go to school.¹¹

DEFINING HUMAN SECURITY





For Indigenous women, as the testimonies showed, threats to human security and to their basic human rights occur on a daily basis. For them, human security means the ability to live in the world without being under a constant threat of violence or harm; the ability to say goodbye to children going out with their friends, and not wonder if they will ever return; and, among other issues, the ability to start a family, to raise children, without worrying about their being targeted by racism and discrimination, or being apprehended unfairly. Witnesses discussed security in a physical sense, as the right to life, liberty, and personal safety, including control over one's own physical and mental health. They also identified the need for protection and social assistance through essential services in areas of health, housing, access to water, food, and education, and, most notably, the overall reduction of poverty, as it impacts levels of violence. In this context, safety and security are guaranteed through the pursuit and maintenance of relationships that are respectful, equal, and safe. Security is more than a physical condition; it is also a deeply felt experience of belonging, purpose, trust, connection, and harmony with the broader human, natural, and spiritual world.

Looking to what families and survivors told us about violence and the lack of safety in their daily lives challenges attitudes and beliefs that often blame Indigenous women themselves for the lack of safety in their lives, because it becomes clear that the source of that lack of safety is in the colonial structures within which Indigenous women live, rather than in the women themselves.¹² This way of thinking about security also makes clear that restoring security – as we will discuss in the upcoming chapter – requires much more than band-aid solutions, and requires creating substantive and systemic change in areas this report has identified and that are at the root of violence against Indigenous women, girls, and 2SLGBTQQIA people. As we heard from the voices of families and survivors, restoring security requires collective, Indigenous-led solutions that start by addressing the root causes of violence that so pervasively deny this basic human right.

Pathway to Violence: Intergenerational Trauma and Interpersonal Violence

As Cee-Jai's story demonstrates, the security of Indigenous women and girls is threatened in ways that include, but go far beyond, a single act of physical violence. Addressing the violence that has caused the disappearance or death of Indigenous women, girls, and 2SLGBTQQIA people must consider how these specific acts of violence are the outcome of the long-term, multi-faceted denial of measures that foster and protect the security of Indigenous women throughout their lives.

Drawing on her many years of experience working with Indigenous women and their families whose lives have been impacted by violence, Expert Witness Josie Nepinak, executive director of Awo Taan Healing Lodge Society, an Indigenous women's emergency shelter in Alberta,



provided an important reminder that any discussion about interpersonal violence that removes or compromises Indigenous women's safety must be grounded in an understanding of other forms of colonial violence.

Violence for Indigenous women is a result of colonization, and the whole experience around colonization and the dispossession of our sacred ways, the dispossession of our grandmothers and the dispossession of our – of our Elders. And it is manifested through oppressive policies such as the *Indian Act* for First Nations women, and it is manifested through the residential school by killing the Indian in the child and killing the spirit of the child. And it is manifested in those abuses that we have suffered through, whether it's being placed in a dark room or being told that we're savages or being told that we cannot speak our language.¹³

As Josie Nepinak makes clear, meaningful conversation and change aimed at ending interpersonal violence and restoring security to Indigenous women, girls, and 2SLGBTQQIA people must acknowledge the much broader historical context of colonial violence that actively targets Indigenous women and normalizes violence of all forms committed against them. This begins with recognizing the “dispossession of our sacred ways” as an initial act of violence that continues to play out in the lives of Indigenous communities, families, and relationships marked by intergenerational trauma.

Like many of those who shared their truth, Marlene J., who shared the story of the disappearance of her sister Doreen, described how violence has been an almost constant presence in her and her sisters' lives. Marlene began her story by recalling a moment from her childhood when she and her sisters hid under the stairs to avoid violence.

I remember us being at home. There's [my sister], and myself, Doreen and our mom. It was quiet and all of a sudden we hear these loud banging. We had no idea what it was. And our mom got scared and told us to hide. So us being so small we could hide in the smallest areas where adults don't get into. The loud noises scared me so bad that I could remember that night how dark it was in the place 'cause we had those – what do you call those lamps that ... yeah, kerosene. They burn the plastic, or the bag.... I can still remember how dark it was in the place. And I was hiding under the stairs. And then all of a sudden the door swung open and I can hear screaming, yelling, banging, and then I can hear the voices leaving our place going down the road.¹⁴

Marlene's description of this act of violence and intimidation as the “*first*” traumatic event¹⁵ in her life aptly sets up what she went on to describe as many more acts of violence committed against her and her sisters by family members, family friends, foster parents, and, later on in her life by boyfriends, acquaintances, and strangers. Her description of the threats of sexual violence



made by family friends demonstrate how she and her sisters – like so many Indigenous women, girls, and 2SLGBTQQIA people living with those who commit violence – would devise ways of creating safety even while it was being taken away from them by those who are supposed to protect them.

Well, our dad would be partying or away one o'clock, two o'clock in the morning. We'd have men come down and they want to have sex. They tried with me and Doreen wouldn't allow it. She said, "I'm older, you can try with me." She was too young, too, and they said, "Is there anybody else here that I can do this with," they asked. I don't even know who these guys were.... I don't know. I know I was trying to fight them off. Like I'm small, I tried to hit them, bite them, whatever I could to get them off, and they just shoved me across the room. They'd give up because they can't get anywhere, too small.¹⁶

Like Marlene and her sisters, many of the witnesses who spoke about their own life or the lives of their missing or murdered loved ones remarked on the repeated acts of physical, sexual, and emotional violence that denied them any sense of safety from childhood onward. Survivors, such as Cee-Jai, also described those encounters in which they first realized as young Indigenous girls that violence was to be an expected part of their lives.

I was playing in the playground and I remember this little boy, same age as me, he wanted me to sit on his lap and go down the slide. And I didn't want to. I wanted to go on the slide by myself. He ended up beating me up. I was in kindergarten. And I got a big, black eye. And I remember crying and running home, running home to try to get the – my parents – my mom, or somebody to protect me. And all they said was – all the adults around me said that, "Look how cute. Her boyfriend beat her up." And they all laughed, and thought it was funny, or cute. And maybe that was the first time I really believed that it was okay for someone to beat me up, and hurt me. So today, I know that's – was wrong. I would never have my nieces, I would never do that to my nieces today. It was instilled in my – my mind, and in my memory, my belief system, that this was okay to – to be hurt. Another way of not giving me my voice. And learning that ... the people that I think are going to protect me, are not going to do that.¹⁷

In addition to her learning that "it was okay for someone to beat me up and hurt me," her parents' reaction communicated another harsh truth about the way others respond to violence against Indigenous girls: rather than responding in ways that repair relationship, their response normalizes relationships that lack safety and, in doing so, does further harm. This lesson that "the people that I think are going to protect me are not going to do that" was one that would be confirmed over and over again throughout Cee-Jai's life, not only by her parents but also by professionals, such as child welfare workers and the police.



For example, Cee-Jai described how, when she was a little bit older, her mother's boyfriend deliberately targeted and manipulated Cee-Jai in order to sexually abuse and exploit her and her four cousins.

When we went to Vancouver, my mom befriended a white, Frenchman. He took us in, and he would buy us anything that we wanted. Cookies, ice cream, he fed us, and he housed us. I was a little girl. I started to trust this person, thinking he's going to protect me, we're safe. This man – I lost my voice, and bad things started to happen to us. I remember being so scared, and making us watch those movies – it was adult movies.¹⁸

Again, however, when one of her cousins spoke out about the sexual abuse, nothing was done. Cee-Jai remembered:

I think one of my cousins did tell on that Frenchman. But they didn't come and talk to us about what he did to us. No one came and told. We all knew it was happening, but we're silence. But my one cousin, she finally said something. But they never came to talk to us. Being a little girl, I was shamed – ashamed of myself. I don't know what ever happened to that court case with that – no idea.¹⁹

Later on, when Cee-Jai's first boyfriend repeatedly physically abused her, she was again left on her own, despite being in the care of child and family services: "I don't know if the foster homes, or the group homes, or my social workers, I don't remember them trying to help me." Having learned early on, through repeated violent encounters that violated her safety, that each encounter would be met with indifference by those to whom she reached out for help, Cee-Jai understandably came to the conclusion as a young teenage girl that she held no right to safety, and that her physically violent boyfriend "really loved me, and I just kept going back."²⁰

In speaking about the repeated acts of physical and sexual violence she experienced throughout her life, witness Michele G. also emphasized the lack of any response to the violent encounters in her life that would have indicated that her right to security mattered.

So let me summarize where we're at up to this point. They ripped me out of my mother's arms to put me into a system to protect me. But where was the protection? I had been sexually abused in every single home they put me in up to that point. I did what I thought was right. I reported the sexual abuse to my parents. Nothing happened. I reported sexual abuse to my social worker. Nothing happened. I had been examined by Ministry of Health doctors to put me on birth control. I had been picked up by the police a few times. Yet no one, no one asked if I had ever been sexually abused. The first one to ask was the Mountie who showed up at my door in Musqueam when I was 30 years old.²¹



In her testimony, Monique F. H. talked about the confusion created by living in a situation in which violence became equated with love.

When I was ... [a] young person, I started to experience sexual abuse and that was really hard for me to understand why that was happening. And living that life ... that story was – was very difficult because I always believed that, you know, your family is supposed to take care of you. There's no doubt in my mind my – my abuser loved our family, but it was just very confusing for me.

So I guess from a young age I started to realize and – and understand that I linked it – a very unhealthy link – [that] linkage was that sexual abuse, or sexual, anything sexual meant love.²²

As their stories illustrate, the normalization and denial of violence against Indigenous girls, women, and 2SLGBTQQIA people hold serious repercussions. According to Allan Wade:

The single best predictor of the level of a victim's distress is the quality of the social responses they receive from others. That's a better predictor than is the severity of the violence.... The term "social response" refers to how do your family, friends, colleagues, people who know you, how do they respond when they learn about violence?

"SO LET ME SUMMARIZE WHERE WE'RE AT UP TO THIS POINT. THEY RIPPED ME OUT OF MY MOTHER'S ARMS TO PUT ME INTO A SYSTEM TO PROTECT ME. BUT WHERE WAS THE PROTECTION? I HAD BEEN SEXUALLY ABUSED IN EVERY SINGLE HOME THEY PUT ME IN UP TO THAT POINT. I DID WHAT I THOUGHT WAS RIGHT. I REPORTED THE SEXUAL ABUSE TO MY PARENTS. NOTHING HAPPENED. I REPORTED SEXUAL ABUSE TO MY SOCIAL WORKER. NOTHING HAPPENED. I HAD BEEN EXAMINED BY MINISTRY DOCTORS TO PUT ME ON BIRTH CONTROL. I HAD BEEN PICKED UP BY THE POLICE A FEW TIMES. YET NO ONE, NO ONE ASKED IF I HAD EVER BEEN SEXUALLY ABUSED. THE FIRST ONE TO ASK WAS THE MOUNTIE WHO SHOWED UP AT MY DOOR IN MUSQUEAM WHEN I WAS 30 YEARS OLD."

Michele G.

As Wade said – and as is evident in the experiences shared by Cee-Jai, Michele, and many others – "Unfortunately, a vast majority of victims when you ask when you reported violence did your life get better or worse, most will tell you their life got worse."²³

The normalization of violence within this context includes other serious repercussions in terms of Indigenous women's ability to protect themselves when it is necessary to do so. In her testimony, Josie Nepinak shared:

It [colonial violence] is manifested in all of those areas [residential schools, Sixties Scoop, child welfare], and our vulnerabilities are then pushed into these unsafe environments and – and in these domains where we are at further risk to the extent where we don't even realize anymore that we're in a violent situation or that we are at risk of violence.²⁴



The denial and normalization of interpersonal violence in the lives of Indigenous women, girls, and 2SLGBTQQIA people – and the extent to which that denial, as Josie outlined, keeps Indigenous women in danger or removes their security – are another form of colonial control exercised by the state, which, instead of recognizing its complicity in a long history of perpetrating and then denying or hiding violence, simply ignores that violence, or – more commonly than not – blames or further punishes Indigenous women for being victimized. To help in understanding the way violence violates the rights to security of Indigenous women, Wade offered the following observation:

Canada is an actively colonial nation. We're not in a post-colonial era; not even close, in my humble opinion. And so it's very important to understand that, because in my view, you can't understand gender-based violence outside of understanding the role of gender-based violence in a colonial society, because one of the hallmarks of colonial societies are extraordinary efforts to conceal the truth, to conceal the facts.²⁵

Residential and Day Schools, and the Sixties Scoop

The stories shared by Cee-Jai, Marlene, and so many others provide a sobering picture of the extent to which the physical and emotional security of Indigenous women, girls, and 2SLGBTQQIA people is violated through acts of interpersonal violence. The insight and context that each woman brings to their story, however, are equally important in explaining the relationships that enable such a gross violation to their security. For example, as Cee-Jai pointed out, the lack of safety that characterized her childhood cannot and should not be talked about without also understanding her mother's attendance at residential school, and Cee-Jai's own relationship with her mother as the child of a residential school survivor.

And I remember my upbringing is – my mom is a survivor of residential school, Lejac. And she did, like, I think, 12 years or 14 years in Lejac Residential School. And she endured all the things that happened to people in residential school. She – I remember, like, her sharing to me about the story of residential school and what happened to her, and I didn't understand the impact that it had on her. My mom's – was – is a recovering alcoholic. And my mother would be drinking and she would start talking about her experience. And she would cry. And I was just a little girl and I didn't understand until I got much older.²⁶

Cee-Jai also talked about how, because of these experiences, she believes her mother was targeted by violent men who took advantage of the ways that trauma impacted her emotional and mental health, her active addiction to alcohol, and her poverty – a situation that, in turn, increased the likelihood of violence and diminished safety for Cee-Jai and her siblings.



I think my mom took us off the reserve, and she left the reserve because of my dad and his family, which is my family. She brought us to Prince George and same thing, violence. I learnt that. I learnt how to be afraid at such a young age. I remember my mom, being a single mother, she would have boyfriends. And they weren't very nice men that came into our home. My mom being vulnerable. Must have been hard for her. Think we lived off welfare all my life, in poverty.²⁷

Cee-Jai's mother's use of alcohol to cope with the abuse she experienced at Lejac Residential School is a common long-term effect of being in the residential schools system, according to research that considers the long-term traumatic effects of residential school attendance on survivors and their families. There is also a connection between residential school attendance and interpersonal violence.²⁸

In her testimony, Grace T.'s understanding of her stepfather's violent behaviour and treatment of her mother as a consequence of his attendance at residential school was in keeping with research that documents how residential schools systematically socialized its students into violence and abuse.

Any love or the happiness that my grandfather instilled in his family and us was taken away from us because he [Grace's stepfather] moved us here to abuse my mother, to abuse us with his hatred and his violence and sexual abuse, the things that were instilled in him from his family, from the secrets no one was supposed to talk about, and from the residential school. The monster was born, and the monster thrived.²⁹

In her testimony, Michele G. connected the violence and abuse she experienced throughout her childhood while in foster care due to her removal from her mother during the Sixties Scoop, to the break this caused in a fundamental relationship in her life.

I'm the proud daughter of the late Beverly [G.]. And today I dedicate my testimony to my mom and I will speak for both of us and about how the system stole our relationship.... I was apprehended in 1963 during the Sixties Scoop, taken from my mother's arms right out of the hospital.... The foster care system failed to protect me.... Forty years later the system continues to fail Indigenous girls and women.³⁰

In sharing their truths, Cee-Jai, Grace and Michele asked for consideration of how colonial practices such as the residential and day school system and the Sixties Scoop, as well as the ongoing apprehension of Indigenous children into the foster care system, are, in fact, to blame for the lack of safety that characterized both their own and their mothers' lives.

Because intergenerational trauma resulting from residential and day schools and other colonial policies and practices is one of the root causes that undermines security and safety for Indigenous women and girls, understanding the contexts surrounding that violence are integral. As Allan



Wade commented in describing the unique and culturally specific dynamics that are at play in understanding the violence directed toward Indigenous women, girls, and 2SLGBTQQIA people, “You have not only the experience of violence, but the experience of violence being written out of history, or you are blamed for it if you are the victim of violence. So you have had those negative responses from authorities, from many people their entire lives.”³¹

In her testimony, Amy Bombay echoed the stories of witnesses who emphasized how Indigenous people continue to live with and experience the effects of residential and day schools. Bombay’s research demonstrates that, among other things, attendance at a residential or day school severely violated the physical, emotional, and social security of residential and day school survivors through a lack of food, harsh living conditions, poor education, and lack of proper clothing, as well as extensive physical, sexual, and emotional abuse.³² She explained, “There is consistent evidence showing that the children and grandchildren of those affected by residential schools are at risk for various negative mental, physical and social outcomes.”³³



Girls in the dorms at Moose Factory Residential School, located in Moose Factory, Ontario.

As many witnesses’ descriptions of substance use, poverty, and repeated victimization make clear, these adversities did not simply end upon the person leaving residential or day school. Rather, as the National Inquiry heard, the violation of basic rights to security and safety within the residential school setting continues to hold long-term, negative effects. For instance, Bombay

“ANY LOVE OR THE HAPPINESS THAT MY GRANDFATHER INSTILLED IN HIS FAMILY AND US WAS TAKEN AWAY FROM US BECAUSE HE [GRACE’S STEP-FATHER] MOVED US HERE TO ABUSE MY MOTHER, TO ABUSE US WITH HIS HATRED AND HIS VIOLENCE AND SEXUAL ABUSE, THE THINGS THAT WERE INSTILLED IN HIM FROM HIS FAMILY, FROM THE SECRETS NO ONE WAS SUPPOSED TO TALK ABOUT, AND FROM THE RESIDENTIAL SCHOOL. THE MONSTER WAS BORN, AND THE MONSTER THRIVED.”

Grace T.



cited statistics indicating that 80.5% of those who attended residential school for three or more years perceived the emotional and verbal abuse they experienced there as having a negative impact on them, as compared with the 58.8% of those who attended for under three years.³⁴

The role the residential school system plays in contemporary acts of violence against Indigenous women, girls, and 2SLGBTQQIA people, and in other forms of violations to their safety and security, cannot be underestimated. To emphasize this point, Allan Wade described residential schools as “prison camps that we euphemistically and ... wrongly call residential schools. They weren’t residences, they weren’t schools.”³⁵

For Amy Bombay, a significant part of the harm done through the residential school system is that it fostered aggression and abuse between students and it modelled and normalized abuse, while at the same time removing the cultural practices that would offer another way of relating. Bombay observed:

After generations of children ... experienced ... this residential school context, children went back to their community with neither traditional skills nor access to dominant group resources. Victims and perpetrators were sent back to the same communities, and the effects of trauma and altered social norms also contributed to ongoing cycles that were catalyzed in residential schools.³⁶

Speaking of her own experience, Josie Nepinak explained how forced residential and day school attendance was the starting point for many stories of family violence and stories that demonstrate the repeated denial of security to Indigenous women, girls, and 2SLGBTQQIA people, because it was there where the “dynamics” that lead to violence were first played out and those factors that foster safety and security were undermined.

And I’d like to say, I’ve often been asked, well, how long have you been involved in family violence? And I say, since I was five years old. And I say that because previous to that, I’d only known the tradition, the culture, and the language, and a ... safe and secure environment with my family. So upon entrance into the residential school, then you begin to feel the – the dynamics and the destruction of one’s spirit when it comes to the residential schools.³⁷

Paul T. participated in the Truth-Gathering Process to share the story of his sister Amber, who was found deceased in 2012 after being missing for two years. As part of providing context for the violence that marked Amber’s life, Paul talked about the impact residential school had on his family while he and Amber were growing up.

My mom was in the residential school. My dad was, but I think he was only there for a couple days, I think. And then he got kicked out. But my mom – my mom was in there for a few years. And – and that’s the sad part because I never got the mom that I – usually I don’t cry for anything. But yeah ... like, you only have one mom. And in my



case, for my mom, you know, she raised us the only way she knew how and, you know, it's like ... for me anyways, I think, you know, if we didn't get all we can get from my mom because the residential screwed her up so much, you know.

And also, there's a lot of other people, and it affects even – to this day it still affects me. And my – and my other brothers because it's like, you know, my mom knows what – what she went through. Doesn't really talk to us about it. But it ... took away the, I won't say the best years, but it took a lot – a lot of good time away from – from me and my siblings.... But for my family, it just screwed up my whole – my – especially my mom's side. And it's almost like you – you want to talk about it, but you – some people aren't ready to talk about it. And it's hard because of what the residential school, there's so much stuff that went on, and then it happened even with their own families, and it's – it impacted everybody.³⁸

Paul's experiences and Bombay's research connect women's experiences of violence within their communities with an existing culture of "silence regarding residential school experiences and silence regarding some of the consequences of residential school, including things like violence and abuse that are happening in communities."³⁹ Her research emphasizes how those who had at least one parent who attended residential school reported more traumatic experiences throughout their lifetime.⁴⁰ In her studies focusing on the legacies of student-to-student abuse in the context of residential school, Bombay's work also identifies the ways in which disclosing violence in many communities left people feeling as if they had nowhere to go: some were afraid to report the abuse or talk about their experiences and reopen the trauma, while others were afraid to name the person because they were afraid of retaliation.⁴¹ As a direct consequence of the residential school and day school experience, some students turned into abusers, returned to their communities, and in turn abused others: "abuse begat abuse."⁴²

Similarly, based on her research focusing on Indigenous women's health in the Northwest Territories, Expert Witness Pertice Moffitt spoke about how the denial of resources to address the ongoing effects and impacts of trauma associated with residential school attendance, combined

"I WENT BACK THE NEXT DAY AND TOLD [T.] WHAT HAPPENED AND AFTER HE SAW MY INJURIES HE DROPPED ME OFF AT [THE POLICE STATION] AND I FILED CHARGES. THIS BROUGHT HELL TO MY LIFE. MY GRANDMOTHER [G.] INSISTED I NOT LAY CHARGES BECAUSE IT WOULD CAUSE PROBLEMS FOR THE [G.] CLAN. MY SOCIAL WORKER AVOIDED ME FOR AS LONG AS SHE COULD AND THEN EVENTUALLY I WAS GIVEN A LAWYER. I WAS TERRIFIED OF THE INDIVIDUAL AND WAS CONSTANTLY BEING THREATENED AND I SPENT MUCH OF THOSE WEEKS AND MONTHS TERRIFIED.... HOWEVER, BEFORE THE TRIAL THE WIFE OF THE MAN WHO HAD ASSAULTED ME CAME AND SAT AT MY KITCHEN TABLE PREGNANT AND ASKED ME TO DROP THE CHARGES AND SO I DID."

MICHELE G.



with the unique limitations and challenges of the geography of the North, is another way in which violence experienced by Indigenous women is denied and normalized. In describing what she called “a culture of violence and silence,” Moffitt noted that, because of the lack of adequate supports available for them to leave violent relationships or situations safely, women strategically use silence in response to violence as a means of self-protection.

I do believe for Indigenous women, it’s a protective, self-preservation thing that women are not talking about what’s going on. It’s a reason why there’s a lot of unreported violence.... There is community retribution in our small communities where families will blame each other and they’ll experience backlash if they report on the perpetrator from their family. So retribution includes things like harassment, isolation, restricted access to housing when there is very limited housing, or limited employment opportunities within the community. So, it’s not – it’s understandable why victims use a lot of self-preservation in circumstances like these in a community. Women remain silent in an abusive relationship. They may be working from that position. They might realize the lack of services that are available in their community, which increases their risk to successfully leave.⁴³

In describing the response from her family and community after she reported a violent attack she experienced by her husband’s friend, Michele G. demonstrated this pressure to remain silent.

I went back the next day and told [T.] what happened and after he saw my injuries he dropped me off at [the police station] and I filed charges. This brought hell to my life. My grandmother [G.] insisted I not lay charges because it would cause problems for the [G.] clan. My social worker avoided me for as long as she could and then eventually I was given a lawyer. I was terrified of the individual and was constantly being threatened and I spent much of those weeks and months terrified.... However, before the trial the wife of the man who had assaulted me came and sat at my kitchen table pregnant and asked me to drop the charges and so I did.⁴⁴

While silence is one manifestation of the trauma resulting from residential and day schools, the Sixties Scoop, and other colonial policies, the continued lack of government accountability for providing the necessary resources and supports that would make it possible for women to break that silence in a safe and meaningful way instead maintains the cycle of violence and pathologizes women themselves for not leaving abusive relationships. As long as we continue to live in and uphold a context that “refuses to tell the truth about violence,”⁴⁵ as Allan Wade described, the security of Indigenous girls, women, and 2SLGBTQQIA people is under threat and their lives are seen as inconsequential.



As will be explored in the next section, the violence that marks the lives of the survivors who shared their stories, and the violence that led to the disappearance or death of those who were not able to share their stories and its connection to intergenerational trauma, need to be discussed in relation to the various ways that the social security of Indigenous women and girls continues to be violated within a colonial state. As witnesses made clear, the social, economic, and political marginalization of Indigenous Peoples within Canadian society is an equally important part of the story of understanding the violence that leads to the disappearance or death of Indigenous women and girls.

Pathway to Violence: Social and Economic Marginalization

As Jeffrey McNeil-Seymour explained in his presentation to the National Inquiry, prior to colonization, the Secwepemc Nation had practices that ensured economic security for all community members:

I think that prior to contact, that say if a family in our nation didn't have enough to make it through the winter that a family that had excess would bring to that family. And how we would take care of that would be to host a feast. That family would then have to host a feast to honour the family for helping them out in the winter.⁴⁶

This concept is directly challenged by the barriers that threaten security in all of its forms today. In sharing their stories about the ways that relationships and specific encounters within those relationships created the conditions that allowed violence to take place, families, survivors, and supporters looked beyond individual relationships between their missing and murdered loved one and the perpetrator of violence. As part of the stories of violence that family members and survivors shared, many also talked about the significant economic hardship faced in their own lives or in the lives of their loved one. For these family members and survivors, social and economic marginalization, generally speaking, contributes to, or is directly connected to, the violence they or their loved one experienced. As we examine the stories shared by and about missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, we learn more about the ways poverty and the barriers to getting out of poverty function as an underlying condition that supports and enables the violence directed toward them. In addition, we learn about how the barriers to economic security impact social and political security. Specifically, we learn how poverty forces Indigenous women, girls, and 2SLGBTQQIA people to exist in situations that increase the likelihood for violence. Moreover, we learn how society's indifference to and contempt of those who experience social and economic hardship further marginalizes Indigenous women in ways that not only increase the level of risk or danger, but also increase the impossibility of accessing the economic resources that would decrease that risk.



Poverty

First Nations, Métis, and Inuit experience higher levels of economic poverty than non-Indigenous Peoples in Canada. According to the Canadian Poverty Institute, one in four Indigenous people are living in poverty.⁴⁷ This number is even higher for children, where 4 in 10, or 40%, of children off-reserve and 6 in 10, or 60%, of children living on-reserve are affected by poverty.

As compared with non-Indigenous Canadians and Indigenous men, Indigenous women are more likely to experience poverty. Approximately 44% of Indigenous women living on-reserve and 47% living off-reserve live in poverty. In addition, Indigenous women make less money than Indigenous men and non-Indigenous women. The average annual income for Aboriginal women is \$13,300, compared with \$18,200 for Aboriginal men and \$19,350 for non-Aboriginal women.⁴⁸

As researchers Gérard Duhaime and Roberson Édouard observe, in Inuit Nunangat, poverty is due in part to the relatively sudden change in way of life, beginning in the 1950s with the introduction of a new kind of economy. They explain:

The shift from nomadism to a sedentary way of life in the late 1950s not only transformed the Inuit mode of land use; it also caused an upheaval in their social organization, making the market their main vehicle of access to goods and services, money their primary means of exchange, and government the main hub of most industries.⁴⁹

The wage payment system has directly impacted traditional activities that used to form the basis of Inuit life, including for the provision of shelter, food, clothing, and transportation. As Duhaime and Édouard point out, “Though they remain very much alive, hunting, fishing, trapping, crafts, and the traditional institutions of sharing have undergone major changes in role and status. The pursuit of such activities has become more and more dependent on the market economy,” and has “thoroughly transformed the configuration of social arrangements and relationships.”⁵⁰ Residents of Inuit Nunangat have become more dependent on expensive imported goods and services, with significant consequences for poverty.



Economic Insecurity and Government Neglect in Inuit Nunangat

In Inuit Nunangat, the problem of economic insecurity is exacerbated by the failure of government to promote diversified economic development and honour its commitments under Inuit land claims.

Economic development in Inuit Nunangat is usually associated with mining and oil or gas extraction. These extractive industries are often assumed to be the major driver of economic development for most northern territories. However, non-renewable resource extraction is one of several sectors in the northern economy.ⁱ The economic benefits to Inuit communities are generally not as large as promised, as most jobs, revenues, and contracting opportunities continue to accrue to other jurisdictions.ⁱⁱ Moreover, extractive development can pose additional threats to Inuit women's security, as the high number of transient workers at mining camps can create working and living environments where sexual harassment and abuse of Inuit women take place.ⁱⁱⁱ It is therefore important that government promote diversified economic development to ensure women's and 2SLGBTQIA people's economic security in their homeland.

Unfortunately, government is failing to promote diversified development in Inuit Nunangat. For example, the northern fisheries are an important component of community economies in Nunavut that provide seasonal employment and supplementary income for many residents of Nunavut, including Inuit women. Fisheries also provide significant revenues to Inuit organizations and community hunters' and trappers' organizations through ownership of fishing companies.^{iv} There is currently significant potential for expansion of Nunavut's fisheries, which would positively contribute to the economic security of Inuit women. However, numerous hurdles remain in place due to government inaction. For example, a signifi-

cant share of the quota for offshore areas adjacent to Nunavut continues to be held by companies based outside of the Arctic. A lack of infrastructure also limits expansion. The expansion of inshore fisheries requires significant investments in community infrastructure, such as small-craft harbours and fish-processing plants. Because Nunavut lacks large-craft harbours, it is unable to benefit from the processing of offshore catch.^v

The failure to honour some provisions of modern Treaties is another instance of government's failing to promote economic security for Inuit women, girls, and 2SLGBTQIA people. For example, the government has not fulfilled the objectives of Article 23 of the Nunavut Agreement, which was intended to achieve a representative civil service for Nunavut. Because 85% of Nunavut's population is Inuit, 85% of government employees in Nunavut should be Inuit, according to the logic of Article 23. In 2006, Nunavut Tunngavik Incorporated (NTI) commenced legal action against the Government of Canada, alleging numerous breaches of the Nunavut Agreement, including that government failed to take adequate measures to promote a representative workforce.^{vi} The case slowly moved toward a trial,^{vii} but an out-of-court settlement was reached in 2015 that provided new funding for Inuit education and training initiatives.^{viii} However, despite this settlement, the damages to Nunavut's economy due to government inaction will be long-lasting. As of September 2018, only 51% of Government of Nunavut employees were Inuit.^{ix}



The problem of a representative workforce runs deeper than the proportion of Inuit employees within the workforce, and also includes significant pay gaps. Inuit employees, and especially Inuit women, earn significantly less money than the Government of Nunavut (GN) average wage. For example, in 2015, the average GN employee earned roughly \$90,000, the average male Inuit employee earned roughly \$82,000, and the average female Inuit employee earned roughly \$79,000.^x

In addition, with the private housing and rental markets being overpriced and public housing being highly inaccessible, housing through employment is key. For example, according to Garrett Hinchey, reporting for *CBC News* in 2017, average rents in Iqaluit were among the highest in Canada, with a two-bedroom house costing, on average, \$2,597 per month.^{xi} The Canadian Mortgage and Housing Corporation's Northern Housing Report for 2018 also contended

that two-thirds of Nunavut's population could not afford market housing without assistance from their employer or the government.^{xii}

Both the government of Canada and government of Nunavut provide subsidized housing to their full-time employees. The public sector, the largest employer in Iqaluit, leased 39% of the Iqaluit rental market in 2017. Private companies leased 24% of the rental market to provide employees with housing. Private tenants pay the landlord directly in only 10% of rental situations, and public housing provided by the Nunavut Housing Corporation (NHC) accounts for 23% of tenancies.^{xiii} As the NHC reports, "the stock of public housing units needs to increase by 193 units or 37% in Iqaluit to meet housing needs."^{xiv} Living up to Article 23 of the Nunavut Agreement by both governments within the Nunavut Settlement Area would help address the housing crisis.

I Nunavut Economic Forum, "Nunavut Economic Development Strategy."

II Bernauer, "The Limits to Extraction."

III Czyzewski, Tester, Aaruaq, and Blangy, *The Impact of Resource Extraction*.

IV Nunavut Economic Forum, "Nunavut Economic Development Strategy."

V Nunavut, Department of the Environment, "Nunavut Fisheries Strategy, 2016–2020."

VI Nunavut Tunngavik Incorporated, "Amended Statement of Claim," NUCJ File No. 08-06-713 CVC.

VII In 2012, the Nunavut Court of Justice gave a summary judgment on one of NTI's allegations: that the Government of Canada breached the Nunavut Agreement by failing to establish a general monitoring plan for the territory. The court ruled in favour of NTI. See *Nunavut Tunngavik Incorporated v. Canada (Attorney General)*, 2012, NUCJ 11.

VIII Nunavut Tunngavik Incorporated, Government of Nunavut, and Government of Canada, "Moving Forward in Nunavut."

IX Nunavut, Department of Finance, "Towards a Representative Public Service."

X Nunavut, *Public Service Annual Report: 2014–2015*.

XI Hinchey, "Iqaluit is one of the most expensive cities."

XII Canada Mortgage and Housing Corporation, "Northern Housing Report 2018," 12–13.

XIII Ibid., 13.

XIV Canada, Canada Mortgage and Housing Corporation, "Northern Housing Report," 13.

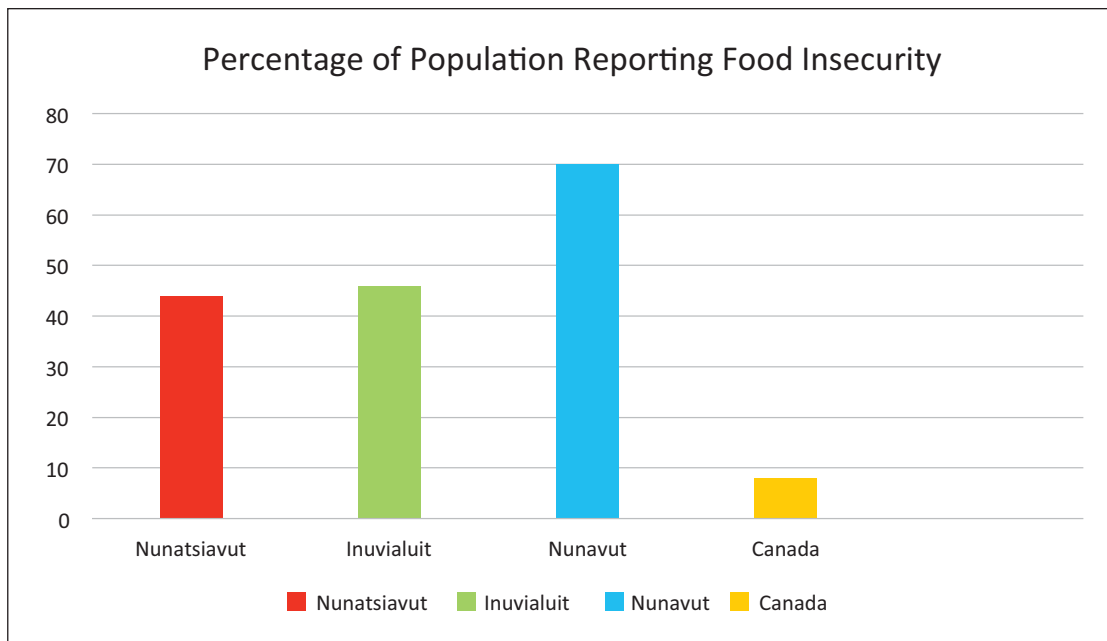


Many people in Inuit Nunangat also experience food insecurity at a higher level than elsewhere in Canada. “Food insecurity” refers to a situation when the food purchased doesn’t last long enough, or when there isn’t enough money to buy more food or healthy food. It can also apply in situations when members of the household cut the size of their meals or skip meals due to lack of the ability to purchase more. According to Statistics Canada, “in 2012, more than one-half (52%) of Inuit in Inuit Nunangat aged 25 and over lived in a household that experienced food insecurity in the previous 12 months.”⁵¹ Further, “in 2012, nearly one-third (32%) of Inuit adults in Inuit Nunangat ate less than they should have eaten because they could not afford to buy food. Furthermore, 27% of Inuit adults reported that they had been hungry because they could not afford enough food.”⁵² Inuit adults had a higher chance of being food insecure, especially women, families with children, those living in a crowded dwelling, and those with weaker family ties. According to Inuit Tapiriit Kanatami’s (ITK) statistical profile of the region, “In Nunatsiavut, 44% of households are food insecure, similar to the 46% for households in the Inuvialuit Settlement Region. The rate of food insecurity is highest in Nunavut where 70% of households are food insecure. Conversely, 8% of all households in Canada are food insecure.”⁵³



A group of residents raise awareness about high food prices. Facebook, Feeding my Family Public Group, June 21, 2012, Pangnirtung, NU. No copyright infringement intended.

Poverty and food insecurity are rooted in both access to education and access to employment – or lack thereof. As the government’s own statistics make clear, Indigenous people in Canada have historically had lower rates of labour-force participation and employment, as well as lower incomes, than non-Indigenous people.



In a 2015 survey focused on the situation of people living off-reserve in 10 provinces, Indigenous people were underrepresented in what the government classified as “knowledge occupations,” including management, business, finance, natural and applied sciences, health, art, culture, recreation, and sport. However, as the 2015 survey identified, Indigenous Peoples were more highly represented, compared with the non-Indigenous population, in education, law, and social, community, and government services, with a rate of 15.1% compared with 12.8%. Indigenous people showed a high level of employment in trades and in natural resources, as well as in sales and services, compared with non-Indigenous people.⁵⁴

The employment data varied per region, but, of note, the gap in employment rates between Indigenous and non-Indigenous people for 2015 was widest in Manitoba and in Saskatchewan, at 17.4% and 18.5%, respectively, the provinces where the rates of child apprehension, unsafe housing, and criminalization of Indigenous women are also among the highest.⁵⁵ Statistics have also made it clear that Indigenous women suffer from underemployment and unemployment at a greater rate than men. Between 2014 and 2015, for instance, the employment rates for Indigenous women declined by nearly 3%, while the rates for Indigenous men were mostly steady.⁵⁶ The fact that many women become the single parents in single-parent homes further jeopardizes economic well-being, as well as related aspects of security.

Women, girls, and 2SLGBTQQIA people living in reserve communities also face challenges related to poverty. According to income data from the 2016 census, four out of every five reserves had median incomes that fell below the poverty line. This means that for the 367 reserves for which there was data available for this measurement, 297 communities fell below the low-income measure, and many more landed very close to it.⁵⁷ And, as journalist Jordan Press reported, “At the lowest end, 27 communities reported median total incomes below \$10,000.”⁵⁸



In Inuit Nunangat, and although most Inuit (79%) reported a permanent job in 2016, 21% of Inuit who were employed worked part-time, and women were more likely to work part-time than men.⁵⁹ While most respondents said that more jobs were needed, 11% of Inuit women said child care assistance would help them most.⁶⁰ According to ITK's 2018 Statistical Profile, data from 2015 shows the median income for those aged 15 years and over was \$23,485, compared with \$92,011 for non-Indigenous people in the region, and an income gap of almost \$70,000. As the report points out, "The cost of living in Inuit Nunangat is high with many Inuit struggling to buy healthy food, hunting and fishing supplies, clothing and other necessities. In addition, many Inuit families are large and low incomes must be spread thin in an effort to meet the basic needs of family members."⁶¹

As the National Inquiry heard, lack of financial means has serious consequences and places First Nations, Métis, and Inuit women at a greater risk of food and housing insecurity as well as a greater risk of mental and physical health issues. As Mavis Windsor commented, poverty and the insecurity that it brings are at the root of many of the challenges facing Indigenous women and girls today: "Many of our people, including our women and our children live in poverty, suffer from social inequality and breakdown of families, addiction, premature mortality rates, and low levels of literacy and education, and high levels of mental illness and physical diseases."⁶²

In describing the economic challenges southern Inuit women face, Jennisha Wilson, manager of programs with Tungasuvvingat Inuit in Ottawa, explained what it means to live in poverty.

I think one of the realities for Inuit that are vulnerable is that they live under the poverty line or just at the poverty line, which means that on an everyday basis, you're sacrificing a certain aspect of your well-being, whether it be access to food to sustain yourself in order to cover rent, or you're couch surfing because you can't afford rent. You're always sacrificing something, and it's, I think, to a certain extent, you're violating your own human rights because of poverty, structural poverty and violence, right? So, I think that's one of the major forerunners for why individuals become vulnerable, become groomed and [conned] ... by traffickers to say, "I can provide you somewhere to sleep," and that covers one of the vulnerabilities, right?⁶³

"MANY OF OUR PEOPLE, INCLUDING OUR WOMEN AND OUR CHILDREN LIVE IN POVERTY. SUFFER FROM SOCIAL INEQUALITY, AND BREAKDOWN OF FAMILIES, ADDICTION, PREMATURE MORTALITY RATES, AND LOW LEVELS OF LITERACY AND EDUCATION, AND HIGH LEVELS OF MENTAL ILLNESS AND PHYSICAL DISEASES."

Mavis Windsor

As witnesses shared their experiences about the ways poverty creates challenges in finding safety, they also demonstrate how a failure to address the significant lack of social and economic security experienced by Indigenous women, girls, and 2SLGBTQQIA people is directly linked to the violence that may take their life.



DEEPER DIVE

Understanding Intersectional Métis Experiences

In the testimonies from families and from survivors, the National Inquiry heard about how much Indigenous women, girls, and 2SLGBTQIA people have in common: how the violence directed toward them permeates and invades almost every aspect of their lives, and how understanding the violence requires looking at how systems operate to oppress them. At the same time, we also heard of many experiences that speak to the need to apply a distinctions-based approach in some aspects of analysis to better understand the unique barriers facing those who encounter violence as a particular group.

This Deeper Dive captures some of these distinctions as shared through the stories of Métis families and witnesses. Within many Métis communities, the principle of *wahkohtowin*, which translates directly to English as “kinship” or “being related to each other,” is an important touchstone for understanding self and one’s place in the world. Within the distinctive context of Métis nationhood, as well as history, the principles of *wahkohtowin* remind us about our responsibilities and obligations to maintain good relationship with all of creation. As scholar Matthew Wildcat, Nehiyaw (Plains Cree) from the community of Maskwacis Alberta and a member of Ermineskin Cree Nation, explains:

First, [*wahkohtowin*] references the act of being related – to your human and other than human relatives. Second, it is a worldview based on the idea that all of existence is animate and full of spirit.... Third, there are proper ways to conduct and uphold your relationships with your relatives and other aspects of existence.^A

As we heard during the course of the National Inquiry from many Métis families, maintaining these good relationships is challenging within the context of a Nation that has, for so long, been ignored. But, as Janet Smylie, Métis family doctor and Public Health Chair at St. Michael’s Hospital and at the University of Toronto, testified, “preserving *wahkohtowin* or our ancestral ties ... has built in ways to making sure that

we can access blood memory, which helps us live a good and thriving life and is key to who we are as people.”^B

As Smylie shared, remembering and understanding the protocols are key to confronting violence that occurs in Métis families and communities, and building relationships with the non-Métis world.^C

The Forgotten People

The history of Métis women within the context of a distinct social, political, and economic order is briefly discussed in Chapter 4, largely as it relates to policing and to administrative structures that sought to cast the Métis aside and to separate them from their First Nations kin. While the distinctive nature of Métis experiences is bound with their existence as a separate and distinctive Nation, it is also worth highlighting how an important measure of group consciousness is bound in the Métis as the “forgotten people,” ignored by various orders of governments in particular between 1885 and 1982, when constitutional recognition was achieved.

To some extent, the lack of recognition of the Métis lies in the important administrative structures that erased them from the pages of history, or reduced them to the concept of “mixedness.” As Métis scholar and Associate Professor in the Faculty of Native Studies at the University of Alberta Adam Gaudry explains, the Métis weren’t always known as the “Métis”:

Contemporary usage of Métis is also different from its historical meaning. At Red River in the 19th century there were two prominent communities of mixed-descent people. In addition to a sizeable French-speaking and nominally Catholic Métis population, there was a large group of English-speaking “Half-breeds” who were mainly Anglican agriculturists.

He adds that, while these interrelated groups were distinct populations with strong connections, “the



derogatory nature of the term 'Half-breed' has caused it to fall largely into disuse."^D In fact, the records created by colonial governments throughout the late 19th and early 20th centuries reveals that the term "Half-Breed" was used almost exclusively by the federal government during this time. According to an explanation from Library and Archives Canada, "The term completely pervades departmental memoranda, reports, registers, federal statutes, orders-in-council, and official publications. Indeed, it is possible for researchers to use the federal record of this period without ever encountering the term 'Métis.'"^E The contemporary meaning of the term "Métis" includes people of both French and Scottish or English backgrounds. Some individuals, including at least one witness who appeared before the National Inquiry, do still identify as "half-breed" as a way to reclaim the label.

A good example of the usage of the term "half-breed" in government discourse is what is known as the "Half-Breed Adhesion to Treaty #3." As senior historian at Manitoba Metis Federation's Louis Riel Institute since 2006, author and researcher Lawrence Barkwell explains, "In 1875, the first and only numbered treaty between Canada and the Metis was signed as an adhesion to Treaty Three.... The Metis community at Fort Frances ... signed an adhesion to Treaty 3 in 1875 as 'Half-Breeds.'"^F Though never ratified by the Department of Indian Affairs, the agreement, signed by Nicolas Chatelain, a Métis Hudson's Bay Company trader and manager hired by the federal government as an interpreter for Treaty #3 at Lake of the Woods, "set aside two reserves for the Metis and entitled them to annuity payments, cattle and farm implements."^G As Smylie testified, "a large majority of us, we're not Treaty people but we're related to and we come from Treaty people."^H

Most Métis were excluded from Treaty negotiations and cheated out of scrip, and, essentially, written out of the administrative history of Canada, with important effects. As Gaudry explains, "From 1885 to the mid-1900s, poverty, demoralization and racism commonly connected to being identified as a 'half-breed' led many Métis to deny or suppress that part of their heritage if they could."^I After the passage of the *Manitoba Act*, 1870, and the subsequent bungling of the land distribution formula within it, the Métis experienced heightened hostility from a

number of new settlers, as well as the military, who arrived in the province. Some Métis remained in Manitoba to form their own communities, though not on the lands promised to them.

The story of Ste. Madeleine, Manitoba, encapsulates many of the themes that have come to define the Métis relationship with the Canadian state. It demonstrates the social and economic marginalization of Métis Peoples, the refusal of governments to recognize Métis, and the effects of government dispossession on the health of communities and Métis women specifically.

Founded in the 1870s, Ste. Madeleine was situated about 15 kilometres south of the village of Binscarth.^J Ste. Madeleine was established by Métis from old Red River parishes such as Baie St. Paul, St. François-Xavier, and St. Norbert. Many of the families in these parishes had once held river lots in the older districts, but had been forced to abandon their land as a result of the failures of the scrip system, which is explored in greater detail in Chapter 4.^K As such, many who settled in the area were required to apply for homestead grants under the 1872 *Dominion Lands Act*.^L The land, however, was not as suited to farming as the Red River river lots that these families had been forced to leave. Former residents directly connected the dispossession at Red River with the move to the Ste. Madeleine area,^M but also situated their community within a long tradition of Métis land tenure more broadly speaking, that stretched back generations.^N

Despite the hardships at Ste. Madeleine, by the 20th century, a thriving community had emerged. In 1913, the community had built a church, and by 1922, Beliveau School was opened to teach grades 1 through 8. By 1935, the community had grown to about 250 inhabitants, who were mainly employed as farm labourers in the surrounding communities, but who nonetheless continued to locate home at Ste. Madeleine. These Métis continued to practise their traditional lifestyles; to continue "just living the old way."^O However, encroaching Canadian authority brought with it a whole system of taxes and land surveys,^P which established a new bureaucratized landholding system that left traditional Métis landholdings unrecognized and imposed debilitating financial restrictions.^Q



By 1935, at the height of the Great Depression, the Métis residents of Ste. Madeleine found themselves bound up at the confluence of government policies. The federal government in Ottawa passed the *Prairie Farm Rehabilitation Act* (PFRA) in 1935 to alleviate the impacts of drought for prairie farmers and ranchers.^R An army of government agricultural scientists descended on the region to plan a response.^S Their solution was to categorize the area as pasture land and have it cleared and reseeded for cattle grazing.^T This meant that the Métis families would have to leave. Under the provisions of the PFRA, those whose homes were to be cleared could apply for compensation. However, compensation would be paid only if families had kept up with their tax payments – the vast majority were in arrears.^U In 1938, the residents were evicted, their homes were burned,^V the church and school were burned; some people even lost their dogs as the police shot them.^W As one former resident put it, “Prior to 1938, people may have been poor, but they were happy. They still had their independence, their own ways of doing things. After 1938, people were less independent. There was a loss of self-respect and self-determination. When you’re kicked out like that, you lose everything.”^X

The impacts on Métis women who experienced the Ste. Madeleine evictions were particularly pronounced. As the government forcibly evicted families from their homes and sent them off with no compensation, many were forced further into cycles of precarity that would harm their safety. The centrality of Ste. Madeleine as home^Y and its sudden, violent removal destabilized the lives of many Métis women. Traditional practices that had held the community together and had made the lives of women safe and fulfilling could not continue. As former residents recounted, the old ladies, especially those who acted as midwives, were central to the health of Métis women in Ste. Madeleine. They would not only attend births, but were the holders of deep community cultural knowledge. After the evictions, as the community was dispersed far and wide, many women lost access to the old ladies who had kept them safe during childbirth and had grounded them in the cultural knowledge of their community.^Z

The community itself was never recognized by provincial or federal authorities and thus never incorporated as a town or village – it remained off the

map. This was a similar pattern to that across the prairies, where Métis communities formed along what were known as “road allowances.” These road allowance communities were often thriving centres of Métis culture and social activity, but were unrecognized by federal, provincial, or municipal governments, which kept these communities in a constant state of precarity.

The story of Ste. Madeleine is not exceptional. Rather, it is part of a larger history across the prairie provinces. As Gaudry points out, of the estimated 10,000 people of mixed ancestry in Manitoba in 1870, two-thirds, and by some estimates more than that, left in the next few years.^{AA} They headed to many different areas, including existing Métis settlements like Lac Ste. Anne, St. Albert, and Lac La Biche, as well as St. Laurent, Batoche, and Duck Lake.

The higher concentration of Métis people in Saskatchewan and the growing frustration with the Canadian government’s ignoring their concerns while, at the same time, negotiating Treaties and pursuing its plans for rail development, led to the Northwest Resistance in 1885, and the defeat of the Métis at Batoche. The dispersal of the Red River Métis, and the quashing of the resistance, provided the federal government much of the justification it needed for “forgetting” the Métis for over 100 years. As scholar in Métis history and politics and historian Fred Shore has argued, “The years after 1885 were literally the ‘Forgotten Years’ as the People disappeared into the backwaters of Western Canada.”^{BB} As Prime Minister Sir John A. Macdonald maintained, “If they are Indians, they go with the tribe; if they are half-breeds they are whites.”^{CC}

The subsequent dispersal of many Métis families, as well as the rising level of poverty that came with the government’s abdication of responsibility, meant that Métis people came to live within a jurisdictional vacuum. While the provinces claimed that Métis were the responsibility of the federal government, the federal government – and the Department of Indian and Northern Affairs – claimed no such responsibility. A good example of this kind of treatment is in the distribution of veterans’ benefits under the *Soldier Settlement Act*, following World War I. The *Soldier Settlement Act* of 1917 provided for the establishment of a Soldier Settlement Board, which could purchase land for returning veterans and often did so, from



First Nations reserves, for a total of approximately 85,000 acres (34,400 hectares) in western Canada.^{DD} To access their benefits, Métis veterans tried to claim their lands from the program, but they were sent back to the federal government and to the Department of Indian and Northern Affairs. The Department of Indian Affairs claimed it was not responsible for the Métis, and many were ultimately never able to access any veterans' benefits.^{EE} In 2002, Métis veterans who had served in the Second World War and in Korea launched a class action lawsuit over the lack of compensation when they returned home, and their exclusion from the compensation deal offered to Treaty First Nations.^{FF}

This example, while not specific to women, indicates the degree to which the Métis, after 1885 and prior to constitutional recognition in 1982, were ignored by different orders of government. The economic and political marginalization detailed in Chapter 4 further highlights the degree to which the Métis were "forgotten" and, in this way, further marginalized.

The Challenges of Understanding Violence in the Absence of Data

As many of the testimonies heard by the National Inquiry make clear, this problem still persists in some areas today. As researchers Allard-Chartrand et al. maintain with respect to education:

The provinces generally maintain that the federal government has full jurisdiction for all Aboriginal peoples while maintaining education as a provincial authority. This has left the Métis nation in a policy vacuum between the federal and provincial governments and resulting in Métis concerns not been addressed effectively by either level of government.^{GG}

This vacuum, in turn, means that many Métis are left struggling to access essential services that may help to meet their needs and, ultimately, create safety. In 2016, the Supreme Court of Canada ruled in *Daniels v Canada (Indian Affairs and Northern Development)* that Métis and non-Status Indians are "Indians" for the purpose of section 91(24) of the *Constitution Act*,

1867. This means that the federal government does have important obligations to the Métis, as "Indians."^{HH} In the aftermath of that decision, and while many Métis governments are working on new frameworks and agreements with the different levels of government, the ongoing negotiations, and the long road to reach substantive and concrete agreements, mean that many people are simply left waiting.

In addition, the lack of clear data available on issues affecting the Métis on a national scale is an important barrier to upholding the rights of Métis women, girls, and 2SLGBTQQIA people to safety. As Emma LaRocque, Métis scholar, has argued:

Since it is considerably more difficult to get precise statistics on Métis people, it is virtually impossible to say with any exactness the extent of sexual violence in Métis families or communities. However, as more victims are beginning to report, there is every indication that violence, including sexual violence, is just as problematic, just as extensive as on reserves.

Speaking of a gathering held over 25 years ago, LaRocque adds, "The stories shared by the 150 or so conference participants indicated that Métis women ... have been suffering enormously – and silently – from violence, including rape and child abuse."^{II}

The idea that Métis women have been suffering enormously and silently is linked to the findings of many previous reports on the issue of violence against Indigenous women and girls that cite the need for better disaggregated data that takes into account distinctions between groups. For instance, the 2017 Human Rights Watch submission to the Government of Canada "Police Abuse of Indigenous Women in Saskatchewan and Failures to Protect Indigenous Women from Violence" recommended the collection and public availability of accurate and comprehensive race- and gender-disaggregated data that includes an ethnicity variable on violence against Indigenous women, as well as on use of force, police stops, and searches, with the guidance of Indigenous women leaders and in cooperation with Indigenous community organizations and the National Centre for Missing Persons and Unidentified Remains (NCMPUR).^{JJ} Human Rights Watch's *Those*



Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada, made a similar recommendation.

One of the challenges of compiling accurate data with regards to Métis realities refers to what the government of Canada terms “ethnic mobility” as a key factor in the growth of the Métis population, especially since 2006, when the census began to allow self-identification as Métis. As defined by the government, “ethnic mobility” refers to an increasing number of people who are newly reporting an Indigenous identity on the census, over time, and represents a “major contributor to the high growth rate of the Aboriginal population in general and the Métis population in particular.”^{LL} In 2002, the Métis National Council (MNC), which is represented by elected, province-wide governance structures from Ontario and west, including the Métis Nation of Ontario, the Manitoba Metis Federation Inc., the Métis Nation – Saskatchewan, the Métis Nation of Alberta, and the Métis Nation British Columbia, adopted the following definition of Métis:

“‘Métis’ means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation.”

In late 2018, at the MNC’s Annual General Assembly, representatives also noted the rising number of people claiming to be eastern Métis. The MNC’s President Clément Chartier argued that these groups were guilty of appropriating Métis culture and symbols, adding that if the only criterion for Métis was mixed ancestry, nearly everyone would be Métis. As he explained, “They’re stealing our identity. They’re using our Métis Nation flag and they’re calling themselves Métis Nations.”^{MM} Interestingly, at the same assembly, a new map of the Métis homeland was presented, which excluded the only community (Sault Ste. Marie) recognized as a rights-bearing Métis community in the Powley Supreme Court decision of 2003. In the 2003 decision, the Supreme Court had provided a “test” for Métis communities and individuals for claiming Aboriginal rights under section 35 of the *Constitution Act*, with respect to hunting and harvesting, the charges under which the case was launched. According to the 2003 decision, to be considered Métis under the Powley test, the

person or the community must: self-identify as Métis; have family ties to a historic Métis community where harvesting occurs; prove that the practice of harvesting occurred before European control; prove that the practice was integral to claimant’s distinct culture and demonstrate continuity of that right today; and be recognized as Métis by a contemporary Métis community having ties to a historical one.

In response to the new map – which did not include Sault Ste. Marie, (characterized as a Métis rights-bearing community as the Supreme Court laid out), Margaret Froh, president of the Métis Nation of Ontario, explained, “It’s certainly a narrowing of ... what’s been recognized as the historic Métis Nation homeland.” She added, “We’ll talk with our citizens and make sure people understand the decisions that have been made and we’ll continue to move forward.”^{NN} The map sparked discussion and, in some cases, outrage, in many communities, who argued that the map was restrictive and unrepresentative.

For those who haven’t always identified as Métis, or for those who come from areas whose connections to Indigenous cultures are clear, despite their lack of official recognition from the national, provincial, and territorial organizations, these kinds of conversations are challenging, and may only reinforce some of the lateral violence that many people face as a result of their desire to belong to a community. In addition, many Métis report discrimination from both non-Indigenous and Indigenous Peoples. As scholar Cathy Richardson’s research participant, Julie, shared, “Prejudice is such an evil thing, and as Metis we often get it from both sides of the blanket. A feeling of never quite belonging anywhere haunts me.”^{OO} As another participant, Susan, shared in the same study, “Well, I feel like I’m going to be looked at as a White person unless I self-identity, at which point I assume I’m going to be looked at as a ‘Wannabe’ Indian.”^{PP}

Michele G. is a Métis woman who shared similar experiences with the National Inquiry. Originally from The Pas, Manitoba, she now lives in Dartmouth, Nova Scotia. Her Métis father died young of cancer. According to Michele, her mother wasn’t identifying as Indigenous at the time, though she went to residential school and this affected her deeply. Michele’s mother died when Michele was 15. At this point, Michele remembers that her mother’s side wouldn’t take her and her siblings in: “My mom’s side,



a lot of them had married, kind of, privileged. And they, sort of – we were always seen, sort of, as the half-breed kind of people. So, yeah, they didn't really want to take us on."^{QQ}

Michele shared that she internalized a lot of family violence growing up from her mother's second husband, also a Métis man. Michele became a survivor of intimate partner violence herself, including one man who thought it was funny to call her squaw. At the same time, she wrestled with whether or not she should even share her story with the Inquiry because of where she lives and the colour of her skin: "You know, I wrestled about coming here because I'm not Mi'kmaq. I'm not from this territory.... And I'm not brown skinned, you know. But I've had these experiences and it's like ... I care about this. Like, you know? You know, so I sort of forced myself to come here."^{RR}

Another witness, Sharon P., didn't even realize she was Métis when she was younger and dealing with child abuse and intimate partner violence, or try to access any of the resources that could have come from that knowledge: "I didn't find out until ... after I was 40 that I was Métis. I feel ripped off that all my life, I – I feel cheated, right?"^{SS} She shared that her brother did research into their family before he passed away, but that she still doesn't know a lot of her own story.

Métis witness S.A., who is a Sixties Scoop survivor, started her statement by saying how thankful she was not to have to prove that she was Indigenous to be able to share with the National Inquiry:

In that moment right there, that was healing... when I actually started my job, I was a temp at my current employer, and I applied for a position, and they were like, "Can you prove you are Aboriginal?" So, I had to dig out my Ministry file that I had just gotten, and dig out that sheet that said I was Aboriginal, to be recognized to get my job. And then when my work expanded, the recruiter, at this point I'm working in the HR department, it's just an administrative position, was like, "Well, we can't all be lost abandoned Cherokee princesses."

So, even in my adult life I have that systemic disbelief or, you know, you're not Aboriginal enough, or you're too Aboriginal ... it's been a journey of trying to forgive and forget and put behind, and just, like, live your life and move forward. So, yeah, that moment when I called you and said, "Okay, do I need to bring my Ministry file, do I need to bring whatever identifies me as, you know, allowed to be here?" And, you were like, "No, you don't need to, you're fine," that was huge for me. So, I just wanted to say I'm grateful and thank you for the respect."^{TT}

The many dimensions of identity that characterize discussions about the Métis Nation as an entity, or Métis self-identification, make clear that these groups face distinct challenges due to the legacies of colonialism, and they want their views represented. Noting the particular histories of Métis settlements and communities, as well as the histories of those disenfranchised through colonialism – namely the *Indian Act* – who may now identify as Métis but who do not fall within the definition of the MNC, the National Inquiry recognizes the need for a distinctions-based approach to these unique histories.

Within the National Inquiry's hearings, we received over 100 recommendations focused on disaggregated data, through the testimony of witnesses in Part 1 of our hearings, who cited the need to collect data, including disaggregated data, as a necessary way to define the true scope and parameters of the crisis, as well as to understand the distinguishing issues between groups and distinct geographical needs and experiences.

The aggregation of data can oversimplify the picture and flatten necessary dimensions of analysis. Collectively, witnesses cited how appropriate data collection and dissemination has to be informed by Indigenous knowledge, definitions, and experiences, within a distinctions-based approach. Indigenous Peoples, organizations, and communities need to lead and inform processes, even by governments, service providers, and organizations that are not their own, as well as leading their own processes within their governments, service providers, and organizations.



Economic, Political, and Social Factors of Distinction

Part of the challenges of understanding the common grounds of Métis experiences with violence is the geographic span of communities and people, and the diversity of those who live in them. For instance, many Métis people live in urban centres, and others live in specifically designated Métis settlements. These distinctions point to the need to better understand the various lived realities of violence in the lives of Métis people.

Métis people living in urban situations face unique stressors and barriers. As an example, a statistical review of Métis in Manitoba explains the important socio-economic barriers faced by Métis living in Winnipeg: Winnipeg has noticeably higher proportions of younger Métis people compared with all other residents. According to census data released in 2018, Winnipeg had the highest population of Métis, about 52,000 residents. Among these, Métis youth in Winnipeg (zero to 24 years) comprise over 40% of the population, compared with nearly 29% percent for all other residents. Métis children (under 15 years) comprise 23% percent of the Métis population in Winnipeg compared to 16% of all other residents. In contrast, those aged over 65 years comprise nearly 7% of the Métis population in Winnipeg compared with nearly 16% of all other residents. The differences in population demographics for Métis is most pronounced at the two ends of the age distribution.^{uu} Edmonton, Vancouver, and Calgary had significant populations of Métis, as did Ottawa, Montreal, Toronto, and Saskatoon, as well as Regina and Sudbury, relative to their size.

The circumstances faced by Métis in other jurisdictions depend on the specific laws in place there, as well. For instance, Alberta is the only province to recognize a Métis land base. In 1934, the provincial government of Alberta established the Ewing Commission to inquire into the “problems of the health, education, relief and general welfare of the half-breed population.” The Ewing Commission defined the Métis as “a person of mixed blood, white and Indian, who lives the life of an ordinary Indian and includes a non-treaty Indian,”^{vv} but not those who have settled as farmers or do not need public

assistance. In 1938, and building on the work of the commission, the Alberta government passed the *Métis Population Betterment Act*. This established reserve land for Métis communities in central Alberta, known as “settlements.” In 1985, the Alberta Legislature unanimously endorsed a resolution to transfer lands to the Métis settlements and establish new legislation for greater local autonomy. This resulted in the Alberta-Metis Settlements Accord of 1989. In 2018, a group representing all eight Métis settlements signed a framework agreement with the government of Canada to serve as the basis for “ongoing negotiations toward a reconciliation agreement with the eight Métis settlement councils representing the people of Buffalo Lake, East Prairie, Elizabeth, Fishing Lake, Gift Lake, Kikino, Paddle Prairie, and Peavine.”^{www}

In Saskatchewan, Métis launched a statement of claim challenging the validity of the scrip system as a legitimate means of extinguishing the Aboriginal title of the Métis in the 1990s, which is still not settled. The Statement of Claim was filed in the Court of Queen's Bench in Saskatoon in May 1994. Through the Statement of Claim filed on behalf of the Métis National Council, the Métis Nation of Saskatchewan and the Métis Locals of Northwest Saskatchewan sought declarations related to the continuing existence of Métis title to land and resources in that region; to the rights to hunt, trap, fish, and gather; as well as the inherent right to self-government. No further court action has taken place since 1994, though many people are hopeful that the recent memoranda of understanding mean a change of direction. As Max Morin of Île-à-la-Crosse, who was a plaintiff in the Statement of Claim, explained in 2017, “I’m hoping the federal government will deal with us with an out-of-court settlement. In good faith, they should sit down with us to see what we can come up with.”^{xx} In part, some plaintiffs are hopeful, since the Supreme Court’s decision with regards to Métis in Manitoba not receiving their lands under the *Manitoba Act* and the scrip system was ruled to be a violation of the principle of the Honour of the Crown, whereby a persistent pattern of error and/or indifference that impacts on the delivery of a solemn promise, such as the *Manitoba Act* and scrip, can represent betrayal of the Crown’s duty to act honourably in fulfilling its promise.



The distinctions in geographies and in community connection and identity are evidenced in the many different experiences that Métis witnesses shared with respect to the violation of economic, political, and social rights. As Virginia C. explained:

Mom was one of ... the Métis that were – they kept getting moved from location to location, so ... there was no permanent land base for the Métis, and I know both villages that I lived in as a child, Molanosa, in the geographical centre of Saskatchewan, no longer exists. The people who lived in that community [were moved from] that community to across the lake, Weyakwin, because I don't know if there was mineral resources in that area or what.^{YY}

To Virginia, the history of disenfranchisement and of marginalization of her mother through various stages of her life was connected to her experience as a Métis person.

Harold R. is Métis and originally from Edmonton. His aunt Julie was beaten to death when he was 15, and he remembers the day that his family found out she was dead. The family received a phone call one evening and his mother answered the phone, falling to the floor when she was told that her sister, Julie, had been beaten to death by her partner. Seeing the immediate impact of that loss on his family members has stuck with him to this day. As he put it, “in one phone call that part of my mother was just stripped away.”^{ZZ}

He also spoke of the silence that followed her loss. “We were robbed of her laughter, we were robbed of her, you know, great zeal for life. My mom was robbed of a friend and a sister. So that stuck with me and the rest of our family and we saw ... the impact of that call.” Harold remembered that the family couldn't afford a casket and he had to put all of the money he made that winter as a 15-year-old toward that. They couldn't afford a gravestone for another 15 to 20 years. He described having to grow up quickly to deal with these things.^{AAA}

The experience of poverty shaped the aftermath of his aunt's death, and also affected his mother, impacting her well-being and health for the remainder of her life.

Experiences with Justice Systems

The distinctions in lived experiences in different settings and communities, as well as within very different life contexts, were also conveyed with many of the stories the National Inquiry heard from Métis witnesses with respect to law enforcement and with the justice system.

Fallon F. told the story of her family's loss. Sherry and Maurice lived with their daughter, Fallon, and two sons on a farm in St. Eustache, Manitoba. Both parents worked in Winnipeg but were very involved in their community. Sherry and Maurice were murdered in 1993, on the same day that the perpetrator – her mother's stalker – was released from custody for breaking a restraining order, when Fallon was just 9.

On the night of the murders, Fallon was awoken by a noise to find her mother struggling with the perpetrator, while her little brother, five years old, stood crying nearby. Fallon tried to call for help on the regular seven-digit assistance line, since 911 service was not available in the area, but was chased from the phone by the killer. Eventually, and after having her three children trapped, the perpetrator threatened to kill one of them if Fallon's mother didn't agree to go upstairs with him.^{BBB}

Eventually, Fallon was able to try to call for help several more times, but not before the perpetrator killed both of her parents, then turned the gun on himself.^{CCC} The children called for help from 12 a.m. on, but the police officer fell asleep and didn't respond until 3 a.m. Fallon and her younger brother sat in the house, with their parents' bodies, until help finally arrived at 8:30 a.m.^{DDD}

Métis mother Cathy C. came to the Inquiry with her husband David and granddaughter Ashley to share about her daughter, who went missing from 2014 to 2017, and is now missing again. Their biggest frustration with the authorities are the rules around not releasing information about missing people except in certain circumstances, since some people disappear of their own accord. However, a complicating factor is that their daughter was



diagnosed with schizophrenia, and has experienced severe drug-induced psychosis in the past.

The one time they heard from their daughter, in 2017, was when she was incarcerated in Los Angeles. There, when she was given medication for her schizophrenia, she began to remember her family's phone numbers and called her parents. She stayed in contact with them while she was in jail and receiving medical support, until she was released in September 2017. She became homeless, and by October they lost contact with her again.

She is still missing, and both Canadian and American authorities continue to say they are unable to release any information to her family, including if she is alive or dead. They feel that the prevailing attitude from the authorities is that no one really cares.

In another situation, Karin S.'s mother drowned in the Yukon River. However, Karin never felt that the question of how her mother ended up in the river was properly investigated – there were too many unanswered questions.

The authorities also improperly identified Karin's mother as non-Indigenous. Karin would like to see this formally fixed on her mother's death certificate. As she says, "She wasn't Caucasian – not that that's an insult, but my mom was very proud of her First Nations heritage, Tsileil-Waututh and Manitoba Métis."^{EEE}

The experience of many Métis with law enforcement varies greatly. In some cases, experiences with law enforcement and the justice system are linked to geography, to community, and to perceived identity of the victim or perpetrator. While the evidence tendered before the National Inquiry does not provide a basis for broad generalization, the diversity of experiences, as well as the common perception of being forgotten or cast aside, points to the need to support greater awareness on the part of the justice system about the need to track and record these crimes and the identities of victims and of perpetrators, and the need for greater relationship building in whatever context Métis people interact with these agencies.

Conclusion: Reframing the Diverse Experiences of Métis Women to Restore Safety

There is a great diversity, both among Métis women's, girls', and 2SLGBTQQIA peoples' experiences, as well as between the experiences of Métis women and other Indigenous women in Canada. In concert with this, there is a lack of data to support thorough analysis concerning the ways in which Métis women's, girls', and 2SLGBTQQIA people's experiences and rates of violence may differ from those of other Indigenous people. While these experiences may reflect, in many ways, those of other Indigenous people in Canada, the need to understand how a lack of services, and an abdication of governmental responsibility, may have contributed to these issues remains of vital importance in fully understanding how best to combat violence in this distinctive context.

Overwhelmingly, Métis witnesses testifying about their family loss pointed to the characteristics they missed the most of their loved ones. For instance, Karin S. testified that her cousins remembered her mother as someone who made people feel special and loved. Her mother also made special efforts to care for older people in her life, bringing them meals, making sure they got out to events and always being ready with a sympathetic ear.

Virginia C.'s mother, Madeline, was described by family as someone who had survived "so much violence and poverty"; she "had an ability to endure and make the best of her circumstances." She "left a great legacy of love." She was "very kind, merciful, gentle, generous, hospitable, industrious, and resourceful." Also, she was "a meticulous housekeeper, provid[ed] food and clean clothing and she was an entrepreneur selling lovely beadwork over many years. But above all, she was the best of mothers."^{FFF}

But witnesses also pointed to the strength and power of their communities and relationships in providing the way forward after these losses. For example, despite moving to Ontario to live with her aunt in the aftermath of her parents' deaths, Fallon pointed out that she continues to have a bond with friends and



family in the community because of the “upbringing that I had attached to my community and to everyone.”^{GGG} These bonds of social cohesion are important among Métis people, particularly in the diversity of experiences – social, economic, political, and others – that characterize the lives of the loved ones we heard about.

Métis witnesses before the National Inquiry offered distinctive solutions to confronting violence based in strength-based solutions. As Janet Smylie said, “What

if we imagine ourselves richly.... So, this gift that we have, we are who we imagine ourselves to be.”^{HHH} A strength-based approach includes understanding and celebrating culture, optimizing family and community well-being, celebrating and encouraging good relationships, and recognizing that answers lie within Métis communities, if people only bother to ask. As she pointed out, “If relationships [are] the fabric and glue that [hold] us together, then this investment is a critical thing.”^{III}

Findings

- Métis people were ignored by various orders of government for many years, particularly between 1885 and 1982. Related to this, there has been a lack of government responsibility for issues affecting Métis people, often framed in terms of jurisdictional issues, that persists today. This includes a lack of programs and services that meet the needs of Métis people in an equitable manner consistent with substantive human rights standards.
- The provision of services under the First Nations and Inuit Health Branch (FNIHB) is discriminatory and violates the rights of those excluded, including Métis and non-Status First Nations Peoples.
- There is an under-representation and sense of erasure, or invisibility, of Métis communities under broader umbrella terms such as “Indigenous” or “Aboriginal.”
- There is a lack of clear data available on issues affecting Métis people on a national scale, such as disaggregated data concerning violence and sexual violence experienced by Métis women, girls, and 2SLGBTQIA people, as well as data related to the particular barriers that Métis women, girls, and 2SLGBTQIA people face in accessing their rights to safety.

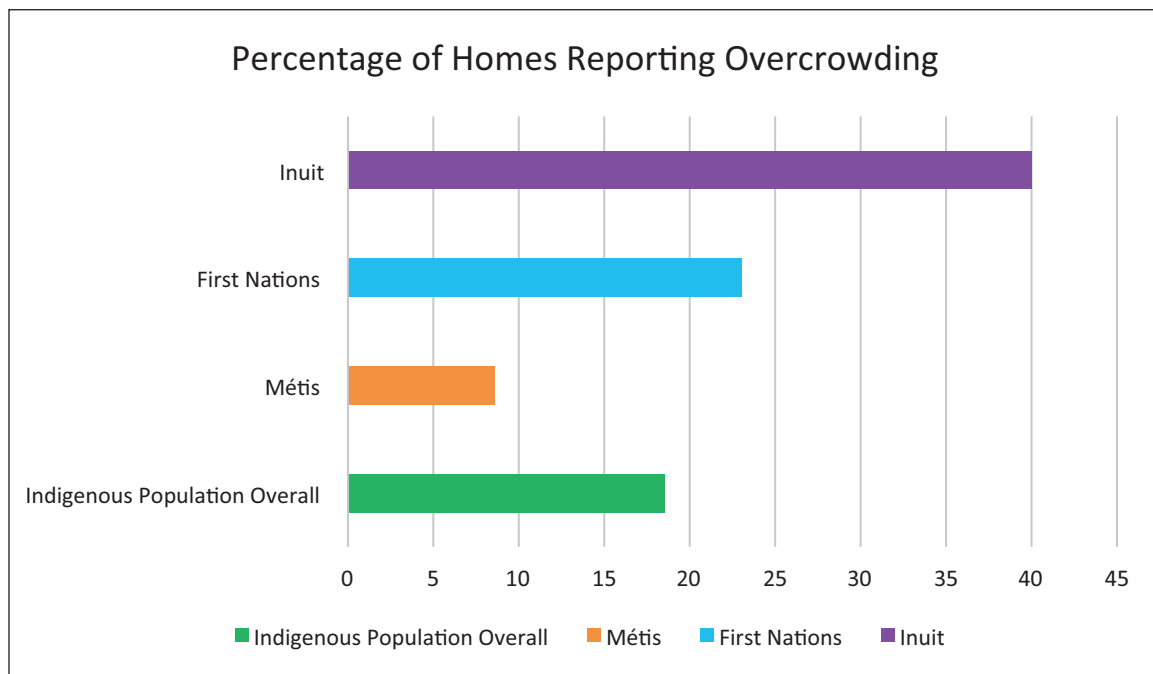


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- GGG Fallon F. (Métis), Part 1, Public Volume 11, Winnipeg, MB, p. 37.
- HHH Dr. Janet Smylie (Cree/Métis), Mixed Parts 2 & 3, Public Volume 2, Iqaluit, NU, p. 116.
- III Dr. Janet Smylie (Cree/Métis), Mixed Parts 2 & 3, Public Volume 2, Iqaluit, NU, pp. 122–123.



Housing

For First Nations, Métis, and Inuit women, one of the ways poverty impedes them in seeking safety is in their search for safe, affordable, and accessible housing. Across the country, family members, survivors, Knowledge Keepers, and others drew attention to the link between the lack of access to safe housing and violence. The lack of availability of safe and affordable housing in many First Nations, Métis, and Inuit communities is well documented. In 2016, according to Statistics Canada, close to one-fifth (18.5%) of the Indigenous population lived in housing that was considered not suitable for the number of people who lived there.⁶⁴ Specifically, of those living in crowded housing, 8.6% of Métis, 23% of First Nations, and 40% of the Inuit population lived in these conditions.⁶⁵



For Indigenous women, girls, and 2SLGBTQIA people living in poverty, access to housing, especially within remote or isolated communities, is especially difficult. Violence may be compounded by both crowded living arrangements, as well as the difficulty in accessing housing at all for a variety of different reasons including economic capacity and availability of housing. For instance, according to Statistics Canada data for 2016, Inuit living in Nunangat were more likely to live in crowded housing than those who lived elsewhere in Canada, and within Inuit Nunangat, half (51.7%) of the Inuit population lived in crowded housing.⁶⁶ Inuit families of loved ones who died from intimate partner violence often mentioned the shortage of housing in Inuit Nunangat, the overcrowding, the incidence of infectious diseases, and the violence that inevitably follows overcrowded homes. According to ITK, “Crowded housing is associated with high rates of communicable disease (such as tuberculosis), stressors that can lead to friction and violence



between family members, poor conditions in which children must learn and study, and other challenges.”⁶⁷ The 52% of Inuit in Inuit Nunangat who live in crowded homes do so at a rate about six times greater than the rate for non-Indigenous People in Canada, and nearly a third of Inuit live in homes in desperate need of repair. As ITK points out, “This clearly shows the inequity between Inuit and others with regard to housing suitability and gives concrete evidence to what most Inuit already know anecdotally: that Inuit face a housing crisis which needs to be addressed.”⁶⁸ This echoes testimonies heard by the National Inquiry where, repeatedly, families referred to the lack of housing and shelters for Inuit women seeking refuge from abuse and violence at home.

The report of the Standing Senate Committee on Aboriginal Affairs, *We Can Do Better: Housing in Inuit Nunangat*, documented the threat to the health and safety of Inuit families due to the housing crisis in 2017. The housing crisis in Inuit Nunangat has been of deep concern for Inuit families for many years. Within the communities, the lived experiences of Inuit men, women, and children stem from the reality of overcrowded housing: the lack of affordable homes, hidden homelessness, infectious diseases such as tuberculosis, respiratory infections, mental illness, vulnerability of children in experiencing or witnessing violence and abuse, and high rates of domestic violence. The issue of safe housing came up over and over again among Inuit who told their truths about themselves or their loved ones to the National Inquiry in Inuit Nunangat.

While the issue of safe housing in Inuit Nunangat was prominent, First Nations and Métis Peoples also face their own challenges. First Nations people were also more likely to live in a crowded dwelling on-reserve than off-reserve: 36.8% living on-reserve and 18.5% living off-reserve lived in crowded housing.⁶⁹

In his testimony, Lance S. spoke about the condition of housing on reserves in Saskatchewan and how these conditions impact the health and well-being of community members.

The poverty line that’s out there, you know, the housing that’s out on the reserves, the water that’s out there – you know, there’s a lot of things that us First Nations people on reserves, we still live like that today, that we lived 30 to 40 years ago, we still live that today. We still live in those old houses. Those old houses that are on these reserves are still being used. People, the Elders are getting sick from all that stuff.⁷⁰

Minnie K. echoed these same concerns about safety and overcrowding in her description of housing in her community.

Yes. Well, I did kind of look around at things like the families that are living in homes today. The homes they’re living in today are not suitable for them. They’re living in these homes that – well, their homes are crowded. Their homes are built, and so many families are in homes today that there’s no room. And, also, that they built places they shouldn’t be built and in rock piles and things and whatever. There’s no spaces for kids to play even or anything like that.⁷¹



During the Heiltsuk Women Community Perspective Panel, Mavis Windsor spoke about how overcrowded and otherwise unsafe housing put First Nations women and girls in her community of Bella Bella, British Columbia, at an increased risk for violence.

More often than not we have homes in our community where there are three or four families living together in very crowded circumstances and that affects the health and well-being of – of not only you know, the women in the family, but the men and the children, it can create situations where there's tension and you know, just it's not a very healthy situation.⁷²

In her testimony, Rebecca M. talked about the housing-related challenges faced by Indigenous women living in Halifax, and how these challenges create a sense of insecurity.

Housing security is a big issue for a lot of the Indigenous women that I know back home. So, like, for me and my family, we're always sort of, like teetering on whatever.

Yeah, so I think that housing security – well, I can only speak of Halifax really, but that's a reoccurring issue that I always see our women struggle with. And it's for all kinds of different reasons, you know. It's not always just financial, you know. Like, a lot of the times I have a full-time job, or I'll have the money, but it's just either difficult to get one, find one.... Yeah. Or – or you have to leave one that you're at for whatever reason. Like, it could be, like I said, domestic, or it could be – it could be unsafe in some way, or – or it could have like, problems, but housing is – is a big issue.⁷³

As scholars Ian Peach and Kiera Ladner point out, such conditions of vulnerability are direct corollaries to the urban migration of women, which, in turn, creates the conditions for women to go missing and be murdered, therefore perpetuating marginalization, rather than addressing it.⁷⁴

“THE POVERTY LINE THAT’S OUT THERE, YOU KNOW, THE HOUSING THAT’S OUT ON THE RESERVES, THE WATER THAT’S OUT THERE – YOU KNOW, THERE’S A LOT OF THINGS THAT US FIRST NATIONS PEOPLE ON RESERVES, WE STILL LIVE LIKE THAT TODAY, THAT WE LIVED 30-40 YEARS AGO, WE STILL LIVE THAT TODAY. WE STILL LIVE IN THOSE OLD HOUSES. THOSE OLD HOUSES THAT ARE ON THESE RESERVES ARE STILL BEING USED. PEOPLE, THE ELDERS ARE GETTING SICK FROM ALL THAT STUFF.”

Lance S.

Speaking about housing in the Northwest Territories, Pertice Merritt provided an example of the way the loss of even one residential structure can create significant challenges for the population, especially for women experiencing violence.

And, I want to particularly mention transitional housing because that's what came to my mind to draw me back to this, because you may have heard in the news recently that [transitional housing apartments] in Yellowknife burned to the ground. This is where the



YWCA was housed. This was where transitional housing occurs. This has displaced 33 families. And, as I was preparing my – for the conference and to resolve the emergency protection orders, I said to ... the executive director, “This is an emergency protection order waiting to happen.” And she said, “Pertice, it’s already happened. They’ve moved people into other housing across Yellowknife, not with a security guard, and one woman has recently had her door kicked in and does not feel secure.”

So, what they were providing in 2017–18, the YWCA provided transitional housing up to one year to 57 families and 94 children, and there were 21 youth in Hope’s Haven, as we said, and the Yellowknife’s Women’s Society opened eight semi-independent units for single women.

So, I think we have a further crisis brewing for our small population. And the numbers may not seem large to you, but we’re a small population really spread across the North, and as an Elder said to me once in the community, “I count as a person.”⁷⁵

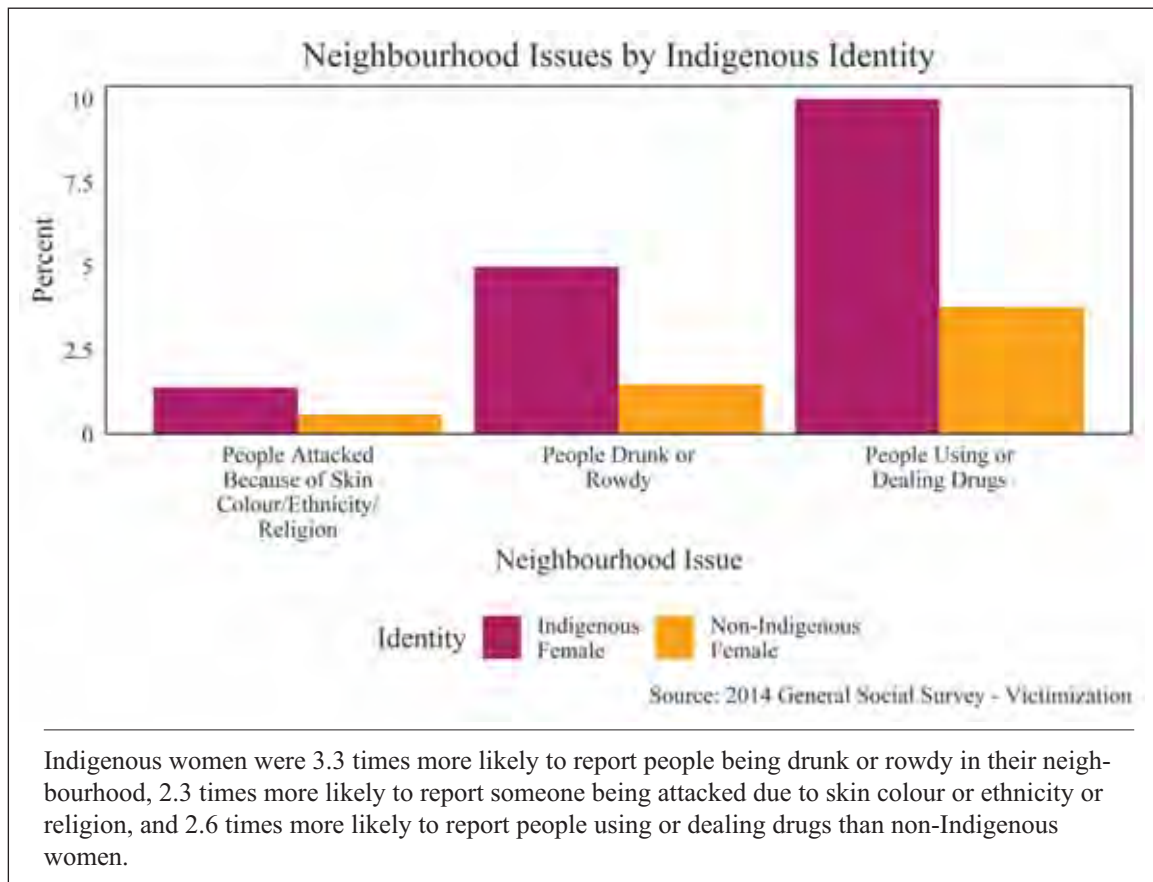
In other testimony, we heard how women whose relationships break down because of violence are then faced with challenges related to housing because of community policies or practices. Michele G. described how, because of band policy, she was not allowed access to her marital home.

Soon we decided to separate and divorce and it became a fight for who would get the marital home on the reserve that was in both our names. Because you can’t sell the land on reserve – it’s Crown land – you have to revert to band policy. I remained living in the house with my three kids and I became subjected to violence by some members of his family who didn’t want me in there. One day I had 100 rotten fish dumped on my yard and a bicycle thrown through the front window. I wasn’t home but my six kids were and they phoned 911 and hid in an upstairs closet terrified, but the police didn’t attend. When I got home I was livid. Talked to some sergeant in [a police department] who apologized and said they thought it was a prank. I went to Chief in Council about the lack of policy to protect women from being shoved out of homes on the reserve to go live in poverty in the east end. They had no answer for me. I left the reserve at that time.⁷⁶

For Indigenous women living in urban settings, or for the many Indigenous women, girls, and 2SLGBTQIA people who decide to leave their community, access to safe and affordable housing continues to be a problem that puts them at additional risk for violence. For example, Jenisha Wilson, programs manager with Tungasuvvingat Inuit, talked about how, for Inuit women who resettle in the South, the only options for affordable housing are often in neighbourhoods where there are higher levels of violence and police presence: “Within Ottawa, Vanier tends to be one of the hubs where a lot of Inuit live. It also tends to be the number one spot that has the highest rates of sexual assault within the province. It also happens to be a place where surveillance and policing happens constantly.” For Wilson, again, it is important to position these challenges in accessing safe and affordable housing within a colonial context that continues to jeopardize



women's security and safety. For her, the high number of First Nations, Métis, and Inuit women living in low-income, high-crime neighbourhoods is an example of “how violence is rearticulated through geography.”⁷⁷



In her testimony, survivor Rebecca M. talked extensively about the difficulties she faced as a low-income First Nations woman seeking housing in Halifax. She spoke about how she perceived a connection between living in an insecure public housing unit in Halifax and the increased likelihood of violence.

[T.] Housing, that's Native housing in Halifax, so it's like public housing for Native people. And – and they're really slummy. They're like slum lords, so they have a lot of problems. The apartment – me and [my sister] lived there, we lived there for five years. The back door ... was insecure, so like the wind could blow it in, and stuff, and it was like that the whole five years.

From before we moved in to after, and it eventually led – so it was insecure the whole time, and even though I stressed to them, “You know, it's – it's me and my sister, my younger sister, like, we're young women and we live on our own, and you know, it's really unsafe,” they never fixed it.



There was one time when I caught – we caught somebody trying to break into our place, and – like, I chased him down the road and everything. And then I called [T.] Housing, flipping out, because our back door wasn't secure. And they sent someone in and they just – I said they put an Indian lock on it, because they cut a two by four and then they put it between the back stair and the back door and they left it like that.

They said that they were going to order another door and – and it never came, never showed up. They never did anything about it, so needless to say they didn't really give a – a crap about me and my sister's safety at all.⁷⁸

For Rebecca, unsafe housing was even more troubling because of other violence she faced in her life from a partner who was violent and who had previously breached orders to stay away from her. Not surprisingly, Rebecca's sense of a lack of physical and emotional security was compromised because of the threat of violence compounded by unsafe housing. As she described:

And so I kept on having nightmares of that person breaking in to my house because they knew where I lived. And so I couldn't really sleep well there, so when they were – they were in jail for a month, until their court date. And during that time, because I was really worried about what this person might do when they got out, I ended up ... moving to the other end of the country. So I moved to Vancouver.⁷⁹





When Rebecca – like so many other Indigenous women – is forced to move in an attempt to restore safety, she is placed in additional danger.

For 2SLGBTQQIA people, access to safe housing within their territory or community may be complicated by sexism, transphobia, homophobia, and other discriminatory beliefs about gender identity, expression, and sexual orientation. Marge H. described how, as a lesbian, she was pressured to leave her community.

I was outed from my community because I was a lesbian. I'd – there was no room ... it was suggested by various family members for me to take a vacation. So I was working in the cannery at the time. And I was – saved up a couple of cheques. And I got on the – the ferry boat to Vancouver. And it really hurt because [of] the way I was treated. I had no – I lost friends really quick. And there was, of course, rumours and gossip, and stuff like that. And – so I left.⁸⁰

Viola Thomas also commented on the lack of safety faced by 2SLGBTQQIA people in their communities and the pressures this puts on them to move.

For many Two-Spirited people, they end up being displaced from their territory and from their communities because they're – they don't feel safe and they don't feel welcome because of their uniqueness. And so you have a large population of Two-Spirited peoples across the country that end up moving to urban areas, so that they have a space where they can feel a likeness to other folks and feel welcome for who they are.⁸¹

For many who are pressured or forced to move, these same problems exist within the city. For Jamie L. H., these concerns about finding safe, affordable housing are also complicated as she gets older and realizes the lack of housing options for aging transwomen and Two-Spirit people.

I've been studying a model down in Mexico for Indigenous, retired women and they – and they have this home and it's a place that they live together in community. And I would like to see places like that for our LGBTQ+ communities. And, you know, we need that because I think right until you exit physically this earth, you need that sense of love and belonging. And so I fear the most that, you know, if I get really ill, where am I going to be put? And you know, so I think we need to address that.⁸²

Homelessness and Exploitation

For many Indigenous women, girls, and 2SLGBTQQIA people, poverty makes access to any form of housing impossible, and they are forced to live in shelters, on the street, or in other forms of precarious housing. In sharing the circumstances leading up to the disappearance or death of their loved one, many family members described how their loved one was homeless or precariously housed at the time of her disappearance or death. For example, Cee-Jai explained that it was when



her sister was living on the street that she was murdered. Despite Cee-Jai's efforts to protect her sister, the vulnerability she faced as an Indigenous woman living on the street was too great.

Monique F. H., who now works as an advocate with an AIDS organization, drew on her own memories of her life as a young homeless girl living on the streets and the fear she lived in as a result of the almost constant threat to her security and safety.

The violence that I experienced in my life has made me I think, more understanding to the women that I work with. A lot of them don't realize when I hear their stories, I hear myself, so when I was – when I was younger and on the street it was very – very difficult.

I remember seeing girls getting beaten up all the time. Shooting up. Living that lifestyle. Always fearful of what was going to happen next. And I was scared even though I may not have acted scared, I was scared.⁸³

In sharing her experiences of living on the streets, Marlene J. talked about how violence becomes a way of life – and often something she endured to meet her basic needs for housing and food.

I would say I was raped three sometimes four times a week.... I was just trying to survive. I was drinking a lot to not have the pain. I was always drunk. I drank pop to kill the pain of hunger. I'd steal. Go in the liquor store and steal bottles of booze. I'd be drunk and then I ended up with these men. They figured oh yeah we're going to have a party and then end up being raped. How many parks I had to crawl out of. I was always alone.⁸⁴

Poverty can also contribute to violence because of the way people may use drugs and alcohol to cope with the challenges associated with having no money or home. As Marlene explained, alcohol allowed her to survive the violence, hunger, and emotional pain she endured on the streets, even though it increased the risk that others would target her for violence.

These people that had raped me, they pretended to be my friend. They said, "We can just sit and talk." Because I was homeless they decided that they would take advantage of the situation. Sometimes I'm drunk I don't remember, but I do know – I don't know. Like I said, being in residential school what they tell you every day that you'll amount to nothing sort of sticks with you and then you just don't care about yourself the way you should.⁸⁵

Mealia Sheutiapik, an Inuk woman who shared her experience of homelessness on the streets of Ottawa, talked about how drug use became a way of surviving not only the harsh living conditions but also the trauma she carried with her as a result of the violence she had witnessed and the separation she felt from her family and culture.

I was smoking hash. I didn't know any other drug that time. He got me into smoking hash. So, I tried to kill that pain when I was a witness to that murder. So, I just ended up



carrying on and smoking hash, and it escalated to other drugs just to kill the pain and just to get numb, just to forget about that thought and what happened before. And, thinking about my grandma and my siblings, leaving them behind, I ended up using more hard drugs. And that also escalated me to go on the street and try and get more money to get high.⁸⁶

Hearing from witnesses about the challenges poverty poses for First Nations, Métis, and Inuit women, girls, and 2SLGBTQQIA people demonstrated how the violation of their right to social security directly contributes to, and underlines, the many stories of violence, disappearance, and death shared by families and survivors.

Barriers to Education and Training

In the same way that poverty denies Indigenous women, girls, and 2SLGBTQQIA people access to housing, so, too, does it create barriers to education, training, and employment – the very tools that might stop the cycle of poverty in many Indigenous families and communities, and are known protective factors against violence.⁸⁷

Access to education and to training and meaningful employment is a factor known to decrease the likelihood of perpetrating and being victimized by violence. In her testimony, Robyn Bourgeois, a Cree professor at Brock University and a survivor of trafficking, talked about how, for her, education empowered her and became a way of understanding her culture and the ways she might challenge colonial violence.

I grew up feeling really empowered with school. I know that sounds funny, because for so many Indigenous Peoples, school isn't empowering. But, for me, it had always been. And I saw an opportunity.... I remember reading scholarly work by Indigenous thinkers and thinking, "This is amazing." Like, just how they can use the words of the government in particular, because I'm always obsessed with the government of Canada, and I've been struggling, you know, how to make sense of what goes on in this country in relation to Indigenous Peoples. And so, I remember thinking, "I can do that. I could do that." And so I went back to university.⁸⁸

Likewise, in describing her experience growing up in foster care, Cheylene Moon, who participated on the Youth Panel in Vancouver, talked about how school offered a sense of security: "I loved school growing up, because it was like my safe place away from my foster homes."⁸⁹

Security through education will become more and more important in Inuit Nunangat, as the Inuit population increases at a greater rate than in southern Canada. This makes for a very young society: Inuit children under 14 years of age comprise about 33% of the Inuit population.⁹⁰ One of the consequences of such a young population is a greater number of young Inuit mothers, and they are often single mothers. Sometimes these young mothers stop going to high school because of pregnancy. The financial strain on young single mothers makes life difficult for them and even



more difficult for them to achieve goals like higher education or to get their own home where they would be safe from harm. Many young Inuit mothers' stories highlight the importance of financial security. Having support programs would help these parents support their children and gain further education with the financial security needed to do so. They have fully expressed their right to financial security.

For Amy Bombay, education offered a path to pursuing research that would help better explain the ongoing impact of colonial violence and residential schools on Indigenous Peoples: "It was in my undergrad – in high school, my mother encouraged me to do a project on residential schools, and that was the first time I really learned about it. And, for me, it was a lightbulb went off in explaining many of the things, you know, that I had been thinking about growing up."⁹¹ As their testimony demonstrates, for Bourgeois, Cheylene, and Bombay, access to education, training, and employment not only fostered security in their own lives, but also offered a means of challenging the social, economic, and political marginalization within colonial structures that contributes to violence against Indigenous women, girls, and 2SLGBTQIA people.

As survivors and family members of lost loved ones described, the barriers they or their loved ones faced in accessing education, training, and employment played a role in the violence they experienced. Despite the federal government's responsibility to provide adequate education for all Indigenous Peoples, the disparity in funding for Indigenous educational systems, especially in rural and remote areas where access to schools and education may be extremely limited, continues to be one of main barriers to education and learning.⁹² Despite a growing population of Indigenous people and other inflationary pressures on them, the National Collaborating Centre for Aboriginal Health found increases in funding for Indigenous and Northern Affairs (INAC) programs for First Nations and Inuit have remained capped at 2% annually since the mid-1990s.⁹³

In his testimony, Chief Roddy S. talked about the challenges that living in a remote community in British Columbia pose for his children in terms of education and employment.

So something has to be done in the communities. And there's no jobs. And I never, ever had to depend on welfare. I worked all my life. Back then it was nice going and everybody was working. Now it's really tough. And I feel for the people, my kids. My daughter has to work at Smithers here. My other daughter, she's trying to get a truck driving ticket. My son ... works in [security].

So we had to move our kids off the reserve in order to get educated. And they're feeling sorry because they've lost their language and their tradition a bit. My wife is trying to get them back on track, and our little ones are learning.⁹⁴

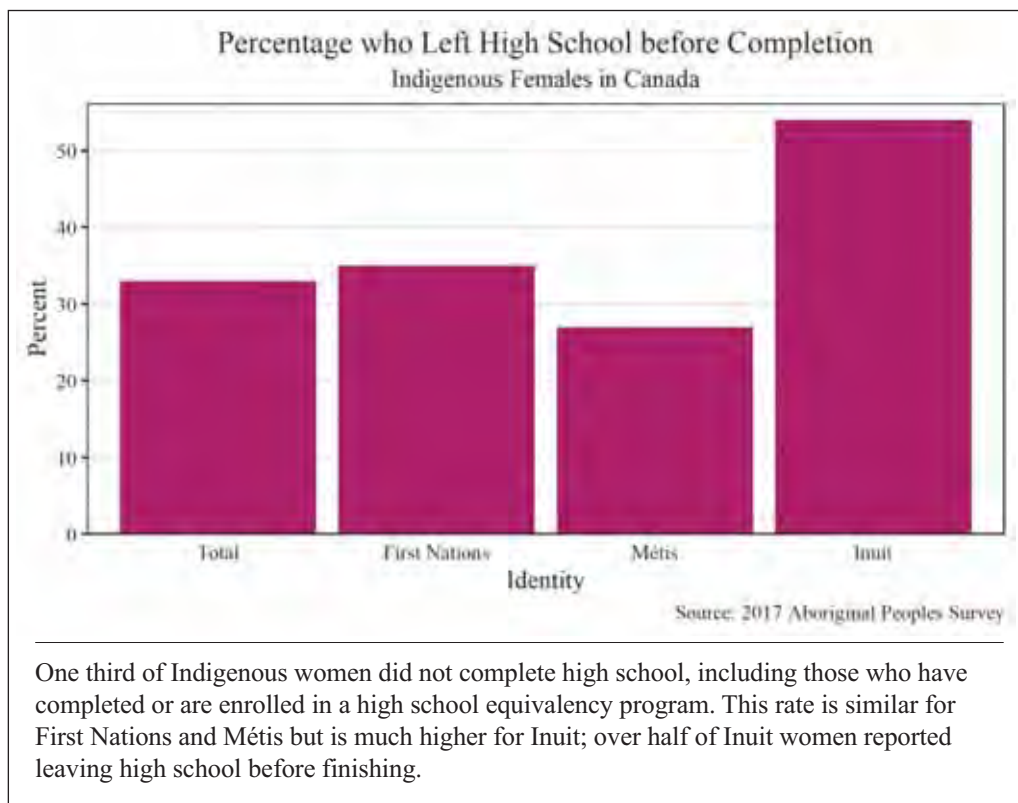
Because of the lack of adequate educational facilities on reserves, especially in rural or remote areas, many Indigenous children and youth have to leave their home communities in order to attend high school or a post-secondary institution. The 2012 Aboriginal Peoples Survey, for instance, revealed that, in 2011, approximately 31% of First Nations students attended off-reserve

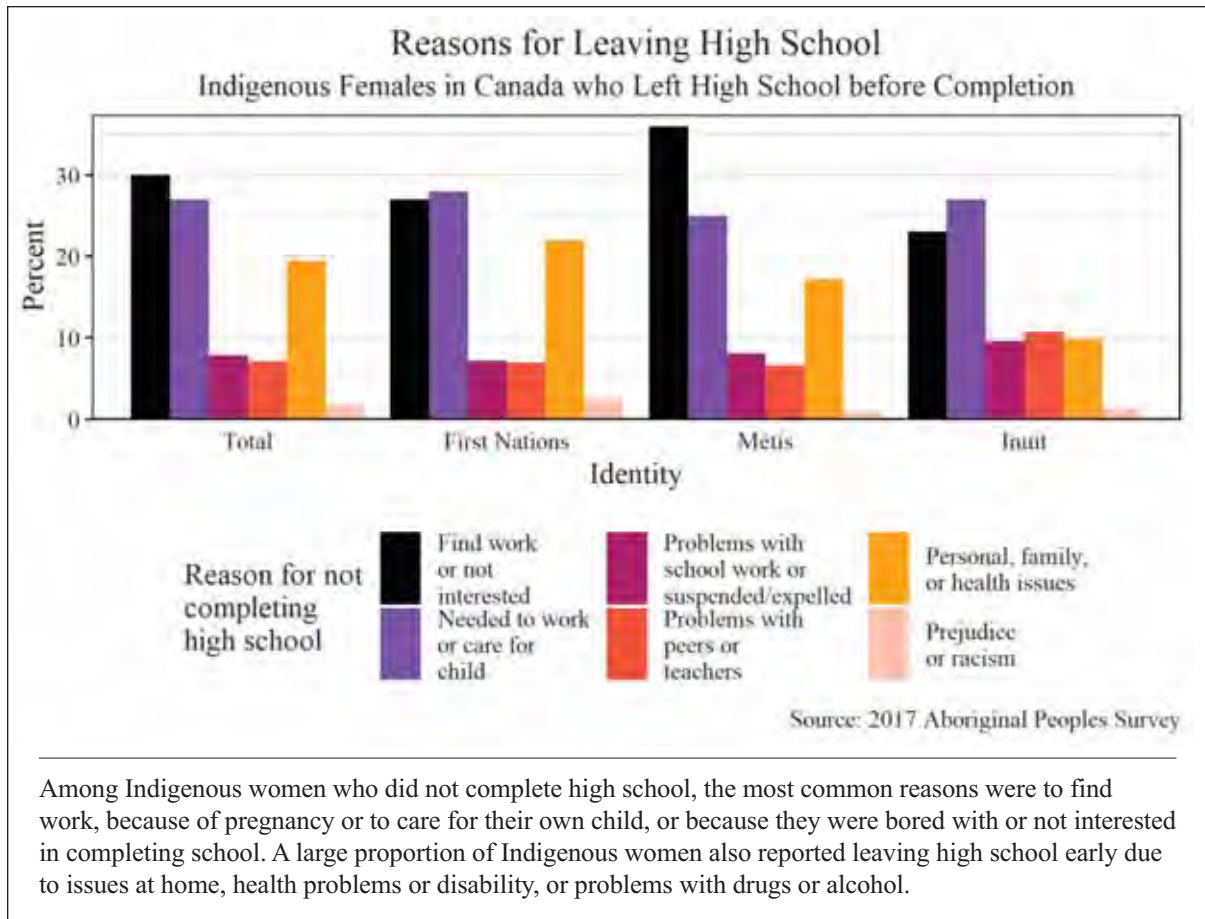


provincial schools.⁹⁵ In addition to being a significant barrier to high school completion,⁹⁶ the requirement of having to travel a significant distance from a home community in order to attend school also creates distinct risks for violence. As Pertice Moffitt explained, while education can enhance the social and economic security of Indigenous girls and women, the realities of accessing that education may at the same time create additional risks or violations to their physical security.

Women say there is nowhere to go. How do they get out of that community? So, that is what shuts them down. That's what silences them; that's what isolates them. And then some women, there is an opportunity to come and get a better education. And, when they do that, they bring their families. There is some assistance. But, then, for example, even in the nursing program, there is difficulty, because of – to get your basic education in preparation, your math and science that you would need to come into a nursing program.

There's difficulty in the small communities where there's – formal education was not something that was useful for grandparents, for example. And, because of all this schooling and the residential school, there is a distrust for going to school. I think these things contribute to a poor attendance. So, it's – women need better education so that they can get better jobs so that they can get better housing so that they can care for their children. And there is an intersection of all of these things.⁹⁷





In addition to barriers in accessing education, and the distinct dangers that can exist for Indigenous women, girls, and 2SLGBTQQIA people who seek education outside of their communities, witnesses described how racism within the institutions and a lack of understanding of the history and impacts of colonialism can create further barriers to learning.

In her testimony, Lisa B. J. talked about the bullying her young son encounters at school, not only from students but also from teachers who, she believes, target him as First Nations. For Lisa, the bullying her son endures – and that has led to his changing schools multiple times – is particularly troubling because of what she recognizes as the important role education can play in creating relationships that foster safety. For Lisa, the violence in her sister’s life was directly connected to her inability to receive education.

If she only would have completed her education and not – not been taught the way that her life should have never happened....

She was young, you know? She – she could have been prevented from – from a lot of things. They could have you know, she could have finished her school, and she could have been anything that she wanted to be....



And she – she picked that life because when she tried to reach out to the system, and the system didn't want to be there for her, and to – to acknowledge any of the concerns that she tried to – to talk about.⁹⁸

For Mealia Sheutiapik, a lack of understanding and awareness about her experiences as an Inuk woman made pursuing an education and getting a job even more difficult.

Well, when I started taking the courses and got the certificates from doing the courses, then I started looking for work, because I didn't want to be on the street anymore, and I knew I could do better. I was looking for work, but since I've been off work for so many years that I was not accepted. Even though I hand out my resumé, I was not accepted. It took how many years to find another job, a normal job, like – and then after almost 18 years, I went back to Inuit Broadcasting and I worked as an editor. I went back to acting, and then I started editing. And, I was there for almost four years. But, something triggered me again, and I just went right back to the drugs, the alcohol and drugs. And I got laid off. And it was not easy to find another job after getting laid off. And getting laid off, that led me to drinking again, and that took over me again, that drinking.⁹⁹

In sharing the story of her daughter, who was murdered by a man unknown to her who had a long history of violence, Connie L. talked about how Jarita had been a student, travelling approximately 50 kilometres each day from her home community of Onion Lake to Lloydminster. Jarita's mother described the role of education in Jarita's life and in supporting her children.

They'd [Jarita's children] stand at the window and watch her walk away to go to school, and they got used to her going to school. She – her education meant a lot to her, and the two, they'd stand at the window and they'd watch her leave, and they'd be waving at her, and she would stand and wave back. She had to go down to the confectionery to catch the shuttle to go to school in Lloyd[minster], and that was the time of her death, so it was really hard to watch my grandchildren stand there and wait for their mom to come back, and she never came back, and they'd ask me questions. Where's my mom? I didn't know how to explain. That was really hard to explain that she wasn't going to come back.¹⁰⁰

At the time of her murder, Jarita had been unable to get a ride home from Lloydminster and had rented a hotel room for the night. It was in this hotel room where she was brutally murdered by a stranger who, despite being charged, was never convicted, due to a technicality in the court proceedings. As her mother described, the scholarship at Lakeland College established in Jarita's memory is a testament to her value as an "honoured student"; it is also a poignant reminder of the loss of those accomplishments and possibilities Jarita would have surely achieved, had she been able to complete her education free from violence.

Many family members who spoke about the disappearance or death of their loved ones also spoke passionately about the way violence had stolen the potential accomplishments their loved ones were pursuing at school and work at the time of their disappearance or death.



In their testimony, the Potts family talked about the educational pursuits and achievements of sister Misty P., who, at the time of her disappearance, was a teacher at a First Nations college, and she was pursuing her PhD at the University of Manitoba and undertaking important research on the environment and traditional culture.¹⁰¹

In her testimony, Leslie K. remembered her daughter's, Candace O.'s, skill as a welder: "There was nothing, I guess, in my girl's way that she wouldn't – if somebody told her you couldn't do it, she would do it. She was stubborn like that I guess, like me."¹⁰² As her sister, Raylene K., remembered, "[Candace] was driven with education, her goals. She made me who I am today, strong, independent."¹⁰³

These stories paint a troubling picture of the pervasiveness of violence in the lives of all Indigenous women, girls, and 2SLGBTQQIA people. Even in those circumstances where Indigenous girls and youth manage to overcome the many barriers placed in their way in order to pursue education, the threat of violence is ever present.

For Jenny L., whose mother, Linda B., was murdered by her husband, who later died by suicide when Jenny was four years old, violence that leads to the death and disappearance of Indigenous women, girls, and 2SLGBTQQIA people impacts access to education in a unique way for their children "left behind."

Another thing that is really important for me, I'm almost done my first degree, and I've had a really hard time with funding and, you know, having enough resources for myself, because I have no parents to support me. And I think that there should be more bursaries and scholarships available for families of MMIWG who want to start their education, or continue their education, because they're the ones who are going to be very helpful in the future for family members to change how this happens to people, and to support those who have been affected by it, because they've been through it themselves. I think that's really important.¹⁰⁴

Enabling women, girls, and 2SLGBTQQIA people to access education as a way to increase security is an important way to combat violence at its very root.

"THEY'D [JARITA'S CHILDREN] STAND AT THE WINDOW AND WATCH HER WALK AWAY TO GO TO SCHOOL, AND THEY GOT USED TO HER GOING TO SCHOOL. SHE – HER EDUCATION MEANT A LOT TO HER, AND THE TWO, THEY'D STAND AT THE WINDOW AND THEY'D WATCH HER LEAVE, AND THEY'D BE WAVING AT HER, AND SHE WOULD STAND AND WAVE BACK. SHE HAD TO GO DOWN TO THE CONFECTIONERY TO CATCH THE SHUTTLE TO GO TO SCHOOL IN LLOYD[MINISTER], AND THAT WAS THE TIME OF HER DEATH, SO IT WAS REALLY HARD TO WATCH MY GRANDCHILDREN STAND THERE AND WAIT FOR THEIR MOM TO COME BACK, AND SHE NEVER CAME BACK, AND THEY'D ASK ME QUESTIONS. WHERE'S MY MOM? I DIDN'T KNOW TO EXPLAIN. THAT WAS REALLY HARD TO EXPLAIN THAT SHE WASN'T GOING TO COME BACK."

Connie L.



Threats in Moments of Transition

Many Indigenous women, girls, and 2SLGBTQQIA people whose safety is routinely compromised through violence, poverty, homelessness, barriers to education and employment, and other forms of economic and social marginalization, make decisions with the hope of improving their safety. Economic and social marginalization often means people have to move in order to mitigate these forms of oppression and violence. Jennisha Wilson listed the various reasons why an Inuk woman or girl might choose to leave her community.

Some of these items are in search of higher education or educational opportunity, job prospects, visiting family by choice or to reconnect with relatives, foster care relocation, incarceration, mental health and addiction supports, primary medical care needs and supports, poverty reduction, so looking for a better life, access to better housing, affordable food and things that would empower one's well-being to the best status possible.¹⁰⁵

For many Indigenous women, girls, and 2SLGBTQQIA people, the decision to move or relocate is made in order to escape ongoing violence. For some, this means leaving a remote community to go to urban centres; for others, it means running away from foster homes and living on the streets; and, for others, it means running to precarious or violent partners because no other option exists.

Speaking as a survivor and advocate with the Canadian Aboriginal AIDS Network, Monique F. H. – who began her testimony by saying, “I’m a mother, and a grandmother. I’m also a survivor of violence, many forms of violence”¹⁰⁶ – talked about how, at age 13, in her effort to escape the sexual abuse she was experiencing at home, she ran away and lived on the streets – a move that was only to be met with further sexual abuse.

Well, because of the sexual abuse that I went through and not really feeling like anybody would help me ... I left. And I didn’t want to look back. I wanted to just escape from all of that pain and all of that stuff. I don’t know what you want to call it. I just wanted to run and get away from it and it just took me to a deeper level of sexual violence. A deeper level of violence that I was not expecting. You know, many years – many of those years being on the street I was raped a number of times. Drugged, raped.

And I tell this story today because I never want that – my daughters and my granddaughters to ever go through that. I’m very protective over my daughters. Probably too protective. But I pity anybody who comes and hurts them.¹⁰⁷

Like Monique’s story, one of the prominent stories that witnesses shared was that in their efforts to restore safety and escape violence or to seek a better life, they often encountered more violence. Inadequate infrastructure and transportation, or transportation that itself becomes a site for violence, punish Indigenous women trying to “make a better life” through efforts to escape



violence or improve their lives or find safety. The lack of supportive infrastructure and transportation further violates that safety. Rather than the safety and protection she sought, Monique found what she aptly described as a “deeper level” of violence.

As witnesses described, in moving from one place to another, Indigenous women, girls, and 2SLGBTQQIA people face significant risks for violence. As Jennisha Wilson said, in speaking of the journey Inuit women take in resettling in the South:

And, in that 1,000 kilometres, a lot can happen, right? This is what contributes to missing and murdered Indigenous women, right? Having to go out of your way, which is a significant barrier, to accessing services will often push individuals to either not access services and continue being vulnerable. You will see people become really resilient in the sense where they will come up with their own alternatives, which may or may not be the best solution and/or they will go to services that will – that are harmful just because it’s closer. So, I think that, and what I’m trying to say is that, yes, we can look at St. John’s as a place, but we also have to look at where those other factors are that may or may not contribute to provoking unsafe access to resources and increasing vulnerability and trafficking of women and girls.¹⁰⁸

In part, the additional risks to safety that Indigenous women, girls, and 2SLGBTQQIA people face in their attempts to relocate or move result from a lack of adequate, safe transportation. A lack of safe and affordable transportation can mean that people may be forced to rely on other methods, such as walking or hitchhiking, not only to escape dangerous situations but simply to travel for education or employment.

As Josie Nepinak explained, the lack of resources for transportation mean that women already in extremely vulnerable and dangerous situations as they leave violent relationships are sometimes forced to put themselves at significant additional risk in order to access a safe house or emergency shelter – for example, by hitchhiking in order to reach a safe space. Nepinak spoke about how proper funding for transportation to support the needs of Indigenous women, girls, and 2SLGBTQQIA people in those moments when they are trying to escape violence would be a meaningful way of preventing further violence.

“ANOTHER THING THAT IS REALLY IMPORTANT FOR ME, I’M ALMOST DONE MY FIRST DEGREE, AND I’VE HAD A REALLY HARD TIME WITH FUNDING AND, YOU KNOW, HAVING ENOUGH RESOURCES FOR MYSELF, BECAUSE I HAVE NO PARENTS TO SUPPORT ME. AND, I THINK THAT THERE SHOULD BE MORE BURSARIES AND SCHOLARSHIPS AVAILABLE FOR FAMILIES OF MMIWG WHO WANT TO START THEIR EDUCATION, OR CONTINUE THEIR EDUCATION, BECAUSE THEY’RE THE ONES WHO ARE GOING TO BE VERY HELPFUL IN THE FUTURE FOR FAMILY MEMBERS TO CHANGE HOW THIS HAPPENS TO PEOPLE, AND TO SUPPORT THOSE WHO HAVE BEEN AFFECTED BY IT, BECAUSE THEY’VE BEEN THROUGH IT THEMSELVES. I THINK THAT’S REALLY IMPORTANT.”

Jenny L.



If someone calls us from – you know, from another province, even, which we often have women come from other provinces, but they have no way to get to us and they have no resources where they are. They may be in the city of Saskatoon or Regina. So, you know, if we had, you know, an ability to be able to say, you know, we’re going to send through the bus depot, you know, et cetera, and to be able to do those things.¹⁰⁹

For some of the family members who shared the stories about loved ones who had been murdered by a violent partner, the lack of access to housing – and particularly transition houses and shelters – stands as a pivotal moment in understanding the circumstances surrounding the death of their loved one. The compounded threats created by targeting Indigenous women, girls, and 2SLGBTQIA people in moments of transition, or in moments of vulnerability, are an important reminder of the role that prevention and detection services can play. In her testimony, for instance, Jenny L. talked about how a failure to recognize her mother’s vulnerability after leaving a transition house became a catalyst for the violence that later took her life.

I personally feel that my mother would not have been murdered if someone had went with her to visit me and my sister. She was in a transition home at the time.... It’s for women who are suffering domestic violence. I had stayed there a while with her. And, I just – I don’t understand how come no one went with her.

She just came back from Thompson and, you know, she was going to tell my father that she wanted to take me and my sister. And they should have known. They should have known, and they should have – should have been smart enough to know the history of domestic violence that they had with each other. And they should have provided maybe even a police officer, or someone just to go with her to get us, or to visit us. They shouldn’t have allowed her to go alone, because I feel like she would still be alive if they didn’t let her go alone.¹¹⁰

In offering testimony related to human trafficking, Diane Redsky, the executive director of Ma Mawi Wi Chi Itata Centre, talked about the way predators target Indigenous girls at bus depots or airports in order to take advantage of their vulnerability during a period of transition such as aging out of care.

We [the Youth Task Force] highlighted that one of the key risk factors is the inconsistent provincial child protection policies in Canada. We had six provinces in our country where child welfare taps out at 16. So if you’re 15 and a half and you are in need of protection, chances are there’s actually a risk that you could be denied service. And, in fact, we heard from survivors that they were denied service because of their age. Given a bus ticket and an address to the closest co-ed youth shelter where we know traffickers just park outside. They are just waiting to recruit and lure from these.¹¹¹



Sexual exploitation and anti-human trafficking advocates such as Jennisha Wilson and others emphasized that there exists an important opportunity to prevent violence and trafficking by intervening at these points of transition – for instance, by

making sure that awareness and information is being utilized and provided through airlines and different forms of transportation between urban spaces, so that folks know that if they are being provided with a plane ticket to come to the South and being promised employment that, that may or may not be true, but it may also be a form of being groomed and then being trafficked. And, it's better to know that information before you get off a plane and where you can access information than when it's too late. And, unfortunately, many of the individuals that we have seen, it's been after the fact that they've been trafficked, and they've been groomed that we are providing crisis support.¹¹²

Jamie Lee Hamilton also spoke about how, when Indigenous women, girls, and 2SLGBTQQIA people are forced to move, it can disrupt their connection to a community that helps protect them and keep them safe. She spoke about the impact of her displacement from her community in Vancouver's West End.

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

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

And so I find my survival, I believe was the result of being connected to a community and – and remaining firmly rooted, but when I was displaced, I had to find a new community. And sometimes that's not always easy. And it gets harder as Mark alluded to as you age, and especially in our LGBTQ+ community, you know, it just seems that more of the emphasis is on the young. And Elders of the community are put out to pasture. And so displacement has a profound effect on our lives.¹¹³



Child Welfare and Aging Out of Care

For Indigenous girls and 2SLGBTQQIA youth, the dangers associated with moving from one place to another or with being displaced from a safe community are significantly heightened. However, given the extensive violence and abuse experienced by many youth in care, leaving a foster home or other living accommodation may be the only option that seems to exist in order to escape violence.

In recounting the violence and abuse her sister, Laney E., experienced while in foster care, Danielle E. reflected on her sister's efforts to create safety for herself in a world where it was otherwise unavailable: "I don't believe my sister in her entire life ever felt safe, that the only safety that she had was what she could create when she was able to get out of care."¹¹⁴ Like the stories we heard of many other Indigenous and 2SLGBTQQIA girls, youth, and young adults whose disappearance or death occurred while displaced from or living in the foster care system, Danielle's story about her sister was echoed in various ways by other witnesses, whose truths demonstrated how many of those factors that impede safety in the lives of adults – such as poverty, homelessness, addiction, seeking or travelling to find services or meet basic needs, and fleeing violent situations – are most prevalent or heightened for young Indigenous girls, youths, and young adults in foster care or those who have "aged out of care." Erin Pavan, the manager of STRIVE Youth in Care Transition Program, poignantly described the lack of security that exists for Indigenous girls, youth, and 2SLGBTQQIA people in these contexts: "So, aging out of care is really like a euphemism for the abrupt termination of all ... services. Like, this 'aging out,' I don't even like this term, I think it's too gentle for what the experience is; it's like being pushed off a cliff, right?"¹¹⁵

For many of the family and friends who shared their truths, the failure to address the realities of abuse and violence experienced by children and youth within child welfare forces many youth, in their attempts to escape violence, to enter into more dangerous situations, which usually begin with running away. Even for those youth who do remain in care, aging out of care and the lack of support are akin to – as Erin puts it – pushing them off a cliff. In both cases, poverty, housing, barriers to education, and unique vulnerabilities to drugs, trafficking, and other forms of interpersonal violence collectively remove safety. As we heard from many families, recognizing what happens at the edge of this cliff and how basic economic and social security is undermined here is key to understanding the violence that leads to the disappearance and death of Indigenous women and girls.

In speaking about the experiences of aging out of care, members of the Youth Panel in Vancouver talked about the daily realities of poverty and the constant threat of homelessness. Fialka Jack talked about her struggle to find housing.

A month after aging out of care, my social worker moved me to the Downtown core of Vancouver into an SRO [single room occupancy]. And until that day, I didn't know what the word SRO stands for. And it was horrifying to see, so fresh into my adulthood, to see that this is where people were living. Like, I couldn't imagine how people could live



happily in those types of places, and it was horrifying and it, to be honest – I did some things that I promised I would never do, and I regret it. But like, from there, I’ve grown and to be honest, I don’t think social workers should be putting their children into SROs. I think, like, looking for housing and teaching us how to look for housing, should be an important piece. Because you shouldn’t have to worry about homelessness every second of your life after aging out of care. And that is something that at almost 25, I still fear, every day.

And I live in a house, I live in South Van, I live with a lot of people, people that love me. But I have been homeless twice since aging out of care. I was homeless for a year; I lived in downtown Vancouver, I lived in Stanley Park. Like, I slept in Stanley Park. That’s how bad it was, aging out of care.¹¹⁶

In addition, as Erin Pavan explained, Indigenous youth must also contend with discrimination.

And the youth are facing also discrimination, too, right? If you’re on income assistance you’ve got to bring this paper ... showing that you’re on welfare, and people just slam the door in your face. And same with, no one wants to rent to young people either, right? And also people of colour experience discrimination when they’re renting. So, they’ve got a lot stacked against them trying to rent here, and having that money coming in for their rent from Agreements with Young Adults while they’re attending STRIVE helps us to actually be able to say, “Okay, now you’ve got your housing. What do you actually want to do?” You know, like, “What are you passionate about, or what do you want to do with your life? Or, what other help do you need, like maybe you need mental health supports or whatever it is. Do you want to go back to school?” And that’s been really helpful.¹¹⁷

“SO, AGING-OUT OF CARE IS REALLY LIKE A EUPHEMISM FOR THE ABRUPT TERMINATION OF ALL ... SERVICES. LIKE, THIS ‘AGING-OUT,’ I DON’T EVEN LIKE THIS TERM, I THINK IT’S TOO GENTLE FOR WHAT THE EXPERIENCE IS; IT’S LIKE BEING PUSHED OFF A CLIFF, RIGHT?”

Erin Pavan

Understandably, the challenges of daily survival mean that, for many youth in foster care or those who have aged out of foster care, completing high school, pursuing post-secondary education, or finding employment become impossible. Erin Pavan put things into perspective.

They’re not graduating high school; I think that by age 19, like 32% of youth aging out of care will have a high school diploma, compared to 84% for the general population. And, so they’re not finishing school.



They're also less likely to have a job. They're going to make less money. A lot of them are relying on income assistance right off the bat, 40% will go right onto income assistance.

The income assistance rate just finally got raised in BC, but for Vancouver it is not even near enough money to live off of. You can't even pay rent with it, never mind buy food. So they're going into extreme poverty right off the bat, with no high school diploma, not enough supportive people in their lives. Obviously, by definition, anyone who's been through care is going to have trauma. So they've got trauma; they're more likely to have issues with their mental health, with substance use, more likely to be involved with the criminal justice system, become young parents. They're more likely to die young. Of the 1,000 youth who age out of care in BC every year, three to four will be dead before they turn 25.

So I think you can really see the connection, right, between the missing and murdered young women and the care system.¹¹⁸



In Care, In Danger:

Understanding the Risks to Safety in the Context of Child Welfare

While the National Inquiry heard many testimonies related to the abuses of child welfare as related to culture, it also heard about the ways in which disconnection from culture and from family could work to target children for violence. Of these experiences, many testimonies were in-camera, in order to protect witnesses' privacy. These testimonies often featured particularly egregious accounts of violence and abuse within a system that, by mandate, is intended to protect, across different provinces and territories.

While many of these accounts are in-camera, others exist, which are already public, that help to reveal how the four pathways identified by the National Inquiry work together to maintain colonial violence. Angel's story, as documented by the Manitoba Advocate for Children and Youth, is just one.

Historical, Multigenerational, and Intergenerational Trauma

Angel suffered from various forms of trauma throughout her life; she was exposed to traumatic childhood events that were never appropriately identified or addressed.ⁱ Her first encounter with Child and Family Services (CFS) in Manitoba began in 1999 when she was 17 months old. By the time she was 17 years old, CFS had apprehended Angel 14 timesⁱⁱ and placed her in 46 different homes.ⁱⁱⁱ The constant instability in Angel's life is itself a form of trauma. Further, Angel was sexually assaulted first at 21 months old and again at seven years old, and was subsequently sexually exploited during her time in foster care. Her mother's addiction, which affected her ability to care for her children and consequently led to CFS involvement in Angel's life, is also a sign of intergenerational trauma.

Social and Economic Marginalization

Angel and her family were never given the opportunity to succeed. Angel's family lived in poverty, often in local crisis centres in between CFS apprehensions and placements.^{iv} Despite the intense trauma that Angel and her family experienced, there were no appropriate support systems in place in their community. Angel and her mother would have to travel out of their communities to access addiction programs, mental health support, or sexual assault centres.^v This further isolated Angel and her mother from each other and their communities.

Maintaining the Status Quo and Institutional Lack of Will

The institutions set in place to protect and help Angel utterly failed her. CFS did not meet or follow the provincial standards in Angel's case: namely, assessments, case planning, service provision, and evaluation.^{vi} Each time Angel was apprehended or placed with CFS, she was eventually returned to her mother's care, but the required supports to assist her



mother were never in place.^{vii} CFS was aware that Angel's mother suffered from addiction, yet placed Angel back in her care, continuing the cycle of Angel's apprehension and placements with CFS.^{viii} Similarly, once she was in her teenage years and in foster care, whenever Angel was allowed to visit her mother, CFS made no plans for her safety,^{ix} despite knowing that she had been sexually abused by three members in her community^x and that she spiralled further into her substance abuse and self-harming after each visit home.

CFS also ignored signs of sexual abuse, substance abuse, and mental health issues throughout their many interactions with Angel. On two occasions in 2013, CFS was made aware by Angel's school and her foster family that she was being sexually exploited for drugs and alcohol; however, CFS never followed up on these concerns.^{xi} Similarly, CFS was aware of Angel's substance abuse. As young as 10 years old, Angel began sniffing glue and gasoline as a coping mechanism for her trauma.^{xii} In her teenage years, Angel was hospitalized and fined multiple times for underage substance use and public intoxication. CFS recommended that Angel be placed in a drug treatment program, yet they never followed up on their recommendations, and Angel continued to abuse substances.^{xiii}

Further, CFS was keenly aware of Angel's mental health issues. Angel expressed thoughts of suicide as young as eight years old.^{xiv} Throughout her life, Angel was hospitalized for serious mental health issues. In 2007, a mental health worker recorded that Angel's mental health was suffering and recommended to CFS that Angel be monitored and encouraged to return to counselling; CFS never followed up on these recommendations.^{xv} Despite all of this, Angel's 2014 case plan blamed Angel for her life circumstances and demonstrated no understanding of the trauma that Angel was experiencing.^{xvi} Angel was described as "out of control" and that her behaviour was a result of her mother's drinking while pregnant.^{xvii}

Ignoring the Expertise and Agency of Indigenous Women, Girls, and 2SLGBTQQIA People

CFS ignored the expertise and denied the agency of Angel and her mother in numerous instances. In 2006, Angel's mother told CFS that she did not want to send Angel to a therapist who was outside of the community; she did not trust that confidentiality would be maintained and that a therapist outside the community would not be sensitive to the specific needs of Angel.^{xviii} Angel's mother was not opposed to Angel's receiving mental health support, but there was limited support for that in their community.^{xix} Still, CFS determined that Angel would meet with the outside therapist biweekly for six months.^{xx} CFS failed to listen to the expertise of Angel's mother and provide culturally appropriate mental health solutions for Angel.

In 2007, after another CFS apprehension, Angel was returned to the care of her mother, despite the fact that Angel expressed concern to CFS about her mother's ability to care for her and her siblings.^{xxi} Angel told CFS that her mother often left her and her siblings unattended, yet CFS declared Angel's claim unfounded without looking into it. CFS failed to listen to Angel and continued the cycle of instability in her life by placing her back with her mother. However, in her teenage years, while living in foster care and after being made a permanent ward of CFS, Angel explicitly expressed her desire to connect with her mother. She stated that much of the sadness she felt, and, subsequently, her desire to use substances and her self-harm, was because she was not with her mother.^{xxii} Despite this, CFS made no efforts to connect Angel with her mother.



Setting a New Course

In March of 2019, the Manitoba Advocate for Children and Youth released its report into the death of Tina Fontaine entitled *A Place Where it Feels Like Home*. It is the story of teenager Tina Fontaine, who was murdered in August of 2014. As the report notes, Tina's story echoes that of many others, and its themes identify some of the important ways in which child and family services fail to keep families and children safe. They are evidence of a wider reality, and need for a broader change. As the report notes,

Tina's experiences of family fracturing, domestic violence, exploitation, addiction, loss, grief, resilience, determination, hope, and searching for belonging, must not be viewed in a vacuum. Tina's life, in many ways, echoed experiences lived by others, including her parents and the many members of her extended family, some whom she knew, others whom she did not. This context is important because only when we come to a universal acceptance and understanding of the realities of historical and current discrimination, injustices, systemic racism, and that not all people are allowed access to opportunities on equal measure, will we ever have a hope to correct historical, long-standing, and ongoing injustice.^{xxiii}

- I Manitoba Advocate for Children and Youth, *Angel's Story*, 56.
- II Ibid.
- III Ibid., 82.
- IV Ibid., 40.
- V Ibid., 21.
- VI Ibid., 19.
- VII Ibid., 8.
- VIII Ibid., 20.
- IX Ibid., 22, 40, 43, 45.
- X Ibid., 41.
- XI Ibid., 45, 42.
- XII Ibid., 26.
- XIII Ibid., 31, 32.
- XIV Ibid., 24.
- XV Ibid.
- XVI Ibid., 49.
- XVII Ibid.
- XVIII Ibid., 21.
- XIX Ibid., 23.
- XX Ibid., 22.
- XXI Ibid., 24.
- XXII Ibid., 47.
- XXIII Manitoba Advocate for Children and Youth, *A Place Where it Feels Like Home*, 14.



DEEPER DIVE

Enhancing Interjurisdictional Cooperation to Promote Safety

As our *Interim Report* revealed, there are over 1,200 recommendations logged with various reports and commissions linked to combatting violence against women, girls, and 2SLGBTQQIA people. The need for greater interjurisdictional cooperation is a crucial recommendation in existing reports concerning violence against Indigenous women and girls. In these reports, important areas highlighted for cooperation include national awareness campaigns; national action plans; better public transportation services; reform of legal instruments; improved social services and programming; and reforms of the criminal justice system, including criminal law provisions concerning sex work and trafficking, policing, and the administration of prisons and penitentiaries.

Of the recommendations aimed at only one jurisdiction, the majority were directed at provincial and territorial governments, followed by those directed at the federal government. The fewest recommendations were directed at Indigenous governments. At the same time, it is important to note that even recommendations that involved only one jurisdiction could still include the need for greater communication, cooperation, and collaboration among different agencies and regions within that single jurisdiction.

In this Deeper Dive, the National Inquiry takes a systems-level approach to understand how the lack of cooperation and coordination in complex jurisdictional landscapes maintains violence against Indigenous women, girls, and 2SLGBTQQIA people. The prominence of recommendations concerning the need for greater interjurisdictional action is important to note for two reasons in particular. First, confusion or disputes between federal and provincial governments over their respective jurisdictions vis-à-vis Indigenous Peoples has contributed to the inadequate provision of funding and services to Indigenous communities. Second, one of the unique, and perhaps most important, opportunities for the

current National Inquiry (given its national scope, federal authority, and support from the provinces) is to address and make recommendations for the future concerning greater interjurisdictional cooperation in efforts to address violence against Indigenous women, girls, and 2SLGBTQQIA people.

The need for greater interjurisdictional cooperation is necessary to close gaps in services that lead to greater targeting of, and violence toward, Indigenous women, girls, and 2SLGBTQQIA people. The difficulties in accessing these services, as the National Inquiry heard, are important factors that, according to many witnesses, served to place them or their loved ones in danger. Many of the concerns the National Inquiry heard about included the idea that many Indigenous Peoples and their territories do not fit neatly within jurisdictions. These realities represent important challenges; for instance, the Algonquin of Quebec and of Ontario share the same traditional territories and ancestors, but are divided by the provincial border and do not enjoy mobility and freedom within their territories. In other cases, Inuit in Nunavut must travel to Manitoba, Ontario, and Alberta to access services; it is within those centres that women, girls, and 2SLGBTQQIA people are often targeted for violence.

Defining Interjurisdictional Neglect

“Interjurisdictional neglect” refers to situations in which groups or individuals might “fall through the cracks,” due to a lack of interjurisdictional cooperation. As is documented in part in the Deeper Dive focusing on the Métis, cases of interjurisdictional neglect have important consequences for safety. In many cases and as the testimonies reveal, the lack of coordinated services due to the failure of governmental jurisdictions to work with each other to solve problems and to enhance safety can mean the difference between life and death.



Canada has failed, partially through a lack of interjurisdictional cooperation, to ensure that Indigenous Peoples have access to adequate resources and the supports necessary to have their human dignity, life, liberty, and security protected. As this report has already shown, the particular constitutional responsibilities for First Nations, associated with the long-time lack of constitutional recognition of other Indigenous groups, alongside the realities of provincial and territorial service delivery in key areas like education and health, have all resulted in a complicated jurisdictional landscape. The complexity of the landscape, however, doesn't mean that rights can simply be ignored.

Interjurisdictional neglect represents a breach of relationship and responsibility, as well as of a constitutionally protected section 7 *Charter* right to life, liberty, and security of the person. Denials of protection and the failure of Canada to uphold these rights – specifically, the right to life for Indigenous women, girls, and 2SLGBTQQIA people – are a breach of fundamental justice. These deficits, then, are about much more than the organization of services, or the specifics of their delivery: they are about the foundational right to life, liberty, and security of every Indigenous woman, girl, and 2SLGBTQQIA person.

Complex Jurisdictional Landscapes

Multiple jurisdictions have overlapping authority over, and responsibility for, many aspects of Indigenous Peoples' well-being, based in foundational human rights to liberty and security. In many cases, this overlapping has resulted in the direct denial of services that could have saved lives.

Indigenous Nations and governments have maintained their inherent right of self-government, which predates colonization. Self-government includes the administration of social and other services. The origins or source of Indigenous jurisdiction is in Indigenous Peoples' persisting sovereignty. As such, it can be considered independent from Canadian governments. This fact is recognized in different ways and to different extents in both Indigenous and Canadian legal systems. The Royal

Commission on Aboriginal Peoples (RCAP) report found that section 35(1) of the Canadian Constitution included the right to self-government, affirmed that this right was inherent, and noted it was recognized in the Constitution and federal constitutional common law. Thus, RCAP asserted that more explicit recognition of the right, or of its constitutional protection, was therefore not required. RCAP made a series of recommendations concerning Indigenous self-government in Volume 5 of its final report.

In practice, Indigenous self-government and the exercise of Indigenous jurisdiction can take different forms: Indigenous governments are recognized in historical and modern Treaties with Canadian governments, and they can constitute First Nations band governments under the *Indian Act*. Other Indigenous governments (those not parties to Treaties or registered under the *Indian Act*) can advocate for, and attempt to exercise, their inherent jurisdiction with varying extents of recognition by Canadian governments. Ultimately, depending on the capacity of Indigenous governments, as well as their legal and political relationships with Canadian governments, gaps between, and conflicts over, their respective jurisdiction can arise and impact Indigenous Peoples' rights and well-being.

Most recently, the current federal government committed to Nation-to-Nation relationships with First Nations and Métis peoples and an Inuit-to-Crown relationship, recognizing that "all relations with Indigenous Peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government."^A Several provinces have similarly recognized Indigenous rights to self-government.^B In addition, at least in its rhetoric, the current federal government (in contrast to the previous government) appears to be pursuing what some have called "reconciliatory federalism," in which it has been emphasizing the importance of greater cooperation and partnership with provincial and Indigenous governments.^C However, the extent to which this has been achieved in practice appears limited.

Second, under the Canadian Constitution, both provincial and federal governments have overlapping jurisdiction over a variety of services for



Indigenous Peoples. The federal government is authorized by section 91(24) to govern “Indians and Lands reserved for Indians.” This legally applies to those with Indian Status as well as Inuit communities. More recently, in 2016, the *Daniels* decision from the Supreme Court of Canada has also asserted that Métis and non-Status people are “Indians” within the meaning of section 91(24). This has resulted in, as scholar Julie-Ann Tomiak explains, “a patchwork of fragmented services, problems with coordinating programs, underfunding, inconsistencies, service gaps, and a lack of integration.”^d It appears as though Métis and urban non-Status Indigenous populations are especially adversely impacted by jurisdictional disputes,^e although growing constitutional recognition of Métis governments may result in greater equality for Métis people.^f

The federal government also has authority over “Marriage and Divorce” under section 91(26); aspects of criminal law under section 91(27); and the establishment, maintenance, and management of penitentiaries under section 91(27). The provinces have authority over the establishment, maintenance, and management of provincial prisons under section 92(6); authority over hospitals and other health institutions under section 92(7); municipal institutions under section 92(8); the “Solemnization of marriage in the province” under section 92(12); broad authority over “Property and Civil Rights in the Province” under section 92(13); and authority over the administration of justice, including provincial civil and criminal matters, under section 92(14).^g

These constitutional sections (referred to as constitutional “heads of power”) are very comprehensive, affecting most aspects of daily life for Indigenous Peoples in Canada. They can also lead to interjurisdictional neglect and conflicts that prevent the timeliness and comprehensiveness of social and other services for Indigenous Peoples, which in turn constitute barriers to Indigenous women’s, girls’, and 2SLGBTQQIA people’s rights. These gaps and conflicts over jurisdiction are due to the fact that there is very limited legal or political infrastructure to facilitate and support consistent coordination and cooperation among all of these jurisdictions.

Consequences of the Lack of Interjurisdictional Coordination and Cooperation

Interjurisdictional neglect and interjurisdictional conflicts continue to present a major contributing factor to current deficits in the development and delivery of services to Indigenous Peoples, services that could otherwise promote safety in areas related to culture, health, human security, and justice. This lack of interjurisdictional coordination and cooperation concerning measures to address the root causes of violence against Indigenous women, girls, and 2SLGBTQQIA people remains a significant barrier to their safety, and thus infringes their rights.

There are four general and interrelated ways in which this lack of coordination presents.

1. Program policies, service plans, and strategies tend to be made by separate agencies and jurisdictions in isolation from one another. The result is that they fail to comprehensively address Indigenous Peoples’ needs, especially when Indigenous representatives are not adequately included in the development of policies and plans.
2. Provincial and federal governments tend to legislate separately from one another, even in areas in which their jurisdiction overlaps. The result is that there can be gaps or inconsistencies involved for Indigenous people who must navigate provincial and federal regimes to obtain basic services.
3. In instances in which provincial and federal jurisdictions overlap, conflicts between governments over which one should fund these services can effectively deprive Indigenous Peoples of receiving the services.
4. There is a significant lack of data collection and information sharing across jurisdictions (especially with Indigenous jurisdictions) concerning the current challenges faced by Indigenous populations, including the exact



incompatibilities and underperformance of programs. The result is that there is no consistent evaluation of existing programs and services across jurisdictions.

Two federal auditor general's reports concerning the performance of federal programs in addressing First Nations, Inuit, and Métis peoples' disproportionate unemployment rates, education, health, and income gaps found the government was failing to adequately report on the progress of initiatives or measure their outcomes. Further, the government was failing to use adequate data to improve program performance, and failed to share what information it had with First Nations, thus preventing informed cooperation or consultation between their respective jurisdictions.⁴ The federal government has since responded to the reports, noting that it is in the process of working with Indigenous representatives on formalizing broader data gathering and sharing protocols to ensure better-informed cooperation between federal and Indigenous governments concerning program delivery and monitoring.⁵

A slowly increasing number of policies and laws have been instituted to address some of the issues associated with interjurisdictional cooperation in the context of service delivery to First Nations populations, though there is still a lot of progress left to make. Generally, initiatives to address interjurisdictional conflicts for Indigenous and non-First Nations populations are more limited. There are some examples of potential improvements in this area, such as Saskatchewan's Framework for Cooperation, which coordinates provincial programming to address the needs of Métis and off-reserve members of First Nations in that province.⁶ However, the implementation of these policies often leaves much to be desired.

Further, the use of Memoranda of Understanding (MOUs) between Indigenous and Canadian governments concerning the provision of health and social services has been increasing as a mechanism to iron out jurisdictional responsibilities and how member governments will work together to achieve identified priorities and goals. Several MOUs concerning education and health care initiatives are discussed in more detail below. While these can represent a greater degree of self-determination,

MOUs and similar agreements do not facilitate self-government, as the power (financial, especially) remains with the government(s) issuing them. They may also be operative for limited time periods that require renewals and renegotiation, which can be a place for Indigenous governments to gain more control, but can also serve to limit powers.

On the Ground: Examining Interjurisdictional Neglect in Human Trafficking Cases

One of the areas in which the National Inquiry heard about the need to better coordinate across jurisdictions, in particular, was policing. Many families testified about the difficulties of navigating among jurisdictions when trying to find information about the case of a loved one, or when the case was transferred from one jurisdiction to the other in light of the facts, without necessarily a good understanding of the process by families. In cases where victims of crime might be moving around the country a great deal, such as human trafficking, this is a particularly difficult problem.

The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the *United Nations Convention Against Transnational Organized Crime*, defines human trafficking as:

the recruitment, transportation, transfer, harboring, or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction or fraud, of deception, of the abuse of power of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over other persons, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.⁷

Although often referred to in an international context, human trafficking is a real problem in Canada, especially as it impacts Indigenous women,



girls, and 2SLGBTQQIA people, and is largely a domestic issue. As a report by the Native Women's Association of Canada (NWAC) argues:

Canada's colonial legacy has forced Indigenous women and girls into dangerous and precarious social and economic conditions, which in turn has made them more vulnerable to different kinds of violence. This includes situations of exploitation and human trafficking, a prevailing concern that has yet to be properly addressed and recognized.^L

In Canada, human trafficking often occurs between larger urban centres and communities. As of 2016, the Royal Canadian Mounted Police's (RCMP) statistics showed that 94% of human trafficking cases were domestic in nature.^M Further, while statistics reveal that Indigenous women represent only 4% of the Canadian population in 2016, they comprised nearly 50% of victims of human trafficking. Of those, nearly one-quarter were under the age of 18.^N

The National Inquiry heard about instances of human trafficking from First Nations, Inuit, and Métis witnesses, who often spoke about their experiences within the context of their history within child welfare, or the need to find medical care not available in home communities. As the National Inquiry heard, those who exploit women, girls, and 2SLGBTQQIA people are well aware of how to target these people; they go so far as to station themselves outside of group homes or places where they know these potential victims might be, in order to bring them into human trafficking rings. In addition, studies have pointed to key recruitment areas including airports, where, as researcher Anupriya Sethi explains, "traffickers often know someone in the community who informs them about the plans of the girls moving to the city. Upon their arrival at the airport, traffickers lure the girls under the pretext of providing a place to stay or access to resources."^O Other key recruitment zones include schools, the boyfriend method (where a trafficker approaches a woman as a suitor, rather than as a trafficker),^P other girls or women, hitchhiking, and virtually any place that is away from home where victims can be isolated.^Q

One of the main difficulties in enforcing laws against human trafficking, however, is its mobility. The

National Inquiry heard from law enforcement about the jurisdictional challenges that can arise to follow human trafficking activity and crimes over different jurisdictions. For instance, in her testimony, Ontario Provincial Police (OPP) Inspector Tina Chalk discussed how cross-jurisdictional challenges within policing can create problems in tracking victims.

But, you could have, for example, someone lured from a community like Whitedog, then go to Kenora, which is OPP [Ontario Provincial Police] level, then you would go to maybe Thunder Bay to be trafficked, where now it's a municipal police service, and end up maybe in Toronto Police, another municipal police service. So, you might have four or five police services that now have to ensure that they coordinate and collaborate and talk and ensure they share that information. And, now you're dealing with three or four possible courts, and now you have three or four possible Crowns. So, all of these cases need to be led by someone, they need to be organized, all the witness information and evidence has to be put together. So, you can imagine how this can become challenging to ensure that police get this right.^R

In Canada, there are also human trafficking patterns, where victims are shipped between cities in different provinces, for instance. These are known as "city triangles" and include cities in relatively close proximity, such as the Saskatoon–Edmonton–Calgary–Saskatoon triangle and the Saskatoon–Regina–Winnipeg–Saskatoon triangle.^S Many factors contribute to the patterns in trafficking, including oil and gas developments where a largely male, transient workforce travels for short periods of time for work.^T

The Human Trafficking Coordination Centre, as RCMP Assistant Commissioner Joanne Crampton explained, provides some help in this matter, but the reality remains that police agencies across all jurisdictions are not mandated to report to the Human Trafficking Coordination Centre. As a result, it isn't always possible to track files across jurisdictions. Since, as Crampton said, reporting is based on "relationships, really, with different police departments," the accuracy of the data depends on the quality of reporting. What is more, looking at the statistical data may not necessarily always be helpful, since it doesn't



indicate which files are ongoing. As she pointed out, “We don’t know what’s being investigated right now, because there’s not mandated reporting by police agencies to the Human Trafficking Coordination Centre.” She explained, “If we had better reporting, better coordination in that manner, we would have a better picture and then be more able to track files as they move from jurisdiction to jurisdiction as well. So that would be a great help if all agencies were reporting.”^U

This deficit, linked to issues in cross-jurisdictional cooperation within policing services, is an important problem that is also associated with the lack of disaggregated data, in seeking to understand how different groups experience the realities of human trafficking differently. As Sethi explains:

There is no national-level data that tracks the transient Aboriginal population and their trafficking in the sex trade. A lack of focus on and/or clear understanding of domestic trafficking, the underground nature of the crime, and the mobility of the trafficked persons across various cities often make it difficult to assess the actual numbers.^V

Outside of policing, as well, the implications are serious. As NWAC points out;

This has created significant difficulties for Indigenous organizations, advocates, and community members in conducting research that is cognizant of the varying experiences among and between First Nations, Inuit, and Metis women impacted by human trafficking, and developing policies and strategies that are responsive to those experiences.^W

Attempting to find solutions for a crime for which the scope and dimensions remain largely unknown is an important cross- and interjurisdictional challenge for law enforcement and justice systems, as well as for those services that the families of those missing and murdered require as a result of their being trafficked and that fall within the confines of one or multiple streams of government.

Coordinating Responses in Upholding Human and Indigenous Rights

As the National Inquiry heard throughout the Truth-Gathering Process, and as the brief look at the issue of human trafficking demonstrates, the lack of interjurisdictional cooperation, practically speaking, results in the denial of basic human and Indigenous rights as related to culture, health, security, and justice, and as explored in detail in chapters 5 through 8. These problems are not new, and have been documented at length in previous reports.

Education and Employment

Eleven existing reports^X spanning from 1996 to 2015 address the education gap between Indigenous and non-Indigenous people. Reports identify the education and employment gap as a major contributing factor to Indigenous women’s economic marginalization, which in turn makes them more dependent on others, including potentially abusive partners or other unhealthy relationships, and thus more vulnerable to violence and less able to leave violent circumstances.

The largest number of recommendations that address this directly or indirectly require greater inter-jurisdictional cooperation concerning the provision of education and skills training. This included the 2016 Thunder Bay Youth Coroner’s Inquest, which contained many recommendations concerning the safety of Indigenous youth who are forced to leave their home communities to pursue an education – another specific area in which interjurisdictional coordination and cooperation of services is urgently required – and this appears to be in progress in certain provinces.

One mechanism that appears to be used to varying degrees across the country concerns formal agreements among Indigenous, federal, and provincial governments, which outline responsibilities and mechanisms for cooperation and coordination of education services for Indigenous students. For example, British Columbia has entered into Aboriginal Education Enhancement Agreements concerning improvements to Indigenous children’s



access to quality education from kindergarten to grade 12.^Y However, these agreements appear to apply to specific First Nations, and thus can exclude many Indigenous students – including those off-reserve or without Status.

Other methods are being pursued, as well. To address the lack of provincial assistance in northern Saskatchewan, nine First Nations are working to create a unified school system, seeking to close the gap by folding their schools into mainstream boards.^Z Manitoba instituted a First Nations school system in 2017, designed and operated by Indigenous communities. Educators determine the curricula and professional development, and the hiring of faculty and staff, and have more access to resources and opportunities than before, due to a new funding formula.^{AA} There is also a provincial 2016–2019 First Nation, Métis, and Inuit Education Policy Framework for making education more responsive to Indigenous students' needs – including Indigenous Peoples' histories in curricula and training teachers to deliver it. The framework is enshrined in the *Education Administration Amendment Act*.^{BB} Yukon and the federal government entered into an MOU with the Council of Yukon First Nations and all 13 First Nations in Yukon to address the education gap between Indigenous and non-Indigenous youth.^{CC} As a result of the MOU, a 10-year plan to close the education gap between Indigenous and non-Indigenous students was created.^{DD}

The Assembly of First Nations has long advocated for greater interjurisdictional coordination via specific permanent mechanisms or units to “promote coordination, consistency, monitoring and evaluation of activities across all sectors and levels of government, ensuring policy and services for children are equitable and that jurisdictional gaps or disputes are resolved.”^{EE}

A legal challenge was recently brought by the Mississaugas of New Credit First Nation, alleging that funding for First Nations special needs students was not comparable with that received by non-Indigenous students in Ontario. Their case concerned the interjurisdictional barriers that can violate Indigenous students' rights. Despite the fact that the federal government promised equality for First Nations students, students with special needs were dependent on attending provincial schools to have

their needs met, and incurred fees to do so. The province charged a fee for First Nations children to attend their schools, which was prohibitively high, making it virtually impossible for students to attend these schools while remaining on-reserve.

The case was put on hold while a report was prepared concerning this issue. The resulting report noted that there were certain simple amendments to provincial law in the province that could allow for more interjurisdictional flexibility for students with special needs, ensuring they would have better access to education without the exorbitant fees. It made specific recommendations concerning possible changes to provincial legislation to remove these fees and ensure equity for First Nations students, as well as improved information sharing with First Nations and specific efforts to strengthen the role of First Nations in provincial schools.^{FF} Thus, federal, provincial, and First Nations governments were required to share information, amend their own legislation, and address funding issues among themselves in order to ensure access of all First Nations children to adequate schooling. While the extent to which the recommendations in the report have been implemented appears limited to date, it may offer a template for interjurisdictional cooperation in other jurisdictions in Canada.

Poverty

Three existing reports spanning from 2003 to 2009 address the specific need for governments to develop policies and strategies to eliminate poverty among Indigenous Peoples. It should be noted that the other sub-themes in this section also indirectly address specific indicators of poverty in Indigenous communities. This sub-theme, in contrast, concerns the need for Canadian governments to specifically consider Indigenous women's needs when creating and implementing anti-poverty strategies and initiatives.

Of the three reports that specifically concern the need for poverty-reduction strategies, one is aimed at the government of Saskatchewan, one at the federal government, and one for all Canadian jurisdictions. All reports note the need for poverty-elimination strategies to be developed in consultation with Indigenous leadership and agencies, in addition to non-governmental organizations.



The federal government is in the process of working on a national anti-poverty strategy.^{GG} It is unclear whether, or to what extent, this national strategy would be able to facilitate increased interjurisdictional cooperation and coordination concerning anti-poverty initiatives. Several provinces also have poverty-reduction plans and strategies. However, while the majority of plans include recognition of increased rates of poverty in Indigenous communities, only the plans in Ontario and Yukon include any mention of programs or initiatives specifically for Indigenous women. None of these plans include specific measures to increase interjurisdictional cooperation or coordination of services, though several plans include some reference to consultation with Indigenous representatives (generally governments or agencies).

Safe Housing

Seventeen existing reports spanning from 1991 to 2016 address this theme, with approximately 39 recommendations also calling for greater interjurisdictional action on this issue. These reports identify precarious housing and a lack of access to shelters as factors that contribute to violence against Indigenous women for two reasons: 1) homelessness or overcrowded housing can put women at higher risk of violent interactions; and 2) the threat of homelessness or otherwise inadequate housing makes Indigenous women and children less able to leave violent living situations.

A recent report from the Standing Senate Committee on Aboriginal Peoples studied on-reserve housing throughout Canada and identified two critical issues:

1. insufficient housing units to accommodate Canada's rapidly growing Indigenous population; and
2. quality and safety concerns with what limited housing there was, often not meeting relevant building codes, though conditions differ greatly among individual First Nations.^{HH} Jurisdictional uncertainty and disputes are also responsible for the lack of action at the federal and provincial levels concerning the housing gap. Efforts at interjurisdictional cooperation and collaboration

to address this issue appear lacking. At the same time, Indigenous communities are showing significant creativity and resourcefulness, developing and using micro-loans for independent housing, rather than social housing models, and developing more sustainable local economies to assist with individual housing needs.^{II}

In 2017, the federal government began a public consultation process to improve housing on reserves.^{JJ} There is a federally and provincially funded Investment in Affordable Housing Extension that provides dedicated funding for off-reserve housing for First Nations people. Nova Scotia, Prince Edward Island, and New Brunswick appear to rely on federal funding to address the housing needs of First Nations people in those provinces.^{KK}

The federal government does not have a comprehensive strategy for addressing the housing needs of Indigenous Peoples off-reserve or without Status, or a comprehensive strategy to address the needs of Inuit or Métis across Canada.

Again, MOUs have been utilized in this area to formalize interjurisdictional efforts to address the housing needs of First Nations. British Columbia's Transformative Change Accord and Métis Nation Relationship Accord include a commitment to closing the housing gap between Indigenous and non-Indigenous people. In 2008, the British Columbia and Canadian governments signed a Tripartite First Nations Housing Memorandum of Understanding with the First Nations Leadership Council to collaborate on a comprehensive approach to improving on- and off-reserve housing.^{LL}

In Yukon, a partnership between the Government of Yukon and Kwanlin Dün First Nation has increased Whitehorse's emergency shelter capacity.^{MM}

Health Services

Nineteen existing reports^{NN} spanning from 1996 to 2016 address health care gaps between Indigenous and non-Indigenous populations as well as the need for more culturally responsive health care services. Approximately 86 recommendations fall under this theme. Reports are unanimous in identifying that the



lack of health care available to Indigenous populations is due to ongoing discrimination. Further, mental health and addictions issues are often attributed to legacies of colonization and residential schools. Ill health is both a contributing factor to, and result of, higher rates of violence against Indigenous women, girls, and 2SLGBTQIA people.

Recommendations in this sub-theme are primarily directed toward either provincial and territorial governments on their own or provincial and federal governments together. Interestingly, few recommendations address interjurisdictional issues, despite the fact that they appear to be a significant hurdle in the provision of timely and sufficient health care to Indigenous populations.

The Truth and Reconciliation Commission (TRC) recommended that the federal government identify existing health gaps and create goals to address them. The TRC also sought to ensure accountability in this process, requiring the government to publish annual progress reports summarizing efforts to meet their goals and close the health care gap. The Jordan's Principle Orders contributed in important ways to pushing the government to act. Jordan's Principle, discussed elsewhere in this report, is a principle that "ensures that First Nations children can access public services on the same terms as other children without experiencing any service denials, delays or disruptions related to their First Nations status."⁹⁰ In 2016, the Canadian Human Rights Tribunal (CHRT) found that "Canada's failure to ensure First Nations children can access government services on the same terms as other children via Jordan's Principle was discriminatory and contrary to the law," and ordered Canada to implement its full meaning and scope. Later the same year, the CHRT issued two orders against Canada for its failure to comply and because the new formulation of the principle was still too narrow.⁹¹ After the 2016 CHRT decision was released concerning rulings, Health Canada initiated a review of health care services for people living on-reserve. The resulting report found that the government is failing to provide adequate services and treatment.⁹² The federal government has since promised more funding for Indigenous health and mental health needs. It has also promised to negotiate a new health accord with certain Indigenous leaders.⁹³ To date, it does not appear TRC-recommended studies and

progress reports are being published by the federal government, and neither is current spending sufficient to close the health gap.

In British Columbia, Indigenous authority over the provision of health care to Indigenous populations is growing. The First Nations Health Authority (FNHA) was established and assumed control over developing and delivering the programs, services, and responsibilities of Health Canada's First Nations Inuit Health Branch – Pacific Region. The FNHA is an Indigenous-governing structure that works with First Nations in British Columbia to meet identified health goals and priorities, involving the transfer of funding to First Nations via community contribution agreements ensuring local control over resources. At the same time, there have been concerns expressed over the authority's transparency and discriminatory treatment of Indigenous women working in the institution.⁹⁴

Other provinces have strategies or forums at which interjurisdictional coordination of health services can be addressed. Alberta's Aboriginal Mental Health Framework's strategic directions for action include the need to address jurisdictional issues that impair the provision of services and the need to identify and address existing policy gaps in health care services for Indigenous individuals with mental health challenges.⁹⁵ The Mi'kmaq–Nova Scotia–Canada Tripartite Forum has also released "Exploring Health Priorities in First Nation Communities in Nova Scotia," a report in which mental health was identified as the primary health priority, followed by addictions. The Department of Health has been working with health system partners to advance these two priorities for inclusion in program and project planning to assist Mi'kmaq and other Indigenous Peoples in Nova Scotia.⁹⁶ No publicly available progress reports or evaluations of these measures exist since they were introduced in 2009.

In addition to health services, reports underline poor living conditions that give rise to health disparities between Indigenous and non-Indigenous populations. For example, the United Nations recognizes that access to water and sanitation are international rights, and that the lack of this access can have a "devastating effect" on people's health, dignity, and prosperity, and can also constitute a



significant barrier to the realization of other human rights.^{vv} In Canada, 134 water systems in 85 First Nations across the country are subject to “boil water” advisories and otherwise limited access to clean drinking water or adequate waste-water treatment. Water in these reserve communities is often contaminated with *E. coli* (which would point to poor waste-water management infrastructure), as well as trihalomethanes and uranium, which can lead to increased rates of cancer (which may point to source water contamination).^{ww} A Human Rights Watch report found that caregivers, often Indigenous women, tend to shoulder the burden of avoiding exposure to contaminated water by children, Elders, and those with chronic illnesses or physical or mental challenges. The lack of drinking and waste-water infrastructure on many reserves also impacts housing – delaying or preventing the construction of new housing due to already overburdened water systems. Further, the lack of access to clean water can also significantly disrupt fishing and hunting practices by poisoning the animals and making them disperse or die, as well as ceremony and the transmission of traditional knowledge. As the Human Rights Watch report makes clear, “According to custom and tradition among many communities, women are the keepers and protectors of waters. Many First Nations persons see water as living, and as a form of medicine. Not being able to drink the water from their own community is distressing to some.” This represents, among the violation of all other rights, an important violation to cultural rights.^{xx}

Generally, provincial and territorial governments are responsible for drinking water and waste-water facilities (often operated at the municipal level) across the country. However, provincial and territorial governments tend to claim their jurisdiction does not extend to reserves, which fall under federal jurisdiction. At the same time, the federal government has failed to develop comparable drinking water or waste-water regulations that may be applied to reserves in the provincial/territorial vacuum. To date, it appears as though the federal government has addressed water issues on a contract-by-contract basis in individual reserves. This inconsistent approach depends on independent contractors to provide these essential services, and results in significant disparities in quality of services from community to community.^{yy} While the 2016

federal budget contained a promise to ensure that First Nations’ access to clean drinking water would be equal to that enjoyed by non-Indigenous Canadians, there have not been any comprehensive assessments of progress made to date.

Institutional Lack of Will and Maintaining the Status Quo

Approximately 51 recommendations from 22 existing reports^{zz} call for governments to ensure that services and programs for Indigenous women are adequately and sustainably funded and at levels equal to funding provided to services for non-Indigenous women. The reports span from 2003 to 2016.

Almost half of these recommendations are directed at provincial governments, which is to be expected, given provincial jurisdiction over social services. At the same time, almost half of the recommendations concern the need for better interjurisdictional cooperation in the development and provision of programs and services to Indigenous people – again understandable, due to shared provincial/territorial and federal jurisdiction over services for Indigenous Peoples. Recommendations calling for better interjurisdictional cooperation identify the lack of coordination as a barrier to government efforts to effectively address root causes of violence against Indigenous women and girls. At the same time, several recommendations directed at single jurisdictions stress the need for better coordination and communication among different types of services within the jurisdiction. Approximately 25% of recommendations under this theme are addressed to the federal government.

To date, it appears that although Canadian governments are in some cases increasing funding for services for Indigenous Peoples, this funding is insufficient and fails to explicitly address conflicts among governments over funding specific Indigenous services.

Over the last decade, the previous federal government systematically cut funding from many Indigenous-specific programs, as well as Indigenous leadership organizations.^{aaa} These extensive funding cuts effectively closed the Aboriginal Healing



Foundation, First Nations Statistical Institute, National Aboriginal Health Organization, and NWAC's Sisters in Spirit Initiative, among others. The far-ranging impacts of these cuts have yet to be fully documented and understood.

At the same time, the current federal government has since increased its funding to Indigenous organizations and initiatives over the last two years. In 2016, the federal government promised to lift its 2% funding cap on annual funding increases for on-reserve programming. They also undertook to negotiate with First Nations in order to create a "new fiscal relationship."^{BBB} In 2017, the federal budget added to the First Nations funding promised in 2016, bringing total base funding for on-reserve programming to a planned \$11.8 billion over the next six years. Much of this funding focuses on clean water and housing needs on reserve, as well as mental health programs and more funds to support Indigenous students, though this will mostly benefit those with Indian Status.^{CCC} The 2018 budget contains a chapter concerning reconciliation, which promises new funding for Indigenous child welfare, health care, water, and housing, as well as new funding arrangements for self-government and modern-day Treaty negotiations.^{DDD}

The federal government appears to be in the process of addressing certain jurisdictional funding gaps, and committing to broader Nation-to-Nation and Inuit-to-Crown relationships with Métis and Inuit leadership. The 2016 budget also marked the first time that Métis people were recognized and included in the federal budget: \$25 million was pledged over five years for Métis people's economic development.^{EEE} The Inuit also signed an agreement with the federal government in February 2017 to address the land claim process, socio-economic equity issues, and collaboration on reconciliation between Canada and Indigenous Peoples.^{FFF}

While these funding increases are a step in the right direction, pledged amounts still fall short of Indigenous communities' needs – and, in several areas, Indigenous Peoples still receive less funding compared with non-Indigenous people. For example, the federal government pledged \$2.6 billion over five years to address the education gap for First Nations,

but critics have said that amount is less than half of what is really needed to bridge the gap. Indigenous advocates argue the same is true for First Nations' housing and employment training needs, and the same applies to Inuit and Métis.^{GGG} While the 2018 budget marks a shift toward more equitable spending,^{HHH} more work is still required. In addition, and as some of these initiatives make clear, when an issue impacts all Indigenous Peoples but the promise or measure taken by government is with respect to First Nations, Métis, or Inuit alone, it means that the issue is being addressed for only a segment of the Indigenous population.

Certain provinces are addressing general funding gaps in service provision to Indigenous Peoples.

- Ontario has released a strategy for implementing the province's commitment to reconciliation as a response to the TRC report. The strategy includes increased funding to address the socio-economic marginalization and discrimination against Indigenous Peoples in the province. It is unique in its approach to service provision as a response to legacies of colonialism and the residential school system.^{III}
- In Newfoundland and Labrador, the provincial government established an Annual Leaders Roundtable with Indigenous governments and organizations in order to collectively establish priority policy areas and ensure that provincial programming and services meet the needs of the province's Indigenous population.^{JJJ}
- In 2017, the Quebec government launched a public commission of inquiry to examine how Indigenous Peoples have been treated by police and social services (including by government employees, doctors, social workers, correctional officers, and others) in the province.^{KKK}

However, more widespread provincial effort is required in this area – especially formal undertakings and legal mechanisms to ensure interjurisdictional coordination in all of these efforts.



Recognizing the Importance of Self-Determination and Agency

Significantly, Indigenous communities and agencies work hard to fill gaps in government assistance and address unique needs of Indigenous populations in culturally grounded ways. The report “Urban Aboriginal Service Delivery” in Saskatchewan found:

In the context of an increasingly urbanized and mobile population of Aboriginal people in Canada, an “invisible infrastructure” of urban Aboriginal service delivery organizations has emerged to meet identified needs in such sectors as social services, language and culture, economic development, employment, education, and health. Yet Aboriginal people face gaps and lags in service delivery because of a range of systemic and other factors related to the history of colonization and ongoing marginalization.

It noted the failure of municipalities and provinces to create space for urban Indigenous people, therefore forcing them to be “accommodated” in non-Indigenous centres, which lack the policies and programs to meet their social and cultural needs.^{LLL}

Indigenous governments also appear to have stepped in to address service gaps. For example, the Mi’kmaq Confederacy of Prince Edward Island provides an Indigenous Justice Program, education assistance, employment services, and family-based programming (including work on child welfare issues). However, again, there appears to be little progress in developing explicit and mandatory mechanisms to ensure these Indigenous governments and agencies are being supported and coordinated with those of Canadian governments.

Ultimately, when it comes to funding for services for Indigenous Peoples, much more coordination is urgently required. This is especially true in cases involving overlapping federal and provincial jurisdiction in which each jurisdiction declares it is a “provider of last resort,” responsible for funding a particular service only if the other jurisdiction is not also potentially responsible.^{MMM} As many Indigenous people (especially those belonging to First Nations and Inuit communities) may have multiple service providers, including federal and provincial agencies, their lack of access to services may be the result of service providers’ unwillingness to pay for services rather than any actual lack of those services themselves. Further, agencies’ budgets and service priorities are rarely developed in consultation with Indigenous Peoples or governments, and, as such, tend to be ill-equipped to address Indigenous populations’ needs^{NNN} – including protocols or other mechanisms to address interjurisdictional funding disputes.

Findings

- The existing areas of jurisdiction, as defined by sections 91 and 92 of the *Constitution Act*, create interjurisdictional disputes that result in inequalities and inequities in the provision of essential services to First Nations, Inuit, and Métis people and communities. These interjurisdictional disputes violate human and Indigenous rights, and contribute directly to systemic violence against Indigenous women, girls, and 2SLGBTQIA people.
- Jurisdictional neglect, coupled with a failure to recognize, protect, and support Indigenous-inherent jurisdictions, results in the denial of essential services, violations of human and Indigenous rights, and systemic violence against Indigenous women, girls, and 2SLGBTQIA people.
- The laws, policies, and practices of the Canadian state fail to adequately recognize, respect, and make space for the inherent right of Indigenous self-governance and self-determination.



- A Canada, Department of Justice Canada, "Principles Respecting the Government of Canada's Relationship."
- B See, for example, Heritage Newfoundland and Labrador, <https://www.heritage.nf.ca/articles/politics/aboriginal-self-government.php>. See also Hogg and Turpel, "Implementing Aboriginal Self-Government."
- C Dunn, "Harper without Jeers."
- D Tomiak, "Indigenous Self-Determination, Neoliberalization," 120.
- E Ibid., 252.
- F Uribe, "A Study on the Relationship," 13.
- G *Constitution Act*, 1867, ss 91–92.
- H See Office of the Auditor General of Canada, "Report 5: Socio-economic Gaps"; Office of the Auditor General of Canada, "Report 6: Employment Training for Indigenous People."
- I Meyer, "Feds ignoring data."
- J Petten, "Framework for cooperation."
- K United Nations, "Protocol to Prevent, Suppress and Punish Trafficking."
- L Native Women's Association of Canada, "Trafficking of Indigenous Women and Girls in Canada," 3.
- M Grant, "Missing and murdered: The trafficked."
- N Canada, Statistics Canada, "Trafficking in Persons in Canada, 2016."
- O Sethi, "Domestic Sex Trafficking of Aboriginal Girls," 209.
- P See Native Women's Association of Canada, "Boyfriend or Not."
- Q Sethi, "Domestic Sex Trafficking of Aboriginal Girls," 210. See also Native Women's Association of Canada, "Trafficking of Indigenous Women and Girls in Canada," 6–9.
- R Inspector Tina Chalk, Mixed Parts 2 & 3, Public Volume 15, St. John's, NL, p. 95.
- S Sethi, "Domestic Sex Trafficking of Aboriginal Girls," 209.
- T Ibid.
- U Assistant Commissioner Joanne Crampton, Mixed Parts 2 & 3, Public Volume 15, St. John's, NL, pp. 78–79.
- V Sethi, "Domestic Sex Trafficking of Aboriginal Girls," 208.
- W Native Women's Association of Canada, "Trafficking of Indigenous Women and Girls in Canada," 4.
- X Including the RCAP, *Invisible Women*, and TRC reports.
- Y British Columbia, "Aboriginal Education Enhancement Agreements"; Kitchenham et al., "Aboriginal Education Enhancement Agreements."
- Z McKenna, "Addressing Aboriginal education gap."
- AA Pauls, "New Indigenous school board."
- BB Manitoba Education, <https://digitalcollection.gov.mb.ca/awweb/pdfopener?smd=1&did=25297&md=1>.
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EEE	Spurr and Smith, "Budget commits nearly 8.4 billion."	LLL	Findlay et al., "The Urban Aboriginal Service Delivery Landscape."
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GGG	Spurr and Smith, "Budget commits nearly 8.4 billion."	NNN	Ibid.
HHH	See Gaspard, "A way forward."		
III	Ontario, <i>The Journey Together</i> .		
JJJ	Newfoundland and Labrador, <i>The Way Forward</i> .		



Pathway to Violence: Lack of Will and Insufficient Institutional Responses

For many who live in poverty or on the streets, the lack of shelter, food, or other supports is seen as a direct result of a lack of political will or institutional response. Many of those who testified in relation to their loved ones discussed how that person sought, but was denied, help, or how the general lack of will or support for life-saving organizations and institutions has an important impact on achieving security. Here, we focus on stories families shared about the relationships they formed and the encounters they had with institutions, organizations, agencies, or other systems in their pursuit of safety.

In many cases, the security of Indigenous women, girls, and 2SLGBTQQIA people was directly compromised by deficits in the following areas: accessibility; funding; cultural training and culturally relevant services, particularly related to trauma; policies and procedures in legislation; and lack of moral and political will to change. Ultimately, institutional response – or lack thereof – and lack of political will for changes to relevant legislation and policies related to anti-violence have a direct bearing on the rights to safety and security of Indigenous women and girls. These inadequate responses become another weapon through which what Josie Nepinak described as “the war on Indigenous women” continues to be fought.¹¹⁹ In many cases, the institutions that women, girls, and 2SLGBTQQIA people turn to at some of the most vulnerable times in their lives often act in ways that affirm the belief that the safety of Indigenous women is not important.

Barriers to Accessibility

The testimony presented at the National Inquiry confirmed what is already well known by Indigenous advocates, families, and survivors: services that exist to promote and ensure security for Indigenous women, girls, and 2SLGBTQQIA people who have experienced violence or who experience economic, social, or political marginalization are significantly lacking. In particular, there are barriers to accessing anti-violence support and other related services, including housing and shelters, education and training, and employment supports for Indigenous Peoples and in Indigenous communities.

In its current budget, the Canadian government increased its funding to services with a mandate to provide assistance to women facing violence.¹²⁰ Additional funding is earmarked for services specifically for Indigenous women and girls.¹²¹ As a result of this limited budget, anti-violence supports and services, such as shelters, transition shelters, outreach workers, and sexual assault crisis centres, are significantly limited, especially when it comes to Indigenous-specific anti-violence services. For example, according to the most recent Statistics Canada Transition House Survey, there were 627 shelters for abused women operating across Canada on a snapshot on April 16, 2014. On that day, 338 women and 201 accompanying children were turned away from shelters. In 56% of these cases, the reason for being turned away was a lack of space, though other reasons included drug and addiction issues, and mental health issues.¹²² First Nations, Métis, and



Inuit women leaving violence face a significant disadvantage in access to Indigenous-specific transition houses and shelters. According to the National Aboriginal Circle Against Family Violence, the federal government provides funding for only 41 shelters to serve the 634 recognized First Nations communities in Canada, and, as of January 2018, only 38 shelters were operational.¹²³

Inuit women fleeing violence often face an even greater challenge in accessing services. According to a 2018 study by Amnesty International, there are roughly 15 shelters and transition houses serving 53 Inuit communities across the Arctic. Some of these shelters are extremely small, and most communities are accessible only by air.¹²⁴ Many Inuit women may be long distances away from the nearest shelter, and even if they are able to make the often cost-prohibitive flight to a shelter, there may not be room for them to stay. The federal government doesn't provide funding to shelters in Inuit communities.¹²⁵

For those who do relocate to new centres, the challenges there can also be daunting. As Susan Aglugark explained about her own experience in relocating to Ottawa in 1990:

The first challenge for me was the city buses, which is like, oh, they are just city buses. They are just bus drivers. But, they are qallunaat bus drivers and they are all qallunaat on that bus, and I am just a little Arviatmiut. Maybe they are going to figure it out that I am this little Arviatmiut Eskimo who is trying to get from point A to point B, and maybe they have a right to say, "No, you can't get on this bus." I harboured that kind of fear and lived with that kind of fear. And, fear is not the right word. The word in this context is *ilira*. In our dialect, *ilira* is the root word for *ilirasuk*.... I was in a constant state of emotional fear. They had power over me. I needed their permission to get on the bus to get to my job. Every morning – so some mornings, it was too much and I would walk the five miles rather than confront this bus – thinking I had to confront the poor guy. He had no idea, but I did. I had the fear in here. So, that was the first thing I had to tell myself, "Don't be silly. It's okay. You just – this is just a bus getting you from point A to point B."¹²⁶

In other cases, witnesses testified about how there weren't enough services, or they didn't know how to navigate them, which forced some people to stay in unsafe situations. Josie Nepinak explained that in 2015–16, 16,359 women were turned away from shelters in Alberta and, of these, 65% identified as Indigenous women.¹²⁷ Sandra Montour, the executive director of Ganohkwasra Family Assault Support Services in Ontario, likewise talked about how a lack of services for Indigenous women and children experiencing violence means that they are often turned away or forced to wait sometimes for months in order to get services.

Our women's community counselling program has 20 to 30 women waiting every single month. Our men's counselling program, Saho'nikonrí:ione, "his mind has been healed," that has a waiting list usually about anywhere from 15 to 20. Our children's program, Gaodwiyá:noh, they have a waiting list usually in the 20s and 30s. We cannot keep up. And this has been like this for years. I lay awake at night and I worry about losing our people to death as they're waiting on our waiting list.¹²⁸



As the testimonies from families suggest, Sandra's concerns about "losing our people to death as they're waiting" for support in their most vulnerable moments are understandable. In their testimony, family members often pointed to significant encounters when their now missing or murdered loved one had reached out for support but had been turned away. For example, Barbara H. described how she tried to get help for her daughter Cherisse H., who was murdered in 2009.

She was on the street and she was addicted to drugs. And, there was one time there when she said to me, "Mommy, I need help." This was after she had her son. She was still doing drugs, and then she finally realized that she wanted to get the help she needs so she could be a good mom. So, she said to me that she needed help, if I could phone her CFS [Child and Family Services] worker so they could place her in a locked facility so she doesn't have to run to the streets to do drugs. I guess she used drugs, too, to cope because they took her son right at birth.

So, I phoned her worker, and her worker said to call back. So, I called back and she said there's no facilities that could take Cherisse, and I guess that she – I guess she felt let down or – you know? So, she went back to the street, and a week after that, that's when – couple weeks after that, that's when they found her body.

In describing the circumstances leading up to the murder of her sister, Patricia, Charlotte M. talked about how, if there had been services available, her sister might still be alive.

So our families resided in Kitchenuhmaykoosib, which is a reserve north of here, about 500 kilometres. And it's a fly-in community only, so it's very isolated. So back during the time before my sister Patricia was murdered, there really wasn't much in place on the reserve, as far as supports. For example, there was no family drop-in places where she could take her kids. At the time, there was no sexual assault workers. They had no advocates to go with them during meetings with Child and Family Services, which in our area is Tikinagan. And – and so I've always believed that if we had more services, like those in place, that the circumstances leading to my sister's death, her murder, may not have happened.¹³⁰

Likewise, Chief Vivian T. spoke about the missed opportunity that existed to protect Destiny when she, too, reached out for support.

At that time I don't think our band had a drug and alcohol counsellor. And she wanted to go to a treatment centre but she kept on asking or phoning and tried to get help to go into a program where she would quit drinking. And they kept on stalling or they just didn't bother returning her calls. And she finally got upset and she just started drinking again.¹³¹

Destiny T. was brutally beaten to death by her boyfriend in 2013.



Lack of Culturally Appropriate Services

While a complete lack of accessibility is one issue, Indigenous women, girls, and 2SLGBTQQIA people often face additional challenges in accessing services related to housing, anti-violence support, or other types of social services that fail to reflect their unique needs as Indigenous people.

In her testimony, Halie B. spoke about the need for culturally relevant services for Indigenous women impacted by violence, poverty, addictions, and other issues.

There are too few culturally relevant services and places for our women, and for our youth. And, they need to be culturally specific. I'm a [speaking in Kwak'wala] woman. I'm Kwa'kwa'kawakw. That's my culture, that's my tradition. It was my Kwa'kwa'kawakw granny who saved me. And, it was my Kwa'kwa'kawakw laws that inoculated me and helped me through that system. And so, it has to be culturally specific.¹³²

For many Indigenous women seeking support after exposure to violence, access to anti-violence support services, such as a shelter, transition house, sexual assault crisis centre, or other type of support, is often an important first step. These services are often deeply underfunded, and they are often not necessarily designed or equipped to meet the unique needs of Indigenous women. For example, the National Inquiry heard about a common policy held by many shelters that they are unable to accept clients in an active addiction to drugs and alcohol. For many Indigenous women who use drugs and alcohol to cope with extreme violence and trauma, this policy creates an additional barrier to getting support, often at some of their most vulnerable moments – a barrier that may send women back out onto the street.

Of the Indigenous women who do use non-Indigenous-led shelters, transition houses, or other domestic violence services, many are often placed in, or participate in, programming that does not respond to their own modes of healing through cultural and spiritual practices.

“SHE WAS ON THE STREET AND SHE WAS ADDICTED TO DRUGS. AND, THERE WAS ONE TIME THERE WHEN SHE SAID TO ME, ‘MOMMY, I NEED HELP.’ THIS WAS AFTER SHE HAD HER SON. SHE WAS STILL DOING DRUGS, AND THEN SHE FINALLY REALIZED THAT SHE WANTED TO GET THE HELP SHE NEEDS SO SHE COULD BE A GOOD MOM. SO, SHE SAID TO ME THAT SHE NEEDED HELP, IF I COULD PHONE HER CFS WORKER SO THEY COULD PLACE HER IN A LOCKED FACILITY SO SHE DOESN’T HAVE TO RUN TO THE STREETS TO DO DRUGS. I GUESS SHE USED DRUGS, TOO, TO COPE BECAUSE THEY TOOK HER SON RIGHT AT BIRTH. SO, I PHONED HER WORKER, AND HER WORKER SAID TO CALL BACK. SO, I CALLED BACK AND SHE SAID THERE’S NO FACILITIES THAT COULD TAKE CHERISSE, AND I GUESS THAT SHE — I GUESS SHE FELT LET DOWN OR — YOU KNOW? SO, SHE WENT BACK TO THE STREET, AND A WEEK AFTER THAT, THAT’S WHEN — COUPLE WEEKS AFTER THAT, THAT’S WHEN THEY FOUND HER BODY.”

Barbara H.



For Josie Nepinak, the Awo Taan Healing Lodge – an Indigenous-led and -run shelter for Indigenous women and children leaving violence – provides an important counter-example: when Indigenous women attend the Awo Taan Healing Lodge, “your first entrants into the facility are Indigenous women helping Indigenous women. And so that – that’s part of the healing.”¹³³

Nakuset, a Cree woman from Lac la Ronge, Saskatchewan, and executive director of the Montreal Native Women’s Shelter, drew on her experience working with Indigenous women seeking housing to explain the importance of culturally relevant housing options:

The thing is, if you shove someone into a tiny little apartment and be, like, there you go, now you’re housed, they’re not going to stay because there’s no support from them, so basically it’s almost like a little jail. So we noticed that people will still leave their housing ... to go back and have a community and spend time out there, and whatever underlying issue they have that’s not resolved, whether it be drugs or alcohol or whatever, they’re going to end up losing their housing again.¹³⁴

Cee-Jai’s description of how she felt upon receiving housing in a rooming house illustrates Nakuset’s observation.

It was hard because it was so different from sleeping outside, and being on the street. I think the first few days we were, like, “Grab our pillows and our blankets they just gave us from donation and let’s go sleep outside.” So we’d find our shopping cart and we would push it and go sleep under the – what do you call those? Overpasses.

It’s funny, this one – one morning, too, I think it was like, second or third day and we kept doing that because we had a hard time sleeping in those rooms. It was like haunted. Those hotel rooms are haunted. Anyways, we were sleeping outside and our king-sized bed was the pavement.¹³⁵

Lack of Financial Support for Anti-Violence Services

While the institutional barriers that exist are sometimes rooted in the agencies and programs themselves, in many cases, the barriers are created and sustained by underlying systemic and structural issues that make it difficult for these agencies and programs to provide services in the ways that they know would best fit the needs of those who use them. In the context of anti-violence services – and, specifically, Indigenous-led anti-violence services – limited access to funding from government and other sources, particularly stable, multi-year funding and not project-based funding, must be recognized as being at the root of the inaccessibility Indigenous women face in seeking safety.

As Sandra Montour makes clear, there is a direct link between the complexities and unwillingness of government funders and others to hand over the purse strings and violence in the lives of Indigenous women and girls: “If we were all able to have equitable funding, we could save lives, I guarantee it. That’s a no brainer, we would save lives.”¹³⁶



The lack of core funding – as well as the many stipulations and limitations attached to this funding – creates significant barriers and difficulties for the provision of services and, ultimately, the protection of safety of Indigenous women, girls, and 2SLGBTQQIA people. In her testimony, Nakuset talked about the additional burden placed on staff and directors who, while already performing difficult work, are forced to spend a significant amount of their time raising funds to ensure they are able to keep their doors open. In her testimony, Nakuset spoke about how, once again, this limitation impacts Indigenous women in distinct ways. Because Indigenous women may come to the shelter with a complex history of trauma, the types of supports, such as specialized trauma counselling, long-term one-on-one support, or culturally specific services, that are best suited to address these needs and challenges are often those that require the most time and attention from staff. Agencies such as the Montreal Native Women’s Shelter and Awo Taan Healing Lodge do not receive funding in order to keep important professionals like nurse practitioners and trauma counsellors and are forced to fundraise on their own; again, an activity that takes significant additional time and effort.¹³⁷

Limited or inadequate funding also holds significant challenges for staff who are often paid very low salaries for frequently very difficult and dangerous work that comes with working at a shelter or transition house. Associated with low pay is retention of staff: a revolving door of staff people can often mean that clients who are more likely to need long-term services do not have the benefit that comes with long-term, consistent care and support.¹³⁸

Nakuset spoke specifically about the distinct barriers that come with seeking support for Indigenous women’s organizations.

So what I have to do or I choose to do is go to different agencies and different schools and do workshops on Indigenous realities. And only then do they sort of get the light bulb. And then they are more empathetic. And then they say, “Hey, I know someone who might be able to help out. I know someone who may have some money.” And that’s where – you know, those are the kind of things you have to do. You have to keep advocating on behalf of the women and spreading the word that, you know, we are incredibly resilient, but we still need to get from A to B. And there’s nothing right now in the city that’s appropriate.¹³⁹

“AS YOU HEARD MY DAUGHTER SPEAKING ABOUT HER ADDICTION, UP IN THE NORTH THERE’S EXTREME RATES OF POVERTY AND THERE IS A SERIOUS NEED FOR HEALTH, HEALING, AND WELLNESS CENTRES EVERYWHERE, NOT JUST IN THE NORTH BUT ACROSS CANADA. AND THE ONE THING THAT BOTHERS ME THE MOST ABOUT THE NEED FOR ALL THESE THINGS IS THAT WHEN THE GOVERNMENT DECIDES THAT THEY’RE GOING TO GIVE IT TO US THEN THEY GIVE IT TO US FOR TWO YEARS. WHAT HAPPENS AFTER THAT TWO YEARS? THAT’S THE SAME WITH THE SHUTTLEBUS SERVICE. WHAT HAPPENS AFTER THAT TWO YEARS? THE GOVERNMENT PULLS THEIR FUNDING AND THEN WE’RE DONE. THEN WE HAVE TO START FROM ROCK BOTTOM AGAIN AND START ALL OVER AGAIN.”

Gladys R.



For Nakuset, this work often involves balancing stereotypes about Indigenous women while getting support for what is needed. She provided the following example of such an encounter between her and municipal representatives when she was trying to get funding to support an event for Aboriginal Day.

And the City of Montreal said, “Do you really think that’s appropriate? Like, why don’t you help your people?” And me, I am, like, super dynamic, “Oh, my God. This is incredible.” I’m talking, like, you know, like I’m a talk show host or something because I know that if I answer the question in a way that’s going to straighten them out, I may not get that funding. So I have to find a way to present it in a positive way to – almost extinguish their negativity and their discrimination. She was, like, “Well, you know, Aboriginal Day, it’s not just for Aboriginals.” Like, “Oh, really?”¹⁴⁰

Nakuset described how these issues are further complicated by the way the expertise Indigenous women and 2SLGBTQIA people hold is ignored.

And then there’s many times where they will go, let’s say the government will go elsewhere to find the expertise, and it’s almost like duplicating the work. And that’s a little bit insulting. And we have to, sort of, explain to them, “Oh, by the way, we’ve been doing this for ten years. So why don’t you just come to us?” So this is super important that they acknowledge the work ... that we are doing.¹⁴¹

As part of her truth, Gladys R. spoke passionately about the way in which government funding structures that provide short-term, time-limited funding demonstrate a fundamental lack of understanding and respect for the unique safety needs of Indigenous women and those who provide services for them.

As you heard my daughter speaking about her addiction, up in the North there’s extreme rates of poverty and there is a serious need for health, healing, and wellness centres everywhere, not just in the North but across Canada. And the one thing that bothers me the most about the need for all these things is that when the government decides that they’re going to give it to us, then they give it to us for two years. What happens after that two years? That’s the same with the shuttlebus service. What happens after that two years? The government pulls their funding and then we’re done. Then we have to start from rock bottom again and start all over again. When we put in these health, healing, and wellness programs, they need to be permanent processes to protect women and children.... So the health, healing and – when you – when the government offers funding, I don’t care if it’s two years, they can do it for life because these cycles are ongoing. These cycles are ongoing. They’re going to be – we need a permanent fix for this, not part-time. Band-aid fixes haven’t worked thus far so we need it. We need it permanent.¹⁴²



This concern about short-term funding was echoed by many other service providers who work in the anti-violence sector as a significant barrier to creating services that can meaningfully restore safety and security. Moreover, the complicated and bureaucratic reporting mechanisms that accompany such funding create the sense that Indigenous women and organizations need to report back and justify their efforts to create safety. Hearing about the creativity and resilience with which women like Nakuset, Nepinak, Gladys, and many others manage to succeed, despite the institutional and government constraints placed on their services, makes it clear that with the proper funding, these women could create safety and end violence.

Insufficient Policies, Legislation, and Procedures

In their stories about the lack of safety and security in the lives of Indigenous women, girls, and 2SLGBTQIA people, and the way this lack of safety and security is enforced through institutional and structural practices, witnesses pointed to a number of larger policy, legislative, and organizational practices that continue to impede access to safety at the structural level.

In her testimony, Josie Nepinak provided an important discussion of the way the very notions of “safety” and “danger” are conceptualized differently within Indigenous and non-Indigenous contexts. This holds repercussions for access to funding for services, police response, and safety measures such as emergency protection orders. Josie Nepinak and her staff compared the measurements on an assessment tool of perceived danger widely used by anti-violence services in Canada among Indigenous women, immigrant women, and settled Canadians who use their services. They found that, when comparing the level of perceived danger in the same situation, Indigenous women did not perceive themselves to be in as much danger as did immigrant or settled Canadian women.

As Nepinak explained, this result suggests that the assessment tool does not “speak to the lived experiences of Indigenous women. It does not take colonization, the paternalistic policy, the oppression, residential school experiences, the ... child welfare experiences.” As such, “the danger assessments are not adequate to the experiences and lives of Indigenous women ... because until we can recognize that violence against Indigenous women is manifested through colonization, then we’re not going to get an accurate picture of what violence is for Indigenous women.” Nepinak believes that, when the experiences and levels of danger Indigenous women face are not being measured in a way that attends to their distinct history and culture, and instead are understood through colonial tools and frameworks, Indigenous women, girls, and 2SLGBTQIA people risk being put in even greater danger because they are denied the necessary intervention or support.¹⁴³

The ongoing lack of institutional will to enhance protections to Indigenous women is another manifestation of colonialism’s tactics of ignoring, normalizing, and erasing violence. In her testimony, Sandra Montour provided a concrete example of this when she talked about the requirement of incorporation in order to get access to funding equal to that given to non-Indigenous shelters and transition houses.

For a long time, I was busy educating the funders. They would say, “Sandy, how come you didn’t apply for this funding?” And I’d say, “Because your – your very first line



says, ‘Must Be Incorporated.’” And I would say, “You know what? Ganohkwasra is a 30-year organization that never once – never once have we ended a year in the red. Never once. We’re reputable and – and we will do what we say we can do, and then some. But your – your line item that states you must – ‘Thou Must be Incorporated,’ it eliminates First Nations shelters right away.” So that was one of the things that I’ve had to – I tried my best to educate funders about. And – and that’s changing slowly.¹⁴⁴

For some organizations, the approach to service delivery they offer can be circumscribed or dictated by the terms of the funding agreements or organizational policies that govern their work. For example, women working in the sex trade may be limited in receiving services by an organizational requirement that they be in the process of exiting the sex trade in order to receive these services.¹⁴⁵ More generally, organizations may be required to work within colonial or dominant models that favour an abolitionist rather than harm-reduction approach to addictions, sex work, or other strategies that Indigenous women, girls, and 2SLGBTQQIA people use to cope with experiences of violence and to meet their basic needs.

Sometimes, the organizational policies or mandates that govern organizations mean that Indigenous women, girls, and 2SLGBTQQIA people have to “prove” their worthiness as a receiver of those services. In describing her efforts to secure housing, Cee-Jai provided an example of how it was only after Cee-Jai and her partner were able to demonstrate to an authority figure that they were ready “to change” that they received access to housing.

I remember getting an SRO [single room occupancy] because I was homeless on the street, crawled out of that back alley, you know. This minister guy, or chaplain, or, like, church person, or whatever they call them, anyone that’s Christian, forgive me. But you know what I mean, right? But he actually believed us that we wanted to stay sober, so he got in a – us a single room occupancy in the Downtown Eastside. But in that rooming house, there was Christians, and they were all clean and sober. He got us that room and we were warm and started cleaning up.¹⁴⁶

Poor institutional response to the very real needs of Indigenous women, girls, and 2SLGBTQQIA people experiencing violence, as well as a lack of will to initiate changes that address the root causes of violence in the first place, demonstrate yet another way in which violations to the security of Indigenous women, girls, and 2SLGBTQQIA people are ignored and exacerbated through the structures and systems within which they live. As Nakuset emphasized, turning away Indigenous women, girls, and 2SLGBTQQIA people in those crucial moments in which they may be seeking safety is to, in effect, participate in the normalization of violence and reinforce a message many have learned from early childhood that their safety does not matter.

Because they’re turned away, they expect that this is the norm, and we have to show them that it’s not, and we have to help them by being there and advocating on their behalf so that they can see, hey, this is the way I’m supposed to be treated, this is not the norm anymore.¹⁴⁷



DEEPER DIVE

Resource Extraction Projects and Violence against Indigenous Women

The National Inquiry heard testimony and examined evidence that suggested that resource extraction projects can exacerbate the problem of violence against Indigenous women and girls. Expert Witnesses, institutional witnesses, and Knowledge Keepers told the National Inquiry that resource extraction projects can drive violence against Indigenous women in several ways, including issues related to transient workers, harassment and assault in the workplace, rotational shift work, substance abuse and addictions, and economic insecurity. They argued that resource extraction projects can lead to increased violence against Indigenous women at the hands of non-Indigenous men, as well as increased violence within Indigenous communities. Reports submitted by witnesses substantiate their claims, as does a considerable body of literature identified by the National Inquiry. They all point to the same conclusion: federal, provincial, territorial, and Indigenous governments, as well as mining and oil and gas companies, should do a more thorough job of considering the safety of Indigenous women and children when making decisions about resource extraction on or near Indigenous territories.

Canada has always depended on extraction, in different ways. From the creation of the geological survey – the second in the world – only six years after Great Britain's, in 1841, to the export of natural resources, to the more recent development of bigger and more expansive mines and pipeline projects, the notion of drawing resources from the earth, for profit, has animated many of the most visible recent conflicts between governments and some Indigenous groups. As Alain Denault and William Sacher, authors of *Imperial Canada Inc.*, document, three-quarters of the world's mining companies are headquartered in Canada today. Of these, 60% are listed on Canada's Toronto Stock Exchange (TSX), which boasts about its brokerage of over half of the world's investment in the mining industry on their books.^A

While extractive industries and mining, in particular, often cite their economic contribution to communities, both Indigenous and non-Indigenous, as the National Inquiry heard, the impact of these activities is often negative, as well. In particular, the increasing rates of violence that ensue within the context of transient and temporary workforces are an issue that witnesses talked about as engaging many of the pathways to maintaining colonial violence documented so far in this *Final Report*. In this Deeper Dive, we look specifically at the issue of transient workers, as well as how some members of the industry have denied any problem exists, resulting in a continuing erasure of issues that may mean the difference, literally, between life and death.

Transient Workers and Violence

Witnesses spoke to the National Inquiry about the large number of transient workers associated with the resource extraction sector. Connie Greyeyes, a member of the Bigstone Cree Nation and resident of northern British Columbia, told the National Inquiry that large numbers of transient workers can put Indigenous women at risk of being targeted for violence.

So, what you have is these young workers and people that come to Fort St. John to work, and they are working upwards of a month, six weeks, seven weeks straight, 12- to 14-hour days, and then they will have a lull, where they have got a couple of days off usually, before they go onto the next project or whatever. And then they come in to Fort St. John.

Fort St. John actually, I think it – I don't know how many nightclubs it has now. It used to have a lot, but it has – and it has a lot of, like – like, there's more strip clubs than there actually is, like, a bar



to go to. And so, often those are – when they come into town to “blow off steam,” you know, they have tons of money because they have been working in the bush for this many days, and then they come in and they get to let loose, you know? It’s a high-pressure job that they are doing.

I often – I cannot imagine being under that circumstance anymore. I actually did used to work in the industry, I was a medic on drilling and service rigs, and I remember those days. And I remember going into town and blowing off steam with the guys. And, you know, it was often [fraught] with a lot of drugs and alcohol and, you know, picking up women in [the] community. And, you know, being a front-line, kind of, grassroots person, I have often talked to women who have experienced violence the previous night from somebody that they met that is just in town working. And, more often than not, it has often – almost always been, “I didn’t know them, but they were here working for so-and-so.”

You know, that is how it is in Fort St. John. I mean, like, when you go in – I have lived there my entire life. I know a lot of people there. And I don’t go out very often. You know, like, once in a blue moon, I will go out with my friends and we will go dancing, and the amount of workers is incredible that are not from Fort St. John.

You know, even sitting at the Fort St. John Airport with the shuttle that comes in to bring industry workers to and from the dam or wherever, I mean, like, it is there every flight, bringing people into Fort St. John. And, when you have that dynamic of all of that money, all of that pressure working, and then they get to blow off some steam and come into Fort St. John and party? It is a bad mixture for the women and girls of the communities.^B

Jacqueline Hansen from Amnesty International provided the National Inquiry with a report she and Greyeyes helped produce. The report, titled *Out of Sight, Out of Mind*, also argued that the transient workforce associated with resource extraction constitutes a threat to the safety of Indigenous women and girls.

Negative behaviors associated with “blowing off steam” may be compounded by the fact that many of the transient workers do not have families or other ties in northeast BC. “There’s no attachment to the community and there’s no attachment to the women,” Amnesty International was told. Community activist Connie Greyeyes believes that the large numbers of short-term and temporary workers in Fort St. John have made the community more unsafe for women. She told Amnesty International, “It’s very easy to be an unknown in this town. You can commit a crime and no one knows who you are.”^C

T. J. Lightfoot, a Two-Spirit Mi’kmaw person originally from Elsipogtog First Nation, also told the National Inquiry that the work camps associated with industrial resource extraction can pose a risk of violence for Indigenous women and children.

There are two types of man camps. There are man camps that are set up by resource extractive industries. So, the company pays to have, say, like, a number of portable housing put onto a plot of land, or there are informal man camps which are – private individuals will go ahead and set up a number of, like, mobile homes and put it on their property knowing that the workers are working within the resource extraction industry, so as seen in Alberta, and BC and other areas. So, what happens is there is an influx of workers that are coming from an understanding that sometimes, and not all times, but sometimes these people are coming from impoverished communities themselves. They are often cis, heterosexual males that are Canadian. And I use that, meaning that they are not Indigenous.

So, the influx of workers in these areas, what we have seen is that they have led to increased rates of sexual violence and physical violence, the abduction of Indigenous women and children.^D

Lightfoot provided the National Inquiry with a report by the Women’s Earth Alliance and the Native Youth Sexual Health Network that documented how extractive industries can affect the health and safety of Indigenous women and children. It discusses several examples of physical and sexual assaults



against Indigenous women and girls by transient workers in extractive industries. The report included the following statement from Melina Laboucan-Massimo, a woman from the Lubicon Cree First Nation.

The industrial system of resource extraction in Canada is predicated on systems of power and domination. This system is based on the raping and pillaging of Mother Earth as well as violence against women. The two are inextricably linked. With the expansion of extractive industries, not only do we see desecration of the land, we see an increase in violence against women. Rampant sexual violence against women and a variety of social ills result from the influx of transient workers in and around workers' camps.^E

Other reports corroborate these findings. A regional cumulative-effects assessment of hydroelectric development in Manitoba revealed that the arrival of a large transient workforce in northern Manitoba resulted in Indigenous women's and children's being targeted for racial and sexual violence.

The arrival of a largely male construction workforce led to the sexual abuse of Indigenous women: people spoke of construction workers getting them inebriated and then taking advantage of them. People spoke of witnessing rape and being unable to interfere. Some spoke of instances of institutions intended to protect people, particularly the Royal Canadian Mounted Police, brutalizing men, permitting the exploitation of women, and failing to take local complaints seriously, although there were also instances of these complaints being addressed. Indigenous children felt themselves to be the target of racial violence and discrimination.^F

A report by Northern Health and the Provincial Health Services Authority of British Columbia discussed the relationship between crime rates and resource extraction, including the physical and sexual assault of Indigenous women by transient workers.

Adverse impacts to community safety and crime levels as a result of resource development activities have been well-documented in Canada and throughout the world. Increased crime

levels, including drug- and alcohol-related offenses, sexual offenses, and domestic and 'gang' violence, have been linked to "boomtown" and other resource development contexts. Unlike population growth in other rural contexts, resource development activities often bring an in-migration of young men with high salaries and little stake in host communities. The influx of money and workforces into communities can influence gang and sex trade activities, and can increase access to illegal substances within communities. Increasing crime levels can also be fueled by the increased consumption of alcohol and drugs, the social isolation of camp environments, "hyper-masculine" camp cultures, and the disconnection of workers from local communities.^G

James Anaya, former United Nations Special Rapporteur on the Rights of Indigenous Peoples, explained that his research as special rapporteur revealed a connection between the influx of transient workers and violence against Indigenous women.

Over the last several years I have carried out a study and reported on extractive industries affecting indigenous peoples. It has become evident through information received within the context of the study that extractive industries many times have different and often disproportionately adverse effects on indigenous peoples, and particularly on the health conditions of women. For example, I have learned that in many cases indigenous women living in communities near oil, gas and mining operations are vulnerable to sexually transmitted diseases, including HIV/AIDS, which are often introduced with a rapid increase of extractive workers in indigenous areas. In addition, indigenous women have reported that the influx of workers into indigenous communities as a result of extractive projects also led to increased incidents of sexual harassment and violence, including rape and assault. In one case in which I intervened indigenous girls walking to school were sexually assaulted by workers operating under a concession granted by the government for the extraction of forest resources in the indigenous peoples' traditional territory.^H



Harassment and Assault in the Workplace

T.J. Lightfoot told the National Inquiry that Indigenous women who work at mines or other extractive projects are frequently exposed to sexual harassment and abuse, as well as racism.

For women who choose to participate – and I say “choose” under the understanding that often these choices are put on our communities, that we don’t often have a say, and sometimes the reality is that it’s the only economic driver in our communities. So, for the women that loosely choose to participate in these ways that they face racism and sexual harassment and exploitation.¹

Lightfoot provided the National Inquiry with a report published by Pauktuutit Inuit Women of Canada, which found that sexual harassment was a significant problem at a mine in Nunavut. The report showed that sexual harassment and assault was an important reason why some Inuit women had quit their jobs at the mine.¹

Amnesty International’s report *Out of Sight* explained how employment in resource extraction can expose Indigenous women to harassment and abuse.

A highly stressful environment, physical isolation, and the drug and alcohol abuse at some camps all create an environment that can be unsafe for women. This is combined with the fact that police could be several hours drive away. One woman who works in labour camps told Amnesty International that the majority of men she has worked with are good people, “but the ones who aren’t, well, those tendencies get amplified.”

Connie Greyeyes described the daily harassment experienced on some worksites. “The kind of stuff we have to put up with as women, it would never be tolerated in an office,” she said. “That’s the oil patch.” Another woman told Amnesty International that, “It’s a boys club, so if something happens you don’t say anything.” Another told how supervisors often expected that female employees would be sexually available to them. A former industry worker

told Amnesty International that “there was expectations welders had, if they had a female helper, of what those helpers were expected to do on the side.”

These problems may be particularly severe for Indigenous women. Retired Aboriginal support worker David Rattray said, “Racism in the oil patch is sometimes obvious, but most of the time it is very subtle. Probably because of this, and other factors, there’s an assumption that if you’re an Aboriginal woman you’re an easy lay. Some oil patch men prey on Aboriginal women, and I suspect this racial attitude plays an important part.”

Women spoke of how not only the job sites and labour camps, but also travel to and from work sites and camps, can be dangerous for female employees. Sometimes, particularly in winter, people cannot make the long commute on snow-covered or icy roads back home to Fort St. John and have to find a place to sleep. “And sometimes bad things happen when you crash,” one woman said, referring to sexual assaults that sometimes happen when female and male employees share insecure and informal accommodation.⁶

The report by Northern Health and the Provincial Health Services Authority of British Columbia also found that resource development is also often associated with sexual harassment at the job site.⁴

Rotational Shift Work

The National Inquiry was provided with evidence that the rotational shift work associated with resource extraction can put a strain on family relationships and contribute toward domestic violence. Research by Pauktuutit Inuit Women of Canada documented a connection among rotational shift work, family breakdown, and domestic violence in Nunavut.

Employment at the Meadowbank mine is scheduled on a two-week rotation; local Inuit employees spend two weeks at the mine site and two weeks at home in Qamani’tuaq. This new arrangement of spending two weeks away from one’s partner and family creates tension in the household as jealousies arise, partners



return home exhausted, and availability for one's partner and accountability to family responsibilities become strained. Through the survey and interviews, many women expressed concerns about gossip and rumours in the community about infidelity at the mine site. In the survey, more than 60 per cent of women indicated that there has been increased stress on their relationship since the opening of the mine, due to rumours and gossip.

Due to the rotational scheduling, employees at Meadowbank can work 12 hours a day, seven days a week, while at the mine site. When they leave the site for their two-week leave period, employees return to Qamani'tuaq tired and drained, with little energy for family life. This contributes to relationship tensions, as the partner who has returned from the mine may not be seen to be supporting the family or contributing any effort to household work. Coupled with the stress from jealousies, women have reported that the two-week-in, two-week-out work rotation is leading to loss of family closeness and family breakdown.^M

Another study by Pauktuutit Inuit Women of Canada stated:

The two-week on, two-week off work schedule means that a family member is away for a period of time. This absence gives rise to jealousies. Many of our informants noted that the mine has been hard on relationships. Someone who is jealous or suspicious of the behaviour of a partner while away at the mine, or left alone in the community, and who now has the resources to purchase alcohol or drugs, is at risk of taking his or her (most often "his") feelings out on his partner once he gets home for a two-week period.^N

These findings are corroborated by research conducted in other jurisdictions. A 2008 report by the National Aboriginal Health Organization notes that the rotational shift work associated with diamond mines in the Northwest Territories exacerbated problems with domestic violence in Indigenous communities.

The Diavik Mine development had negative gendered impacts on the community, including an increase in spousal assaults and related substance abuse. Women married to Diavik employees stated that long absences due to the work rotation schedule placed a strain on relationships. This resulted in the failure to address conflict issues within the family, causing disruptive behaviour in children.^O

The report by Northern Health and the Provincial Health Services Authority of British Columbia found an association between shift work and family violence in northern British Columbia.

It is well-documented that changing work patterns, particularly with rotational shift work and/or long rosters, can lead to negative effects on not only the well-being of employees, but also on the well-being of their spouses/partners and children. These effects include such things as sleep disorders, depression, problematic substance use, and family violence.^P

Substance Abuse and Addictions

The National Inquiry was provided with evidence that the rise in alcohol and drug consumption associated with extractive industries can contribute toward domestic violence in Indigenous communities. The report by the Women's Earth Alliance and the Native Youth Sexual Health Network argues that the increasing availability of drugs can exacerbate trauma in Indigenous families.

The influx of industry workers into the resource-rich territories of Indigenous Peoples also leads to drastic increases in drugs and crime. This transient workforce has little stake in, or connection to, the surrounding communities that they impact. Community members are introduced to these new addictions, which cause significant trauma within families, and these threats are only worsened by the increase of non-Indigenous People – mostly men – using and selling drugs while working for industry.^Q



Research by Pauktuutit Inuit Women of Canada into the impacts of resource extraction projects on Inuit women documented a significant increase in alcohol consumption in Baker Lake, associated with the construction of a gold mine. This increase in alcohol consumption was associated with increases in domestic violence.

Alcohol consumption in Qamani'tuaq has increased considerably. RCMP reports reveal that permits issued for the import of alcohol increased from 3,000 in 2009 to 6,105 in 2011, an increase of over 100%. Incidents in which the RCMP are involved have increased from approximately 540 in 2008 to over 800 in 2011. Many of these involve domestic disputes, including incidents of domestic violence. Inuit women painted a picture of intersecting impacts. The "two-week in, two-week out" work schedule gives rise to jealousies and suspicion that affects interpersonal relationships. Relationships that may have been unstable prior to mine employment are further impacted by distance and the fear that a partner may be carrying on an affair or developing a relationship with someone else at the mine. In the presence of alcohol, the purchase of which is facilitated by an increase in disposable income, fears and jealousies lead to domestic incidents, including violence.^R

In her testimony before the Inquiry, Jacqueline Hansen from Amnesty International explained how rotational shift work can exacerbate addictions and other mental health issues by making treatment difficult.

And, when we were looking at the conditions that people were working under, we are talking about people sometimes being in camp for a month, you know, working in incredibly difficult conditions, very long hours, often away from family, friends, other supports, doing shift work where you are not going to be able to get into Fort St. John to seek addictions treatment or to – for mental health care or for any health care.^S

The connection among resource extraction, substance abuse, and violence against Indigenous women is also examined in many other reports. For example, the report by Northern Health and the

Provincial Health Services Authority of British Columbia noted a strong relationship between resource extraction and substance abuse in northern British Columbia.

Research suggests that many camp workers spend large proportions of their income on alcohol and drugs. A pattern of problematic drug and alcohol use prevalent amongst camp workers in Northern British Columbia has been linked to a number of factors including work conditions and the camp environment (e.g. isolation from social and family relationships, "hyper-masculine" cultures in industrial camps, long hours and stressful working conditions, limited social and recreational activities). Individuals who have worked in the oil and gas industry since they were teenagers reported that their entry into industry-related employment also provided them with entry into a drug scene.^T

Economic Insecurity

Extraction can drive economic insecurity for Indigenous women. Indigenous women face significant barriers to participating in the extractive economy. Rotational work schedules make it impossible for many women with children to maintain employment at a mine or oil field. Experiences of sexual harassment and assault, as well as racist discrimination and "hyper-masculine" work environments, also act as barriers to Indigenous women's participation in the workforce.^U The Indigenous women who do get work at mines are often stuck in relatively low-paying jobs in housekeeping, cleaning, and food services.^V At the same time, the rapid growth in population associated with resource booms can drive high rates of inflation and housing shortages.^W

Witnesses told the National Inquiry that this combination of low participation in the extractive economy and rising costs of living can result in extreme economic insecurity for Indigenous women, placing them at risk of being targeted for violence. For example, Connie Greyeyes told the National Inquiry that many Indigenous women in northern British Columbia remain in abusive relationships because they are economically dependent on their spouse.



Within Fort St. John, it's near impossible for a woman to actually leave a relationship and not live in deep poverty. Because of the industry that surrounds Fort St. John, we're known as the "energetic city" for a reason. The development is rampant there, which has caused food, housing, everything to skyrocket. You know, you can rent a really, really rundown one-bedroom apartment for upwards of \$1,200 a month. Or, you know, you're looking at paying hydro bills that are \$400 to \$500 a month – or, every three months now because, you know, we have to pay for this project that's trampling on our rights.

So, we've found that often women, when they're speaking about leaving and, you know, we're there to support, often say, "I can't leave. I'm going to put up with it because I don't want my kids to live in poverty. You know, he says that if I leave, then he's not going to help me."^x

According to the report by Amnesty International, the economic insecurity associated with resource extraction can also lead Indigenous women into unsafe situations to make ends meet.

Life in northeast BC can be precarious for anyone without access to the high wages of the resource industry. As energy development has expanded in the northeast, costs for housing, food, childcare, and transportation in the region have risen in line with the high wages paid to resource industry workers, making it harder than ever for those without access to such wages to make ends meet. Competition from workers coming to the region for jobs has created periodic local shortages of necessities such as housing and childcare. People in lower wage jobs, on fixed incomes, or laid off from industry, can be severely constrained in the choices they make about where to live and work. This can push people into precarious situations like unsafe housing or late night shifts where there is no public transportation. Some women told Amnesty International that lack of other options led them to engage in commercial sex to make ends meet.^y

The report notes that sex work can pose significant safety risks to women.

Sex work and other forms of commercial sex are highly stigmatized and commercial sex is largely criminalized by virtue of the fact that buying sexual services is illegal in Canada. The stigma surrounding commercial sex, the fact that commercial sex is largely criminalized or that illegal drugs were involved, may make women who sell sex reluctant to report violence for fear of mistreatment and punishment by law enforcement officials, and men may exploit this reality and engage in violence with impunity.^z

The report by Northern Health and the Provincial Health Services Authority of British Columbia also drew connections among resource extraction, economic insecurity, sex work, and violence.

In-migration related to industry projects can increase the number of individuals that are drawn into sex work in small communities near mines, pipelines, and other developments. This has largely been attributed to the influx of hundreds to thousands of temporary workers who are often young, male, and single, have high disposable incomes, and spend long stretches of time in isolated camp settings. This outcome is particularly concerning for women and girls, as they are more likely to become employed in the sex trade. In addition ... family violence and economic and housing insecurity are reported impacts of resource development, which are factors that are known to contribute to the entry of individuals into the sex trade. Sex work has been associated with a number of health and safety risks, such as increased rates of STIs and violence.^{aa}

Industry Initiatives and the Safety of Indigenous Women

Representatives of the mining industry often point to the initiatives that companies have taken to ensure the safety of Indigenous women. For example, Alex Buchanan, vice-president of the NWT & Nunavut Chamber of Mines, responded to T.J. Lightfoot's testimony in a letter to the newspaper *Nunatsiag News*. Buchanan suggested that Lightfoot had exaggerated the extent to which mining places Indigenous women at risk.



We share a strong focus on the health and safety of our employees. We have been subject to rigorous environmental assessments and must comply with socio-economic terms and conditions based on real community concerns.

We are all obliged to maximize Inuit involvement in our operations, including Inuit women.

Furthermore, we all share similar corporate governance structures. As industry and labour standards insist, these include provisions for worker disclosure, harassment procedures, security measures, cultural awareness, and steps to terminate workers for unacceptable behaviour.

These policies are in use on a daily basis, up to and including terminating male employees exhibiting unacceptable behaviour towards their female colleagues.

...

As a result of how we operate, and also due to our regulatory and land tenure regime, the mines in Nunavut are safe places for women to live and work.

Mining companies are human organizations. Although we strive for zero harm, incidents where women experience abuse can and do occur.

As publicized as some incidents may be, the fact remains: women are an order of magnitude safer at our mines than at home. This fact was missing from Lightfoot's testimony.^{BB}

The suggestion that "women are an order of magnitude safer at our mines than at home" is a gross mischaracterization of the ways extractive industries can affect the safety of Indigenous women and girls. Moreover, even though most companies have sexual harassment policies, it is not clear that these policies are being consistently implemented in a meaningful way. According to Amnesty International, there is considerable variability in how supervisors respond to complaints about sexual harassment at work sites in northern British Columbia.

Some women told Amnesty International that their supervisors acted quickly when harassment was reported, firing the offender and barring

them from working for the company in the future. Others said their complaints were ignored and that the work environment was one in which harassment was tacitly condoned by the inaction of supervisors and other workers.^{CC}

Amnesty International also documented that many women do not report sexual harassment and assault because of fear of reprisals.

One woman told Amnesty International of a co-worker who was sexually assaulted on a construction site and did not report the assault because she feared losing her job. Another woman told Amnesty International that a co-worker who reported being sexually assaulted lost her job and could not find other work in the industry. One woman said that she did not report harassment to her supervisors because she was new to her job and did not want to jeopardize her reputation and future employment prospects. Of her male colleagues who witnessed her harassment, she said, "nobody stood up for me."^{DD}

Extraction, Decision Making, and the Safety of Indigenous Women

Indigenous organizations and women's groups have repeatedly called for socio-economic impact assessments of proposed resource extraction projects to include gender-based analyses.^{EE} An analysis of environmental reviews in northern Quebec, Nunavut, and the Northwest Territories found considerable variability in the extent to which gender is considered in socio-economic impact assessments.^{FF} According to Amnesty International, the gendered impacts of extraction are not adequately considered in decisions about extraction in British Columbia.

Decisions are made on a project-by-project basis with inadequate attention to the long-term cumulative social impacts, including the specific impacts on Indigenous women and girls. Land rights of Indigenous Peoples protected in historic treaties and enshrined in the Canadian Constitution are not formally incorporated into the approvals process. Moreover, analysis of the



distinct impacts of initiatives on people of all genders, in particular women and girls – which is a requirement for projects involving Canadian government-supported overseas development assistance – is almost never part of the decision-making process domestically and has never been part of the decision-making process for projects in northeast BC.^{GG}

Research conducted by First Nations as part of the assessment of a proposed natural gas pipeline revealed that the social effects of work camps are not effectively considered in development planning in British Columbia.

Social and cultural effects of industrial camps are not effectively considered in the planning for economic development. Currently Indigenous communities, particularly women and children, are the most vulnerable and at risk of experiencing the negative effects of industrial camps, such as sexual assault. The focus of environmental assessment must change to ensure communities, and in particular women and children, do not shoulder the burden of impacts of industrial camps. This means that all parties need to consider social, cultural, and environmental issues in industrial camp review and siting. Ministries and agencies need to plan service delivery in the north, specifically to manage the issues raised in this work, and connect and adequately fund service delivery to already vulnerable populations.^{HH}

Some scholars have suggested that Impact and Benefit agreements, negotiated between industry and Indigenous communities, could provide a useful mechanism for minimizing the negative impacts that resource extraction projects can have on Indigenous women.^{II} However, research shows that programs to increase Indigenous Peoples' participation in the mining, oil, and gas workforce often fail to meaningfully address the barriers to Indigenous women's employment.^{JJ} Researchers studying the socio-economic impacts of mining in Nunavut argue that an Inuit Impact and Benefit Agreement (IIBA) ultimately did very little to address the negative effects of mining on Inuit women in Baker Lake.

Many of the challenges and negative impacts experienced by the research participants were

outlined in the IIBA as community needs or risks to monitor and provide funds to support. Yet, despite the IIBA anticipating the effects of the mine on employees, their families, and the community, none of the needs outlined in the agreement have been regularly assessed and no comprehensive programmes or services implemented to address them despite transfers of funds from the mining company to the regional Inuit association. To date, there has been no wellness report completed and made publicly available, leaving a serious gap in knowledge around the impacts of the mine on Qamani'tuaq and on women in particular.

Political interests and limited organisational capacity at the local, regional, and territorial levels appear to have all played a role, as well as limited public accountability and transparency in the implementation of the agreement.^{KK}

Spokespersons for several Indigenous communities and organizations have also demanded that the Government of Manitoba initiate a public inquiry into sexual violence and racism at hydroelectric projects in northern Manitoba, including chiefs from York Factory, Tataskweyak, War Lake, and Fox Lake First Nations,^{LL} as well as the Manitoba regional chief for the Assembly of First Nations.^{MM}

There is substantial evidence of a serious problem that requires focused attention on the relationship between resource extraction projects and violence against Indigenous women. The results of this kind of focus could help provide justice for victims of crime, as well as information to inform strategies to address the problem in the present day.

Conclusion

The National Inquiry believes there is an urgent need to consider the safety of Indigenous women consistently in all stages of project planning, assessment, management, and monitoring of resource extraction projects. Federal, provincial, territorial, and Indigenous governments should employ a gender-based analysis in the socio-economic assessments and monitoring of reports for all proposed and operating extractive projects in or near Indigenous territories. Indigenous governments



and industry should include provisions to address impacts on the safety of Indigenous women and girls in all Impact and Benefit Agreement negotiations.

In addition, the kinds of violence cited by witnesses indicate the extent to which addressing the crisis of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people requires the involvement of all Canadians, including those workers who may contribute to the problem by participating in violence themselves, or by creating situations in

which violence is ignored and normalized as part of the work environment. This emphasizes the idea, threaded throughout this *Final Report*, that relationships are important, and can be transformational – but that, ultimately, the kind of change that will see better outcomes for Indigenous women, girls, and 2SLGBTQQIA people rests in a combination of systems-level changes and positive individual choices from those who now promote racist, sexist and misogynist structures and who keep them in place as a part of the existing status quo.

Findings

- There is substantial evidence of a serious problem demonstrated in the correlation between resource extraction and violence against Indigenous women, girls, and 2SLGBTQQIA people. Work camps, or “man camps,” associated with the resource extraction industry are implicated in higher rates of violence against Indigenous women at the camps and in the neighbouring communities.
- This increased rate of violence is largely the result of the migration into the camps of mostly non-Indigenous young men with high salaries and little to no stake in the host Indigenous community.
- Industries that create “boom town” and “man camp” environments are implicated in increased rates of drug- and alcohol-related offences, sexual offences, domestic violence, and gang violence, as well as sex industry activities in the host communities. These occurrences disproportionately impact Indigenous women, girls, and 2SLGBTQQIA people.
- The influx of people as a result of “man camps” near or within Indigenous, remote and rural communities further results in stress on already limited social infrastructure, such as policing, health, and mental health services.
- In addition to the adverse social impacts that Indigenous women, girls, and 2SLGBTQQIA people experience as a result of these industries, it is clear that Indigenous women, girls, and 2SLGBTQQIA people do not have equitable access to the economic benefits these industries can provide.
- Indigenous women face significant barriers to participating in the extraction industry due to work environments that are often hypermasculine and hypersexualized. For Indigenous women working within these camps and these industries in general, there are elevated rates of workplace racism, sexual harassment, and violence. These camps are also often far from law enforcement, and therefore are largely unpoliced.
- The nature of the work, particularly shift work in and out of isolated locations, also deters women from participating in these industries, since it is not compatible with raising a family and meaningful participation in family and community life. When women do find employment in these industries, it is often within the low-paying jobs, such as housekeeping, cleaning, and food services.
- The creation of a “boom town” as a result of the extraction industry often results in high rates of inflation and an increased cost of living in the host communities. Indigenous women are disproportionately impacted by this, in terms of increased economic insecurity.



- A Deneault and Sacher, *Imperial Canada Inc.*, 16; TMX Group, "Mining."
- B Connie Greyeyes (Bigstone Cree Nation), Mixed Parts 2 & 3, Public Volume 6, Quebec City, QC, pp. 58–60.
- C Amnesty International, *Out of Sight*, 44.
- D T.J. Lightfoot (Mi'kmaq), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, pp. 155–156.
- E Women's Earth Alliance and Native Youth Sexual Health Network, *Violence on the Land*, 31.
- F Manitoba Clean Environment Commission, "A Review of the Regional Cumulative Effects," 36–37.
- G Aalhus, "The Social Determinants of Health Impacts," 24.
- H Anaya, "Statement to the International Expert Group."
- I T.J. Lightfoot (Mi'kmaq), Mixed Parts 2 & 3, Public Volume 3, Iqaluit, NU, p. 155.
- J Czyzewski, Tester, Aaruaq, and Blangy, *Impact of Resource Extraction*.
- K Amnesty International, *Out of Sight*, 43.
- L Aalhus, "The Social Determinants of Health Impacts."
- M Nightingale, Czyzewski, Tester, and Aaruaq, "The Effects of Resource Extraction," 376–77.
- N Czyzewski, Tester, Aaruaq, and Blangy, *Impact of Resource Extraction*, 31.
- O National Aboriginal Health Organization, *Resource Extraction*, 5.
- P Aalhus, "The Social Determinants of Health Impacts," 16.
- Q Women's Earth Alliance and Native Youth Sexual Health Network, *Violence on the Land*, 28.
- R Czyzewski, Tester, Aaruaq, and Blangy, "Impact of Resource Extraction," iii.
- S Jacqueline Hansen, Mixed Parts 2 & 3, Public Volume 6, Quebec City, QC, p. 57.
- T Aalhus, "The Social Determinants of Health Impacts," 17.
- U Mills, Dowsley, and Cameron, "Gender in Research."
- V National Aboriginal Health Organization, *Resource Extraction*.
- W Ensign, Giles, and Oncescu, "Natural Resource Exploration"; Aalhus, "The Social Determinants of Health Impacts"; Nightingale, Czyzewski, Tester, and Aaruaq, "The Effects of Resource Extraction"; Rodon and Levesque, "Understanding the Social and Economic Impacts," 41.
- X Connie Greyeyes (Bigstone Cree Nation), Mixed Parts 2 & 3, Public Volume 6, Quebec City, QC, pp. 50–51.
- Y Amnesty International, *Out of Sight*, 45.
- Z Ibid., 49.
- AA Aalhus, "The Social Determinants of Health Impacts," 25–26.
- BB Buchan, "Chamber of mines responds."
- CC Amnesty International, *Out of Sight*, 43.
- DD Ibid.
- EE Archibald and Crnkovich, *If Gender Mattered*; Czyzewski, Tester, Aaruaq, and Blangy, "Impacts of Resource Extraction."
- FF Dalseg, Kuokkanen, Mills, and Simmons, "Gendered Environmental Assessments."
- GG Amnesty International, *Out of Sight*, 5.
- HH Firelight Group with Lake Babine Nation and Nak'azdli Whut'en, "Indigenous Communities and Industrial Camps," 6.
- II O'Faircheallaigh, "Making Social Impact Assessment Count."
- JJ Mills, Dowsley, and Cameron, "Gender in Research."
- KK Nightingale, Czyzewski, Tester, and Aaruaq, "The Effects of Resource Extraction," 380.
- LL CBC News, "First Nations rally."
- MM CBC News, "AFN seeks public inquiry."



Pathway to Violence: Denying Agency and Expertise in Restoring Safety

In response to Nakuset's powerful call to challenge the norm that says that the security of Indigenous women, girls, and 2SLGBTQQIA people does not matter, we now share the many examples provided by survivors, families, grassroots organizers, and advocates who are working tirelessly to restore and protect the rights to security that Indigenous women, girls, and 2SLGBTQQIA people hold. As we have argued throughout this report, threats to human security directed against Indigenous women, girls, and 2SLGBTQQIA people are also important sites of resistance, agency, and expertise. As we heard over and over again, Indigenous women, girls, and 2SLGBTQQIA people know what is necessary to keep themselves and those around them safe. Here, we look more closely at the concrete strategies and recommendations witnesses shared as being important to addressing interpersonal violence, poverty, homelessness, barriers to education and employment, and other forms of social, economic, and political marginalization.

Honouring Resistance and Understanding What Has Been Lost

In sharing stories of violence and the loss of safety, families and survivors also shared stories of resistance to that violence and demonstrated the often extraordinary efforts they go to in order to protect their families and communities, and the extent of what is lost with the disappearance or death of a loved one.

Michele G. described how she kept herself safe as a homeless 14-year-old by walking around and hiding.

Lots of nights I just walked around all night because it made me feel more in control. I never drank by myself. I was straight all the time except when I interacted with others. I never panhandled for money to drink or do drugs. I panhandled to eat. And as I walked at night I could always tell when a creep spotted me because they would start circling the block in their car trying to find where I went, and every time I'd just find somewhere to hide until they left the area.... And I always remember the one prevailing thought I always carried was, Does anybody care?¹⁴⁸

Chief Vivian T. described the efforts she went to in order to resist the violence she experienced as a child: "I used to hide in the attics, I used to hide in the back of the bush, I used to hide in the haunted hall." Her own lack of safety caused her to ensure her own children did not have to experience the same fear while at home.

When I went back to school, college or university, I made sure that they [her children] were well taken care of, protected. When my husband drank, he would go outside the home. He wouldn't come home with a party or wouldn't come home drunk. And he respected the rules of the house as not to drink at home. And I'm glad, you know, the kids had a safe place.¹⁴⁹



In reflecting on the lives of their missing or murdered loved ones, family members honoured those ways in which they had also resisted violence. Despite the violence that dominated her mother's life and, consequently, her own, Cee-Jai described her mom as “my hero” – her heroism revealed as she tried to restore safety for herself and her children without any support.

I always remember my mom – my mom was my hero. She still is today. From when we went into Vancouver on the Greyhound bus with my sister and my mom, I didn't know where we were going, but somewhere new. I think my mom had the idea of, if I get away from here, it'll be a better life for us. Going to take my daughters with me. She must have fought hard with her alcoholism to get us back. But being a single mother, she may have not had as much support.¹⁵⁰

For Grace T., evidence of her mother's desire to protect her children's safety amidst poverty and the constant threat of violence from an abusive husband came in the form of wiener fried rice.

Any chance he would, he would buy whatever he wanted to buy for himself, and we went hungry a lot of the time, and we had the very basics, and I always commend my mom because I've never, ever tasted a fried rice like hers. It was wiener fried rice, and it was the best, and baloney ketchup stew was the best, and I crave those things as an adult because it's comfort to me because she made it with love, and she was a really good cook, so she always – her best intentions were always to make sure our childhood was like her childhood: happy, fed, loved.¹⁵¹

“LOTS OF NIGHTS I JUST WALKED AROUND ALL NIGHT BECAUSE IT MADE ME FEEL MORE IN CONTROL. I NEVER DRANK BY MYSELF. I WAS STRAIGHT ALL THE TIME EXCEPT WHEN I INTERACTED WITH OTHERS. I NEVER PANHANDLED FOR MONEY TO DRINK OR DO DRUGS. I PANHANDLED TO EAT. AND AS I WALKED AT NIGHT I COULD ALWAYS TELL WHEN A CREEP SPOTTED ME BECAUSE THEY WOULD START CIRCLING THE BLOCK IN THEIR CAR TRYING TO FIND WHERE I WENT, AND EVERY TIME I'D JUST FIND SOMEWHERE TO HIDE UNTIL THEY LEFT THE AREA.... AND I ALWAYS REMEMBER THE ONE PREVAILING THOUGHT I ALWAYS CARRIED WAS, DOES ANYBODY CARE?”

Michele G.

Inuit families most often described their lost loved ones with endearing words and memories. They would share loving memories of loved ones' personalities, such as their being extroverted or happy-go-lucky, always joking, a very nice child and never acting out, very kind and helpful to others, and beautiful. The death of loved ones and the experience of violence and tragedy brought out a great sense of loss for which the consequences meant ongoing struggles for personal health and well-being. The experiences that missing and murdered Inuit women and their families had, and the encounters they had in their attempts to regain control of their lives, to become healthy and well, to gain justice and safety, determined the outcome of their lives.



In recognizing and naming these acts of resistance, survivors and family members offered powerful reminders of the strength, courage, and creativity with which Indigenous women, girls, and 2SLGBTQQIA people fight against violence and other threats to their security. For Allan Wade, these acts of resistance pose a significant and important challenge to colonial beliefs and stereotypes that portray Indigenous people as being at fault for their own victimization.

And so, people begin to – when their responses are acknowledged, they begin to get a sense of, I did what I could. Maybe I could not make it stop, but that does not mean that I let it happen. And you begin to notice how people take care of one another in horrible circumstances and try to protect themselves and loved ones. So, it becomes a process of acknowledging their pre-existing capacity, their pre-existing agency, their pre-existing ability, and all of the ways in which they have tried to stop the violence and improve their lives.¹⁵²



In Toronto, Expert Witness Tanya Talaga shares her expertise on experiences of discrimination in journalism that lead to violence for Indigenous women, girls, and 2SLGBTQQIA people.

Honouring Agency

Stories such as those shared above indicate that when their security is threatened, it is Indigenous women, girls, and 2SLGBTQQIA people themselves who take action to address that threat. As we have seen throughout this chapter, after years of living within relationships and systems that remain indifferent to the violence inflicted upon them, Indigenous women, girls, and 2SLGBTQQIA people working in their families and communities, and in grassroots organizations, policing, and other helping professions, are looking beyond colonial systems in order to craft their own solutions to poverty, homelessness, food insecurity, poor education, and limited anti-violence services, so as to restore security and enhance protections against violence. Central to these efforts are solutions that are aimed at addressing the root causes of violence, and that are designed and implemented by Indigenous people.



In talking about their experiences and efforts to improve safety in their own lives and the lives of other Indigenous women, girls, and 2SLGBTQQIA people, witnesses offered powerful narratives of transformation that demonstrate the possibilities for change that exist when the agency and expertise held by Indigenous women, girls, and 2SLGBTQQIA people are reflected and honoured within the structures and services in which they live.

In her testimony, Jocelyn K. explained how being able to access a safe house during a crucial moment in a relationship with a violent partner who threatened to kill her not only saved her life, but also started her down a different path in which she was able to create the protections she needed to decrease the level of violence in her life.

I took her [Jocelyn's daughter] ... out of Squamish in a weekend and to Kelowna. We stayed at another safe house. Within 30 days I found myself employment, I found us a place to live, I got us on welfare, I got her into school, I got her into counselling and me into counselling in under 30 days. We moved out of the safe house into a place of our own. Now, it wasn't easy. Like, he's made our life very hard.¹⁵³

Cee-Jai, likewise, ended her testimony by providing an example from her own life about what many housing advocates and researchers told the National Inquiry: access to safe and affordable housing is an integral first step in restoring safety to the lives of Indigenous women and girls. For Cee-Jai, finally being provided access to an apartment – something for which she worked tirelessly for years – was a significant encounter that began her down another road, where she was able to stop drinking, get a job, and eventually move out of the rooming house and get her own place. She now works as an outreach worker for women with similar experiences as her own. She closed her powerful testimony with the following words:

I found the medicines and ... I'm clean and sober today. I'm a strong woman today. I believe in the Creator. I believe I survived so this moment here and now could happen. I left Vancouver Downtown Eastside to come to Thunder Bay – I left the province to come here to tell you to hear me, listen to my voice, I survived. My sisters, my friends, they're gone on to a better place, but I'm here telling you my lived experience. To share their story, my story with you.¹⁵⁴

"I CAN TELL YOU THERE ARE NOT ENOUGH RESOURCES WHATSOEVER, ESPECIALLY FOR INDIGENOUS WOMEN. THERE ARE PROGRAMS, BUT THERE IS NOT HEALING. THERE IS NO REAL HEALING LODGE. THERE IS REALLY NO PLACE FOR THEM TO GO. IN THE DOWNTOWN EASTSIDE, WHERE YOU HAVE THIS CONCENTRATION OF POVERTY, AND YOU HAVE ADDICTIONS, AND YOU HAVE SOME OF THE WORST ABUSES HAPPENING DOWN THERE, YOU KNOW, TO SEND THEM AROUND THE CORNER TO GET HELP – THEY NEED SUPPORT. THEY NEED SOMEONE TO ACTUALLY PHYSICALLY – I'M NOT KIDDING, PHYSICALLY, TAKE THEM ONE BLOCK SOMETIMES, OR THEY ARE LOST WITHIN THAT BLOCK. SOMEBODY WILL APPROACH THEM. SOMEBODY WILL TAKE THEM OFF THEIR PATH. THEY NEED OUR ELDERS, AND OUR AUNTIES, AND OUR WOMEN, AND OUR PEOPLE TO BE THERE FOR THEM."

Halie B.



Further, she pointed out:

I may have struggled, I may have fallen to the darkest places in – you couldn’t imagine. But at the beginning of my testimony, at the beginning, I told you my name, “Shining Eagle Woman.” Today – today, I’m a strong person. I’m so strong that I have to stand up, use my voice. I go to trauma counsellors. I try to help myself. I put safe people around me. Believe me. Pray for me. Don’t forget me.¹⁵⁵

Michele G. spoke about how, after years of placements in foster care with non-Indigenous families, being able to stay with Indigenous families offered the type of relationship she needed.

Many loving families took me in. Even those with small homes made a place for me. These included Mary [C.], Grace [M.], Margaret and Dave [L.], and June [S.]. Muggy, who was Margaret [L.] let me clean out her attic space to make a room for myself there. These loving families extended all they had to me purely out of love and compassion.... Their attitude was loving and comfortable and their attitude seemed to be that having me there just meant one more can of beans in the soup or one more cup of rice in the cooker. I felt welcomed in their homes.

These families didn’t have special training to deal with high-risk youths, they had culture, they had love and compassion. I felt surrounded with a great deal of love during some really tumultuous years. That’s why I believe our Nations can do better. Our culture, our teachings, being surrounded by large extended families full of love is what our kids thrive on, and we should be in charge of our own children’s care.¹⁵⁶

As Michele demonstrates, recognizing expertise not as “special training” but as “culture,” “love, and compassion” – that is, in honouring the expertise and agency of Indigenous families – is fundamental to repairing the hurts done by violence and restoring security.

During the Community Hearing in Vancouver, Halie B. offered her perspective on restoring security in the lives of Indigenous women, girls, and 2SLGBTQQIA people.

I can tell you there are not enough resources whatsoever, especially for Indigenous women. There are programs, but there is not healing. There is no real healing lodge. There is really no place for them to go. In the Downtown Eastside, where you have this concentration of poverty, and you have addictions, and you have some of the worst abuses happening down there, you know, to send them around the corner to get help – they need support. They need someone to actually physically – I’m not kidding, physically, take them one block sometimes, or they are lost within that block. Somebody will approach them. Somebody will take them off their path. They need our Elders, and our aunties, and our women, and our people to be there for them.¹⁵⁷



Like so many of the other teachings offered throughout the Inquiry, both Michele and Halie centre the role of relationship as a tool that both takes away safety when relationships are absent, and can be used to restore safety when those relationships are present.

Survivor Mealia Sheutiapak demonstrated how she draws on her own experience as an Inuk woman and survivor to address issues of food insecurity for other Inuit living in Ottawa in ways that she knows reflect the values and needs of her people.

I like what I do today. I feed the community in the Inuit community, not only the Inuit, anybody is welcome to the church. I feed people on Sundays, and I have this lunch program on Wednesdays, and there are a lot of people that come to my lunch program. And, I get overwhelmed about it, too, sometimes and think about how I used to be, but I didn't think this is where I would be today, where I'm at.

I'm just giving back to the community as much as I can, and try not to think about what I used to do, because I just want to keep moving forward. And, I'm not going to stop, like, giving back to the community, because I feel good when I do that instead of, like, how I used to abuse myself and feeling bad about myself after. Waking up guilty, feeling that awful feeling in your gut. But, today, I am a lot different person now. I just try to be better like everybody else.¹⁵⁸

Identifying Expertise

Approaches to honouring agency and expertise must be met with the resources to do so. In sharing their vision for relationships, services, and encounters that will restore security in the lives of Indigenous women, girls, and 2SLGBTQQIA people, witnesses drew on their lived experience and experiential knowledge to identify a shared set of underlying values, requirements, and needs that respect rather than violate the right to safety and security. If these had been available, they may have prevented the harm, disappearance, or death of their loved ones. For witnesses, the implementation of these recommendations is a first step needed to stop more violence. Here, we summarize some of these key teachings on the steps needed to respect and restore the right to security.

Improving the security of Indigenous women, girls, and 2SLGBTQQIA people depends on centring the knowledge and experience of those whose lives have been shaped by colonial violence and its various forms of economic, social, and political marginalization. In describing her role in developing a drop-in centre and clothing store for Indigenous sex workers in Vancouver, which led to the development of Grandma's House, Jamie L. H. emphasized that Indigenous women know their communities and the gaps, challenges, and barriers to support that they face,

There was no supports for trans, Two-Spirited people in the Downtown Eastside working in the sex trade. And so, I started up, out of First United Church, where my mother was a member, and started a food bank and a hot meal program. And ... then further along, I



started up, that spun off in a clothing store. Again, on Hastings Street. And many of the working women would come in and shop, and even shoplift. But they were wonderful. They would sit at times and just, you know, we would just have great conversations. And I got to know so many of the women. And many Aboriginal women. And you know, they were telling me their stories about friends going missing.¹⁵⁹

Grandma's House would become the first nighttime organization providing support to women, trans-women, and Two-Spirit people involved in life on the street in the Downtown Eastside in Vancouver, and that also provided peer counselling, a library, vitamins, snacks, and computer classes, as well as a newsletter.

Witnesses emphasized that this knowledge and the voices of Indigenous women must be included from the beginning of any initiative that aims to improve their lives. Diane Redsky is the executive director of the Ma Mawi Wi Chi Itata Centre in Winnipeg, which operates the only rural healing lodge and safe house in Canada for girls and transgender individuals between 13 and 17 who are sexually exploited and trafficked. She described what it truly means to centre the knowledge and expertise of Indigenous women and those with lived experience.

The women themselves will tell us what it is that needs to be within programming. So when we developed every one of our resources, it has been done in consultation with the people who will benefit from that service. And so when we developed both the safe house and Hands of Mother Earth, we had a experiential, a survivor group, and within that survivor group, we always make sure that there are transgender, Two-Spirited women that are involved in the decision making and planning what the resource is going to look like and what needs to be in there. And that is a critical and vital step in any kind of program development, any kind of resource development that is going to be done, particularly when it comes to trauma-informed services.¹⁶⁰

Witnesses also emphasized, however, that including the voices of those with lived experience must be done “in ways that are meaningful, in ways that are sustainable, and in ways that allow for them to not just tell their stories, but to be active members of creating supports for other survivors.”¹⁶¹

“THE WOMEN THEMSELVES WILL TELL US WHAT IT IS THAT NEEDS TO BE WITHIN PROGRAMMING. SO WHEN WE DEVELOPED EVERY ONE OF OUR RESOURCES, IT HAS BEEN DONE IN CONSULTATION WITH THE PEOPLE WHO WILL BENEFIT FROM THAT SERVICE.”

Diane Redsky



For Jennisha Wilson, this means ensuring that Indigenous women, girls, and 2SLGBTQQIA people are in positions of leadership and are fairly compensated for their knowledge and expertise.

Carving out space for survivors to take on leadership roles. One of the common things that I see in anti-human trafficking programming and sexual exploitation programming is that survivors are only given the opportunity to learn how to advocate by using their voice and telling their story. And I think that we're doing a huge disservice to those individuals and to community if that is all we're doing in terms of carving space. There needs to be leadership roles. There needs to be sustainable employment. There needs to be better opportunities to participate in the socio-economic systems that are around them than just as a survivor with a story.¹⁶²

Diane Redsky echoed this sentiment when including trans and Two-Spirit Indigenous people in ways that go beyond tokenizing.

And so it is really critical that we are having them [trans and Two-Spirited people] sit at the table in a meaningful way, working in the safe house, like working within the resource, of being compensated properly for their voice and ... that they're cared for in a trauma-informed way. All of those things are really important and we have to value and respect what they bring because they are the ones that are the experts.¹⁶³

In reflecting on the services she received from Aunt Leah's Place, a program that supports youth in preparing to age out of the foster care system and after they age out, and from STRIVE Youth in Care Transition Program in Vancouver, a program that provides support and teaches life skills for youth between 17 and 24 in, from, or out of home care, Shae-Lynn Noskye emphasized why it is important to be met by those who understand and who have lived your reality:

Because it's really important for people with lived experience to be able to be there and support you, and go, you know, "I was exactly where you are now, and it does get better." It takes a while. But the only thing holding you back is your own, I guess – your own limitations.

Shae-Lynn plans to become one of these valuable advocates and supports making change when she begins the Social Services Worker program in the spring and then go on to get her Bachelor's of Social Work. As she says, "I just want to continue with my youth advocacy."¹⁶⁴



The Issue of Funding

Indigenous-led and/or Indigenous-serving initiatives for addressing violence, poverty, homelessness, and other social security issues require long-term, stable funding. The lack of funding for Indigenous-led and Indigenous-specific services, especially those that focus on the needs of women, girls, and 2SLGBTQQIA people experiencing violence, was identified repeatedly as an ongoing exercise of colonial control that impedes the ability of Indigenous people to ensure their security. The common practice of providing short-term funding for projects creates significant challenges for organizations in terms of the pressures it puts on staff to be constantly pursuing funding, uncertainty in the ability to continue to provide services, and issues with staff retention and turnover. Witnesses from organizations working directly on violence- and safety-related issues with Indigenous women, girls, and 2SLGBTQQIA people all face challenges to their programming because of the potential for short-term funding provided by government to end. Josie Nepinak described how they run a casino as a fundraising initiative in order to be able to pay a nurse practitioner, who provides immediate health care for families that come into the shelter.¹⁶⁵ In addition to the problems created through limited access to long-term funding, witnesses also talked about how the overall limitations on funding forces organizations doing similar work to compete with each other – a structure that, Jennisha Wilson points out, is in conflict with the collaborative and relationship-building work Indigenous women’s organizations want to pursue.

So, the current structure of accessing funding for Indigenous folks is one that not only creates competition between organizations, but it’s reinforced in terms of how we can collaborate, right? And so in just echoing some of the wants is that we want to be able to do collaborative work, but we don’t want to have to compete and undermine other people’s work, because all work is important in terms of creating a solution towards these issues.¹⁶⁶

Similarly, as Allan Wade said, the requirements that organizations work from a particular approach or repeatedly demonstrate the need for funding create a situation where “so much of the time and energy gets taken up trying to justify your existence.”¹⁶⁷ Jennisha Wilson talked about how this process of “gatekeeping” funding can limit organizations working with Indigenous women who are engaged in sex work and/or who are survivors of trafficking by insisting that programming adopt an abolitionist rather than harm-reduction approach – that is, that the programming itself reflects a particular approach to service provision that is in conflict with the belief of organizations that recognize the complexities of the issue at hand.¹⁶⁸

In raising their concerns about funding that is short-term, competitive, and limited, and dependent on certain government-defined criteria, witnesses insist that improving the resourcing of Indigenous-led and Indigenous-specific organizations in the anti-violence and related fields includes funding but is more than simply increasing funding. It also involves acknowledging and changing the mechanisms through which current funding models themselves become another way of exercising



colonial violence and of denying the real dynamics of violence in the lives of Indigenous women, girls, and 2SLGBTQQIA people. In speaking of the connection between current funding models for Indigenous women's organizations and colonial violence, Wade observed:

You [Indigenous women's organizations] are insecure, it is unpredictable. And, unpredictability is one of the hallmark strategies of violence. It's kind of like, you know what, if you do not do what we want you to do, we are not going to give you money. So how are you supposed to make a long-term plan on that basis? How are you supposed to be there to, you know, work with kids in care ... and families?¹⁶⁹

Jennisha Wilson made a similar observation.

I think that when it comes to funding, and it also – this is how I also think about when different organizations are funded resources to do work in Indigenous communities, it's that folks need to stop gatekeeping that funding and determining when and how Indigenous folks are involved, but rather, look at Indigenous communities as equal contributors to knowledge, experts in their own right, and individuals who know what's good for their community, and ... break down those barriers to accessing those funding.¹⁷⁰

Restoring Connection through Culture

For witnesses who shared stories about healing and about finding ways to create safety in their lives, the opportunities to learn about, connect with, and practise their culture were often key moments and encounters that supported them in addressing other challenges related to violence, poverty, homelessness, and related issues. The importance of services that recognize and reflect the centrality of cultural connection in creating safety following domestic violence was also evident in Josie Nepinak's description of how some women wait two or three months to go into the Awo Taan Healing Lodge, "because they favour the practice of Indigenous knowledge and wisdom and ways of knowing, as opposed to perhaps a mainstream model."¹⁷¹

The need for access to services that are built upon a reconnection with culture was also emphasized in research presented to the National Inquiry as being one of the fundamental requirements in providing healing from trauma inflicted through various forms of violence. Moreover, connection to culture is also recognized as a protective factor from experiencing or perpetrating violence. In her research on intergenerational trauma, Bombay noted that "many people have demonstrated extreme adversity, despite their experiences, and we often found that it was those who shared stories of holding onto their traditions and their identity and their pride growing up who were the ones who were more likely to not report these negative outcomes."¹⁷²



Becky Kilabuk and her throat-singing partner Mary Itorcheak prepare to throat-sing before those gathered in Iqaluit, Nunavut, September 2018.

In supporting the development of anti-violence and related services that reflect and centre the role of traditional culture, witnesses also emphasized the need for an understanding of cultural specificities. Nakuset shared why this understanding is important in an example she gave of when she accompanied an Inuk woman client to her visit with a social worker.

So we were talking about one particular Inuit client that they had written that she was Cree. One of the social workers recognized the name and understood it to be Inuk. So we sat in a meeting and he looked at me and he's, like, "How come so-and-so didn't explain to me that she was Inuk? I've been sitting with her all this time and I've been talking to her and mentioning that she's Cree, and she never corrected me." I was, like, "Well, you're holding her child. You think she's going to correct you? You think she's going to tell you what your job is? You're supposed to ask. Why aren't you taking the time to ask correctly?" It is not hard to ask these questions. But, for whatever reason, certain agencies have difficulty stepping outside their comfort zone to do that.¹⁷³

"I HAVE HOPE THAT SOMETHING GOOD WILL COME OUT OF THIS, THAT AS AN INDIGENOUS WOMAN, I DON'T HAVE TO WALK ON THE STREET AND BE AFRAID BECAUSE, TODAY, WHEN I GO SOMEWHERE, I'M AFRAID, AND IT'S A FEAR THAT WE ALL CARRY EVERY DAY.... I HAVE SEVEN DAUGHTERS AND LOTS OF GRANDDAUGHTERS THAT I WORRY ABOUT CONSTANTLY ALL DAY. I DON'T WANT THEM TO BECOME A STATISTIC."

Danielle E.

As Jennisha Wilson observed, rather than pushing people to feel like "you don't belong," reflecting an understanding of culture and identity is essential to creating relationships that are trusting and secure, and that can help to create positive change.¹⁷⁴



Midwifery as an Essential Service in Inuit Nunangat

Inuit women's health is vitally linked to the health of families and communities in Inuit Nunangat. They are half of the adult Inuit population. They must receive prenatal, natal, and postnatal care while carrying a child. In Inuit Nunangat, health care is provided at health centres serving the regions, such as the ones in Kangirlliniq/Rankin Inlet serving the Kivalliq region, and the Qikiqtani General Hospital in Iqaluit serving the Qikiqtani (Baffin) region in Nunavut; and the Puvirnituq Health Centre serving the Hudson Bay region, and the Ungava Tulattavik Health Centre in Kuujuaq serving the Ungava region in Nunavik. Nunatsiavut communities are served by the Labrador-Grenfell Regional Health Authority based out of Happy Valley-Goose Bay. The Northwest Territories Health and Social Services Authority serves the Inuvialuit of the Beaufort Delta region. Usually, when there are medical emergencies, Inuit are sent out of Inuit Nunangat to receive immediate care in cities such as Yellowknife, Winnipeg, Ottawa, and Montreal. However, there is a very limited number of birthing centres serving the 53 Inuit communities in Inuit Nunangat.

In Nunavut, where there are 26 communities, the only birthing centre is the Rankin Inlet/Kangirlliniq Birthing Centre. The birthing centre's two midwives see from 80 to 90 patients per year, mostly from Kangirlliniq. However, expectant moms from the other 25 communities must go to southern cities to deliver their babies, and very few actually go to Kangirlliniq due to lack of accommodations.¹ There are annually over 200 Kivalliq moms who go away from home to deliver their babies in Winnipeg.

In Nunavik, where there are 14 communities, the Puvirnituq birthing centre began training Inuit midwives in the 1986, and the training program and Inuit community birthing centres have expanded to Inukjuak and Salluit. Out of a population of over 13,000, the majority of expectant moms from the 11 other communities travel to the three communities for the birth of their children, and though they must leave their families and homes, they remain in Inuit Nunangat and receive care in their region, language, and culture, surrounded by friends and family.

These are the only birthing centres in Inuit Nunangat where Inuit midwives are trained and provide care for birthing mothers. The midwives are involved in "woman and baby care, community health and health promotion and in managing emergencies as the most responsible care provider."² They are models, in Inuit Nunangat, where government policies have meant the evacuation of all pregnant mothers to give birth, removing them from the children they were caring for as well as from their husbands, families, and communities. This continues to be practised and brings on additional responsibility to family members in caring for their children and their household.

The midwifery programs and birthing centres are central hubs for the care of expectant moms, and deliver essential care in Inuit Nunangat. It is evident that, with only four birthing centres serving two regions on a limited basis, steps need to be taken to establish more birthing centres in Inuit Nunangat.

I Midwife at the Kangirlliniq Birthing Centre, personal communication to Lisa Koperqualuk, February 13, 2018.

II Epoo and Van Wagner, *Bringing Birth Back to the Community*, 3.



Understanding Interconnection

Addressing violence against Indigenous women, girls, and 2SLGBTQQIA people requires an approach that reflects an understanding of the structural and interconnected nature of those factors that produce violence. In her testimony, Erin Pavan discussed the Agreements with Young Adults program, which provides financial support to young adults who have aged out of care if they are attending school. While she sees this program as a positive step, it is not enough on its own to support the other needs and challenges facing Indigenous youth living in poverty, worrying about housing, and having limited access to mental health support to address the often significant effects of trauma resulting from experiences of violence that may make it difficult for youth to attend school. As she observed:

If we're trying to catch the most vulnerable youth, the youth who are like "slipping through the cracks" or whatever term you want to use, the young women who are ending up missing or murdered – these are often the youth who are not actually able to attend school, or get themselves to a program; like, the really vulnerable youth. They may not be able to stay on that Agreement with Young Adults.¹⁷⁵

Jennisha Wilson described the need for a coordinated, integrated, and structural approach to addressing violence in the lives of Indigenous women, girls, and 2SLGBTQQIA people in the following way:

There are a lot of different things that are at play. There is lack of housing, there is lack – there is poverty, right? Poverty is a forerunner for vulnerability. There is racism, discrimination, and stereotypical representations of Indigenous women that constantly are at play when we think about who is seen as a victim and deserving of help versus who isn't. There is the constant exclusion of women in leadership roles and in decision-making positions when it comes to the health and well-being of Indigenous women, right?¹⁷⁶

As she went on to comment:

So, yes, we can do poverty reduction. Yes, we can bring awareness to sexual exploitation and support navigation of systems and teach cultural competency, but we also have to look at how the state intentionally does not invest in communities, over-polices, over-surveillances, and creates violence geographically for those individuals as well.¹⁷⁷

As these teachings indicate, listening to Indigenous women is key. Nakuset stated:

I never thought I would, you know, even be here one day. But this is the kind of thing that – that we have to do. We have to be a voice for our women. And ... we that are strong enough to change the system or to try to change the system, need to be moving forward. And if I can't change the system, maybe someone behind me can.¹⁷⁸



As we saw in chapters 2 and 3, the keys to accessing the tools to fight barriers to security are already part of the work of countless Indigenous women, girls, and 2SLGBTQQIA people, who have had to take their fight for their rights into their own hands – often with very little support – because of what they perceive as a war on Indigenous women, girls, and 2SLGBTQQIA people. As Tamara S. explained:

It's really heartbreaking to see that this is happening over and over. It's not just our family. After Jen, you hear of so many other stories of other – other women. It's just so ... it's becoming more and more of an evident problem that's out there. This is not just a random act. This is an actual epidemic. This is an actual genocide. Another form of genocide against women.¹⁷⁹

Similarly, Josie Nepinak explained, “When we look at this child and we look at the future of Indigenous women, I think we have to very, very cognizant of the fact, Commissioners, that there is a war on Indigenous women in this country.”¹⁸⁰

International Human Rights Instruments and Human Security

Human rights tools and instruments can help to hold the government to account for what they have, or have not, implemented, as well as to ensure that institutions, both Indigenous and non-Indigenous, work to centre the security of Indigenous women, girls, and 2SLGBTQQIA people. Taylor Owen also suggests that identifying the threshold for what should be considered a human security issue is important, which includes the idea of protecting the “vital core of all human lives from critical and pervasive threats.”¹⁸¹ In this way, preventing human rights abuses is one feature of ensuring human security, but is not a sufficient condition to guarantee human security for all.

These tools include international human rights instruments, as well as guiding principles like those contained in the *United Nations Declaration on the Rights of Indigenous Peoples* (UN-DRIP), which contains important and interrelated provisions on economic, social, and cultural rights, and references the importance of these rights to upholding security. As scholars Celeste McKay and Craig Benjamin have argued, “the economic, social and cultural rights of Indigenous women are indivisible from their right to be free from violence and discrimination.”¹⁸²

Specifically and as they relate to security, the following instruments provide a useful starting point. While this list is not exhaustive, we provide examples of how human rights instruments can help uphold security for Indigenous women, girls, and 2SLGBTQQIA people:

From the standpoint of physical security, the *International Covenant on Civil and Political Rights* (ICCPR) declares that no one shall be subject to cruel, inhuman, or degrading treatment, and that no one should undergo medical or scientific experimentation without their consent. This is particularly poignant within the context of forced sterilization, which is briefly examined



earlier in this report in the historical analysis. Measures of protection are granted to children under the ICCPR's Article 24, which states that every child, regardless of race, colour, sex, language, religion, national or social origin, property, or birth, should have access to the protection of the state from their family, society at large, and the state itself.

The *International Covenant on Economic, Social and Cultural Rights* (ICESCR) privileges security in the protection of the family, as the “natural and fundamental group unit of society,” and further expresses the need for special measures of protection and of help for children and young people, without discrimination (Article 10). It cites economic and social exploitation and key issues in defending rights to security. It also specifically references social security as the right of everyone (Article 9).

Aside from its general protection of women against discrimination, the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) specifically cites the state's responsibility for modifying social and cultural patterns of conduct within society, with the goal to eliminate racism and discrimination based on any idea of women's inferiority, or on stereotypes (Article 5). The convention specifically cites human trafficking in the form of exploitation and prostitution and key areas of concern for which all governments must take responsibility to eliminate (Article 6).

The *United Nations Convention on the Rights of the Child* (UNCRC) devotes considerable attention to the security of children, both physical and social, through a focus on child welfare in Article 3. Article 19 calls on States Parties to make sure that they take all possible measures to protect children from physical and mental violence, as well as from injury, abuse, neglect, exploitation, or any other abusive treatment at home or in care. The UNCRC's Article 26 includes the right of every child to benefit from the system of social security and assistance, adding that any benefits the child receives must take into consideration the person who has responsibility for care and maintenance of that child. For many young Indigenous women caring for children, the need to better support these parents materially and culturally to ensure that they are able to care for their children without being placed in dangerous situations is important.

The UNCRC also includes an adequate standard of living for physical, mental, spiritual, moral, and social development. Children who are trafficked or who are sexually exploited do not receive this standard of care, as guaranteed by the UNCRC – which also insists that States Parties take an active role in making sure that parents and others responsible have the support they need in terms of providing necessary nutrition, clothing, and housing.

The UNCRC specifically addresses the trafficking of children in Article 35, where states agree that they will take all appropriate measures to prevent the abduction, sale, or traffic of children; and Article 36, where states agree to protect children against any and all forms of exploitation that might be harmful to their security.



KEY CONVENTIONS: RIGHT TO SECURITY

The National Inquiry considers as foundational to all of human and Indigenous rights violations the conventions associated with genocide. In human security, these relate to all of Article II's provisions.

For reference, the complete Article II of the *Convention on the Prevention and Punishment of the Crime of Genocide*, which provides a definition of genocide, includes "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."

IESCR: <ul style="list-style-type: none">- right to social security- right to adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions	ICCPR: <ul style="list-style-type: none">- every child has the right, without discrimination, to measures of protection afforded to a minor on the part of family, society, and state	CEDAW: <ul style="list-style-type: none">- states must take all appropriate measures to suppress all forms of trafficking in women and exploitation of women- states must take measures in all fields, including social, political and economic, to ensure full development and advancement of women	ICERD: <ul style="list-style-type: none">- States Parties must review all policies and rescind or nullify any laws that create or perpetuate racial discrimination and its related impacts	CRC: <ul style="list-style-type: none">- States Parties must ensure that services responsible for care conform with health and safety standards- States Parties should take all measures to protect children from violence- includes every child's right to adequate standard of living- state should provide material assistance for parents
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IESCR: International Covenant on Economic, Social and Cultural Rights

ICCPR: International Covenant on Civil and Political Rights

CEDAW: Convention on the Elimination of all Forms of Discrimination Against Women

ICERD: International Covenant on the Elimination of All Forms of Racial Discrimination

CRC: Convention on the Rights of the Child



KEY DECLARATIONS: RIGHT TO SECURITY

DEVAW:

- includes the right not to be subjected to torture or other cruel, inhuman or degrading treatment
- promotes research, data collection and statistics to understand, prevent and redress violence against women

UNDRIP:

- Indigenous Peoples have the right to life, liberty and security of person
- affirms the right to the secure enjoyment of means of subsistence and development, and the right to engage freely in traditional and other economic activities, as well as redress when those rights are jeopardized

VIENNA PROGRAMME:

- the lack of development or infrastructure cannot be used to justify an absence of internationally recognized human rights
- poverty and social exclusion represent a threat to the enjoyment of human rights
- identifies poverty, hunger and other denials of economic, social and cultural rights as obstacles

BEIJING:

- identifies poverty for women and children as a key problem in human rights
- asserts that the eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement and full participation of women in “people centred sustainable development”

DEVAW: Declaration on the Elimination of Violence Against Women

UNDRIP: United Nations Declaration on the Rights of Indigenous Peoples

Vienna Programme: The Vienna Declaration and Programme of Action

Beijing: The Beijing Declaration



Conclusion: Challenging “the way it is”

Speaking of the murder of her sister, Laney E., Danielle E. described a conversation with her uncle in which her sister’s death as an Indigenous woman was described to Danielle as “just the way it is”:

And I just learned at a very early age that, you know, Aboriginal women were disposable, and I learned that at 18 when my sister Eleanor [E.] was murdered. And, I kept asking my uncle, “Well, how come nobody’s looking after – like, why aren’t the police doing anything about it? Like, what’s going on?” And I was told that’s just the way it is. It was just accepted, a way of life that our sisters and family, especially women, at the hands of violence. I couldn’t – it was hard for me to, you know, accept that.¹⁸³

This chapter has analyzed testimony heard by the National Inquiry in terms of human security, as defined both by international organizations and rights advocates as well as by the women, girls, and 2SLGBTQQIA people we heard from ourselves. We have articulated how the concept of human security, and the barriers to it, are manifest in four key pathways that work to maintain colonial violence: intergenerational trauma that is left unresolved; economic and social marginalization; a lack of political, institutional, and public will to address the problem; and a persistent ignorance of the agency and expertise of Indigenous women themselves.

In doing so, this chapter has revealed how colonial values are reflected in the organizational or operational level of service delivery in ways that create barriers for women, girls, and 2SLGBTQQIA people seeking support from violence, homelessness, sex trafficking or the sex trade, and other forms of social assistance, education, and training. Moreover, in failing to recognize the realities of Indigenous women living with the impacts of intergenerational trauma, these services further compromise the safety of women and girls.

The witnesses who appeared before the National Inquiry stressed the importance of a dramatic reversal of policy and of attitudes toward those who find themselves targeted, daily, for violence – a reversal that begins in transforming relationships, and addressing discrimination, racism, and misogyny at the very root. In much of the testimony, family members and survivors talked about how encountering racist and stereotyped beliefs about Indigenous women, girls, and 2SLGBTQQIA people was one of the most explicit barriers that Indigenous women faced in seeking services – and that these attitudes directly related to the failure to find safety in their lives.

As Ina C. explained:

I remember when I lived in the bush with my grandmother, and my grandmother never seen a white person until I was taken away to school. And she used to hide me under her skirts. Calling my dad [for me not to] be taken away. And we – we used to live in the bush in a tent, even in the wintertime. I remember that. And I was always so warm. Never hungry. Just me and grandma.



And then my dad took us to Pickle Crow Mine, where he was a miner, and that's where things changed. And they learned about booze. They learned how to fight their women. Things like that. It was never like that before. I don't even remember ever getting hit by my parents or even from my grandma. I have really good memories of that, and I – I just long for that. Where we loved each other. I would never, ever think of hurting another person. And yet we still get hurt by force and – and it goes into murder.¹⁸⁴

Only by acting in accordance with the wisdom and expertise offered by survivors and the families of those whose lives have been taken by violence will the fear that accompanies and shapes the lives of Indigenous women, girls, and 2SLGBTQQIA people be addressed. Danielle E. summarized this hope for a world in which the rights to security held by Indigenous women, girls, and 2SLGBTQQIA people are respected and protected.

I have hope that something good will come out of this, that as an Indigenous woman, I don't have to walk on the street and be afraid because, today, when I go somewhere, I'm afraid, and it's a fear that we all carry every day and you get so used to it that it's like it's part of you, and it shouldn't have to be because not everybody in society today has to walk around and be afraid the way Indigenous women are and girls. I have seven daughters and lots of granddaughters that I worry about constantly all day. I don't want them to become a statistic.¹⁸⁵

This perpetual worry and fear, as the National Inquiry heard, points to a deep need to reinvigorate the meaning of security so that families can have trust in the systems that they say have so often failed them. This means looking at what security means, in communities and in families, and understanding that the most pressing need is the one to focus on improving relationships with survivors, with families, and with communities, as well as to support this process by providing adequate resources, training, and support for people working to improve the security of Indigenous women, girls, and 2SLGBTQQIA people.

“AND I JUST LEARNED AT A VERY EARLY AGE THAT, YOU KNOW, ABORIGINAL WOMEN WERE DISPOSABLE, AND I LEARNED THAT AT 18 WHEN MY SISTER ELEANOR [E.] WAS MURDERED. AND, I KEPT ASKING MY UNCLE, ‘WELL, HOW COME NOBODY’S LOOKING AFTER – LIKE WHY AREN’T THE POLICE DOING ANYTHING ABOUT IT? LIKE, WHAT’S GOING ON?’ AND I WAS TOLD THAT’S JUST THE WAY IT IS. IT WAS JUST ACCEPTED, A WAY OF LIFE THAT OUR SISTERS AND FAMILY, ESPECIALLY WOMEN, AT THE HANDS OF VIOLENCE. I COULDN’T – IT WAS HARD FOR ME TO, YOU KNOW, ACCEPT THAT.”

Danielle E.



Findings: Right to Security

- Indigenous women, girls, and 2SLGBTQQIA people continue to experience social and economic marginalization and exclusion as a direct result of colonialism and of racist and sexist government policies. This marginalization and exclusion is the objective of the colonial policies of the Canadian state. Colonial policies violate the social, economic, and political rights of Indigenous women, girls, and 2SLGBTQQIA people, and jeopardize their rights to human security and, in turn, safety. These colonial policies are tools of genocide.
- The Canadian state has caused Indigenous women, girls, and 2SLGBTQQIA people to be removed from their homelands and territories and from their families and communities. They experience disproportionately high rates of poverty and insurmountable barriers to obtaining secure housing, food, education, employment, transportation, and other basic needs. Indigenous children and the elderly are especially vulnerable under these circumstances. Marginalization and exclusion decrease safety and increase the risk of violence, and often force Indigenous women, girls, and 2SLGBTQQIA people to remain in violent and unsafe situations or to end up in violent and unsafe circumstances in an attempt to have their basic needs met.
- The social and economic marginalization, compounded by complex and intergenerational trauma, also forces many Indigenous women, girls, and 2SLGBTQQIA people to resist the marginalization and to meet their basic survival needs by resorting to the sex industry, remaining in violent relationships, and joining gangs. This further marginalizes and endangers them. Marginalization and trauma are pervasive reasons for the institutionalization of Indigenous women, girls, and 2SLGBTQQIA people within the criminal justice system and in the child welfare system.
- The safety of Indigenous women, girls, and 2SLGBTQQIA people cannot be realized without upholding and implementing social, economic, and political rights, alongside cultural, health and wellness, and justice rights. A reliable and consistent livable income for all Indigenous women, girls, and 2SLGBTQQIA people is necessary to address the state of crisis related to their well-being and to their socio-economic and safety needs.
- Indigenous women, girls, and 2SLGBTQQIA people experience extreme rates of overcrowding and homelessness. The lack of safe housing, transition homes, and shelter impacts the health, wellness, and safety of Indigenous women, girls, and 2SLGBTQQIA people. The housing crisis is a significant contributor to violence.
- Existing social and economic services for Indigenous women, girls, and 2SLGBTQQIA people are often plagued by huge gaps in resources and infrastructure. Further, such services are often placed in unsafe areas, and are not culturally appropriate, thereby perpetuating a lack of safety and security.
- Indigenous women, girls, and 2SLGBTQQIA people continue to experience disproportionately low rates of educational achievement and high rates of unemployment. Employment opportunities and services, as well as resources to promote educational and employment success, are urgently needed as a way to combat social and economic marginalization and violence and to support community and individual safety.



Notes

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- 5 Owen, "Challenges and Opportunities," 17. See also Human Security Unit, Office for the Coordination of Humanitarian Affairs, "Human Security."
- 6 Gregoratti, "Human Security."
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- 10 United Nations General Assembly, "Resolution."
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- 14 Marlene J., Part 1, Public Volume 6, Smithers, BC, pp. 28-29.
- 15 Marlene J., Part 1, Public Volume 6, Smithers, BC, p. 29. Italics added.
- 16 Marlene J., Part 1, Public Volume 6, Smithers, BC, pp. 34-35.
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- 20 Cee-Jai J. (Beaver Clan, Nak'azdli Whut'en, Carrier Nation), Part 1, Public Volume 39, Thunder Bay, ON, p. 15.
- 21 Michele G. (Musqueam), Part 1, Public Volume 84, Vancouver, BC, pp. 50-51.
- 22 Monique F. H. (Cree), Part 1, Public Volume 17, Membertou, NS, p. 94.
- 23 Dr. Allan Wade, Mixed Parts 2 & 3, Public Volume 14, Winnipeg, MB, pp. 21, 20.
- 24 Josie Nepinak (Anishinaabe, Pine Cree First Nation), Part 2, Public Volume 4, Calgary, AB, p. 175.
- 25 Dr. Allan Wade, Mixed Parts 2 & 3, Public Volume 14, Winnipeg, MB, p. 29.
- 26 Cee-Jai J. (Beaver Clan, Nak'azdli Whut'en, Carrier Nation), Part 1, Public Volume 39, Thunder Bay, ON, p. 6.
- 27 Cee-Jai J. (Beaver Clan, Nak'azdli Whut'en, Carrier Nation), Part 1, Public Volume 39, Thunder Bay, ON, p. 9.
- 28 Bombay et al., "The Intergenerational Effects," 51.
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- 31 Dr. Allan Wade, Mixed Parts 2 & 3, Public Volume 14, Winnipeg, MB, pp. 53-54.
- 32 Dr. Amy Bombay (Ojibway, Rainy River First Nations), Mixed Parts 2 & 3, Public Volume 10, Winnipeg, MB.
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- 142 Gladys R. (Gitksan/Wet'suwet'en), Part 1, Public Volume 4, Smithers, BC, pp. 166-167.
- 143 Josie Nepinak (Anishinaabe, Pine Cree First Nation), Part 2, Public Volume 4, Calgary, AB, pp. 192-196.
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- 150 Cee-Jai J. (Beaver Clan, Nak'azdli Whut'en, Carrier Nation), Part 1, Public Volume 39, Thunder Bay, ON, p. 12.
- 151 Grace T. (Eagle Clan, Tsimshian), Part 1, Public Volume 118, Vancouver, BC, p. 14.
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- 153 Jocelyn K. (Cheslatta Carrier Nation), Part 1, Public Volume 5, Smithers, BC, pp. 142-143.
- 154 Cee-Jai J. (Beaver Clan, Nak'azdli Whut'en, Carrier Nation), Part 1, Public Volume 39, Thunder Bay, ON, p. 32.
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- 156 Michele G. (Musqueam), Part 1, Public Volume 84, Vancouver, BC, pp. 57-58.
- 157 Halie B. (Namgis/Kwa'kwa'kawakw/Tlingit/Scottish), Part 1, Public Volume 111(a), Vancouver, BC, p. 55.
- 158 Mealia Sheutiapak (Inuit, Frobisher Bay), Parts 2 & 3, Public Volume 16, St. John's, NL, p. 22.
- 159 Jamie L. H. (Indigenous/Irish), Part 1, Public Volume 78, Vancouver, BC, p. 21.
- 160 Diane Redsky (Shoal Lake 40 First Nation), Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, p. 206.
- 161 Jennisha Wilson, Mixed Parts 2 & 3, Public Volume 16, St. John's, NL, p. 53.
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- 163 Diane Redsky (Shoal Lake 40 First Nation), Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, p. 207.
- 164 Shae-Lynn Noskye (First Nations), Part 1, Public Volume 96, Vancouver, BC, p. 43.



- 165 Josie Nepinak (Anishinaabe, Pine Cree First Nation), Part 2, Public Volume 4, Calgary, AB, p. 169.
- 166 Jennisha Wilson, Mixed Parts 2 & 3, Public Volume 16, St. John's, NL, pp. 54-55.
- 167 Dr. Allan Wade, Mixed Parts 2 & 3, Public Volume 14, Winnipeg, MB, p. 143.
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- 169 Dr. Allan Wade, Mixed Parts 2 & 3, Public Volume 14, Winnipeg, MB, pp. 197-198.
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- 171 Josie Nepinak (Anishinaabe, Pine Cree First Nation), Part 2, Public Volume 4, Calgary, AB, p. 186.
- 172 Dr. Amy Bombay (Ojibway, Rainy River First Nations), Mixed Parts 2 & 3, Public Volume 10, Winnipeg, MB, p. 173.
- 173 Nakuset (Cree), Part 2, Public Volume 4, Calgary, AB, p. 142.
- 174 Jennisha Wilson, Mixed Parts 2 & 3, Public Volume 16, St. John's, NL, p. 41.
- 175 Erin Pavan (Anishinaabe), Part 1, Public Volume 96, Vancouver, BC, p. 31.
- 176 Jennisha Wilson, Mixed Parts 2 & 3, Public Volume 16, St. John's, NL, pp. 47-48.
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Confronting Oppression – Right to Justice

Introduction: “Safety and justice and peace are just words to us”

To participate in the National Inquiry’s Truth-Gathering Process, Bernice and Wilfred C. interrupted their ongoing search for their missing daughter, Jennifer, who disappeared June 19, 2008, on her 18th birthday.¹ At the Community Hearing in Winnipeg, Bernice described what they were doing just before sharing Jennifer’s story with the Commissioners, and the lengths they are going to in their search.

We left a site to be here. We found a well in the middle of nowhere, a well close to where we’re searching. And, I said, “Oh my gosh.” I said – my husband – he’s not strong anymore, not the way he used to. Not in a disrespectful way because he’s strong. He’s – he’s my strong tower.

And, why I’m saying that is, that well is 10 feet down. We opened the lid and there’s muskrats there, there’s beaver carcasses and it stinks. It’s a well. It’s contaminated. My husband jumped in it. We put a 10-foot ladder, went in there. And, he takes the shovel and he’s digging these carcasses out of there that smells. And, I know it’s hard. He’s got to lift it over his head. So, he’s cleaning it all, all that garbage in there, because we’re thinking our daughter is in that – in that well. He dug two feet, and then he pushed a pole in there, and it’s another two feet to go. And, he’s tired.²

For the past 10 years, Bernice and Wilfred have continued to hold out hope that they will find the answers they are looking for as they personally carry out difficult and at times dangerous searches for their daughter – always willing to dig another “two feet,” despite the physical and emotional exhaustion they both feel. When they were turned away by the Portage la Prairie RCMP detachment when Bernice first reported her daughter missing, she and her husband



Wilfred – like many of the families and friends of missing or murdered loved ones – were left on their own to seek justice for the violence inflicted upon their daughters, mothers, sisters, aunts, grandmothers, and families of the heart. Their story of coming together and relying on the strength of relationship among Indigenous families and community members to carry out the work of a criminal justice system that has historically ignored and continues to ignore the right to justice of families like theirs is one of the overarching themes we explore in this chapter.

Families and supporters of Victoria P., a woman who suffered a stroke while in custody of the Truro Police Force, offered another piece of the story told during the National Inquiry about the relationship between Indigenous Peoples and the criminal justice system. This part of the story considers how these ways of relating play out in the lives of Indigenous women, girls, and 2SLGBTQIA people within provincial, territorial, and federal correctional institutions.

In the same way that the police ignored the rights of Jennifer’s family to justice for their missing daughter, so, too, did they ignore those same rights held by Victoria as she lay in a jail cell in significant physical distress, in need of help. In describing the events leading up to Victoria’s death, family support person, advocate, and past president of the Nova Scotia Native Women’s Association Cheryl M. emphasized a single encounter between the officers on duty and Victoria. In this encounter, the senior officer on duty told the junior officer who expressed concern about Victoria’s condition that “if you get a grunt, that’s good enough.”³

For Victoria’s family members and supporters who came to the community hearing in Member-tou, Nova Scotia, to share her story – and for the many Indigenous survivors, families, friends, and loved ones listening – this comment exemplifies an attitude pervasive in the stories shared about the criminal justice system during the National Inquiry: within the criminal justice system, the lives of Indigenous women do not matter. As Cheryl M. stated: “Nobody is listening. Nobody seems to care. There’s no wrongdoing of the police in this country.”⁴

Victoria died a few days following the stroke she suffered while in police custody; as Cheryl described, “[Victoria] went into the Truro police cell and she came out on life support and died.” A subsequent report investigating the police treatment of Victoria found that the police did not provide adequate monitoring of her condition.⁵ And Jennifer is still missing; her parents, Bernice and Wilfred, still do not have any answers.⁶

This chapter, first, seeks to define “justice” according to the witnesses who appeared before the National Inquiry and according to human rights standards. We then explore the testimonies connected to accessing justice, as well as the interrelationship between justice and other rights, through our four pathways that work to maintain colonial violence. We connect the right to justice to international human rights standards and instruments, as well as to the need for new relationships, based in a shared concept of what justice looks like and feels like for those who are most targeted.



Defining “Justice”

Access to justice is a defining feature of the rule of law, and is an important part of understanding how to support basic human rights, defined internationally and nationally by legal instruments, as well as understood by the witnesses who testified before the National Inquiry.

According to the World Justice Project, an independent, multidisciplinary organization working to advance the rule of law worldwide, four universal principles are important in understanding what the “rule of law” involves: accountability, just laws, open government, and accessible and impartial dispute resolution.

“Accountability” involves holding government and private actors responsible for their action – or inaction. “Just laws” relates to the idea that laws are clear, publicly available, and applied evenly to all people, as well as the idea that they serve to uphold basic and fundamental rights as related to human security and other human rights. “Open government” is the idea that the way that laws are created and applied, as well as enforced, is accessible, fair, and efficient. “Accessible and impartial dispute resolution” is engaged when people seek justice for themselves or for their loved ones, with fair representation and adjudication (or decision-making power) that reflects the communities served.⁷

The UN General Assembly’s *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, declared in 1985, called upon member states to take the necessary steps to reduce victimization, implementing “social, health, including mental health, educational, economic and specific crime prevention policies to reduce victimization and encourage assistance to victims in distress”; to promote community crime prevention; to review legislation to make sure that it upholds international human rights standards; and to “prohibit practices and procedures conducive to abuse,” among others.⁸

More recently, the United Nation’s *Declaration of the High-level Meeting on the Rule of Law*, 2012, similarly emphasizes how important it is that all members of society have access to justice, particularly those who are most targeted or vulnerable. Further, the declaration emphasizes the need for governments to take “all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all.”⁹ In addition, it specifies that the delivery of justice should be both impartial and non-discriminatory, within an independent, impartial judicial system.¹⁰

The idea of access to justice is broader than the simple administration of the courts, or the conduct of police, though. The United Nations Development Programme, which focuses on development challenges in the areas of eradicating poverty, structural transformations, and building resilience, asserts that access to justice is vitally linked to the reduction of poverty and the strengthening of democratic governance. In addition, access to justice “must be defined in terms of ensuring that legal and judicial outcomes are just and equitable.”¹¹ The program’s report adds that “creating a sustainable environment with equal access to justice requires working with different types of institutions and with various actors, such as: the police, the courts, prosecutors,



social workers, prison officials, community leaders, paralegals, traditional councils and other local arbitrators; and taking account of the linkages between them.”¹²

A human rights-based approach to justice therefore involves understanding that justice is a broader concept than just administration. Applying human rights standards to justice-related issues involves:

- focusing on the immediate, as well as underlying, causes of the problem;
- identifying “claim holders” as those most vulnerable, or, as the National Inquiry heard, who are targeted;
- identifying “duty bearers,” those who are responsible for addressing issues or problems, including government institutions, groups, community leadership, and others; and
- assessing and analyzing the ability of claim holders to access their rights, as well as duty bearers to meet their own duties and obligations with relation to those rights – and putting in place systems to allow each to do so.¹³

A HUMAN RIGHTS LENS FOR JUSTICE





In Canada, the history of the justice system within Indigenous communities and its effectiveness and fairness in pursuing justice have been under discussion and debate. From Saskatchewan's "starlight tours," involving the Saskatoon Police Department in the 1990s and 2000s, to the more recent acquittal of the Saskatchewan farmer charged with the death of Colten Boushie,¹⁴ Indigenous Peoples have had little reason to be confident that the justice system is working for them.¹⁵ In many testimonies the National Inquiry heard, the same themes demonstrate that, across the country, Indigenous women's, girls', and 2SLGBTQQIA people's right to justice is compromised.

This is why it is important to consider how "justice" is defined in Indigenous terms and, as guided by the principle of respect, is essential to the well-being of Nations and communities. This conception of justice addresses how people have worked to keep each other safe. Grandmother Blu provided a powerful explanation of the way justice, as it is conceptualized within the Canadian criminal justice system, is at odds with traditional, Indigenous notions of justice when she recounted her experience as a young girl attending the trial of the man who murdered her grandmother.

So that day that I heard those things in the courtroom and I finally seen ... who and how he really was, he got sentenced to 15 years, 10 years to be served in Penetanguishene mental health centre, so he got to sit there and have fun, watch TV, not be behind bars like he should have been. He got to be institutionalized in a place where he would be given medication to make him feel good, and a man who knew how to read and write but claimed that he didn't and got away with it because of our criminal system. That's not our system. The system we have is not our system. Our system, he would have been brought before the grandmothers, and he would have been sat down, and he would have been explained to of how he impacted not only the immediate family but the extended family, the community, and the whole Nation, right? And he would have had to apologize in front of everyone, and he would have had to speak to me directly, and he would have had to apologize, and he would have had to do something to show that he had truly learned from what he did was wrong. I never got to tell him how I felt. I never got to tell him the impact that he had on my life or the rest of my family.¹⁶

Justice-related human rights violations against Indigenous people are widely documented. Specific to the issue of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, international organizations like Amnesty International and the United Nations have criticized Canada for not addressing these human rights abuses, and for the way the justice system responds to these abuses.¹⁷ In addition, offices like the Office of the Correctional Investigator and advocacy organizations like the Canadian Association of Elizabeth Fry Societies have also highlighted the significant human rights abuses against Indigenous women while they are incarcerated.¹⁸

The testimonies heard by the National Inquiry engage the police, courts, correctional facilities, and other representatives of the criminal justice system as responsible or complicit in the violation of the rights to justice held by Indigenous women, girls, and 2SLGBTQQIA people who experience violence.



Indigenous women are also vastly more likely to become involved in the criminal justice system themselves than non-Indigenous women. For instance, while Indigenous women make up 4% of the general population in Canada, they make up nearly 40% of all federally sentenced women.¹⁹ Moreover, there is every indication that the number of Indigenous women being sentenced to federal correctional institutions is growing: in the last 10 years, the number of Indigenous women in federal correctional institutions has grown by 60%, making them the fastest growing population in federal prisons.²⁰ In many of these cases, Indigenous women are criminalized for protecting themselves or their children against violence; that is, they are criminalized for the very thing the justice system is supposed to protect them against.²¹ As we learned, the extent of violence in the lives of Indigenous women and girls cannot be separated from their criminalization.²²

In addition to violations to the right to justice related specifically to interpersonal violence, family members, survivors, Knowledge Keepers, Expert Witnesses, and others also pointed out the importance of considering questions of justice in relation to, and in respect to, acts of violence committed against traditional territories, land, culture, and ceremony. In her testimony, for instance, Marilyn W. connected the lack of justice in her sister's murder trial to the lack of justice in her community's fight to stop seismic testing on its ceremonial Sundance grounds. Marilyn noted, "I know that I'm talking about things that may not seem relevant to my sister's death, but they are very much connected, these issues, very much connected."²³

Like all of the other rights discussed so far in this report, the conversation and teachings about justice shared with the National Inquiry include but go far beyond the particular events related to the handling of justice in the disappearance or death of an Indigenous woman, girl, or 2SLGBTQIA person. These testimonies reveal that the failure of justice is not restricted only to cases of missing and murdered Indigenous women and girls; rather, the absence of justice, the fight for justice, and the misuse of justice in interactions between the justice system and Indigenous people routinely compromises their rights and allows violence to continue unchecked.



A red dress beaded pin rests in the Miskwaabimaag Basket, or red willow basket, in St. John's, Newfoundland.



Pathway to Violence: Intergenerational and Multigenerational Trauma

When the unthinkable happens and First Nations, Métis, and Inuit families become concerned that their loved one may be missing or in danger of violence, they are faced with a difficult dilemma: to seek help in finding that loved one requires reaching out to institutions – the police and criminal justice system – that have historically ignored and continue to ignore their concerns. More than that, they are forced to reach out to institutions that are directly at the heart of significant pain, division, cultural destruction, and trauma experienced in their family and perhaps by the loved one they seek help in finding. In some cases, they are forced to reach out to the very people who have perpetrated acts of physical and sexual violence against them or their loved ones.

Mistrust and Stereotyping

If families do reach out to the police or another representative of the criminal justice system, they are often confronted with an individual, policy, procedure, or way of relating that shows little to no awareness or understanding of the histories and complexities in the relationship between Indigenous people and the police. Instead, within this institution, the family and their lost loved one are viewed through a lens of pervasive racist and sexist stereotypes – stereotypes that ultimately blame Indigenous Peoples, and especially Indigenous women, girls, and 2SLGBTQQIA people – for the violence and difficulties they face, and/or see them as guilty of committing violence or other crimes themselves.

Kassandra Churcher, the national executive director of the Canadian Association of Elizabeth Fry Societies, described this dilemma in the following way.

Indigenous women must rely on a justice system that is in no way reflective or adaptive to their cultural history and reality. Canada's long history of colonialism and abuse ... is the core of this issue, of course. When a First Nations, Métis, or Inuit woman appears in court, they go before the same justice system that established the reserve system, the residential school system, and continues the removal of children from their families, and they ask that court for justice.²⁴

The systems developed within a justice context have played and continue to play a fundamental role in creating and maintaining conditions that foster a deep mistrust of the criminal justice system. For instance, the historical abuses by police against Indigenous Peoples in enforcing colonial policies, as documented in Chapter 4, coupled with the ongoing reality of explicit acts of violence against Indigenous Peoples, must be recognized as the context within which Indigenous families and survivors talk about their experiences within the justice system.



Audrey Siegl explained the roots of this relationship.

The RCMP was created to quash the North-West Indian rebellions. The police were created to protect and serve the colonial state, its properties and its representatives, who are representatives of the Queen. Not representatives of the land. The Queen has never, in good faith, negotiated with we, the Indigenous Peoples of what is known as “Canada.” The Queen’s representative has never come here. So, what Canada does here by its own jurisdictional codes and systems of laws ... is illegal. But they don’t want us to point that out. For that truth to be public knowledge.²⁵

Interpersonal Violence and Intergenerational Trauma: Reluctance to Report

The National Inquiry heard from many witnesses who discussed their reluctance to reach out to the police for help. The underreporting of interpersonal violence, such as intimate partner and sexual violence, is well documented among all victims of these crimes in Canada.²⁶ In the case of Bernice C.’s daughter, for example, the RCMP didn’t take a statement when her parents tried to

report her missing, and although police could have questioned the man who was last seen with her daughter, the delay in doing so and his murder mean that those answers may never be found.²⁷ To be sure, many of the Indigenous survivors and families who shared their truth expressed that within a justice system that, as Kassandara Churcher described, “does not acknowledge its own historical abuses and the impact of the intergenerational trauma within our Indigenous communities,”²⁸ reporting violence is more likely to create further danger than it is to foster safety.

During the Truth-Gathering Process, families and survivors talked frankly about their reasons for not reporting violence to the police or not reaching out to the criminal justice system – even in cases where there had been severe acts of violence perpetrated against them, such as the one described here by survivor Marlene J. Describing why she didn’t make a report to police even after being beaten up, thrown out of a car, and run over by a car, she explained: “I didn’t report to the police because I know they’re not going to do nothing and they’re going ask me who is this guy, do you know who he was or where he is ... I don’t remember him, I was drunk, too. I know the car he was driving. So I can’t remember his name.”²⁹



A National Post article from 2000 reports on the use of an Indigenous woman's image for target practice at a Saskatoon police range. Submitted by Muriel Stanley Venne of the Institute for the Advancement of Aboriginal Women (IAAW) pursuant to Rule 33.



Jennisha Wilson also described how prior negative experiences with police make Indigenous women reluctant to report violence or trafficking: “There is a significant reluctance for Indigenous women, specifically Inuit, to engage with police because of prior experiences of being seen as a criminal, being blamed, being seen as not a victim, causing it on themselves.”³⁰

Michele G. recounted a similar reason for why she stopped reporting the physical abuse she suffered at the hands of her partner to the police: “In the beginning I used to call the police but then didn’t bother anymore. It didn’t seem to serve any purpose. Except once when he broke my nose they made him leave. Usually they said I had to leave with my six kids, which was so frustrating. Good Lord.”³¹

So, too, did A.B.:

My mum had a series of men. They all beat her up. And I called the cops every time, and never once did they do anything. Back then a man’s home was his castle. And the men would stand at the door, because they never did not answer it to the cops, and they would just swear at the cops and tell the cops, “So what, what are you going to do about it?” when I was a kid. And all the cops would do is tell my mum, “We’ll wait five minutes and we’ll escort you out safely.” My mum had six kids, usually one or two babies, what can you gather in five minutes to get out safely and be okay? So I grew up not believing that bullshit about the cops will save your life, or the cops will help you.³²

This long-standing indifference from the police, which many survivors remembered based on the police response to the violence experienced by their parents or grandparents when they were children, understandably continues to shape the perceptions Indigenous Peoples hold of the criminal justice system, and police in general.

As Expert Witness and Canada Director of Human Rights Watch, an international non-governmental organization that conducts research and advocacy on human rights, Farida Deif stated, “There is still this, sort of, overarching prevalence of a fractured relationship. And, that has to do with both history, it has to do with certainly settler colonialism, it has to do with racist assimilation policies with the residential school system, but it also has to do with current policing failures.”³³



RCMP Commissioner Brenda Lucki testifies in Regina, SK, apologizing to families and promising to do better.

On a much larger scale, the historic denial and unwillingness to investigate the disappearance or death of many Indigenous women, girls, and 2SLGBTQIA people have, for many years, sent the message that the police are indifferent to such violence. Jamie L. H. described the police response to early efforts to draw attention to the missing and murdered women: “And we were wanting a reward [to be offered] for [information related to] the disappearances and the murders of the women, and the police were opposed to it. They were saying things like, ‘Oh, the women might have just moved away, nothing’s happened, there’s no evidence of anything going on.’” As she observed:

I feel that the women were deemed as disposable. And it was very, very tragic; their lives were tragic. You know, they were human beings; they were sisters, mothers, daughters, loved ones, wives; partners, aunties, grandmas. They were human beings worthy of dignity and respect, and that wasn’t accorded to them in life.³⁴

Again, Jamie’s comments echo what has been previously documented regarding the manner in which the police mobilize racist and sexist stereotypes of Indigenous women in order to justify their inaction. Cree scholar and Expert Witness Robyn Bourgeois described how stereotypes about Indigenous women as hypersexual and sex workers, as understood within the criminal justice system, effectively erases the acts of violence committed against them.



If you can prove a link, whether perceived or actual, between an Indigenous woman ... or a girl who's experienced a tremendous act of violence and you can link that in any way to prostitution or hypersexuality, then perpetrators get either reduced sentences or are completely exonerated. And, that's a huge issue, because – you know, not just about perpetrators. The state is using this as well.

I mean, this is what the excuse was with the missing women. Why didn't police investigate? Why did it take, you know, almost 20 years before they took this seriously? It was because of this belief that these women were entrenched in the sex trade and for that reason, you know, they weren't likely victims. And so, it allows for general inaction on violence against Indigenous women and girls, and that's a huge concern for me.³⁵

While police are eager to have women report violence, there still needs to be significant trust and education built. Many of the barriers experienced by Indigenous Peoples are rooted in the police's and justice system's response to Indigenous Peoples from a place of limited to no understanding of the complex historical relationships, as well as the realities of intergenerational trauma among Indigenous Peoples. Police officers who attended the National Inquiry also shared that, for instance, police receive limited training on these very issues that are so fundamental to ensuring that a victim's experience with the police is safe and takes place in a relationship that demonstrates this knowledge.³⁶

"MY MUM HAD A SERIES OF MEN. THEY ALL BEAT HER UP. AND I CALLED THE COPS EVERY TIME, AND NEVER ONCE DID THEY DO ANYTHING. BACK THEN A MAN'S HOME WAS HIS CASTLE. AND THE MEN WOULD STAND AT THE DOOR, BECAUSE THEY NEVER DID NOT ANSWER IT TO THE COPS, AND THEY WOULD JUST SWEAR AT THE COPS AND TELL THE COPS, "SO WHAT, WHAT ARE YOU GOING TO DO ABOUT IT?" WHEN I WAS A KID. AND ALL THE COPS WOULD DO IS TELL MY MUM, "WE'LL WAIT FIVE MINUTES AND WE'LL ESCORT YOU OUT SAFELY." MY MUM HAD SIX KIDS, USUALLY ONE OR TWO BABIES, WHAT CAN YOU GATHER IN FIVE MINUTES TO GET OUT SAFELY AND BE OKAY? SO I GREW UP NOT BELIEVING THAT BULLSHIT ABOUT THE COPS WILL SAVE YOUR LIFE, OR THE COPS WILL HELP YOU."

A. B. .

Pathway to Violence: Social and Economic Marginalization

The social and economic marginalization of Indigenous Peoples creates a distinct disadvantage in their access to justice and justice-related resources necessary to respond to violence. As we look more closely at the truths families shared about their relationships with police, we can see how Indigenous women, girls, and 2SLGBTQQIA people who look to the criminal justice system for protection, support, or justice face significant barriers and encounter institutional racism and discrimination that make accessing those protections difficult.



Institutional Reprisals

In speaking about the reasons that made them reluctant to report violence or seek help, Indigenous women, girls, and 2SLGBTQQIA people shared their fears of institutional reprisals. For some people, fears that contacting the police may lead to involvement with child protection organizations mean that living with violence is a better choice. In describing her research with Indigenous women in Saskatchewan and northern British Columbia, Farida Deif noted that, for many Indigenous women, fear of contacting the police in relation to violence is often rightfully rooted in a fear that in doing so, child protection organizations may become involved. Deif shared the following story from her research.

The other thing that was quite striking was a woman who told us that ... her mother was a victim of domestic violence from her white boyfriend. And, when the daughter called the police to respond to the domestic violence case, not only did they charge her mother for responding to the violence that her intimate partner, you know, perpetrated against her, but when the daughter protested and said, you know, “This man has been abusive to my mother. I have videotapes of that. I’ve got evidence of all of the abuse that he suffered – you know, that he’s inflicted on her.” The first question they asked the daughter was, “Where are your children?”

And, the daughter said, “You know, the way that you try and threaten and intimidate an Indigenous woman is by asking her where her children are,” because what the police officer was doing then was trying to silence her by threatening and intimidating her. “Are your children not in the right place? You know, are they not in – are they not in the right care? Should we remove them from your custody or care?” Those were all the messages that were implicitly being sent to her to silence her.³⁷

Presumption of Criminality

In addition to fearing the involvement of child protection services should they report violence, Indigenous women, girls, and 2SLGBTQQIA people also talked about their very real concerns that reaching out to the police may lead to their being arrested or charged because the police already believe they are guilty. As Farida Deif explained in relation to the interviews that the organization Human Rights Watch conducted with Indigenous women in Saskatchewan and northern British Columbia concerning police treatment, “there is a presumption that the [Indigenous women] are engaged in criminal behaviour. And, when that presumption exists, many, many things result from that,” including “more excessive use of force.”³⁸



To be sure, truths shared by witnesses before the National Inquiry speak to a larger issue of police violence, including sexual violence, committed against Indigenous women, girls, and 2SLGBTQQIA people – an issue that has been previously documented and explored in other inquiries and commissions. As Farida Deif shared, the research she had conducted into the relationship between Indigenous women and the police in Saskatchewan revealed that Indigenous women had experienced several forms of violence at the hands of police officers.

Indigenous women experienced, quite routinely, excessive use of force by police officers, that inappropriate body and strip searches by male officers were quite common as well, both during routine stops and in detention settings. We also found that women experienced sexual harassment, and in some incidents, sexual assault by officers.³⁹

As Lise J. shared: “My friend, she had made a complaint of sexual assault against the policeman. A few days later, the prosecutor comes to see her and then says, ‘We went to see the policeman. You are mistaken.’ Her complaint wasn’t accepted either.”⁴⁰

According to Deif, police also frequently failed to adequately protect and support Indigenous women who are survivors of violence. Mealia Sheutiapik’s description of the relationship between the police and Indigenous people living in poverty or in other precarious situations demonstrates how the socio-economic marginalization of Indigenous people is equated with criminalization by police.

Most of the time when I notice ... the police looking down at people, mostly Aboriginal and Inuit people, they like to look down and they will start questioning you without having the right papers to start questioning you or they harass you. And I notice in the last few years, even though I haven’t been on the street for how – I lost count how many years now, maybe five, six years, the last time I talked to a guy like that. But when I was encountered by the cop, like, they look down at you. Start saying, “You got to go home” or “You can’t be here.” And then you have no choice to listen because they’re higher than you or something or just because you’re – I start thinking, I don’t want to go to jail. And that’s not right for the cops to do that.⁴¹

In speaking about her experience as a sex trade worker, Lanna Moon Perrin described how she and other women involved in the sex trade are reluctant to report to the police for fear of being ridiculed, enduring racist or sexist commentary and harassment, and of possible arrest.

I mean, it would be nice to be able to report a bad date to a police officer without getting – being given the attitude, “Well, you know, a girl could run faster with their dress up than a guy can with their pants down,” you know, I have heard from a police officer before. You know, I mean, it’s – we talk about – like, in decriminalization, it’s the hope that people can negotiate services and those services will be understood, right?⁴²



Dual Arrests

The fears that women like Mealia expressed about being criminalized when they report violence were echoed by those who shared stories of being arrested when they reported domestic violence. In these instances, Indigenous women may fear reporting violence because they may themselves be arrested or charged with abuse or violence. The high frequency of dual arrests made by police in responding to domestic violence situations involving Indigenous women, which has been identified in previous research carried out by Human Rights Watch, emerged as well in the stories shared by witnesses during the Truth-Gathering Process. As Deif explained:

Women victims of violence and those at risk also reported police insensitivity to their well-being, vulnerability, and cultural background. Some women said that police had threatened to arrest them for drug possession, public intoxication, or breach of parole conditions when they reported domestic violence.⁴³

In their efforts to learn more about dual charging policies, Human Rights Watch found that none of the police services they contacted could, in fact, identify a policy on dual charging in domestic violence cases. As Deif explained:

In terms of best practices on police response to victims of violence, the police should respond to the victim, should identify the primary aggressor of that violence and not really focus at that time on the other factors that might be in play. But what we found time and time again is that the victim of violence herself might also be charged for any number of things that have nothing – that are nowhere near the level of severity of domestic abuse.⁴⁴

In listening to the truths witnesses shared about the consequences they faced as victims of violence when they reached out to the police, it is important to acknowledge the pervasiveness of this problem as it is evidenced in federal correctional institutions, where 90% of federally sentenced women have a history of physical abuse, and 68% have a history of sexual violence.⁴⁵ As Kassandara Churcher observed – and as in the many stories witnesses shared about their reluctance they feel in reporting violence – the police and the criminal justice system exist in the lives of Indigenous women, girls, and 2SLGBTQQIA people not to provide safety and protection, but rather in a way that “continues to traumatize, abuse, control them.”⁴⁶

Again, as many of the survivors, victims’ advocates, and grassroots activists emphasized, these fears are not unfounded. Within a context of ongoing police violence and discrimination against Indigenous people, making the decision to not report violence to the police is often based on an attempt to protect oneself and one’s family.



DEEPER DIVE

Criminalizing and Incarcerating Indigenous Women

Introduction

The purpose of this Deeper Dive is to highlight some of the systemic issues raised regarding incarceration in testimonies we heard in all phases of our Truth-Gathering Process, as well as in eight informal visits to federal women's penal institutions made in the early months of 2019. We deeply regret that we did not have sufficient time to dive even deeper into this important subject area that represents, in many ways, the impacts and legacies of colonization as lived by Indigenous women, girls, and 2SLGBTQQIA people.

This Deeper Dive explores how the overrepresentation of Indigenous women in Canadian prisons is intimately tied to colonization, specifically through violence, poverty, and disruption of family and community life. We outline how the current Canadian prison system creates and maintains the violence that many Indigenous women, girls, and 2SLGBTQQIA people experience, as well as some of the steps and challenges within the realm of decarceration. We also discuss possible ways forward for incarcerated Indigenous women and the Canadian penal system.

Colonialism and Criminalization: Pathways to Prison

Indigenous women and girls are disproportionately overrepresented in Canadian provincial and federal prisons; Indigenous women make up 4% of the Canadian population, yet account for roughly 40% of the federal prison population.^A The distressing number of incarcerated Indigenous women is made worse by the fact that their incarceration rates are the fastest growing among any demographic in Canada. Between March 2009 and March 2018, the number of Indigenous women sentenced to federal institutions grew by 60%.^B

In a letter dated June 29, 2018, to Minister Goodale, Correctional Investigator Dr. I. Zinger wrote as follows:

Based on snapshot data, as of June 20, 2018 the Office reports that there were 61 maximum security women in federal custody, 41 of whom (or 67.2%) are Indigenous. Younger Indigenous women were found to be overrepresented in the Secure Units; indeed there is a strong correlation between young age and indigeneity, specifically in the 18–25 cohort.

In referring to his 2016–17 report, Zinger also wrote: “Moreover, half of the women held in the Secure Units at the time of my investigation were Indigenous. These women were not benefitting from the range of services, programs and supports to which Indigenous women in federal custody are entitled under the law.”

Elders and Correctional Service Canada staff told us that they have noticed that the demographics of incarcerated Indigenous women are also changing: Indigenous women tend to be younger on admission and poorly educated, and have more connections with violence inside and outside of prison, as well as mental health and addiction issues. Many women described to us their “graduations” from foster care, to youth detention, to provincial institutions, to federal institutions. These “graduations” show a disturbing trend that requires further analysis, outside of this National Inquiry.

When compared with non-Indigenous women in federal custody, Indigenous women are overrepresented in incidents of self-injury, segregation, use-of-force incidents, and maximum security. Indigenous women are assessed as a higher risk and are more likely to break institutional rules. They are less frequently granted day or full parole and are more likely to be returned to custody as a result of parole suspension or revocation.^C



One of the reasons that Indigenous women are over-represented in the Canadian prison population is that they experience violence at a disproportionate rate. There is a clear connection between the violence that missing and murdered Indigenous women and girls experience and their overincarceration. When Indigenous women are incarcerated because of violent crime, it is most often a response to the violence they experience.^D

Colonialization and Imprisonment

By its very nature, Canada's correction and justice system is deeply rooted in colonialism and Western values and attitudes about Indigenous women and culture. Indigenous women must rely on a justice system that is in no way reflective or adaptive of their cultural history and reality.^E As Cassandra Churcher, the executive director of the Canadian Association of Elizabeth Fry Societies, said, the foundation of this type of system "recreates the same patterns of state-sanctioned control, assimilation, and trauma that Indigenous people have endured for centuries."^F When Indigenous women appear in court, Churcher said, "They are seeking justice from a system that established residential schools, the reserve system, and a system that continues to remove their children from them."^G She noted, "A significant piece of the overrepresentation issue is tied to this system, a justice system that does not acknowledge its own historical abuses and the impact of the intergenerational trauma within our Indigenous communities."^H The notion of prison as punishment and the overcriminalization of Indigenous women both work against building programs to keep women out of jail, rather than sending them to jail.

In an essay by Rupert Ross, Assistant Crown Attorney in Kenora, Ontario, he argues that Indigenous inmates in correctional institutions are dealing with systems that directly contravene their own notions of justice and of safety. He notes that, in many cases, the complex post-traumatic stress that is itself a result of colonizing processes includes family and community histories that reflect the impact of economic, social, political, and legal "subordination to, and isolation from," the non-Indigenous world. In addition, he notes that many incarcerated Indigenous people, both women and men, have dealt with complex

childhood trauma that is, by its nature, intergenerational, and are forced to confront a penal system in which physical, emotional, mental, and spiritual deprivation is common.^I

The overcriminalization of Indigenous women is largely a result of colonialism, in and out of the penal system. Poverty, food insecurity, mental health issues, addiction, and violence, all parts of Canada's past and present colonial legacy, are systemic factors that lead to the incarceration of Indigenous women. Violence is a precursor for many Indigenous women who are incarcerated. Ninety per cent of Indigenous women who are incarcerated have a history of domestic physical abuse, and 68% have a history of domestic sexual abuse.^J Further, 61% of Indigenous women who report domestic violence experience physical and sexual violence, compared with 32% of non-Indigenous women.^K Similarly, 53% of Indigenous women, compared with 29% of non-Indigenous women, report that they feared for their lives in domestic abuse situations.^L While these statistics are striking, it is important to contextualize the violent crimes that Indigenous women are charged and convicted for; most often, according to Churcher, the violent crimes that Indigenous women commit are "defensive or reactive to violence directed at themselves, their children, or a third party."^M

During our visit at the Edmonton Institution for Women, some of the women we spoke with described their reason for incarceration, and linked the cause and root of their problems to violence. One woman told the Commissioners, "I grew up in a very violent environment. My father tried to kill my mother. Afterwards, my mother has always been into violent relationships. There was always lots of alcohol and drugs." The link between histories of violence was described in many cases as the reason that the women themselves acted in violent ways preceding prison and within prison, wherein violent behaviour was normalized.

In addition, many of those incarcerated drew on the experience of gang membership as a way that they ended up in those institutions. However, as the Honourable Kim Beaudin, National Vice-Chief of the Congress of Aboriginal Peoples and outreach worker with STR8UP, a program designed to keep people out of gangs in Saskatoon, explained: "When people get ... involved in gangs in general, it is because of lack



of housing, poverty of course ... lack of food, they struggle to feed their kids. These are the kind[s] of things that have a spiralling effect, a negative effect on themselves.... It is a vicious circle.”^N

However, most crimes that Indigenous women commit are non-violent in nature. The majority of crimes Indigenous women are charged with are property and drug offences. The leading causes for crime for Indigenous women are: theft under \$5,000, 23%; theft over \$5,000, 37%; fraud, 32%; trafficking of stolen goods, 21%.^O Again, these crimes must be understood in the context of many Indigenous women’s realities. Thirty-seven per cent of First Nations women living outside of their community are living in poverty, 30% to 70% suffer from food insecurity, and 40% of Inuit women are living in housing that is overcrowded.^P

A clear pattern emerges. The Canadian justice system criminalizes acts that are a direct result of survival for many Indigenous women.^Q This repeats patterns of colonialism because it places the blame and responsibility on Indigenous women and their choices, and ignores the systemic injustices that they experience, which often lead them to commit crimes.^R The Canadian state is not held accountable for how its colonial policies contribute to the victimization and incarceration of Indigenous women.^S As such, as Churcher said, “The corrections system, by its very nature, has no investment in addressing the root causes of criminalization, and so it is unable to effectively address rehabilitation and reintegration as its principal mandate.”^T

Incarceration and Intergenerational Trauma

The National Inquiry also found a connection between intergenerational trauma, a consequence of colonialism, and incarceration. Churcher said, “The unfortunate reality is that the long-term effects of colonialization and intergenerational trauma that our country has perpetuated against Indigenous women continue to be the principal factors in their being missing, murdered, and/or in prison.”^U Overwhelmingly, incarcerated women are residential school survivors or have family members who are residential school survivors. During a visit to Fraser Valley Institution, the National Inquiry heard from nine incarcer-

ated Indigenous women, all of whom had been residential school survivors. At Établissement Joliette, most women acknowledged that their parents and/or grandparents had experienced severe trauma from residential schools and that this had a direct impact on their lives. Similarly, during our interviews with incarcerated women across the country, we found that there is a connection between incarceration and missing and murdered Indigenous women and girls. When the National Inquiry spoke with incarcerated women at the Okimaw Ohci Healing Lodge, most of the residents had personal experiences with missing and murdered women, among either family members or close friends. At the Regional Psychiatric Centre in Saskatoon, all of the patients had a connection to missing and murdered women.

Unfortunately, the effects of intergenerational trauma will continue into the future if Indigenous women are overincarcerated. Sixty-four per cent of incarcerated Indigenous mothers are single mothers, meaning they are the primary caregivers for their children.^V As Churcher noted, “The secondary effects of overincarceration are multiple. The impact is far greater than the 39% being incarcerated.”^W Indigenous children make up only 7% percent of all children in Canada, yet they account for 48% of children in the foster care system.^X The overincarceration of Indigenous women results in Indigenous children’s being placed in another institutionalized colonial system.^Y

Experiences in Prison: Maintaining Violence

Sexual Violence

As mentioned earlier, almost all incarcerated Indigenous women have a history of sexual abuse, yet they are continually subjected to strip-searches. Strip-searches involve the removal or rearrangement of clothing to permit visual inspection of a prisoner’s genitals, breasts, or buttocks. However, as many as 30% of strip-searches are not done according to policy.^Z A woman is meant to have her top or bottom on at all times during a strip-search, but the National Inquiry heard that, in most instances, incarcerated Indigenous women are completely naked during the strip-search.^{AA} As Commissioners heard, strip-searches are extremely traumatizing for many Indigenous women, and they are seen as a form of



state-sanctioned sexual assault. Kassandra Churcher told the National Inquiry:

Those who are in charge of prison security have seen that strip-searches yield very little, if any, contrabands, and no weapons, but significantly traumatize already traumatized women on a regular basis. Women prisoners, the vast majority of whom have these histories of physical and sexual abuse, frequently experience strip-searches as a form of sexual assault ... with 90% of Indigenous women reporting being survivors of physical, sexual, or domestic abuse, this federal government action effectively retraumatizes women on a regular and consistent basis.

When women do not comply with strip-searches, they “[lose] their ability to visit their own children and their families as a result. Some women intentionally avoid applying for jobs or work or volunteer opportunities in the community, which is their right, just because they do not want to endure the trauma of being strip-searched by the Correctional Service of Canada.”^{BB}

Strip-searches may cause added harm, as well, for transwomen. As Fallon Andy, a 2SLGBTQIA advocate, told the National Inquiry:

If there is a transwoman who says she’s a transwoman and she doesn’t belong in the male facility, then ... the prison should change that in their directives and regulations, and they should be able to say ... she’s not in the right prison, so we’re going to move her over and we’re not going to increase her risk of sexualized violence in male prisons or ... severe mental health afflictions while she’s in another prison ... that wouldn’t be okay.”^{CC}

The danger of misgendering, particularly within a correctional context, is an important issue to consider in understanding how all detainees can be kept safe.

Emotional and Mental Health Issues

The majority of incarcerated Indigenous women suffer from mental health issues, yet have little access to

appropriate mental health programs. Most of the mental health programming offered in prisons is for the general population, but 50% of Indigenous women who are incarcerated are in maximum security prisons.^{DD} Savannah Gentile, the director of Advocacy and Legal Issues for the Canadian Association of Elizabeth Fry Societies, testified for the National Inquiry that during an advocacy visit to Fraser Valley Institution, 100% of the women in the secure unit were Indigenous.^{EE} She also testified that women with mental issues are overrepresented in these placements.^{FF} Consequently, incarcerated Indigenous women, who need the most help, have the most restricted access to these programs.^{GG} In addition to the minimal mental health resources in maximum security prisons, as Gentile said, “When there is a lockdown, which is often a monthly occurrence, max security women are confined entirely to their cells and are completely denied access to programs, school, mental health supports, and sometimes even showers. Often, the women have no idea when the lockdown will end.”^{HH}

The National Inquiry also had the privilege of hearing first-hand from current and previously incarcerated Indigenous women about their experiences with mental health. Diane Sere, a previously incarcerated woman and current employee of the Canadian Association of Elizabeth Fry Societies, told the National Inquiry, “I spent my first night on the floor of a holding cell infested with ants. My worst nightmare had begun. I had lost my dignity, my individuality. For the next four to five weeks, I spent my time in protective custody, which is segregation. I was suffering anxiety, depression, I could not think clearly.”^{II} We heard similar stories from women in our on-site visits.

Several shortcomings of mental health services were raised by many women, Elders, and staff. Primarily, there is a lack of culturally appropriate and sustained mental health services. Two problem areas were repeatedly identified: first, women who are in acute crisis have to be transferred to a hospital. For many facilities, there are few, if any, local options for hospitalization. This transfer can take several days, which creates further distress for the woman. Second, those women who need more than mental health services that are offered, but are not in an acute state, are not able to



access services that meet their mental health needs. This can lead to security and classification issues.

Spiritual Violence

In addition to sexual and emotional violence, Indigenous women suffer from a loss of cultural identity and spiritual well-being while they are incarcerated. Patricia Tate, an employee of the Canadian Association of Elizabeth Fry Societies, testified at the National Inquiry about the lack of cultural programs offered to Indigenous women inmates that focus on diverse Indigenous cultures, and about their important connection to identity and well-being: “Our biggest challenge, and actually our most important role in [prisons], is to ensure that we network with other services, other Elders, other teachers, other cultural ceremonies, so that we can bring those ceremonies to the women and allow them to grow in a positive way.”^{JJ}

However, Tate highlighted that a huge challenge exists to provide culturally appropriate resources in prisons because the “ceremonies that are being offered are a one size fits all ... women within an institution represent a vast variety of culture and traditions, and unfortunately, those traditions are not always being honoured and are rarely being honoured, quite honestly.”^{KK} As the National Inquiry observed in its visits, every facility we went to had a special and sacred space for sweat and ceremony, and, in some institutions, this space was available even for those in high-security placements. These areas were often meant to appeal to many different Indigenous identities, or were focused on the practices employed by the Elder or spiritual leader employed there.

Commissioners also heard about Indigenous women who were transferred to institutions in different locations across the country, and often placed in an institution where the Elders were not familiar with their traditions. This reduces the meaningfulness of Elder involvement and cultural programming. In particular, as Tate said, “although they also live within the institutions and partake in ceremonies, the Inuit women really struggle because there are virtually no ceremonies or Elders or teachings that are reflective of their heritage, which is quite different from First Nations heritage or Métis heritage.”^{LL} Programs for Inuit women are also slow to be developed, since Inuit women are likely to be transported far from

home and are not centralized into one institution, therefore making up a small percentage of those Indigenous women incarcerated.^{MM} Tate also told the National Inquiry that “the other population that is oftentimes lost within the justice system is non-registered Aboriginal women who do not count when it comes to looking at programming and resources for Indigenous services ... those services are limited, at best, to those people who self-identify as First Nations, Métis, or Inuit.”^{NN} At worst, many women are deemed ineligible.

During the National Inquiry’s on-site visits with incarcerated Indigenous women, the value of Indigenous cultural programs was highlighted. At Fraser Valley Institution, a few women explained how, in some ways, prison had actually helped them. One woman told the National Inquiry that the only place she felt safe was in prison. Several of the other women present agreed with her. Another woman said that she learned about the value of her body and that violence is not acceptable, and that she found support in prison and the ability to connect with her culture. Most of the women emphasized the significant role that Elders play within the prison system. For many Indigenous women, Elders provide important support and connection to culture and healing. One woman said, “I need to work through what I went through as a child and I need an Elder to support me through that. I need one-on-one connection and ceremony.” Similarly, a woman at the Okimaw Ohci Healing Lodge stated, “The only thing that has helped me is Elders.”

Public testimony and the National Inquiry’s on-site visits demonstrate the importance of the Elders’ role in an institution; however, we also found that there are simply not enough Elders to address the overincarcerated Indigenous population. Most of the Elders we spoke with told us that they have an extremely high number of cases and, as a result, struggle to meet the needs of many women. One common theme we heard from the Elders was that Correctional Service Canada (CSC) has not hired and retained a sufficient number of Elders. This means that some prisoners have had to wait for programming that involves Elders and, as a result, they have had to wait to apply for parole. In addition, a number of Elders noted high rates of burn-out and trauma through their own work, without sufficient time to participate in their own mental health supports. In addition, and



due to the lack of Elders, the amount of Elder-guided content in programs has been reduced. This, too, results in many Indigenous women's facing delays in parole applications or missing cultural teachings.

Existing Programs and Initiatives

There were some programs, highlighted by CSC staff and by those women with whom the Commissioners spoke, that directly impacted the nature of their experiences within the penal system. These programs emerged in the wake of strong criticism of correctional services in regards to Indigenous Peoples. In particular, *Creating Choices*, a report of the Task Force on Federally Sentenced Women, released in 1990, noted that "only if people are treated with respect, only when they are empowered, can they take responsibility for their actions and make meaningful choices." They recommended a long-term plan with the ultimate goal of prevention.

By reducing inequities which limit choice, by preventing violence which breeds violence, our long-term goal will reduce the pain which contributes to behaviour which harms others. By encouraging preventive strategies which create meaningful choices for federally sentenced women, we will help reduce crime and increase choices for all Canadians. In the process, our society will become a safer and more secure place.⁰⁰

Some of the programs developed in the aftermath of *Creating Choices* were a direct result of the task force's work, including healing lodges specifically, although the program remains limited in scope. Most healing lodges service only male inmate populations, and are only minimum- or medium-security facilities. They are programs within which Indigenous values, traditions, and teachings work within a different context from the penal one, and which include significant input from Elders and from local communities.

In other cases, some facilities we visited also had a "pathway" or equivalent residence where some of the women lived. These units allowed for specialized activity and services for the women in those units but were limited and dependent on medium- or minimum-security placements. Some of them were part

of the Pathways Unit program introduced nearly 20 years ago, in 2000, as a pilot program intended to "establish an environment for Aboriginal offenders who choose to follow a more traditional path of healing including counselling with Elders, participating in Aboriginal ceremonies and connecting with Aboriginal culture."^{PP} These units, housed within federal correctional institutions, were at first for men; currently, there are two available to women, both of which are located in western Canada (Edmonton Institution for Women and Fraser Valley Community Correctional Centre). Some institutions also have similar programs, though they don't qualify as an official Pathways Unit.

The Commissioners also heard about the Correctional Service Canada's Aboriginal Social History (ASH) Tool, a tool that must be considered for all who self-identify as First Nation, Inuit, or Métis. This tool represents a four-step process that considers the "broader historical factors that have contributed to the overrepresentation of Aboriginal people in the criminal justice system as well as the specific and unique circumstances of the individual."^{QQ} Specifically, the ASH Tool notes many of the important pathways to violence this report references, as well as the many intergenerational and multigenerational forms of traumas that incarcerated women discussed. Ultimately, the ASH Tool is used to identify and to consider culturally appropriate or restorative options that could contribute to mitigating risk, and may also inform placement in a facility like a healing lodge.

Maintaining the Status Quo: The Gladue Report

The Gladue report is often seen as a milestone solution for the overincarceration of Indigenous women, but it has become somewhat of a "mixed blessing." This report stems from the Supreme Court of Canada decision in *R. v. Gladue*, [1999] 1 SCR 688. The Gladue decision sets out the principles for sentencing an Indigenous offender, pursuant to section 718.2(e) of the *Criminal Code*, that "all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders" (our emphasis). The Gladue decision was aimed at addressing the overrepresentation of Indigenous people in prison by



providing judges with a new framework for sentencing. The Gladue decision recognized that Indigenous Peoples face systemic racism in and out of Canada's penal system.^{RR}

A Gladue report is a pre-sentencing or bail hearing report that contains recommendations to the court about what an appropriate sentence for an Indigenous offender may be. Gladue reports often include information about the person's background and any trauma they may have experienced, such as residential schools, interaction with child welfare services, physical and sexual abuse, and/or mental health issues.^{SS} The purpose of a Gladue report is to provide judges with meaningful and accurate information about an offender so that the judge can properly apply the principles of sentencing set out in section 718.2(e) and elsewhere in the *Criminal Code*. The Gladue report should include a thorough history of the offender and provide relevant information for a variety of non-custodial options. A Gladue report about a woman or young offender should be used at a bail hearing, sentencing, and parole hearing.

However, oftentimes when Indigenous women want to exercise their right to a Gladue report, they are denied this right or face challenges. In our visit at Établissement Joliette, many of the incarcerated women expressed concern that they do not receive a Gladue report, even when they request one. Similarly, Diane Sere told the National Inquiry that:

When my trial was over and the judgment was guilty, the courts were advised that I wanted to exercise my rights to a Gladue report for sentencing. This was not received comfortably. I was later told that I did not look Indigenous, and that before I could get a Gladue report, I needed to have to prove my Indigenous heritage.^{TT}

Shortly after her trial, Sere received a phone call from a probation officer who was going to be responsible for doing her pre-sentencing report. Sere told the officer that she wanted a Gladue report, to which the officer responded, "We do not do Gladues in Ottawa."^{UU} After meeting with the officer, Sere felt that the officer had no understanding of her Indigenous culture, and, as a result, there were several misunderstandings in her pre-sentencing report.^{VV}

Further, Indigenous women may be hesitant to ask for a Gladue report in the first place. Kassandra Churcher told the National Inquiry that while she has been working with the Canadian Association of Elizabeth Fry Societies,

We have heard from far too many women within the federal system [of the] humiliation and shame of having to relive their histories often to Gladue reporters who are non-Indigenous who might not have extensive experience or awareness of Indigenous histories at times. We have also heard from women who have voluntarily omitted parts of their own histories due to feelings of shame and humiliation, which is counter-effective to the entire reason of having a Gladue report.... Gladue reports are another cautionary tale of trying to address systemic issues by holding an individual responsible for their pathway in the criminal justice system.^{WW}

We also heard that the factors that Gladue reports, whether at sentencing or produced within CSC, can result in overly high security rankings, as the factors considered in speaking to the right "risk" are often the very impacts of colonial violence that are identified in these reports.

Throughout the testimonies we heard and the conversations we had with incarcerated women, there was one unavoidable observation: the Gladue decision was largely ineffective in reducing the number of incarcerated Indigenous women.

The National Inquiry heard similar stories of Gladue reports during our informal visits. Many women told us about their requests for Gladue reports for sentencing that were denied by their lawyers and judges. They also told us about the difficulties they had in speaking to the report writer about their lives, especially without knowing how the information about their backgrounds would be used in sentencing.

We heard similar doubts and criticisms about Aboriginal Social History reports. Aboriginal Social History reports should cover much of the same information as Gladue reports and are done on admission to the institutions that we visited. Institutions use these reports for planning Indigenous women's programming and services. However, many women we spoke



with were reluctant to be completely transparent about their past for the same reasons as with a Gladue report: the majority of corrections officers who prepare and use Aboriginal Social History reports are non-Indigenous and may not understand many Indigenous women's realities. We also heard from many women that they felt that their histories were used against them for security classifications. For example, if a woman came from a home of violence, that violent past would be used for a higher security classification. As we discussed earlier, higher security classifications often result in limited access to mental health services and other important cultural programs.

Parole and Release

Several women the National Inquiry spoke with emphasized how problematic the release from prison is for them. Many women we interviewed noted that if they were "sent back" to their community, with the same triggers and without adequate support, there is little chance of their success in reintegrating into the community. One woman at Fraser Valley Institution told the National Inquiry about the lack of support upon being released from prison. In an interview, she stated that "they just threw me back to my community ... where my family were addicts ... with no support when I went back." In some cases, release from prison can be dangerous, as many women said that they knew of several incarcerated women who died shortly after being released. They emphasized the need for an adequate and realistic release plan. There is a specific concern with being released for Indigenous women who have drug addiction issues, as they may start using again without appropriate resources outside of prison. As one woman at Fraser Valley Institution told the National Inquiry, "drugs and alcohol were all I knew when I got out."

Similarly, during the National Inquiry's visit at the Okimaw Ohci Healing Lodge, most women said that they were fearful about their prison release. They worry about not having adequate support, being exposed to drugs and alcohol, and unhealthy relationships. One woman told the National Inquiry, "I'm changing in here, but my family is still stuck in violence and drugs ... I'm scared to be around my family because

they can take me down ... I'm afraid of going back to the same community. The program won't work. I want to stay sober and live in a good way." Finding a job after being released is another main challenge facing incarcerated women. One resident described her experience: "My self-esteem was so high when I left here. But getting a job was impossible. That was the biggest downfall.... The jail stigma was worse than I thought."

Many women and Elders raised concerns about the locations of services and halfway houses. Often, services and halfway houses are located in unsafe parts of towns and cities. These locations put women right back into the circumstances that caused them to offend and put their safety and successful reintegration into peril. Overall, the National Inquiry heard that there is a general sense of worry and fear related to being released from prison.

As Rupert Ross, retired assistant Crown Attorney for the District of Kenora, Ontario, argues, part of this concern may be associated with understanding that whatever crime had been committed had also "significantly injured their relationship with their home," neighbourhood, family, or social circle. This is because of the importance of relationships and the need to reconsider the impact of crime and incarceration through a relational lens. As he proposes:

It may be that justice involves not only deterrence and community protection, but also three relational goals:

- Having offenders come to understand, on an emotional level, the relational inflections which their crimes have created in others;
- Examining the relational disharmonies in the offender's life which spawned the crime, and working towards different ways of relating so as to reduce the likelihood of its repetition; and
- Searching for ways to move both parties out of the relational disfigurement that has bound them together from the moment of the crime.^{xx}



The Path Forward

In imagining a new path forward, we focus on the opportunities for decarceration under sections 81 and 84 of the *Corrections and Conditional Release Act*. We do so because community-based resources for Indigenous women can better address the underlying issues of incarceration – trauma, poverty, and other effects of colonization – by using the strengths of cultural practices for healing.

A key theme identified in the academic literature and from the testimony heard during the Truth-Gathering Process is that to stop the cycle of the criminalization and overincarceration of Indigenous women, Indigenous people must be active participants in these solutions. The Commissioners heard from witnesses who articulated possibilities for, and steps toward, decarceration of Indigenous women in Canadian prisons. In her testimony, Cassandra Churcher stated that

any meaningful and authentic recommendations must be from the communities that are affected. First Nations, Métis, and Inuit communities must be engaged in the process of re-envisioning a system of justice that reflects their practices, beliefs, and cultures. They must also be given the funding to support community-led solutions to prevention and reintegration associated with crime.^{yy}

Churcher specifically identified legislation that authorizes community releases for prisoners: section 84 of the *Corrections and Conditional Release Act* (CCRA).

The CCRA is set up to facilitate community release. Sections 81 and 84 of the CCRA enable the transfer of resources to Indigenous communities on- and off-reserve in a rural or urban setting to host community members who would otherwise be in prison and to support the reintegration in ways that benefit the individual and the entire community. The intent of these sections was to afford Indigenous communities greater control over the matters that are affecting them. These provisions are broad and allow for creative, flexible, and individualized community-based solutions.^{zz}

These facilities are also preferable because they can keep women closer to their home communities, families, and children.

Currently, there are two healing lodges for women. Okimaw Ohci Healing Lodge is run by CSC and is rated for a capacity of 60 women. Buffalo Sage Wellness House is operated privately under section 82 of the CCRA. It is rated for a capacity of 28 women.^{aaa} For the approximately 280 incarcerated Indigenous women, there are obviously very limited opportunities for decarceration.

In the *Annual Report, Office of the Correctional Investigator, 2017–2018*, the Investigator wrote about the need for urban-based healing lodges established under section 81 of the CCRA, and additional capacity for placement in private residences, under section 84 of the CCRA. In doing so, there must be meaningful partnerships between CSC and Indigenous communities, based on trust, that facilitates “the self-determination and healing of Indigenous inmates and communities.”^{bbb} In Recommendation 13, the Investigator recommended that CSC reallocate significant resources to negotiate new funding arrangements and agreements with partners to transfer the care and supervision of Indigenous people from prison to the community.

In Correctional Service Canada’s “Response to the 45th Annual Report of the Correctional Investigator, 2017–2018,” the CSC Commissioner wrote in reply to Recommendation 13:

CSC continues to enhance partnerships to create more opportunities for the participation of Indigenous communities in the management of Indigenous offenders. This includes the engagement and collaboration between CSC and Indigenous communities on section 81 agreements under the *Corrections and Conditional Release Act* (CCRA) for Healing Lodges.^{ccc}

It is noteworthy that this response does not specifically state that the agreement is one that transfers capacity, resources, and support to Indigenous communities for the healing of offenders.



During our on-site visits and in many testimonies, we heard that the process for establishing facilities under these sections is very difficult. Further, there is not complete transfer of authority and resulting independence to the community organization. Recently, Correctional Service Canada has taken steps to simplify and expedite the process, but many Indigenous women, Elders, and service providers still see this as a daunting task and its success remains to be gauged. A central issue in all of these discussions and suggestions for change are understanding what justice has meant, and does mean, to Indigenous people. For instance, as Diane Leresche, a conflict analysis scholar specializing in the design, implementation, and evaluation of systems for preventing and resolving conflicts notes, the concept of sacred justice means focusing on healing relationships, not punitive actions.

Peacemaking is generally not as concerned with distributive justice or “rough-and-wild justice” (revenge, punishment, control, determining who is right) as it is with “sacred justice.” Sacred justice

is that way of handling disagreements that helps mend relationships and provides healing solutions. It deals with the underlying causes of the disagreement (which often are perceived as someone not having lived according to prescribed spiritual ways). Sacred justice is going beyond the techniques for handling conflict; it involves going to the heart. It includes speaking from the heart, from one’s feelings. It is giving advice, reminding people of their responsibilities to one another. It is helping them reconnect with the higher spirits, or seeing the conflict in relation to the higher purposes. It is helping people ease, move beyond, and transform the intense hurtful emotions like anger into reorienting and reuniting with that which is more important than the issues of conflict. Sacred justice is found when the importance of restoring understanding and balance to relationships has been acknowledged. It almost always includes apologies and forgiveness. It is people working together, looking for mutual benefits for all in their widest circle.^{DDD}

Findings

- Indigenous women and girls are being criminalized as a result of colonization and their resistance to colonial violence, including systemic oppression and marginalization. Therefore, Canada is incarcerating Indigenous women and girls because of their fight against colonization or due to the impacts of colonization on them.
- The federal government has failed to take meaningful action to implement numerous recommendations addressing the gross overrepresentation of Indigenous women and girls in the criminal justice system. These recommendations are contained in reports of the Office of the Correctional Investigator; the Auditor General of Canada’s “Preparing Indigenous Offenders for Release” (Fall 2016); the Calls to Action of the Truth and Reconciliation Commission of Canada (2015); the Report of the Standing Committee on Public Safety and National Security, “Indigenous People in the Federal Correctional System” (June 2018); the Report on the Standing Committee on the Status of Women, “A Call to Action: Reconciliation with Indigenous Women in the Federal Justice and Corrections Systems” (June 2018); and the “Commission of Inquiry into Certain Events at the Prison for Women in Kingston” (the Arbour report).
- The federal government has not sufficiently invested in the implementation of Indigenous-specific provisions of the *Corrections and Conditional Release Act* (SC 1992, c.20), sections 79 to 84.1.
- Mandatory minimum sentences are especially harsh for Indigenous women, girls, and 2SLGBTQQIA people as Gladue principles for sentencing cannot be applied. This leads to higher incarceration rates. Further, sentences fail to meet the rehabilitative needs of Indigenous women, girls, and 2SLGBTQQIA people.



- There is a shortage of Elders working in correctional institutions in Canada. Elders are not empowered to effect real change. Further, a pan-Indigenous approach has been adopted whereby Elders or spiritual people from one Nation and their spiritual teachings are assumed to be adequate for all Indigenous inmates. Cultural and spiritual services must meet the cultural and spiritual needs and rights of distinct Inuit, Métis, and First Nations. Métis and Inuit women, as the minority populations within the Indigenous population in corrections, suffer most from this denial of their cultural and spiritual rights.
- The failure to collect disaggregated data prevents a true understanding of the circumstances that lead to arrest and detention from different groups, including Métis, Inuit, First Nations, and 2SLGBTQIA people. Further, it results in Correctional Service Canada's not having a clear understanding of the distinct and diverse Indigenous population within their custody, and results in ineffective and discriminatory pan-Indigenous programs and services.
- The vision for women's corrections in Canada as set out in *Creating Choices: The Report of the Task Force on Federally Sentenced Women* has been abandoned.
- The incarceration of women resulting in the separation of the mother and child is a violation of the child's rights under the *Convention on the Rights of the Child* (CRC); Correctional Service Canada's mother-child program is underutilized as many Indigenous women do not meet participant criteria.
- The Correctional Service of Canada's failure to recognize and treat mental health and psychiatric needs, and to meet rehabilitative objectives under the *Corrections and Conditional Release Act* (CCRA), represents a violation, at a minimum, of sections 7 and 15 of the *Charter of Rights and Freedoms*.
- Segregation can create adverse psychological symptoms, including but not limited to insomnia, confusion, hopelessness, despair, hallucinations, and even psychosis. The mental and physical distress that segregation can cause amounts to cruel, inhumane, and degrading punishment that should be characterized as a violation of human rights and is institutional violence against women.
- Strip-searches within the correctional systems in Canada are state-sanctioned sexual assault, and violate the human rights and dignity of women and girls. Strip-searching violates Mandela Rules 52.1, which states that intrusive searches, including strip- and body-cavity searches, should be undertaken only if absolutely necessary.
- The maximum security classification for incarcerated Indigenous women and 2SLGBTQIA people represents sex-based discrimination that places, punishes, or rewards them on the basis of a set of non-Indigenous expected or compliant behaviours. This security classification further discriminates by limiting federally sentenced Indigenous women from accessing services, supports, and programs required to facilitate their safe and timely reintegration.
- Culturally appropriate and trauma-informed models of care are not consistently available and are not adequately resourced.
- Indigenous women and girls have limited opportunities for meaningful vocational training and education upgrading. This impedes their rehabilitation and reintegration into the community and is discriminatory.



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- C Ibid.
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- E Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, pp. 38-39.
- F Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, pp. 34-35.
- G Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 39.
- H Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 39.
- I Ross, "Criminal Conduct and Colonization," 16-17.
- J Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 37.
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- L Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 35.
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- N The Honourable Kim Beaudin (Métis/Michel First Nation), Mixed Parts 2 & 3, Public Volume 6, Quebec City, QC, p. 99.
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- V Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 38.
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- Y Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 37.
- Z Savannah Gentile, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 227.
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- II Diane Sere (Algonquin, Nipissing Territory), Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 101.
- JJ Patricia Tate (First Nations), Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 24.
- KK Patricia Tate (First Nations), Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 22.
- LL Patricia Tate (First Nations), Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, pp. 22-23.
- MM Public Safety Canada, "Marginalized."
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- PP Wesley, M., with Public Safety Canada, "Marginalized."
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- RR Native Women's Association of Canada, "Understanding Gladue."
- SS NWAC, "Understanding Gladue."
- TT Diane Sere (Algonquin, Nipissing Territory), Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 100.
- UU Diane Sere (Algonquin, Nipissing Territory), Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 101.
- VV Diane Sere (Algonquin, Nipissing Territory), Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 101.
- WW Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, pp. 40-41.



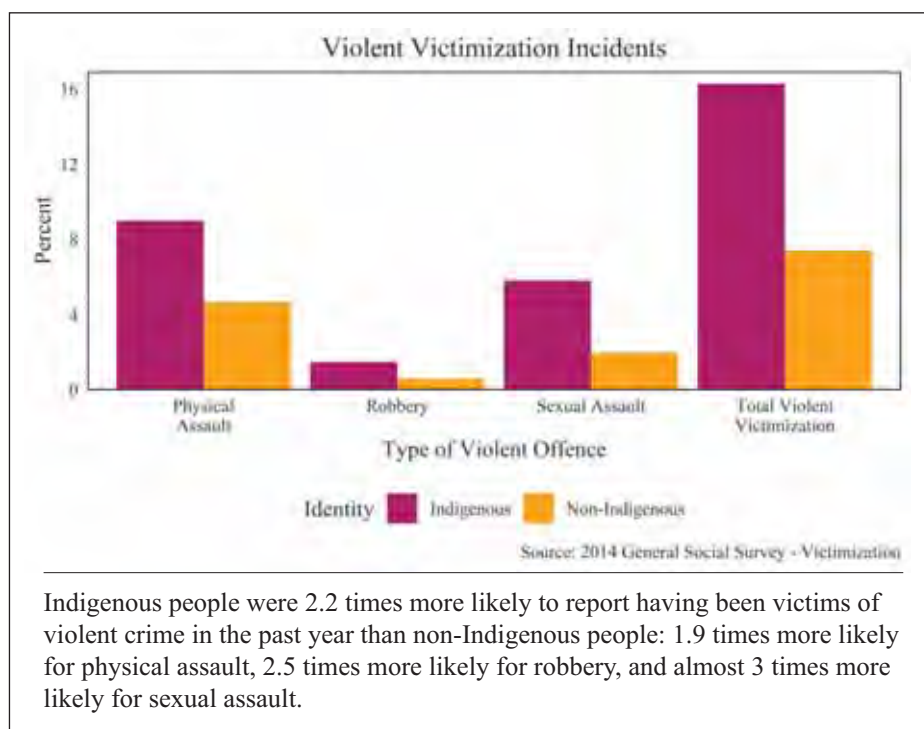
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- YY Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 109.
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Pathway to Violence: Lack of Will and Insufficient Institutional Responses

In its 2015 Update to the National Operational Overview,⁴⁷ the RCMP claimed that the majority of killings of Indigenous women and girls were committed by spouses and family members, based on its review of statistical data collected on crimes within their jurisdiction. Yet, as other research and critiques of the RCMP's analysis have pointed out, Indigenous women's and girls' lives are also ended by strangers or acquaintances who seek to victimize them under various circumstances. As Human Rights Watch pointed out in its 2013 report, it is the apathy of police in the face of this violence that serves to maintain it:

Police apathy in cases involving violence against women and girls – or violence against certain groups of women and girls – sends the message that such behavior is accepted and will carry no consequences for perpetrators. It may, in effect, encourage the targeting of certain groups for violence.⁴⁸



Stereotypes and Victim Blaming

In many of the testimonies the National Inquiry heard, families shared how stereotypes and victim blaming served to slow down or to impede investigations into their loved ones' disappearances or deaths. The assumptions tied to Indigenous women, girls, and 2SLGBTQQIA people by police as "drunks," "runaways out partying," or "prostitutes unworthy of follow-up" characterized many interactions, and contributed to an even greater loss of trust in the police and in related agencies.



Like many of the families who described the events that took place prior to the disappearance of their missing or murdered loved one, Jennifer's mother, Bernice C., knew something was wrong. In June 2008, Bernice received an unusual phone call during which she could overhear her daughter, who was supposed to be at home for her 18th birthday party at the time of the call, asking someone, "Where are we? Where are we?" Bernice said, "Suddenly, I felt a pain in the pit of my stomach with fear, unspeakable fear. I've never, ever in my life experienced that pain and that fear that I felt that day talking to her, and even after. I've never experienced that pain, that fear that had gripped me."⁴⁹

Given Jennifer and Bernice's usually close relationship – Jennifer had left a note for her mom earlier that day that began with "My beautiful mother" and ended with "I love you so, so much. X's and O's"⁵⁰ – and the strangeness of this phone call, Bernice decided to contact the RCMP. She described her initial encounter with an RCMP officer at the Portage la Prairie detachment.

So, at the time, I didn't know what to do. I was distraught. I was panicking. I didn't know what to do. Where is Jen? My husband wasn't home at that time. So, I went to the police. I went to the RCMP. That was June 23rd. I went to the police.... That's where I went. I said, "I want to report my daughter missing." ... And, he said, "Oh, what's her name?" I said, "Jennifer. Jennifer [C.]" "Oh, how old is she?" Like that. That's how he spoke to me. "How – how old is she?" I said, "She just turned 18 Thursday, her birthday." "Oh, give her a week. She's on a drunk." I said, "You don't even know her to talk ... about her like that. You don't know her." He said, "Oh, give her a week. Give her a week."⁵¹

Bernice described her reaction to this response from the RCMP: "I left. I didn't know what to do. I just left, no statement, no nothing. I was in shock. I didn't know what to do."⁵² In the crucial hours immediately following her daughter's disappearance, those who were supposed to ensure that Jennifer's right to safety and justice were protected turned her mother away.

As Bernice insisted, "Time is of the essence when somebody goes missing and reported somebody missing. Time is crucial. There's no time to say, 'Oh, give her – give her time. She's on a drunk. She'll be back.' Who is he to make an opinion like that?"⁵³ Bernice's emphasis of the importance of a timely response was echoed by many of the representatives of various police forces who presented testimony during the National Inquiry and who affirmed that this is an important time period.

Despite Bernice's and her husband's multiple attempts in the upcoming days, she still didn't receive any help from the RCMP.

So, I didn't know what to do. Nobody was listening, because we went ... back to the detachment Monday, Tuesday, and I think it was Wednesday we went. No RCMP came out to hear me or to take a statement. The woman behind the desk said, "I'll give them your message." Nobody came out, Monday, Tuesday, Wednesday. I didn't know what to do. I don't know where – what do I call? What do I do? I don't know.⁵⁴



In fact, according to Bernice, it was nearly a month before the RCMP followed up on a tip Bernice and her husband uncovered during their own desperate search for the daughter. To this day, Bernice's daughter Jennifer is still missing, and Bernice and her husband, Wilfred, continue to search. For Bernice, the lack of answers about her daughter is made worse by the knowledge that when she initially reached out for help, she was turned away.

"SO, AT THE TIME, I DIDN'T KNOW WHAT TO DO. I WAS DISTRAUGHT. I WAS PANICKING. I DIDN'T KNOW WHAT TO DO. WHERE IS JEN? MY HUSBAND WASN'T HOME AT THAT TIME. SO, I WENT TO THE POLICE. I WENT TO THE RCMP. THAT WAS JUNE 23RD. I WENT TO THE POLICE.... THAT'S WHERE I WENT. I SAID, "I WANT TO REPORT MY DAUGHTER MISSING." ... AND, HE SAID, "OH, WHAT'S HER NAME?" I SAID, "JENNIFER. JENNIFER [C.]" "OH, HOW OLD IS SHE?" LIKE THAT. THAT'S HOW HE SPOKE TO ME. "HOW - HOW OLD IS SHE?" I SAID, "SHE JUST TURNED 18 THURSDAY, HER BIRTHDAY." "OH, GIVE HER A WEEK. SHE'S ON A DRUNK." I SAID, "YOU DON'T EVEN KNOW HER TO TALK ... ABOUT HER LIKE THAT. YOU DON'T KNOW HER." HE SAID, "OH, GIVE HER A WEEK. GIVE HER A WEEK."

Bernice C.

She shared her story with the National Inquiry to make this point clear: "I want you to understand, and I want the public and Canada and the world to know how we were failed, how Jennifer was failed. The RCMP failed her. How? You say, 'How?' They didn't take my statement. They didn't take me seriously."⁵⁵

Unfortunately, Bernice's account of her initial encounter with the police is not unlike a number of other similar stories shared by other families of missing and murdered women, girls, and 2SLGBTQQIA people. Dismissal, contempt, and outright discrimination, in which police evoke racist stereotypes about Indigenous people as drunks, runaways, or prostitutes, and which ignore the insights that families bring them that something is wrong, were similarly reported by other families when they described their initial encounters with police. Similarly, assumptions about Indigenous people being "out partying" was another common response from the police. As Tanya Talaga explained of the case of a missing boy:

No one had heard from him, so she decided to call the Thunder Bay Police. And, when she called the Thunder Bay Police, she was told for her not to worry. The person who answered the phone told her, "He's probably just out there partying like all the other Native kids," and then he hung up the phone.⁵⁶

Pamela F.'s description of the events leading up to her daughter's disappearance and murder bears many similarities to the description provided by Bernice and by Tanya. Like Bernice and her daughter, Jennifer, Pamela and her 16-year-old daughter, Hilary, shared a close relationship and had plans to go shopping the next day. Also like Bernice, Pamela received a strange phone call from her daughter on what turned out to be the night she went missing: "The last thing we said to each other was 'I love you.'" Like Bernice, Pamela also described immediately having



the sense that something was wrong: “I had a bad feeling and I couldn’t shake it.”⁵⁷ Unfortunately, when Pamela – like Bernice – contacted the police, she, too, was met with indifference and inaction. She described her initial encounter with the police when reporting her daughter missing.

So then we called the police and nothing. I thought if I told them I can’t find my daughter that they would look for her. But they didn’t ... every time I called and I asked if anyone was looking for her, oh well, it’s this one you have to talk to, you gotta call back tomorrow, they’re not here. And when I called back they tell me it’s another one.⁵⁸

It is only after Pamela went to the media that the police eventually became involved in the investigation. In fact, one officer confided in her that going to the media was what she needed to do to get action.

After I called the media, then they started looking. One officer had even told me, Pam – and I got along with this officer really good. I got along with a couple of them really well but this one told me, she’s like, Pam, that’s the best thing you could’ve done. She said you forced them to look.⁵⁹

In talking about his family’s initial encounter with the RCMP in Alberta, when they reported 20-year-old Amber missing, her brother Paul T. described being told that the family would have to wait 24 hours before reporting.

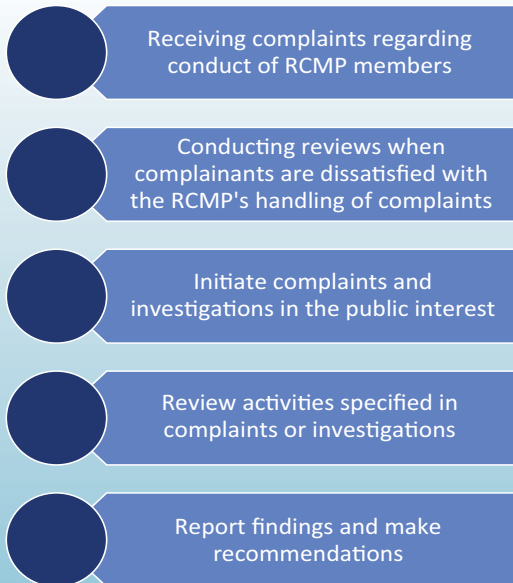
Well, when my mom reported her missing there, they said, she had to wait 24 hours. And, you know, and should I wait? We went online and checked it out and we found out that there’s no law saying you got to wait 24 hours. So I don’t know why the RCMP always tells people that because those 24 hours are critical. It’s always like, oh, yeah, let’s go submit, but we wait 24 hours and on the 24th hour, oh, let’s get up, let’s go, let’s start doing something. But, you know, had something ... been done ... that time when she reported, maybe – maybe we wouldn’t be sitting here.⁶⁰

Confusion over whether a person can be reported missing until 24 hours have passed was expressed by a number of families. For Amber’s family, this arbitrary time frame is embedded within other stereotyped and racist beliefs held by the officer who, much like the officer responding to Bernice’s reports, rationalized his lack of immediate action by arguing that 20-year-old Amber was “out partying.”



The Commission for Public Complaints Against the RCMP (CPC) is the principle oversight body for the RCMP. Its mandate includes investigating complaints, reviewing RCMP activity and publicly reporting its findings and recommendations.

THE COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP



In 2015, the Human Rights Committee issued its Concluding Observations on Canada's sixth periodic report on its implementation of the International Covenant on Civil and Political Rights, noting concern "about reports of the lack of effectiveness of such mechanisms" and the "lack of statistical data on all complaints, investigations, prosecutions, convictions and sanctions imposed on police officers at all levels." Further, it called on Canada to "strengthen its efforts to ensure that all allegations of ill-treatment and excessive use of force by the police are promptly and impartially investigated by strong independent oversight bodies with adequate resources at all levels, and that those responsible for such violations are prosecuted and punished with appropriate penalties."⁶¹

In some instances, families did share more positive initial encounters with police when reporting a loved one missing or in danger. However, in cases where Indigenous families do have a positive encounter with the police, stories like the one Marilyn W. shared demonstrate the extent to which they are dependent on the good luck of encountering a compassionate, knowledgeable, and ethical officer rather than being able to depend on a standard of practice where being respected and taken seriously are the norm.

After her sister had been missing for over a week, Marilyn decided to report her sister's disappearance to the police. She described her initial encounter with the police.

For a little bit, a little while I didn't hear from her and I was getting very worried, and just over a week – and my mom was already very, very frantic, and she was calling me – and so after about a week, I – I went to the police station to try and file a missing person's report, and I was in distress at this time, just as I am now. I was crying, and I went there and asked for help, and they treated me so horrible.... I was under the understanding that when a person loses their loved one and they're missing that they need to report them within 24 hours, and it was over a week, and they didn't even care, and they didn't want to take her missing person's report, but there was one – one police officer who walked by, who happened to walk by, and ... he heard the distress in my voice and he saw me, and he went



out of his way to come and see what was going on, and I don't know who that man was, but I'll never forget him, and he took my report, and he told them, "Take her report and put it on the evening news and we need to look for this woman," and so we began our search.⁶²

These types of inconsistencies are evident in other stories, as well. For instance, Tom C. said that when he first reported his daughter Tamara missing, "the RCMP, they were very cooperative with me," although he acknowledged that, from what he has heard, that was not the norm.⁶³ However, when the family reached out to the local police department for support in the search, they did not receive the same treatment.

And we actually went to the police department in Vancouver because Tom had started spending an awful lot of money on the postering. So I went into the police station there ... and I asked them, I said – I handed them a poster and I said, "Well, can you please help us here? Can you, you know, put this poster out of Tamara? Can you print some for us?" And the lady that was behind there, she looked at the picture and she said, "No, we can't help you." "Well, she's missing. The National Inquiry heard she's down here. We need help." I said, "It's costing my brother a fortune to do these posters." And they didn't offer us any help at all in Vancouver.⁶⁴

In sharing stories about their initial encounters with the police, family members also communicated and demonstrated their resourcefulness and resistance against being dismissed. In some cases, this refusal to accept the police's lack of response pushed the police to respond, as in the case of Pamela F.'s efforts to engage the community in a search for her daughter and to reach out to the media, at which point the police did get involved. Nonetheless, while Pamela acknowledged that a number of specific officers did, in fact, repair the relationship established at the beginning, she also pointed out that Indigenous families should not have to resort to special measures in order for the police to do what they are supposed to do: "They [the police] should've reacted when I called the first time. I shouldn't [have] to try to shame them or something to get them to do what I needed them to do, what they're supposed to do."⁶⁵

In her testimony, Dolores S. made a similar point.

I didn't even know how to go about – about telling someone that this is just not right. This is not right that my niece fell from a laundry chute, and nobody is taking it seriously, the fact that I've had to uncover everything that I've uncovered, and that it should not have to come to this. It should not have had to come to [this] for me to continually go to the media to continually expose cracks and flaws within the system and traumatize my family.⁶⁶

Indeed, for Indigenous families to have to use these additional tactics to get support further marginalizes those for whom such measures are even more difficult, unsafe, or unfamiliar.



Marilyn W. drew attention to precisely this issue when she described her second encounter with police when her uncle went missing.

I was prepared now, and I phoned the police and I said, “My uncle – my uncle Anthony ... was reported missing, please tell me what you’re doing about this,” and the lady said, “Well, we’ve sent emails out...” “I’m a part of the Native Women’s Association of Canada, and I lodged a formal complaint against the police officer who mistreated me in my sister’s case, and I want to know what you’re going to do to find my uncle,” and within minutes they had me talking to the sergeant and they had people out there looking for him.

Well, what about all those people that don’t have that power, who don’t know what to say?⁶⁷

Delays in police response to reports of missing Indigenous women, girls, and 2SLGBTQQIA people have been identified in previous reports and inquiries.⁶⁸ Not being able to depend on a police officer’s willingness to take the concerns of Indigenous families seriously is an all-too-common example that demonstrates the precariousness of whether the right to justice will be respected or not. When questioned about instances in which families were denied a proper response, RCMP and other police officers suggested that these sort of responses are, in fact, not the norm and that, should they occur, the officer would be disciplined.⁶⁹ Explanations such as these, which explain police abuses or police failures to protect Indigenous women as the result of actions of a single officer who fails to follow an already adequate procedure, rather than question the policing structure itself, were ones that Farida Deif also said were common in research conducted by Human Rights Watch. She noted:

Generally, in our work on policing abuses in many countries, the response by the police is generally one of denial of the policing abuses taking place, claiming that there are just a number of bad apples on the police force, not a systemic issue, not a structural issue. They will often drown us in policing protocols and policies to show how, you know, advanced they are and how much in line they are with international standards. But our response is always that we’re not really concerned about the policies, we’re concerned about the practice and the implementation of those policies. And you know, and what do you do – even if, you know, even if we were to argue that it was a few bad apples, has there been accountability for those bad apples? Has there been any kind of – how have you used that as a teaching moment to change your training of the police services, to change your recruitment practices? What has happened since then?⁷⁰

While officers like Chief Superintendent Mark Pritchard of Ontario’s Provincial Police (OPP) and others encouraged families and survivors to report police abuses, this also puts the onus on Indigenous people to hold police accountable, therefore ignoring the very real power dynamics at play and an ongoing misunderstanding of barriers Indigenous people face when interacting with some police officers.



Systemic Failures in Crime Detection and Prevention

The National Inquiry also heard testimony from police services, many of whom spoke to the need to be properly resourced in order to perform their duties. First Nations police services, in particular, cited insufficient equipment and resources as impeding their efforts to engage in proper investigation, as well as in crime prevention, in Indigenous communities. Terry Armstrong, chief of the Nishnawbe-Aski Police Service (NAPS, the largest First Nations police service in Canada), told the National Inquiry that a chronic lack of access to funding has left his service unable to perform many of its duties.

Well, because of the chronic underfunding of NAPS, we haven't had partners for all our police – all our detachments, we haven't had a radio communication system, which are very unsafe for the communities. They don't allow the officers to do their job at the same capacity as you would elsewhere, and it puts people's safety in jeopardy. And not having a communication system where you can call to somebody for backup or assistance – in our case a lot of times there is not backup anyway – but not even having a system where you can call and say – as we say in policing, “Run somebody to see what their, you know, what their records are” or any of these things, we don't have that same capacity unless we go back to the detachment and get to a landline to make a call.⁷¹



Daniel Bellegarde, Director of Canadian Association of Police Governance, testifies at the Institutional Hearing on Police Policies and Practices in Regina, Saskatchewan.

Mike Metatawabin, chair of the Nishnawbe-Aski Police Service Board, also told the National Inquiry that the Nishnawbe-Aski Police Service faces hurdles in its operations that other police services do not. For example, many of its detachments are under-resourced and lack proper services like heating. As a result, in 2013, the Nishnawbe-Aski Nation released a public safety notice indicating that it was unable to provide adequate police services to its people due to a lack of funding and legislated criteria. The notice was sent to the government of Ontario, but the Nishnawbe-Aski Nation did not receive a response other than from the chief coroner.⁷²



DEEPER DIVE

The Sex Industry, Sexual Exploitation, and Human Trafficking

Woven into the truths shared by family members speaking about their missing or murdered loved ones, and the truths told by survivors, Knowledge Keepers, and Expert Witnesses, were stories about Indigenous women, girls, and 2SLGBTQIA people and the sex industry, sexual exploitation, and human trafficking. Among the witnesses who shared their truth with the Inquiry, many survivors described experiences of physical and sexual violence while engaged in sex work. Witnesses also offered insights and ideas for how best to ensure safety, health, and justice for those whose lives connect with sex work, or whose lives have been impacted by sexual exploitation or sex trafficking.

Here, we focus our discussion specifically on the issues, concerns, and teachings witnesses raised related to the relationship between sex work, sexual exploitation, and trafficking and violence against Indigenous women, girls, and 2SLGBTQIA people.

Constructing an accurate picture of the number of Indigenous women, girls, and 2SLGBTQIA people involved in the sex industry is difficult. Because involvement in the sex industry continues to be stigmatized, and acknowledging one's involvement in the sex industry can increase the risk of criminalization, discrimination, and violence, many people choose not to report information about their involvement. In addition, an unwillingness and lack of effort on the part of many institutions that could help to keep more accurate records about Indigenous women, girls, and 2SLGBTQIA people and the sex industry contribute to this lack of information. In part, this unwillingness and lack of effort are rooted in a long-standing view that sees those individuals as disposable or unworthy of attention.^A

Despite these gaps in data collection, organizations working to advocate on behalf of sex worker rights, and those working to address sexual exploitation and trafficking, consistently report that Indigenous women, girls, and 2SLGBTQIA people make up the

majority of those involved in the street-level sex work.^B They are also more likely than other groups to be targeted for, or to experience, sexual exploitation or trafficking for the purposes of sexual exploitation.^C

Understanding Diverse Perspectives

The National Inquiry heard a range of opinions regarding the relationships among sex work, sexual exploitation, and trafficking. Some women insisted that sex work, by its very nature, is exploitative and needs to be abolished. For example, Diane Redsky, member of Shoal Lake 40 First Nation and front-line worker with the Ma Mawi Chi Itata Centre in Winnipeg, argued that sex work is inherently exploitative and oppressive.

You will never hear me say “sex trade,” because trade implies you’re trading something of fair value. When you understand sexual exploitation and sex trafficking as much as we do, you will know that there is nothing fair of value being exchanged. The other is “sex work.” I will not say “sex work” because it is not employment. It is not a job, it is not a legitimate job. Again, as we understand sexual exploitation and sex trafficking, it is highly exploitative, and violent, and degrades our women.^D

However, the National Inquiry also heard testimony that there is nothing inherently wrong with sex work, and that the criminalization of sex work makes women more vulnerable to violence. For example, Lanna Moon Perrin, an Indigenous woman and self-identified activist and sex worker, shared a very different opinion.

I hear a lot about prostitution being a colonial thing, and it’s a disease or it’s a thing that colonization brought onto us. And, you know, perhaps in the ways that it was perceived to us, it could



be looked at like that, but I'd like to consider pre-colonization for a minute and what our sexuality as Indigenous women and how that might have looked, especially in leadership, you know? And, you know, you can't tell me that pre-colonization, Indigenous women didn't use their sexuality to advance themselves, their families, their communities, and their Nations. I have a hard time believing that.^E

Robyn Bourgeois, a Cree woman and professor at Brock University, emphasized that, despite differences of opinion on these matters, Indigenous women have a common goal when it comes to ending violence.

I think, you know, at the end of the day, I think despite whatever our position is, we're all fighting for the same thing. We're all recognizing that what happens to Indigenous women in the sex industry is problematic. And, we are recognizing that, you know, not only are Indigenous women and girls vulnerable to things like sexual exploitation and sex trafficking, but that, you know, people who are wanting to be involved in the sex industry are experiencing violence.

And, at the end of the day, we're all fighting to try to save the lives of Indigenous women and girls, and we're just, kind of – we're divided amongst the different positions and really understanding if prostitution is the source of the violence itself, and so that in and of itself is the violence, or that the violence is created because of social perceptions, or regulation, or criminalization surrounding the sex trade. But, at the end of the day, I mean, I think no matter what, we all want the same thing. We want an end to this violence and we want our girls and our women to be safe no matter what.^F

Testimony that focused more specifically on children and youth in the sex industry emphasized the importance of distinguishing between sexual exploitation and trafficking and adult sex work. Diane Redsky, for instance, argued that it is especially important to acknowledge the inherently violent and exploitative nature of the sex industry when minors are involved.

When sexual exploitation and trafficking involves a child under the age of 18, they should never ever be called teen hookers or child pros-

titutes, or especially girls providing a service to johns. Why? Because it minimizes their victimization. It also implies that they had some choice in the matter when we know that minors cannot consent. Minors can never provide consent and there are criminal provisions in the *Criminal Code* for under the age of 18. So, instead, they are victims of child abuse. A perpetrator paid to sexually abuse a child.^G

Allan Wade also spoke about the problematic language used when talking about the exploitation of children and youth within the sex trade.

So, what I want to point out is that our prevailing public institutions are publicly shaming children by portraying violence against children as sex with children. I couldn't tell you how many people I have spoken with who referred to sexualized assault or rape as their first sexual experience. It's very important that people understand that rape is not a sexual experience. Children cannot consent; therefore, child prostitution, child pornography, child sex work, cannot exist ever, because of consent laws. So our consent law actually contradicts our *Criminal Code* language.^H

Nonetheless, as witnesses made clear when describing their participation in the sex industry as children or teenagers, street-level or survival sex work was one of very few options available to them, all of which were likely to involve some form of exploitation and erasure of agency.^I Witnesses emphasized that any serious attempt to combat sexual exploitation and trafficking among Indigenous girls and youth must be met with an equally serious commitment to ensuring that adequate financial, health, and social supports exist to make other options viable.

The Statistical Realities of Human Trafficking in Canada

Within the context of the hearings, Assistant Commissioner Joanne Crampton of the RCMP explained that one of the biggest challenges that police face in addressing human trafficking is a lack of reliable data about these networks in Canada: "It's difficult to speak about something that we know is an issue when we don't have the data to support it."^J



“Human trafficking,” or trafficking in persons, is a criminal offence under the *Criminal Code* and under the *Immigration and Refugee Protection Act*. Human trafficking is considered a violation of individual human rights.^K It involves “recruiting, transporting, transferring, receiving, holding, concealing or harbouring a person, or exercising control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation,” and can take many forms like sexual exploitation and forced labour.^L

While the realities of trafficking are hard to measure, Statistics Canada, through the Uniform Crime Reporting Survey, collects information on incidents of human trafficking violations when they are reported to police forces in Canada. As researcher Dyna Ibrahim points out, in 2016, “There was nearly one (0.94) police-reported incident of human trafficking for every 100,000 population—the highest rate recorded since comparable data became available in 2009.”^M

The victims of human trafficking are most often young women. Between 2009 and 2015, 865 victims of human trafficking appeared in the statistics, and over 95% of these were women. The majority of those women (nearly three-quarters) were under the age of 25; of these, 26% were under the age of 18.^N

Regionally, there were significant disparities in trafficking statistics for data collected between 2009 and 2016 from those cases that were reported to police. Nearly 66% of cases came from Ontario, while Québec had a rate of over 10%. Alberta, at 8.2%, also represented a significant number of cases. These statistics include *Criminal Code* offences under the category of human trafficking in the Uniform Crime Reporting Survey, including: trafficking in persons (CCCs. 279.01); trafficking in persons under 18 (CCCs. 279.011); material benefit (CCCs. 279.02); material benefit from trafficking of persons under 18 years of age (CCCs. 279.02[2]); withholding or destroying documents (CCCs. 279.03); and withholding or destroying documents to facilitate trafficking of persons under 18 years of age (CCCs. 279.03[2]).

Due to the stigma of trafficking, victims may not want to report for many different reasons, including being in physically, economically, and otherwise vulnerable positions, or being threatened by traffickers who use

humiliation and intimidation, or drugs and other “anchors,” to prevent victims from reporting. In some cases, victims of trafficking may not identify as victims. According to Crampton, “A lot of women who are in an exploitative situation do not recognize that they’re in an exploitative situation. So that’s where the education needs to take place.”^O

In addition, to be effective, the legislation depends on the justice system to use it.^P As Crampton admitted:

Currently, even though the legislation has been in place since 2005, it’s very underutilized, and not only police but also prosecutors are not always comfortable with the legislation. When you don’t use legislation on a regular basis, it can be challenging. So, that is a definite gap and that we have a lack of knowledge in both law enforcement, and prosecutor, and judiciary.^Q

This also leads to a lack of enforcement of the law itself.

Crampton also explained how jurisdictional constraints and difficulties with coordination can make investigations into human trafficking challenging, since they are “continually moving and now crossing into other police jurisdictions.”^R The Human Trafficking Coordination Centre attempts to coordinate the movement of the files, but, Crampton admits, the system is challenging.

At the same time, and as we heard from some sex workers and sex workers’ advocates, the more recent focus on the issue of trafficking has the tendency to conflate adult sex work with sex trafficking and to position all people who choose to engage in sex work as victims of sex trafficking. While not denying the seriousness of the issue of sexual exploitation and trafficking, those taking this position argue that failing to recognize the lived experiences and perspectives of those who choose to practise sex work compromises their ability to engage in sex work in a safe and rights-based way. Sarah Hunt described how a shift in public discourse and policy to position all sex workers as victims of sex trafficking has “suppressed discussion about the rights of sex workers, resulted in decreased funding for sex worker organizations, and shut out the voices of people who sell or trade sex who do not equate their experience with pure victimization.”^S



Lanna Moon Perrin offered the following example of how the practice of conflating all sex work with trafficking can create more danger for women like herself and others who choose to be engaged in sex work and want to practise their trade safely.

So, this whole trafficking scare, you know, has really made it hard for women, particularly Indigenous women, in the sex industry to do our work safely, because now we have to hide from police, we have to go places that are more isolated. To advertise our services is even more tricky. You know, we're being pushed, and pushed, and pushed further into isolation and further into dark places to hide our work.

And, when we're being pushed into isolation, it makes ample opportunity for those situations where we can become victims. We're not victims. But, when we get pushed, and pushed, and pushed and hidden, that creates an opportunity for us to be victimized. We're not victims. We get victimized when we get pushed into the darkness.^T

A \$13 Bus Ticket: Entry into Human Trafficking

The faces that emerge from these statistics, however, are important, in terms of understanding how those who testified became involved in the first place. The National Inquiry heard testimony about the factors that cause people to become involved in the sex trade. Mary Fearon is the director of the Blue Door, a program that connects women working in the sex industry or who would like to exit the sex industry with services and other supports. Mary explained that many of the girls and women in the sex industry who use the Blue Door's services have experiences of childhood abuse, violence, and trauma, and that this may impact their vulnerability to exploitation and trafficking. She spoke about a study the Blue Door conducted among their service users.

So, from the study that we did – well, first of all, 100% of the participants identified as having some adverse experiences in their early childhood years. So 73% identified emotional abuse, 40% physical abuse, 47[%] sexual abuse, 80% neglect, 93[%] parents were divorced or sepa-

rated, 60% mother or stepmother was treated violently, 80% lived in households with substance abuse, 87% had a household member who experienced mental illness, and 40% had a parent who was incarcerated.

So when we look at those numbers we recognize that there's some connection between those kinds of experiences and the experiences that they may be facing in their lives when they come through our doors.^U

Diane Redsky also spoke about the relationship between early childhood violence resulting in trauma and sexual exploitation and trafficking.

It [sexual exploitation and sex trafficking] often begins very young with some form of childhood trauma. Whatever trauma that is, whether it's sexual, whether it's physical, emotional, any kind of trauma, something happened to her when she was little that created a vulnerability that traffickers can sniff out, and they're really good at sniffing [out] and identifying a vulnerable girl.^V

As Mealia Sheutiapik, a former sex worker in Ottawa, explained, "I was a witness to a murder before. So, after witnessing all that murder, there was no help that time. There were no social workers that would come up. The RCMP were just there investigating, but not asking questions. I didn't know how to talk it out because I was just a kid."^W

Speaking about her sister Tina, Diane L. explained how Tina's foster father normalized the exchange of "sex" for money and safety by sexually abusing and threatening Tina as a young girl.

When she [Tina] had turned 11 or 12 her adopted father sent her adopted siblings away and the mother was working, and she would work night shift, and he would send her sisters and brothers away ... and then he molested her, he raped her. And then it started then, and so this went on for awhile, and he would threaten her, and he would give her money and buy her stuff. And she would – every time her mother would go he would – she would lock the door, and he would put money – he would unlock the door, molest her, and then he would give her money to keep her quiet, and he'd tell her if you



ever told anyone I would kill you, I'm gonna kill you and I'm gonna tell your sisters and brothers that you ran away and we don't know what happened to you, you vanished.^X

Stories such as Tina's, which demonstrate a connection between a young Indigenous girl's involvement in the child welfare system and sexual exploitation, sex trafficking, and survival/street-level sex work, were echoed by other witnesses.

In describing her experience, Grandmother Bernie talked about how, at age 11 or 12, she and six other girls were trafficked while in foster care.

At the age of 11 or 12 years old, six of us girls were sold into the sex industry work – we didn't know – at the Empress Hotel in Prince Rupert. As many of you know that I ... don't wear shorts very often because of my legs. I've got cigarette burns all through my legs right up to my back. Around – like, my buttock area is very – scarred really bad. This is what we ... endured. We were just kids.^Y

In her testimony, Alaya M. described how, as a 12-year-old in care, her social worker presented her with the option of staying in her community or going to Winnipeg:

Well, as an Indigenous kid in a northern reserve, what would you choose? I chose the city. And, within a 24-hour period, I was purchased a Greyhound bus ticket. And, with that Greyhound bus ticket, one of the things was the DOCFS [Department of Child and Family Services], that was probably the best \$13 or \$14 they ever spent to get a kid out of their care not understanding that – the effects and the trauma that would be bestowed upon that \$13, \$14 bus ticket.^Z

Alaya went on to describe how arriving in Winnipeg alone as a 12-year-old Indigenous girl made her an easy target for sexual predators.

So, she [the social worker] put me on that Greyhound bus with no one receiving me on the other end. So ... I got off that bus, and there was an Italian man standing there and he – and one of the things with Indigenous kids and Indigenous people, we lack that attention, so we seek

it. And, one of the things was this Italian man was giving me ... all of that attention that I wanted, I guess, or I was seeking at that time. And, he's like, "Come here," and he lured me to a place where exploitation is very rampant in this city, and he got into his car and picked me up and, you know, I serviced this perpetrator for a number ... of hours, and only to not understand, again, what sex was. I didn't even know what a condom was, I didn't know anything of anything in that matter, you know, up until being, you know, sexually abused as a child. And, one of the things was he took me – there was a Coffee Time on Princess and ... Notre Dame, which is just one block from here, one block radius, and he gave me \$5, and he's like, "Go get us two coffees," and I'm like, "Oh, okay." And, this is how naïve I was as an Indigenous kid in care coming to the city. ...

So, those – those behaviours started being normalized instantly to me. So, one of the things at that time, I was like, "Oh, well, he gave me \$5, maybe I should go do that again." So I went back to that same location where he lured me and got into his vehicle, and this behaviour was normalized. And, one of the first things at 12 years old was my first hit of crack cocaine. No kid should be smoking crack cocaine at 12 years old. And, that would just escalate into a general spiral effect of addictions, exploitation. One of the things – I needed to numb that pain, and one of the things with exploitation when you're victimized in exploitation, you really need to numb the pain.^{AA}

What happened to these girls occurred in the context of grooming and intimidation. "Grooming" is a process whereby predators target and prepare children and young people for sexual abuse and sexual exploitation. Within the Truth-Gathering Process, the National Inquiry heard from many witnesses about how pimps stay outside group homes, youth detention centres, and bus depots to specifically recruit Indigenous girls and 2SLGBTQQIA youth. In this context, they are preyed upon because they are vulnerable to persuasion and grooming, and can be perceived as easy targets – especially when they are coming from the situation of child welfare. As was expressed, in many different ways, the perception of impunity on the part of pimps – the idea that no one will come looking for them – also creates conditions for violence.



The National Inquiry heard several stories from northern or more remote communities, as well, where the absence of services and poor services chronicled elsewhere in this report forced people to head south, where they were subsequently trafficked. Traffickers were cited as targeting group homes, medical travel homes, bus stations, and buses coming from remote communities, as Alaya's story also revealed. In this way, the lack of infrastructure and services in northern and remote communities feeds the sex industry and further exploitation. As the National Inquiry heard, those who exploit women, girls, and 2SLGBTQQIA people are well aware of how to target these people; they go so far as to station themselves outside of group homes or places where they know these potential victims might be, in order to bring them into human trafficking rings. In addition, studies have pointed to key recruitment areas including airports, and in particular the Montreal.^{BB} Other key recruitment zones include schools, the boyfriend method (where a trafficker approaches a woman as a suitor, rather than as a trafficker),^{CC} other girls or women, hitchhiking, and virtually any place that is away from home where victims can be isolated.^{DD}

For many young Indigenous girls who are forced to, or choose to, leave abusive families or foster homes or want to seek out a better life for themselves, early experiences of sexual exploitation and trafficking continue into adulthood, during which engaging in survival or street-level sex work becomes a way of making ends meet. Mary Fearon explained how poverty and addiction are factors that make it necessary for Indigenous women to exchange or trade sex to meet their basic needs.

One of the things that we see with a lot of our participants, particularly our younger participants, is survival sex. And, that idea that if they need to get a place to stay, if they're homeless, then they will often trade sex as a means to get some other need met, whether it be housing or food. Food security is a big issue. So, yes, there was – it was out of the need, that people are living in poverty in our province and across our country was certainly a big driving factor.^{EE}

She continued, "One [factor] is that we recognize that 95% identify as living in poverty when they come into our program, so poverty is clearly a big indicator; that 79% have had some kind of addiction, or currently are dealing with addictions, or recovered from addictions."^{FF}

Many survivors who shared their experience of poverty, homelessness, and violence talked about exchanging sex in order to meet their basic needs for food, housing, clothing, transportation, or other basic items – a practice often referred to as "survival sex work."

As Monique F. H. explained: "I slept, you know, with people for a place to live, for a place to stay, for food. But that is what survival does, that's survival for you, right? You – you do what you need to do in order to continue to live and to continue to survive."^{GG}

Doris G. talked about how she turned to sex work in order to pay for housing for herself and her child.

I needed help with [the] damage deposit, and no one would help me. It was hard being a single Native mother on welfare with an infant, so I went and found my friend, and she introduced me to her friends, otherwise known as johns, who would help me with cash. I could raise money for housing or for me and my child, for food. I remember stopping before I started to pray to Creator to keep me safe: I've got to make it home to my son.^{HH}

In her testimony, Lanna Moon Perrin offered a slightly different perspective and explained that for some Indigenous, trans, and 2SLGBTQQIA people, sex work offers an empowering and financially rewarding way to support oneself and one's family.

You know, I started with street-level sex work at 16 so that I could buy things for myself, a winter jacket, winter boots, decent food to eat. In my life, when I was young, I did experience violence on a lot of different levels, but I don't want to, in any way, frame it that it was my choice of getting into sex work that led me to be victimized.^{II}



She also said:

And you know, we've got to eliminate prostitution, that's what everybody says. Prostitution, prostitution. You know, prostitution paid for my son here to go on his grade 7 field trip, otherwise I couldn't send him. Prostitution paid for my daughter's tap-dancing shoes. That's what that did for my family, you know?^{JJ}

Doris G., too, spoke about how the money available through sex work offered her opportunities that would not otherwise be possible if she were working in a minimum-wage job or on social assistance.

When I was younger, I didn't want to get into prostitution. I hustled the pool tables. I took in bottles. You know, I'd search the garbage can for bottles. You know, I did things where I wouldn't have to go be a prostitute, so – but later on in life, by the time I was 20-something, I finally had to give in to it and say, you know, it's the fastest way. Like, you know ... I understand going to work from 9:00 to 5:00, but what people make that month, I can make in, like, one day. You know, you make a thousand dollars a day? I can make that in a day. That money was faster. You know, when it's not ugly, the money was good.^{KK}

For Lanna Moon Perrin and other sex workers' rights advocates, recognizing the variety of contexts and reasons that might shape a woman's involvement in sex work is an important part of acknowledging agency and ensuring safety.^{LL} As Diane Redsky observed, "Every woman has their own story and experience of what happened to her."^{MM}

In an article exploring different ways of understanding Indigenous women's involvement in the sex trade, scholar Shawna Ferris offers a starting point for navigating the complexities of these relationships when she asks, "How might we make room for women's agency, even in the survival sex trade, and take into account the ways our colonial history and its ongoing legacy of racist misogyny limit the personal and professional choices of Indigenous women in the survival sex trade?"^{NN}

“You're seen as the lowest of the low”: Confronting the Sex Industry and Institutionalized Violence

Researchers, advocates, survivors, and the family members of those missing or murdered have for many years drawn attention to a long and ongoing history of discrimination, racism, sexism, and transphobia that shapes the encounters of the Canadian justice system and, in particular, the police with Indigenous women, girls, and 2SLGBTQQIA people involved in the sex industry.

According to Statistics Canada, between 1991 and 2014, there were 294 homicides of sex workers. Of these, 34% remained unsolved, and represented a far greater percentage than for homicides that didn't involve a sex worker as a victim (20%).^{OO}

In 2014, Bill C-36, the *Protection of Communities and Exploited Persons Act* (PCEPA), which came into force on December 6, 2014, responded to the Supreme Court of Canada's 2013 *Attorney General of Canada v. Bedford* decision, which found three pre-PCEPA prostitution offences unconstitutional, including the bawdy house offences as they apply to places kept for the purposes of prostitution, living on the avails of prostitution, and communicating in public places for the purposes of purchasing or selling sexual services. The PCEPA treats prostitution as exploitative of primarily women and girls. It looks to reduce prostitution by penalizing those who purchase sex and who benefit from the prostitution of others.^{PP} This approach, however, has not necessarily resulted in greater safety for those who work in the sex trade: "Between 2008/2009 and 2013/2014, under one third (30%) of prostitution cases processed in criminal courts resulted in a guilty verdict; this was much lower than the proportion [of guilty verdicts] for criminal court cases in general (64%)."^{QQ}

These statistics speak to some of the testimony we heard. In her testimony as an Expert Witness, Robyn Bourgeois talked about the link between racist and sexist stereotypes about Indigenous women and the



indifference that so often characterizes the societal and institutional response to the violence inflicted upon Indigenous women – especially those working within the sex industry.

The one piece that has always been there is the hypersexualization of Indigenous women and girls, and the perception that we are inherently sexually available. And, that – if we are inherently available, sexually, then the violence that happens to our bodies doesn't count.... It's the inherent belief within the settler colonial system, which is the foundation of our current Canadian nation state, that Indigenous women and girls are inferior, they're deviant, they're dysfunctional, and they need to be eliminated from this nation state, and that's what makes it okay to abuse and violate Indigenous women and girls.^{RR}

These assumptions have important implications for police investigations, as Bourgeois noted.

Why didn't police investigate? Why did it take, you know, almost 20 years before they took this seriously? It was because of this belief that these women were entrenched in the sex industry and for that reason, you know, they weren't likely victims. And so it allows for general inaction on violence against Indigenous women and girls, and that's a huge concern for me.^{SS}

These beliefs also translate into the courts. Bourgeois noted:

Again, and again, and again, and again and again our Canadian courts, they really – they rely heavily on the hypersexualization of Indigenous women and girls to not only erase the violence, because they will erase it by saying, "Oh, you know what? She consented to this," or "She, you know, was engaged in prostitution," or, you know, "She, you know, was drunk and promiscuous," or any of those things.^{TT}

When they appear in public media sources, too, sex workers are further marginalized. As Danielle B. expressed:

You know, in the newspaper, it's like "Crack-Head Dead," "Hooker Dead," "Prostitute Dead," but that was my life. Because I was a crackhead, and I was

a prostitute, but I lived a double life.... And I remember I was with an *Edmonton Sun* reporter, and I'm like, "If I were to get killed tomorrow, what do you think would be said about me?" "Local Advocate of Missing and Murdered Women, Murdered." I said, "Now, what if they found out – what if they knew I was a hooker, and a prostitute? Would that change it?" He said, "Yeah, it would."^{UU}

Seeking justice within systems that actively work to position Indigenous women, girls, and 2SLGBTQIA people as "the lowest of the low," as many of the witnesses explained, is often not only futile but also dangerous work.

As much previous research and many of the testimonies demonstrated, encounters between Indigenous women and girls involved in the sex industry and the justice system often involve experiences of additional violence at the hands of those with a responsibility to uphold justice.

Lanna Moon Perrin spoke frankly about the fear and mistrust that stop Indigenous women who experience violence in the context of the sex industry from talking to the police.

If I were to negotiate something like one act for money, you know, something for something, and I didn't get my money, you know? So, I would like to be able to go to the police and, you know, I would like to say, you know, "I was robbed." You know, "I was assaulted." You know, these different things and be taken seriously.

Sex workers who were – who would say something like that now would – I don't even think – I can't even think of someone who would even go to the cops, honestly, if they were hurt like that. Like, I sure the heck wouldn't. And so, I guess to be able to see police that might take us seriously, that we're allowed that protection too.^{VV}

While all Indigenous women face risks in reaching out to police as a result of experiencing violence – risks that include being treated with a presumption of criminality and being implicated, arrested, and charged for violence themselves^{WW} – Indigenous women involved in sex work also face risks related to complex legislation that criminalizes certain aspects



of the sex industry and not others. Despite the intention behind Bill C-36 – the legislation adopted with the intention of moving away from criminalizing sex workers, and instead criminalizing those who purchase sex – sex workers’ advocates and Indigenous sex workers who shared their truths indicated that not only does this legislation continue to put adult sex workers at risk for criminalization, but it also significantly increases danger and the likelihood of violence by pushing pimps and traffickers even further underground, and providing johns an incentive to not leave any evidence.^{xx} In addition, and as Jamie L. H. explained, the limitations placed on the location of where sex workers can meet potential clients often forces sex workers into more dangerous locations before being able to assess the safety of a particular situation or client.

And then the police say that you’re not allowed to be near a community centre, a park, a school, a playground; but of course in Vancouver pretty well anywhere you go, you’re going to be near one of these spots. But not only that, these areas provide safety. They’re well lit; the women and men and girls in the sex trade, you know, go there, because, for safety reasons. Because the area that they’re being pushed to is very dark, deserted and without much – danger lurks, it’s where Pickton preyed. And they’ve always promised better lighting but that’s never come about. And it’s still pretty awful.^{yy}

Efforts to improve the relationship between police and those involved in the sex industry by establishing coalitions and partnerships that include those with lived experience were discussed by some witnesses. For example, committees such as the Sexually Exploited Youth Coalition in Winnipeg is one example of a coalition in which the police are involved as partners alongside community-based and Indigenous-led organizations that centre the voices of those with lived experience.^{zz} Again, however, these initiatives tend to focus on the issues of sexual exploitation of children and youth and trafficking; few are focused on strengthening relationships between the police and street-level adult sex workers. Jamie commented:

Yes, you know, I think the police have become very good at public relations. And have embarked on a campaign that they present that they’re really helping sex workers, and that they

will only as a last resort charge them with a prostitution-related offence. But the reality is that with Bill C-36 ... which the new law was created, that the women and girls are supposed to be left alone, and that they’re supposed to go after the male customers. But it’s completely opposite. They still, of course, target the most vulnerable, the women and girls; and Aboriginal women and girls in the sex trade.^{aaa}

“She could be any place”: Searching for Justice

For the families, friends, and loved ones who shared truths about women, girls, and 2SLGBTQQIA people who were involved in the sex industry at the time of their disappearance or death, encounters with the police and justice system often also meant being confronted with sexist, racist, and discriminatory attitudes in their quest for justice.

In describing her experience with the justice system following the disappearance and murder of her sister-in-law, this family member offered her perspective of how a systemic bias against Indigenous women sex workers compromises any realization of justice.

There was no justice for my sister-in-law. He [the perpetrator] didn’t even – he wasn’t even charged. She was the fourth one to die in this man’s company. And they were all First Nation women except one, and that’s how he was charged was the last one wasn’t from the street, she wasn’t a streetwalker. We prejudice why these women end up where they do. There is many stories like Mary’s. She had a loving family. But because of her being raised away from her family in residential schools, she didn’t have the tools of the streets.^{bbb}

While there are many Indigenous women, trans, and 2SLGBTQQIA sex workers whose disappearance or death has been met with indifference by the justice system, so, too, are there many of their family members who, in looking for information about them, are met with the same indifference, racism, and sexism directed toward Indigenous women, girls, and 2SLGBTQQIA people involved in the sex industry.



In recounting conversations and meetings with RCMP, provincial, and municipal police forces, family members and friends repeatedly described how their missing or murdered loved one's "lifestyle" was used to excuse inaction on the part of the police.^{CCC}

Family members described encounters during which police made claims about certain procedures or policies that must be met before an investigation could begin, given their loved one's "lifestyle" – a tactic whereby police use operational or procedural rules to mask what is actually often an unwillingness to act, rooted in discriminatory beliefs and attitudes.

For example, Diane L. recalled what happened when she initially contacted the RCMP to express concern about the safety of her sister Tina.

And then when they got back to us it was already pretty well a month [since Diane initially contacted the RCMP] when the RCMP got back to us.... And so they phoned us about – it was a month, and then that's what he told me, he said, and because of her lifestyle, you know, being a streetwalker, being a hooker, you know, she could be any place, she could be in Vancouver, she could be in any cities. And I said, no. I said, you know, I told her to phone my mom, and I told her to phone wherever she's at every week, and I said, well, can you like, you know, at least put out a missing persons' report or something on her, and he said – he said, no, we can't do that yet, maybe give her another week or two and see if she contacts you, and I said, okay.^{DDD}

Encounters such as these not only demonstrate the way in which involvement in the sex industry becomes a reason used by police to justify inaction, but also point to a more pervasive dismissal of the knowledge and information held by Indigenous people about their missing and murdered loved ones.

Throughout the testimonies gathered during the National Inquiry, family members, friends, and others close to missing or murdered Indigenous women, girls, and 2SLGBTQQIA people described conversations with police in which they offered important information about a change in the behaviour of their loved one that pointed to something being wrong. Instead of recognizing the value of information that

is rooted in family members' knowledge of their loved one's relationships, history, experiences, strengths, and challenges, police use encounters with family members to repeat sexist, racist, and pathologizing interpretations of the lives of Indigenous women, girls, and 2SLGBTQQIA people.

As the testimonies provided by these family members demonstrate, when police dismiss opportunities to understand and appreciate the wisdom of Indigenous families, and when they approach the lives of Indigenous women – especially sex workers – as being inconsequential, there are, in fact, serious consequences.

All too often, in encounters in which police ignore the warnings and concerns offered to them by the family members of missing and murdered loved ones and instead insist on following their own ways of knowing and operating, it is Indigenous women, girls, and 2SLGBTQQIA people and their families who pay the price. In Diane L.'s case, for example, her sister Tina's body was found in a farmer's field nearly six months after Diane had reached out to the RCMP to raise concerns about her safety.^{EEE}

In her testimony, Diane L. also offered a powerful account of the way in which the unique lives and identities of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people who are involved in the sex industry are replaced by the use of derogatory labels, not only during the police investigation, but also during court proceedings.

In the hearing in Dawson Creek, they said her name right from – right, like, in the beginning, but it started there that they kept referring to her as "this hooker," "that prostitute," "this hooker." And then when we went to the trial it continued, and all during the trial I was sitting there listening to all of them, the prosecutors, the lawyers, the Crown prosecutor, the lawyers, the defence, all of them, and including him when they questioned him, they would never ever use her name, call her by a name. They would always refer to her as "this hooker," "that prostitute." I was so upset. It really, really hurt me. I was so upset.^{FFF}

Diane offered the following account of her own act of courage and defiance against a system that refused to acknowledge her sister's humanity.



And finally, I got up and I put my hands in the air, ... and the judge, he looked over at me and he said, "We'll take a few minutes there," and he said, "You got your hands up, I notice." He said, "May I ask who you are?" And I stood up and I said, yes. I said, "Tina, who you guys are referring to her as 'this hooker,' 'that prostitute,' 'this slut,' 'that whore,' you never ever once used her name. She does have a name. I am her sister," I said, "and doesn't matter if you can charge me, do whatever you want with me, but I would ask you to please have respect. Her cousin's here, my cousin, we're here, we're family. She is loved regardless of what she did for a living. That was her survival mechanism. Those safe homes they put us in taught her that," I said. "And could you please refer her – she is a human, she is loved, could you please refer to Tina... ? That's her name."

...

And they did, they did refer to her as Tina after, you know, because for me that was so disrespectful, that was inhuman, you know what I mean, inhuman, inhumane to say stuff like that ... you know, every human, especially women, they have to have respect. They have to be respected regardless of who they are, what they done. For me, it's a survival mechanism that they learned. That's the only way they knew and they were taught to survive. And lots of, lots of like, you know, discrimination, discrimination's in the court system, lots of disrespect. But that's what I did, I finally got my courage up to say that to them.^{GGG}

This attitude still exists, as evidenced in the case of *R. v. Barton*. In this case, Bradley Barton admitted to killing Cindy Gladue. Cindy Gladue died in a hotel room on June 22, 2011, after a terrible injury to her pelvic region, and she bled to death. Barton had paid her for sex, both on the night of her death and the previous evening, and argued that her injury was the result of rough sex. He was acquitted in 2015 of first-degree murder and manslaughter, but in 2017, Alberta's Court of Appeal overturned the verdict and ordered a new trial. In their decision, Alberta's judges stated that the trial judge had made mistakes in procedure during Barton's trial by not invoking rape-shield law and by not properly instructing the jury, as reporter Justin Brake explains, "who heard through-

out the trial that Gladue was both Indigenous and a sex industry worker.... 'The trial judge ought to have addressed the repeated references to Gladue as a 'Native' girl and 'prostitute' to overcome the real risk of reasoning prejudice,' the judges wrote."^{HHH} In addition, the presentation of her pelvis during the trial represents "her last indignity," as Christa Big Canoe, lawyer, writes:

What I cannot understand is why it was necessary for two medical professionals to demonstrate their theories and opinions in front of the jury using the human remains of the victim. Cindy Gladue was a mother. Cindy Gladue was a daughter. Cindy Gladue was a Cree woman. Cindy Gladue was a human being regardless of her profession as a sex worker.^{III}

"They were my street family": Searching for Security

In the face of ongoing sexism, discrimination, racism, and violence within a justice system that continues to deny their rights, Indigenous women, girls, and 2SLGBTQQIA people involved in the sex industry continue to resist a system that denies their value, wisdom, and strength, as well as the protections afforded to them as rights holders.

In describing their relationships with each other, Indigenous women, girls, and 2SLGBTQQIA people involved in sex work talked about the strategies they use to enhance safety in the absence of protection from police: taking down licence plates, checking in with each other, "spotting," creating a record of bad dates, passing on knowledge about how to be safe, and creating and participating in advocacy.^{JJJ} These strategies – and the relationships fostered therein – become a way for Indigenous women themselves to insist on their right to protection, love, and well-being, even while these rights are being denied them by the state.

The relationships described among Indigenous women, girls, and 2SLGBTQQIA people in the sex industry also challenge and resist colonial policies, such as those enacted through the child welfare system, that seek to undermine and destroy the structure of the family in Indigenous communities. While many of those involved in the sex industry are currently or



have been previously removed from their families and taken into the foster and child welfare system, Indigenous people working in the sex industry told the National Inquiry about the “families of the heart” they nurture and that offer protection, love, and connection.

For example, in describing her experience as a sex worker in Vancouver’s Downtown Eastside during the 1990s, Cee-Jai J. testified about the important role her “street family” played in caring for each other: “They were my street family. We’re all hurting, but yet we had each other. Each of us started to spot each other, which car would pull up – seeing the headlights, trying to remember the licence plate numbers. They’d get in, says, ‘I’ll be back.’ Trying to watch out that they come back.”^{KKK}

The depth of these relationships and their role in ensuring safety and justice are also demonstrated by descriptions provided by women who no longer work in the sex industry but who continue to take on this “familial” role. Jamie L. H. shared:

I go down to the Low Track, we call it, north of Hastings in the industrial area. And I visit my friends down there who are, you know, still working. And you know, make sure they’re okay and just talk about issues. And they give me information that I can use to, you know, raise politically, because they’re not political.^{LLL}

Monique F. H. stated:

I still do that. I still talk to the girls on the street, if I see a young girl working I go give her condoms, of course, because that’s what I do. I do HIV education and prevention. I give them condoms and I talk to them and tell them that they’re loved because a lot of them don’t feel that. A lot of them don’t feel that love.^{MMM}

Lanna Moon Perrin spoke about how sex workers are often responsible for protecting each other in the absence of the police.

Sex workers aren’t pro-trafficking. That’s something we need to make clear. And, when trafficking is happening, a sex worker is the first person to call that.... It’s very, very often that one sex worker will help another sex worker get away

from a pimp without assistance of police. That happens a lot, you know? ... So, yes, I really think that sex workers, we can empower each other. We are anti-trafficking and we need more of the support – more support from our communities to be able to support ourselves as sisters.^{NNN}

Recognizing Experience and Expertise, and Redefining Justice and Security

Beyond offering a model of relationship where Indigenous women, girls, and 2SLGBTQQIA people are recognized as worthy of love, protection, and rights protections, the practices and principles upon which these safety-related encounters among sex workers are based offer important teachings for what justice in the context of Indigenous women working in the sex industry looks like. To be sure, the truths offered by Indigenous families and survivors provide many teachings about justice in the context of Indigenous women, girls, and 2SLGBTQQIA people and sex work, sexual exploitation, and trafficking.

First, witnesses made clear that justice and security depend on recognizing and honouring the agency and expertise held by women themselves to create just communities and relationships. As Diane Redsky shared, in speaking of the learnings of the National Task Force on Sex Trafficking of Women and Girls in Canada, “Survivor-led initiatives are essential. You can’t do and shouldn’t do any work at all unless you have a survivor beside you, unless there is a survivor voice at the table, because nobody knows more, nobody knows better than a survivor. And so their role is critically important.”^{OOO}

While sharing their experiences and insights during a truth-gathering meeting at WISH Drop-In Centre, Indigenous women, trans, and 2SLGBTQQIA people currently working in the sex industry in Vancouver’s Downtown Eastside similarly emphasized the importance of others’ recognizing their expertise in determining the services and supports that would enhance safety and justice. These include having access to safe spaces to engage in sex work; access to other services, such as health care, counselling, addictions services, and legal services; opportunities and spaces in which to learn and practise traditional



culture and language; and improved response from the police in recognizing the knowledge held by sex workers.^{PPP}

Madison D. provided a more specific description of what this type of support would look like.

I really feel there should be a place for, like, workers to go to, like, a place for them to live and, like, a space for them to, like, find clothes and, like, toiletries, and like, feel human again. You know what I mean? Because when you're a worker, you don't got a lot. Sometimes you'll be working in two outfits and you'd have that for a week to wear, and it's hard. You lose everything from, like, so many things, from, like, the johns or, like, the pimps and stuff like that.^{QQQ}

Second, witnesses also made clear that justice and security cannot exist only at the individual level; justice and security for Indigenous women, girls, and 2SLGBTQQIA people involved in the sex industry can occur only when the systems that foster justice and security do so equally for all.

For example, in describing her own experience of facing prostitution-related charges within the justice system, Jamie L. H. noted that while her own charges were dropped, she recognized that her individual experience was not guaranteed to members of her broader community: "So, on a personal level, you know, I was happy [on getting charges dropped]; but the outstanding issue of safety and life, liberty and security for women and girls and Aboriginal women and girls and men on the street, it's still ... outstanding."^{RRR}

Until the systems and relationships within those systems are such that they recognize the collective bias that exists, justice remains absent for Indigenous women, girls, and 2SLGBTQQIA people. In maintaining her commitment to the collective community, Jamie L. H. demonstrates the fundamental values of responsibility and connection to the bigger community as central to encounters aimed at strengthening protections for those in the sex trade.

Third, in speaking about the challenges in their own community, sex workers and/or those who have experienced sexual exploitation and/or trafficking draw attention to the structural and socio-economic

barriers that need to be addressed in order to create justice so that sex work is not the only means of meeting one's basic needs. Lanna Moon Perrin shared this observation:

You know, I have heard a lot of people talking about abolishing prostitution and sex work, and that's a great idea in theory, but if we're going to abolish sex work, we need to abolish poverty, we need to abolish homelessness and we need to make sure that our nutritional needs are met. And then once all of that's taken care of, then maybe we could start talking about other things like abolishing sex work.^{SSS}

Mary Fearon explained that the social isolation that comes with the stigmatization of sex work can become a barrier to accessing the services and supports necessary to exit the sex trade.

So, there's a lot of social isolation that participants talk about, too, that they really don't have access to supports, and we heard that a couple of times. People are in the work, and when they're ready to get out, they don't know where to access the support and community that understands the work that they do.^{TTT}

Witnesses discussed the need for solutions and programs that recognize healing relationships among Indigenous women, girls, and 2SLGBTQQIA people. They contended that the justice and other systems must work to address structural barriers within the context of a deep commitment to new relationships.

Jackie Anderson, a Métis woman who works with youth survivors of sexual exploitation and trafficking at Ma Mawi Wi Chi Itata Centre in Winnipeg, explained some of the barriers to helping Indigenous youth that her organization faces, due to the restrictions associated with their grant funding. For instance, she described how a lack of secure multi-year funding is a major barrier to success for programs that work with young survivors of sexual exploitation and trafficking.

I can't emphasize enough at the end of the day the importance of funding, because when you're – when you're a victim and you're accessing services for healing, this doesn't happen overnight. And for many, it takes many, many attempts



before they've found the right resource or the right program or the time in their life to make that change. So when we have these pilot projects that are funded for, you know, one year, two years, three years, that doesn't help, you know, those that need it the most because, you know, even for a survivor, surviving – the survival is forever. You know, going to a program for one year, three years, and saying, "Okay, you're done," or "We don't have the funding anymore," often puts people back in distress.

So I can't emphasize enough at the end of the day how important it is that we're looking at sustainable funding to Indigenous led organizations that incorporate the importance and value of hiring those with lived experience.^{uuu}

“I hold out hope”: A New Vision for the Future

Collectively, the truths shared by the families of those people missing and murdered while involved in the sex trade, as well as the truths offered by those previously or currently involved in the sex industry and those who are survivors of sexual exploitation and trafficking, challenge dominant attitudes, systems, and practices that seek to render these Indigenous women, girls, and 2SLGBTQQIA people powerless or unworthy of protection and justice. Instead, witnesses offered a reminder that by valuing the agency and expertise held by those with lived experience in the sex industry, it is possible for systems to be created that recognize and foster the lives of Indigenous

women, girls, and 2SLGBTQQIA people involved in the sex industry as worthy of protection, safety, and love. Jamie L. H. offered the following vision of relationship that focuses on safety and responsibility.

And you know, I would hope a recommendation would come out that – you know, I don't want to get into any sort of arguments about abolition versus decriminalization. I'd like to reframe the argument, that this is about safety and what all of us want on all sides of the fence, is that we want safety and our people to be free of violence, and not to have predators come down and roam freely, targeting them for violence. So, I think we can get there. I really do.

And I'd like to see just – I don't want to hear about any more Aboriginal women and boys, Two-Spirited, trans people, going missing or being murdered. And their life being taken, their life force being taken when they have so much to give yet. And surely we don't live in a society that just abandons its most needy, its most vulnerable. We have to continue to fight those battles and I think – I hold out hope. You know, my mother always used to say to me, never give up hope. And I know the struggles that many of you Aboriginal Elders went through in the day, to advance the Aboriginal issue. And I learned that first-hand from my mother. And so, I know change happens; it happens slowly. But we have to, as you say, Chief Commissioner Buller, we have to never [leave] anyone behind, and we must never forget. We must never forget that every life is worth – is of value.^{vvv}

Findings:

- Policing services struggle to effectively respond to cases of human trafficking, sexual exploitation, and violence against women and 2SLGBTQQIA people in the sex industry. The detection of offenses such as human trafficking and sexual exploitation is difficult, compounded by difficulties in investigating and prosecuting these crimes. Current laws, including those regarding sexual exploitation and human trafficking, are not effective in increasing safety overall for Indigenous women, girls, and 2SLGBTQQIA people because those laws do not acknowledge power imbalances and social stigmas.
- Indigenous women, girls, and 2SLGBTQQIA people in the sex industry do not trust police services to keep them safe, due to the criminalization of their work and the racial and sexual discrimination they encounter, as well as the social stigma attached to the sex industry, in general.
- The rights to safety and security of Indigenous women and 2SLGBTQQIA people in the sex industry are not being recognized and protected.



- A Hunt, "Representing Colonial Violence."
- B Amnesty International, *No More Stolen Sisters*; Farley and Lynne, "Prostitution of Indigenous Women"; Hunt, "Representing Colonial Violence."
- C Assistant Commissioner Joanne Crampton, Mixed Parts 2 & 3, Public Volume 15, St. John's, NL, p. 40.
- D Diane Redsky (Shoal Lake 40 First Nation), Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, pp. 74–75.
- E Lanna Moon Perrin (Anishinaabe), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, p. 80.
- F Dr. Robyn Bourgeois (Cree), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, pp. 26–27.
- G Diane Redsky (Shoal Lake 40 First Nation), Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, p. 77.
- H Dr. Allan Wade, Mixed Parts 2 & 3, Public Volume 14, Winnipeg, MB, p. 75.
- I Ferris, "Working from the Violent Centre," 17.
- J Assistant Commissioner Joanne Crampton, Mixed Parts 2 & 3, Public Volume 15, St. John's, NL, p. 75.
- K United Nations, "Human Rights and Human Trafficking"; Ontario Women's Justice Network, "The Law and Human Trafficking in Canada."
- L Ibrahim, "Trafficking in Persons in Canada, 2016," 3.
- M Ibid.
- N Ibid., 5.
- O Assistant Commissioner Joanne Crampton, Mixed Parts 2 & 3, Public Volume 15, St. John's, NL, p. 76.
- P Ibrahim, "Trafficking in Persons in Canada, 2016."
- Q Assistant Commissioner Joanne Crampton, Mixed Parts 2 & 3, Public Volume 15, St. John's, NL, p. 81.
- R Assistant Commissioner Joanne Crampton, Mixed Parts 2 & 3, Public Volume 15, St. John's, NL, p. 83.
- S Hunt, "Representing Colonial Violence," 35.
- T Lanna Moon Perrin (Anishinaabe), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, pp. 86–87.
- U Mary Fearon, Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, pp. 128–129.
- V Diane Redsky (Shoal Lake 40 First Nation), Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, pp. 79–80.
- W Mealia Sheutiapik (Inuit, Frobisher Bay), Mixed Parts 2 & 3, Public Volume 16, St. John's, NL, p. 10.
- X Diane L. (Wolf Clan, Little Salmon Carmacks First Nation), Part 1, Public Volume 2, Whitehorse, YT, p. 87.
- Y Bernie W. (Haida/Nuu-chah-nulth/Coast Salish), Part 1, Public Volume 115, Vancouver, BC, p. 12.
- Z Alaya M. (Sandy Bay Ojibway First Nation), Part 1, Public Volume 13, Winnipeg, MB, p. 13.
- AA Alaya M. (Sandy Bay Ojibway First Nation), Part 1, Public Volume 13, Winnipeg, MB, pp. 13–15.
- BB Sethi, "Domestic Sex Trafficking," 60.
- CC See NWAC, "Boyfriend or Not."
- DD Sethi, "Domestic Sex Trafficking," 60–61. See also Native Women's Association of Canada, "Trafficking of Indigenous Women," 6–9.
- EE Mary Fearon, Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, p. 115.
- FF Mary Fearon, Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, p. 123.
- GG Monique F. H. (Cree), Part 1, Public Volume 17, Membertou, NS, p. 92.
- HH Doris G. (Cree, Driftpile First Nation), Part 1, Statement Volume 79, Edmonton, AB, p. 9.
- II Lanna Moon Perrin (Anishinaabe), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, p. 77.
- JJ Lanna Moon Perrin (Anishinaabe), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, p. 82.
- KK Doris G. (Cree, Driftpile First Nation), Part 1, Statement Volume 79, Edmonton, AB, p. 30.
- LL Lanna Moon Perrin (Anishinaabe), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, p. 187; See also Ferris, "Working from the Violent Centre."
- MM Diane Redsky (Shoal Lake 40 First Nation), Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, p. 79.
- NN Ferris, "Working from the Violent Centre."
- OO Rotenberg, "Prostitution Offenses in Canada."
- PP Ibid.
- QQ Ibid.
- RR Dr. Robyn Bourgeois (Cree), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, pp. 35–38.
- SS Dr. Robyn Bourgeois (Cree), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, p. 52.
- TT Dr. Robyn Bourgeois (Cree), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, p. 48.
- UU Danielle B. (Métis), Part 1, Statement Volume 91, Edmonton, AB, pp. 11–12.
- VV Lanna Moon Perrin (Anishinaabe), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, pp. 205–206.
- WW Farida Deif, Part 3, Public Volume 9, Toronto, ON, p. 90–91.
- XX For a detailed analysis of the impact of Bill C-36, see Belak and Bennett, "Evaluating Canada's Sex Work Laws."
- YY Jamie L. H. (Indigenous/Irish), Part 1, Public Volume 78, Vancouver, BC, p. 8.
- ZZ Chief Danny Smyth, Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, pp. 13–14.



- AAA Jamie L. H. (Indigenous/Irish), Part 1, Public Volume 78, Vancouver, BC, p. 9.
- BBB Frances N. (Carcross First Nation), Part 1, Public Volume 1, Whitehorse, YT, p. 23.
- CCC See also, for example, Frances N. (Carcross First Nation), Part 1, Public Volume 1, Whitehorse, YT, p. 23; Diane L. (Wolf Clan, Little Salmon Carmacks First Nation), Part 1, Public Volume 2, Whitehorse, YT, pp. 88–89.
- DDD Diane L. (Wolf Clan, Little Salmon Carmacks First Nation), Part 1, Public Volume 2, Whitehorse, YT, p. 89.
- EEE Diane L. (Wolf Clan, Little Salmon Carmacks First Nation), Part 1, Public Volume 2, Whitehorse, YT, p. 90.
- FFF Diane L. (Wolf Clan, Little Salmon Carmacks First Nation), Part 1, Public Volume 2, Whitehorse, YT, p. 100.
- GGG Diane L. (Wolf Clan, Little Salmon Carmacks First Nation), Part 1, Public Volume 2, Whitehorse, YT, pp. 100–101.
- HHH Brake, “Mohawk lawyer says Gladue case before Supreme Court important for Indigenous women’s fight for justice.”
- III Big Canoe, “Cindy Gladue suffered her last indignity.”
- JJJ Jamie L. H. (Indigenous/Irish), Part 1, Public Volume 78, Vancouver, BC, pp. 7–8, 11; Monique F. H. (Cree), Part 1, Public Volume 17, Membertou, NS, p. 93.
- KKK Cee Jai J. (Beaver Clan, Nak’azdli Whut’en, Carrier Nation), Part 1, Public Volume 39, Thunder Bay, ON, p. 23.
- LLL Jamie L. H. (Indigenous/Irish), Part 1, Public Volume 78, Vancouver, BC, pp. 7–8.
- MMM Monique F. H. (Cree), Part 1, Public Volume 17, Membertou, NS, p. 93.
- NNN Lanna Moon Perrin (Anishinaabe), Mixed Parts 2 & 3, Public Volume 17, St. John’s, NL, p. 260.
- OOO Diane Redsky (Shoal Lake 40 First Nation), Mixed Parts 2 & 3, Public Volume 18, St. John’s, NL, p. 87.
- PPP These suggestions were gathered during an informal meeting held at a drop-in centre on November 22, 2018, with representatives of the National Inquiry and Indigenous sex workers currently working in the Downtown Eastside of Vancouver.
- QQQ Madison D. (First Nations), Part 1, Statement Volume 257, Moncton, NB, p. 15.
- RRR Jamie L. H. (Indigenous/Irish), Part 1, Public Volume 78, Vancouver, BC, p. 32.
- SSS Lanna Moon Perrin (Anishinaabe), Mixed Parts 2 & 3, Public Volume 17, St. John’s, NL, p. 77.
- TTT Mary Fearon, Mixed Parts 2 & 3, Public Volume 17, St. John’s, NL, p. 124.
- UUU Jackie Anderson (Métis), Part 2, Public Volume 3, Calgary, AB, p. 100.
- VVV Jamie L. H. (Indigenous/Irish), Part 1, Public Volume 78, Vancouver, BC, pp. 39–40.



Other Investigative Issues

Throughout the search for a missing person and/or the aftermath when that person is found deceased, families, friends, and loved ones also engage in relationship with various representatives of the police force and criminal justice systems, including first-responding officers, investigators, coroners, and other support people, such as victim services workers. In speaking of their experience during an ongoing investigation, family members again described strained relationships with those supposedly involved in the investigation of the disappearance or death of their loved one.

For example, in his testimony, Paul T. spoke about how his missing sister, Amber, was erroneously removed from the RCMP's missing person's list while she was still missing, and then about how his mother spent a month getting her back on.⁷³ Dolores S. and Laura A. described serious flaws in the investigation of the murder of their loved one, Nadine, including the destruction of evidence and a 60-hour delay in the police response to the crime scene.⁷⁴ And Lily S. described what it was like to learn that her mother's missing person police file, along with the only photos Lily had of her mother, Viola, was accidentally destroyed by an Ontario Provincial Police detachment – something Lily found out only after persistently asking to see the file.⁷⁵

In addition to these very specific problems for which families have little recourse, family members shared countless stories of their attempt to contact the investigative officer, the coroner, or the police to seek out information, and of never receiving a call back in return, being told information was unavailable, or even, in some cases, being threatened if they were to continue to seek information. In her testimony as an institutional witness, senior policy analyst with the Policy Centre for Victim Issues Naomi Giff-MacKinnon talked about some of these barriers.

So some of the barriers that families have identified in terms of accessing information about their loved one are – are – there are many intersecting challenges. One is uncertainty about what information might be available, given some of the historical events that families have experienced. Families have talked about the uncertainty about where to gather the information, which agency would hold the information they're seeking. Families are also seeking information from multiple agencies and departments and navigating the access to information or any – any information request procedures across those agencies could be very difficult. At the same time, many families live in a jurisdiction that is different from where their loved one went missing or was murdered, and that can create another layer of – a barrier for access to information for families as well.⁷⁶

Oftentimes, action on the investigation again is dependent on family members' securing the assistance of a well-connected or vocal advocate who is able to spur the police into action or access information. For the many families who may not be able to secure this type of support, or for whom becoming a vocal or adversarial advocate may not be safe, access to information about the investigation – and even where the investigation stands – is uncommon.



As the National Inquiry heard from both family members and representatives of the criminal justice system, victim services programs can often play an instrumental role in building relationships that support Indigenous families in navigating the criminal justice system and the investigative process. These programs are supposed to provide the support and guidance necessary, and to act as a liaison between family members and the criminal justice system. It was clear that when these services are available, and families are connected with skilled workers, these can be effective means of easing the investigative process and ensuring a better relationship.

In her testimony, Carol W. spoke about her initial encounter with a victim services worker who went on to become an ally and advocate for Carol over the course of the next five years as she searched for her daughter, Karina.

I did not know or trust [the victim services worker], but she just kept showing up, sometimes three times a week, to give me updates and just to see how I was doing. Communication was slow as most of the time there was no interpreter, but – when we would sit and talk or when I would receive an update from the police. Like I said, I did not trust her, but she just kept showing up. Slowly I began to trust her and realized she was there to help me.⁷⁷

At the same time, the varying degrees of availability, training, access, and resources available to victim services programs, as well as of the frequency with which proper referrals are made by the RCMP or responding police force to victim services, mean that access to this type of support is inconsistent.⁷⁸

More recently, in response to this need for improved access to information for families of missing and murdered Indigenous women and girls, funding was provided in 2016 to establish Family Information and Liaison Units (FILUs) in each province and territory in Canada.

Naomi Giff-MacKinnon said about the importance of families' having access to accurate information about their missing and murdered loved one:

Victims and survivors across Canada have talked very openly and frequently about the importance of having information about ... the person who harmed them, as a victim or survivor, as well as about – general information about how systems work, as well as how decisions are made within that system. So for families, having accurate up-to-date information about their loved one and ... about all of the information that they're seeking about that experience can be a part of their healing journey moving forward.⁷⁹

According to Giff-MacKinnon, the FILUs “were established in response to the many systemic and institutional barriers that the families had described in seeking information about their missing or murdered loved one.”⁸⁰ This mechanism aims to provide a more accessible and supportive approach to providing information about the circumstances and investigations of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. Overall, though, the greatest barrier that Giff-McKinnon reports families talking about is the level of mistrust that exists with agencies who have the information they want.⁸¹



DEEPER DIVE

The Need to Reform Law Enforcement to Increase Safety

In sharing their truths, families, friends, and other supporters of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people spoke at length about their encounters with the justice system and, particularly, with the police. During its Expert, Knowledge Keeper, and Institutional Hearings, the National Inquiry also heard extensive testimony presented by members of the Royal Canadian Mounted Police (RCMP), various provincial and municipal police forces, and First Nations police forces. Policing representatives presented evidence related to a variety of topics, including Indigenous–police relationships; policies and procedures for investigations of missing persons and other major crimes; recent initiatives to address concerns related to investigations involving missing and murdered Indigenous women, girls, and 2SLGBTQQIA people; and challenges and barriers to policing, especially in northern and remote communities.

In this Deeper Dive, we take a closer look at the testimony presented by policing representatives to understand what police agencies indicate they are doing to address some of the concerns we have raised throughout this report. Specifically, examining what police agencies shared with the National Inquiry allows for an assessment of where the opportunities for improving relationships and outcomes may lie. It also allows for the identification of ongoing challenges and issues rooted in a difference between what law enforcement thinks it is doing and what witnesses have experienced, which can enable law enforcement to take the lead from those who hold the most experience and expertise, and who are most affected by what law enforcement agencies do – and don't do – within the context of the cases of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people.

Acknowledging Previous Harms

During the National Inquiry's Institutional and Expert and Knowledge Keeper Hearings, a number of policing representatives offered apologies and acknowledgement of past wrongdoings in police treatment and relationships with Indigenous Peoples. The commissioner of the RCMP, Brenda Lucki, began her testimony by issuing an apology on behalf of the RCMP for its failures in providing adequate policing to Indigenous Peoples and, in these failures, contributing to violence against Indigenous women and girls.

On behalf of myself and my organization, I am truly sorry for the loss of your loved ones and the pain this has caused you, your families, and your communities. I'm sorry that, for too many of you, the RCMP was not the police service that it needed to be during this terrible time in your life. It is very clear to me that the RCMP could have done better, and I promise to you we will do better. You are entitled to nothing less than our best work in your communities. I believe it's never too late to do the right thing, and I want this apology to be just one more step in the RCMP's commitment to reconciliation.^A

In addition to Commissioner Lucki, Chief Superintendent Mark Pritchard of the Ontario Provincial Police,^B Chief Danny Smyth of the Winnipeg Police Service,^C and Chief Joe Boland of the Royal Newfoundland Constabulary^D also acknowledged that, in the past, policing services have been inadequate in their response to the needs of Indigenous women, girls, and 2SLGBTQQIA people and their families, and that the questions and concerns of Indigenous people and families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people are understandable and valid.



Accompanying these acknowledgements of past harm, various policing representatives expressed their commitment to improving the relationship between the police and Indigenous Peoples, and to improve their handling of missing and/or murdered Indigenous persons' cases. RCMP Commissioner Brenda Lucki spoke about the importance of making changes in collaboration with Indigenous Peoples.

I was just struck by some of the comments this morning and about working together. Like one of the chiefs talked about working on your own family, but then also the community. And we can't honestly – if I knew that we could do it on our own, I would. But I know we can't do it on our own and we're only as good as how we work with the community and how well we work with the community. And I think – you know, if we honestly think we've got it figured out, then shame on us. And if this Inquiry has taught me anything, it's about making sure that we are prepared to make change and make positive change for the communities, and for everybody, Indigenous and non Indigenous.^E

Commissioner Lucki also made a commitment to listening to the needs of the families of missing and murdered Indigenous women, girls, and 2SLGBTQIA people in her position as the head of the RCMP: "These hearings have provided families with an opportunity to tell their truths, and I am listening, and I will continue to listen throughout my tenure as the commissioner."^F

However, some policing representatives were less willing to acknowledge actions or behaviours that could be harmful to Indigenous people and families. For instance, when questioned about why the Sûreté du Québec did not order its officers to stop wearing a bracelet that many Indigenous Peoples and others interpreted as offensive because of its implied support for eight officers who were suspended due to their treatment of Indigenous women,^G Capitaine Paul Charbonneau observed:

At the same time, I'd like to draw your attention to the fact that the community sees it that way, but for the officers, wearing is ... it's because the band is not only worn in the region of Val d'Or. I would say it's worn pretty much throughout the province. I have personally seen police officers

circulate in some units far from Val d'Or wearing this, or carrying it, on their vests. For police officers, wearing it doesn't mean in any way ... in any way ... that we endorse these allegations. It's more of a show of support from the entire Val d'Or unit, who suffered the repercussions of the events of Val d'Or, because it was difficult for the morale of the police officers.^H

Acknowledgement of past harms and commitment to change seemed to be a step in the right direction. As Daniel Bellegarde, director of the Canadian Association of Police Governance, commented:

In our self-administered policing services, we do have a group of chiefs of police changing the culture of policing in our communities, people like Chief of Police Zacharie from the Kahnawake Police Service or the Peacekeepers, Chief of Police Leonard Busch from the File Hill First Nations Police Service, Chief of Police Head in Dakota Ojibway Tribal Council, Chief of Police Melting Tallow from the Blood Tribe Police, and so on. So, it's changing. Is it changing enough? Is it changing as quickly as we want to change it? I think we're doing the best that we can from all areas, from urban policing, the RCMP and from self-administered policing services.^I

Nonetheless, policing representatives from national, federal, municipal, and First Nations police forces also acknowledged that enacting this commitment to change will require addressing many challenges that persist related to policing in Indigenous communities, and specifically related to the issue of missing and murdered Indigenous women, girls, and 2SLGBTQIA people.

Existing Police Policies and Protocols

In presenting evidence to the National Inquiry, policing representatives from various police forces, including the RCMP, were clear that comprehensive policies and procedures were in place and were continually being updated to ensure a standard and consistent process for police response to missing persons' reports and other major crimes, such as sudden death and sexual assault involving Indigenous Peoples. In addition, representatives of



various police forces spoke in detail about recent updates to these policies and procedures for managing missing persons' reports in relation to Indigenous Peoples. These recent updates were initiated as a response to calls for change from grassroots activists, the Truth and Reconciliation Commission (TRC), and the National Inquiry's *Interim Report*, and in anticipation of presenting evidence at the National Inquiry. In this section, we review testimony related to the policing policies and procedures related to working with Indigenous Peoples and the specific cases of missing or murdered Indigenous women, girls, and 2SLGBTQIA people.

Policies and Relationship Building

Representatives of the RCMP, as well as various provincial and municipal police forces, identified a number of policies outlining the commitment of their organization to working with Indigenous people.

In her testimony, RCMP Commissioner Brenda Lucki identified Indigenous communities as one of five "strategic priorities" set out in the RCMP's Strategic Priorities document. Commissioner Lucki also explained that the RCMP's commitment to serving Indigenous communities is also outlined in what is called a "Mandate Letter" – a letter received by Commissioner Lucki that sets out government expectations of her role as the head of the RCMP. As she explained, in the Mandate Letter, work with Indigenous communities focuses on two specific areas.

First, about enhancing our role and in reconciliation with Indigenous people, and bolstering the efficacy, the credibility, and the trust upon which the RCMP's authority depends. And, it [the Mandate Letter] also talks about renewed Nation-to-Nation relationships with Indigenous Peoples based on the recognition of rights, respect, cooperation, and partnership given the current and historical experiences of Indigenous Canadians with policing and the justice system.^l

In order to facilitate its work with Indigenous communities, the RCMP emphasizes the roles of collaboration, partnering, and relationship building with Indigenous Peoples. The National Inquiry heard

about a number of policies and protocols currently in place that police representatives pointed to that facilitate this relationship building. One of these is that of the policy on "bias-free policing," which, as Commissioner Lucki explains, stands as

a fundamental principle that governs the delivery of our services and employment practices to ensure that we provide equitable policing services to all people while respecting diversity without abusing our authority regardless of race, colour, religion, gender/sexual orientation, age, mental/physical ability, citizenship.^k

As Commissioner Lucki explained, bias-free policing extends to hiring and employment practices as well.^l

At the level of senior management, collaboration and consultation with Indigenous communities also occur through a number of other measures outlined by Commissioner Lucki, including:

- the Commissioner's National Aboriginal Advisory Committee: a committee established in 1990 "to provide the Commissioner strategic advice and cultural perspective on matters pertaining to the delivery of policing services in Indigenous communities";^m
- the Relationship Building Protocol: a Memorandum of Understanding between the Assembly of First Nations (AFN) and the RCMP outlining "the role of the Assembly [of First Nations]" and the role of the RCMP, and "how ... [the two organizations will] work together";ⁿ and
- partnerships with National Indigenous Organizations (NIOs).^o

At the detachment level, one of the policies described by Commissioner Lucki to facilitate relationship building and collaboration between the RCMP and Indigenous communities is an Annual Performance Plan.

The plan starts in April of each year but consultation is done starting in January of the calendar year. Consultation with partner agencies, elected officials, schools, health services, social services, as well as Elders and internal consultation with



members as well. And, during that consultation phase, all the information is taken together, and the detachment commander with all the information that they are armed with will develop possibly three to five priorities for that community.^p

According to Commissioner Lucki, these plans are important because they ensure that the priorities set out by the RCMP reflect the priorities of community members.

And, it's important, the consultation, because what we may think is important in that community, because we may look at statistics and decide something is important, but we have consultation and the community will tell us what's important to them and the impact on them. So, we'll combine what's important to them and some of the statistics, and we'll find that happy medium to develop and plan for those priorities.^q

Representatives of provincial and municipal police forces cited similar initiatives aimed at strengthening relationships between police and Indigenous leaders and communities, such as the Saskatoon Police Service Chief's Advisory Committee, which involves a meeting with the chief of police and a group of Elders four times a year to identify and discuss policing-related issues in their communities. Clive Weighill, a retired chief of the Saskatoon Police Service, explained:

We meet every season, four times a year.... We meet in our headquarters, we have a cultural room that's vented so we can do smudges. We meet. We have a talking circle. We have a small feast, and then myself and my executive officers and several from the committee go out to Whitecap First Nation for a sweat. We do that, like I say, four times a year.... The chief's advisory has been very, very effective for us. Very frank when we have our meetings, you know, they hear what's going on in the community. We have some really good frank conversations, some very, very good advice from that chief's Advisory Committee.^r

Missing Persons and Major Crimes Policies and Protocols

In addition to these policies that outline the commitment and procedures for working with Indigenous communities, RCMP representatives provided an overview of the policies and procedures with specific relevance to missing and murdered Indigenous women and girls.

For the RCMP, the Truth and Reconciliation Commission provided the impetus for change. Commissioner Lucki pointed to the development of the Circle of Change committee as a response to the TRC's Call to Action to address violence against Indigenous women and girls. The Circle of Change committee, in Commissioner Lucki's words,

provides advice and guidance to the RCMP, but specifically on resources, policies, training, police tools, communication to better enable the RCMP to investigate, prevent, and address violence against Indigenous women and girls in those communities. The Change members are Indigenous leaders, subject matter experts in the areas of health, education, or social services, for example, as well as advocates for Indigenous people.^s

As an example of the work accomplished by the Circle of Change committee, Commissioner Lucki cited the development of an RCMP training module focusing specifically on investigations of missing and murdered Indigenous people.^t

In terms of the policies and procedures relevant to cases of missing and murdered Indigenous women, as well as other major crimes, such as sudden deaths or sexual assaults, Deputy Commissioner Brenda Butterworth-Carr identified the Major Case Management Policy as that which governs the oversight of the procedures of the investigation of any major crime. To ensure standard approaches at the national level, the National Investigative Standards Unit oversees the investigation of major cases. Other policies or tools identified to ensure standard responses to, and procedures for, the investigation of major crimes include the Service Standards Investigative Guides.



Cases pertaining specifically to missing persons also fall under the RCMP's National Missing Persons Policy, which, as Deputy Commissioner Butterworth-Carr explained, "clearly defines what a missing person is, how we are to ... do the analysis around missing persons, that we need to communicate with families, that there's a specific intake and assessment tool that we complete so we can capture as much information as possible in the first instance."^U

The National Missing Persons Policy is one part of a broader National Missing Persons Strategy that was developed in collaboration with families.^V

Other than from the RCMP, the National Inquiry also heard from representatives such as Chief Superintendent Mark Pritchard of the Ontario Provincial Police (OPP) and Retired Chief of the Saskatoon Police Service (SPS) Clive Weighill (who is also a past president of the Canadian Association of Chiefs of Police) about recent changes to various policies and procedures relevant to missing persons' cases, particularly missing Indigenous persons. As Chief Superintendent Pritchard explained, all missing persons' investigations in the OPP's jurisdiction are governed by the Missing Persons and Unidentified Remains Policy and Missing Persons Manual. The Missing Persons policy is one of 18 so-called critical policies with which officers are expected to be familiar. The Missing Persons Manual "help[s] guide officers when they're responding to and conducting a missing persons investigation. It serves as a reminder to them of the nuances and intricacies of investigation that's quite complex, that they may not do on a day-to-day basis."^W As Chief Superintendent Pritchard explained, policies such as these are important for a number of reasons.

It's to provide clear expectations to officers of what's expected of them when they're conducting investigations. It's to bring consistency from one end of the province to another, so we're all working off the same page. And, also, to provide accountability to ensure these investigations are done properly.^X

In his testimony, Chief Superintendent Mark Pritchard also spoke about how new measures included in the *Missing Persons Act*, 2018 will address some of the previous challenges in accessing information in some missing persons' cases.^Y He explained that once in force, the *Missing Persons Act*, 2018 will "provide

police with tools that they can use, mostly related to technology.... So, you will be able to apply for an order to – for instance, like Facebook, or Bell or Telus to provide information on their cell phone activity or social media activity. There could be orders of apprehension. So, it's really just a number of new tools in the toolbox so to speak." According to Pritchard, this type of legislation would be helpful across all provincial and territorial jurisdictions.^Z

In his testimony, Weighill highlighted the role of Victim Services Missing Person Liaisons and Aboriginal Victim Services officers who work specifically with cases related to missing persons and provide "out-reach to victims of Indigenous people for any crime, not just missing persons."^{AA}

Policies and Protocols Governing Communication with Families

Policing representatives speaking about the police response to cases of missing and murdered Indigenous women and girls acknowledged past criticism about their communication with families, and the need for better communication and information sharing. As Deputy Commissioner Butterworth-Carr explained:

Certainly we've heard continuously the importance of communicating with families and, you know, wanting to ensure that we're providing timely updates. And, you know, really it's about understanding the frequency which our families want to hear, because sometimes it can be frustrating when we don't have a lot of new information as it pertains to the investigation.^{BB}

To that end, policing representatives identified a number of policies and protocols that have been established with the express purpose of setting out standard procedures for family communication. One of these is a form called the RCMP Complainant/Family Communication Schedule, which is to be completed with the RCMP representatives and family members to ensure a mutually agreed-upon communication schedule.^{CC} Another tool identified specifically for providing information to families is the Family Guide to the National Missing Persons DNA Program, which provides families with information related to DNA collection and the purposes of doing so.^{DD}



Chief Superintendent Pritchard talked about how, since the publication of the National Inquiry's *Interim Report* and its identification of the challenges families face in communication with police, the Ontario Provincial Police has undertaken steps to improve its communication plan with families. These improvements are to be informed by a consultation process with family members of missing or murdered Indigenous women to identify better practices and to eventually develop and implement a plan that, as Chief Superintendent Pritchard explained,

serves as a – like a contract between the police and the families on how they're going to communicate, when they're going to communicate, by what means, who they're going to communicate to, who they're not going to communicate to, addressing the, you know, intricacies of fractured families, and they sit down with the family and they draw this plan up together working with them. They give them a copy of it, they tell them, when the need arises, if they need it to be changed, it can be changed, that although it's an agreement, it's a fluid agreement.^{EE}

Another strategy the OPP highlighted to enhance communication is the Provincial Liaison Team, made up of 26 full-time members and 60 part-time members. In Chief Superintendent Pritchard's words, the purpose of the Provincial Liaison Team is to "respond to critical incidents involving Indigenous people or in Indigenous communities and act as the OPP's communicators to the community, to chief and council, or other services within the communities."^{FF}

In the case of a major crime investigation by the Saskatoon Police Service, Weighill pointed to a Family Toolkit that is used in conjunction with Victim Services to enhance communication with the family. This toolkit

walk[s] the family through, you know, a missing person's checklist, a communication log when they're going to work with the police, what they can expect from the police, what the police are going to expect from the family, what they can expect from social media, self-care for themselves, and Internet links and information that they might need as the family as they're working through it.^{GG}

While policing representatives believe that measures such as these may assist in improving communication between the police and the families of missing or murdered loved ones, they also emphasized that there remain many things to consider. RCMP Deputy Commissioner Brenda Butterworth-Carr identified some of the ongoing challenges in relation to communication with families, including: challenges that may arise in identifying a consistent family contact when family members may be spread out across the country or have changing relationships; challenges that may arise in cases where a family member may be the perpetrator or suspect; and challenges related to the need to protect the integrity of the investigation, and how this may place limits on the nature and scope of information that can be shared with family members.^{HH}

Police Perspectives on Other Issues Identified in Testimony

During their presentation of evidence, policing representatives spoke about a number of concerns often raised by the families of missing and murdered Indigenous women and girls that have created confusion and harm, including many that are cited in other parts of this *Final Report*.

1. Waiting period before reporting a missing person

During the Truth-Gathering Process, family members often spoke about being told or understanding that it was necessary to wait a certain period of time (often 24 hours) before making a missing persons' report. In some cases, witnesses shared testimony in which police officers had directly informed them of this requirement.

The RCMP and various provincial and municipal police who spoke at the National Inquiry were clear that there is no required waiting period to report a missing person. In fact, as Deputy Commissioner Brenda Butterworth-Carr emphasized, the sooner families do this, the better.

If anything, we need the information as expeditiously as possible, because the moment it comes into, you know, the RCMP knowledge and jurisdiction, then we can do an immediate



assessment of it and then deploy the required resources. So, the sooner it comes into us, then the sooner we can be aware of it. And it doesn't matter which jurisdiction."^{II}

Chief Superintendent Mark Pritchard also confirmed that the Ontario Provincial Police does not require a necessary waiting period before reporting a missing person. As he stated:

No, it [the 24-hour rule] does not [exist under the OPP policy], and I don't believe it ever has. Researching back through our policies over the years, I didn't see that anywhere. I think that's a common misconception often perpetuated by American television shows, but I actually don't know of any police service that has that policy."^{JJ}

Representatives of other police forces also echoed this point that there is no waiting period and that response to a missing persons report is to be immediate, and failure to do so may be a violation of police policy. For instance, as Weighill stated:

I know in our policy, it's bolded that we'll take a report immediately. You do not send somebody home to check to see if they're at their uncle's house or their aunt's house or wait 24 hours. If somebody comes in to – or reports to a police officer that somebody is missing, we take that report immediately."^{KK}

2. The requirement to treat all sudden deaths as suspicious

During the Truth-Gathering Process, family members also spoke about situations where, in the case of the death of a loved one, they felt that suspicious circumstances surrounding that death were ignored, or that an investigation into the circumstances of the death was not comprehensive.

Deputy Commissioner Butterworth-Carr stated that, under all circumstances, all sudden deaths are to be treated as suspicious.

A sudden death is an investigation which essentially [RCMP] members are called to or come to the RCMP's attention that a person is deceased. ... With the most recent policy that's been put in place, it's mandatory that all RCMP officers when

they're attending to a sudden death that they ... approach it as though it's suspicious in nature. It doesn't mean that it is, and that eventually ... it may not be, but that's how they immediately investigate."^{LL}

This fundamental principle is echoed in other policing policies, including the OPP Missing Person's Manual.^{MM}

3. Informing families of deaths

During the Truth-Gathering Process, family members described various ways they learned about the death of a loved one. In her testimony, Deputy Commissioner Butterworth-Carr offered some clarification about the RCMP's current approach to sharing this difficult news with family. As she explained, in most situations, the RCMP try to have two people visit the family of the deceased person's home, and endeavour to ensure that the primary person providing the notification has an understanding of the investigation so that they are able to answer any questions from the family. When providing notification, the Deputy Commissioner also affirmed, whenever possible, the officers providing the notification are to take the cultural needs of the family into account, if possible by having an Elder, an Indigenous support worker, or someone else from the community present. As Deputy Commissioner Butterworth-Carr explained, "In the smaller areas, it's a little bit easier because of the relationship that most of the police officers have with the community than in the urban/Aboriginal areas. You know, again, fairly well-connected, but we definitely take that into consideration where we're at."^{NN}

4. Fulfilling family requests to visit sites where a loved one passed

As many families indicated during the Truth-Gathering Process, being able to visit the location where a loved one's life ended or where their remains were found can be very important to healing. Speaking of the RCMP's response in British Columbia to such requests, Deputy Commissioner Butterworth-Carr pointed to chapter 41.3 of the RCMP Operational Manual titled "Human Deaths," and the "Next of Kin Death Notification Checklist," which reflects a recognition of the desire and need for families to visit the site where a loved one may have passed and/or to perform "any type of traditional ceremonies that they



may want to undertake at that specific location” and that this should be supported.^{oo}

In summary, in their discussion of policing policies and protocols, police representatives made the following general points: policing agencies across the country, including the RCMP, have very specific policies and protocols in place for how an investigation into the case of a missing person and/or other major crimes is to occur. Police officers are required to be familiar with and follow these policies. If they fail to do so, they can be subjected to various disciplinary measures.^{pp} Families or others who have questions or who feel that proper policies or procedures are not being followed are encouraged and able to file a complaint.^{qq}

While these appear to be positive steps, the discussion of police policies and protocols related to missing persons’ investigations and other police matters can be difficult to follow for someone with little familiarity with these types of documents or who may have other challenges in understanding complex policies that use specialized language. Furthermore, requesting more information about a policy or how to make a complaint often requires navigating what can be complicated systems and/or engaging in a conversation that may feel extremely risky or unsafe for the Indigenous person, depending on their unique experience and history. As testimony gathered from families and loved ones proves, these barriers continue to create challenges for them in that access to information is difficult, convoluted, and time-consuming. This is further complicated by the fact that the time within which families and survivors are seeking help from police is also a time of grief, mourning, and trauma.

Ongoing Challenges and Barriers to Safety

While the policies and protocols identified by senior policing representatives speaking at the National Inquiry provide a framework for a standardized response, especially in relation to situations involving missing or murdered Indigenous women, girls, and 2SLGBTQIA people, the goal of equitable and consistent police service in Indigenous communities and

for Indigenous people is often complicated or compromised by a number of factors. In this section, we look at some of the challenges and barriers that policing representatives identified in their efforts to provide adequate, culturally appropriate, timely, and equitable police services that meet the needs of Indigenous Peoples.

Challenges in Remote Locations

Police working in rural, remote, and northern communities identified distinct challenges related to these environments, including those created by geography, weather, difficulty in access, lack of resources, quality of infrastructure, and staff turnover and retention.

In his testimony, Kativik Regional Police Force Chief Jean-Pierre Larose spoke of the challenges to policing in Nunavik. First and foremost is the challenge of simply having enough officers to cover such a vast area. For example, he talked about the small number of staff in Nunavik.

We have 48 constables, seven patrol sergeants, two prevention officers, two liaison officers, one criminal intelligence officer, two sergeant-detective investigators and we have six employees, police officers who accompany me on the management team; the police chief who is myself, two deputy directors: one for operations and one for administration and civil security. And we have three master captains who are in charge of the three districts I mentioned to you: a captain in Kuujuaq, who represents Ungava Bay; a captain in Salluit, who represents Hudson Strait and the North; and a captain in Puvirntuk, who represents the west coast of Hudson Bay.^{rr}

Chief Larose also put staffing levels into perspective based on the level of crime.

First, in terms of criminal events in Nunavik for the year 2017, we had 11,083 criminal events for a population of 13,000. For comparison, just to give an example, I was in Longueuil in 2012, we had 18,000 criminal incidents a year for a population of 385,000. So, it’s extremely high.^{ss}



According to Chief Larose, this puts significant stress on police in these regions, who work very long hours, get little vacation, and are often forced to work in sometimes dangerous conditions with no backup.

It is clear ... that currently, we are out of breath. My police officers work on average 70 hours a week: this is not normal. There is extra time. It's not normal that I have to pay so much extra time and on a regular basis. Extra time is supposed to be exceptional.

Currently, our calls go directly to the police's portable radios and I do not have a 24-hour patrol in the communities. It therefore requires standby, as we call it. And sometimes the police, when they are out of service during the night, are called directly on their radio, they get dressed and answer calls. So, we are in 2018 and I think it is essential for the people of Nunavik to have adequate police services that meet the needs of this population who ... I tell you, we are extremely busy, I was told that I had a lot of courage to go north to run this police force there and that there was a lot of work.^{TT}

Nishnawbe-Aski Police Service (NAPS) Chief Terry Armstrong pointed to similar challenges as a result of a small number of police covering the Nishnawbe Aski Nation, a large territory in northern Ontario that is policed by the NAPS. As Chief Armstrong observed, it is not unusual that, on a given day, over half of the 24 remote communities NAPS polices had one officer or less working at a time.^{UU}

Chief Terry Armstrong echoed concerns about the impact of chronic understaffing and the dangers and stress associated with having officers working alone.

The consequence of not having a partner ... is the threat to public safety. The fact that, like I say, we had so few officers and the stresses that they go through working alone, it's putting people off and on sick leave. And, we have, out of that 24%, it's pretty much entirely PTSD.

Community, obviously, the risk with only one assigned officer, and we quite often find that chiefs and councils are helping the officers. They're working as backup and that's a safety issue in itself to the people in the communities. You know,

they're untrained and – they're willing to help on many occasions, but they're not trained, and as we know it, things are getting, you know, pretty dangerous at times and we're putting them in a position they could get hurt.

In addition, Chief Armstrong noted that understaffing limits the possibility of proactive policing focused on prevention and contributes to lengthened emergency-response times.^{VV}

In addition to these challenges are those associated with high rates of staff turnover and the impact this has on the ability of police who are not from the community to build relationships and trust with the community when they are only there for a short period of time. RCMP Commissioner Brenda Lucki discussed the policy related to "limited duration and isolated posts," where the length of time an officer might spend in one of these posts is based on a number of factors, including "the actual location, access by means of the way you travel to those locations, the population of the community, the post size or the amount – number of members at that community, the lack of amenities, educational facilities, health facilities and generally the quality of life."^{WW} Commissioner Lucki described both positive and negative aspects to this staff rotation.

I think from a community perspective, I think sometimes it's viewed as negative because they get used to a certain policing service by certain members, and then when those members leave it's tough on the communities. But I think, too, the positives are that with each member there is new policing practices brought to the community, a renewed energy, new ideas that they bring with them. So positive and negative are both, but I honestly think having renewed energy in the community is always good, especially [because] people learn different things from previous posting down south and then they can bring that to that community to solve community issues.^{XX}

Chief Jean-Pierre Larose also spoke about the importance of strengthening relationships between the police and community members in remote postings, but how the ability to do so is often compromised by high policing staff turnover.



And I say to my police officers: "Listen, yes, in the South, you leave, you have assignments, you have patrol areas, but that's not the case in Nunavik. I want you to get involved in the community. The patrol is secondary." They have to get involved in order to gain confidence and it is by participating in activities, going to meet the city council, meeting the hunters' associations, meeting the Elders, participating in activities in schools, etc. And it starts, I see it, a little, then they come to be appreciated.... On the other hand, I have a major problem: the turnover of my staff. There is an incredible staff movement. More than 50% of my staff have less than one year of experience in Nunavik. However, it is a wheel that turns continuously and it takes stability in our villages and it certainly takes this permanence for the relationship of trust to be established more and so that my police can take the time to integrate into the community.^{yy}

In addition to problems with staff turnover, witnesses speaking about policing in northern and remote communities also described challenges with retaining staff who have the policing experience necessary to address the often complex situations that occur in these communities. As Chief Jean-Pierre Larose explained, it is often young, inexperienced officers who take posts in these communities.

In fact, what I see is that they are young police officers who are almost fresh out of the National Police Academy. And currently, to the south, recruitment, regardless of years, happens on an important scale. And our police officers, when they arrive in Nunavik, I would say that one year of experience in Nunavik corresponds to about three years of experience. So, our police officers are highly recruited by the southern police services: they are police officers who have acquired a lot of experience in a short time in Nunavik, they are autonomous, they must be resourceful, to have initiative because we have very few resources. And we are a bit vulnerable, I must admit.^{zz}

In her testimony, Jacqueline Hansen, the Major Campaigns and Women's Rights campaigner with Amnesty International Canada, suggested that this model should be flipped on its head and it should be the most experienced officers who take up posts in these communities.

Young rookie officers coming out of Depot, going up north to do their time and then get a different posting, and, you know, very much the pattern we hear across the North. And really, a sense of these officers not being equipped to deal with really complex policing situations. And so, one of our recommendations is actually to flip it on its head, and instead of sending young officers who may not be equipped to deal with really complex challenges, may not have cultural competency training, to be sending experienced officers in. How do you make this a really desirable post? What are the incentives needed to do that, to have this be that, you know, when you're at a certain point in [your] career and you have the experience, that this is where you go because you have this experience?^{aaa}

In explaining the need for police with expertise and experience, Chief Jean-Pierre Larose and NAPS Detective Constable Alana Morrison described how other factors unique to remote communities can make standard policing response and investigative procedures more difficult. For example, Chief Larose described how, in major crimes investigations, where it is necessary to bring in specialized investigators from Montréal, there can be major delays related to transportation and weather that ultimately delay the investigation itself.

You have to understand that there was a procedure. Then, before calling the Major Crimes or the Centre de vigie et de coordination in Montréal to the Sûreté (CVCO), we had to go through the Kuujuaq office. It was an additional intermediary that increased the time it was taking. However, after discussions and all that, we managed to agree that from now on we are avoiding this intermediary and we are communicating directly with the CVCO of the Sûreté du Québec in Montréal, and I can tell you that I have experienced major events requiring their assistance in the last five months and it has still very much improved the response time, but there is no less than an average of 15 to 18 hours of waiting. What you have to understand is that we are police officers: when we are in a community of three police officers, that I have to protect the crime scene at -40, with blizzard conditions, it's not easy. We must protect the scene, we must wait for the arrival of the Sûreté du Québec, and of course, they also



have constraints to mobilize their staff, charter a plane and hoping that the weather is favourable.^{BBB}

As NAPS Detective Constable Alana Morrison explained, these delays can impact the quality of the investigations of major crimes such as sexual assaults and other crimes relevant to understanding the cases of missing and murdered Indigenous women and girls.

When a First Nation woman reports a sexual assault in a northern community, she unfortunately is faced with the decision and choice to seek medical help outside of the community. There is a nursing station, but most nursing stations will send a victim of sexual assault to Sioux Lookout, which is an hour plane ride south of their community.

So they're given the option to seek medical help and leave their home community and leave their family. They're allowed to take one escort with them to attend Sioux Lookout, or they're given – they receive specific care to have the sexual assault evidence kit done, and then they are allotted one week of counselling, and once that counselling is done, they are sent back to their communities and they just – there's very little follow-up support for them when they return.^{CCC}

Human Resources Challenges

Police detachments in remote and northern communities face some distinct staffing challenges, but policing representatives from across the country also talked about other general staff-related challenges that create barriers to providing policing services to Indigenous Peoples and communities. These include: 1) recruiting and retaining Indigenous people to work in policing, and 2) teaching cultural competency and providing training for that to current police forces.

Recruitment of Indigenous Police

Policing representatives, such as RCMP Commissioner Lucki, RCMP Deputy Commissioner Brenda Butterworth-Car, and RCMP Sergeant Dee Stewart, expressed a commitment to increasing the percentage of Indigenous people serving as part of policing in Canada. Despite this commitment, as these witnesses testified, there exist multiple barriers for Indigenous people interested in entering policing.

In order to address these challenges, policing representatives identified a number of Indigenous-specific recruitment and training initiatives that have been developed and instituted by the RCMP, as well as by various provincial and municipal police forces and within First Nations police services programs. For example, the National Inquiry heard that within the RCMP, various recruitment initiatives, such as the Aboriginal pre-cadet training program and Aboriginal mentorship,^{DDD} are used to introduce potential candidates to policing work. These programs, as Commissioner Lucki explained, help potential candidates to “see themselves” as part of the RCMP: “When people are able to see themselves and then have that mentor where they can know if there are barriers, they can talk to that mentor about it.”^{EEE} In her role, Sergeant Dee Stewart explained how, instead of requiring interested candidates to travel from their home communities to information sessions or to complete various elements of the application process, she would travel to them.

So, when I became the Aboriginal recruiter, I took that away, and I travelled to them.... I think the main Aboriginal recruiter – or the main recruiters thought I was crazy when I was driving eight hours to administer an exam to one person. But, to me, they needed to know they were valued, and that if you want to write the exam, then I'm going to come to you.

So, I did that. I travelled all through BC. We've got a beautiful province and our communities are amazing, but it was always a shocker when I was administering the exam in the band office, but it was something that – it just – it took away a barrier for them.^{FFF}



Other police forces have similar approaches to improving recruitment: for example, the Regina and Saskatoon police forces each have full-time Indigenous recruiting officers.^{GGG}

Understanding the Need for Cultural Safety

Another staff-related policing challenge identified by policing representatives – as well as by families of missing and murdered Indigenous women, girls, and 2SLGBTQIA people during the Truth-Gathering Process – relates to the cultural knowledge and training held by non-Indigenous police officers and other policing representatives who may be interacting with Indigenous Peoples. In their testimony, policing representatives with the RCMP outlined a number of initiatives that have been implemented to enhance cultural education and awareness among staff. One of these is in-service training, which includes an on-line course on Aboriginal cultural awareness, called Aboriginal and First Nations Awareness.^{HHH} This course is available to all members, though it is mandatory only for those serving in the territories and in some of the northern districts where the majority of the communities are Indigenous.^{III} Other initiatives (which vary depending on location and police force) include watching a video about First Nations, participating in a five-day cross-cultural training session, and following suggestions from the Indigenous Cultural Advisory Committee.^{JJJ}

In addition to training on Indigenous history and contemporary realities in general, the RCMP has also developed training that focuses specifically on the issue of missing and murdered Indigenous women. Included in the cadet training program is a module specific to this issue, and it requires cadets to work through a case scenario involving an 18-year-old Indigenous girl as the victim. As a part of this module, cadets also participate in the blanket exercise (an exercise devoted to building awareness of and empathy for Indigenous Peoples by having participants take part in a simulation exercise about the harmful impacts of colonization).^{KKK}

The need for ongoing and meaningful cultural education is clear. NAPS Chief Terry Armstrong spoke to the limitations of short-term courses as a way of understanding the culture and complexities of

Indigenous communities, and suggested that the best solution to addressing gaps in culturally appropriate services is to hire more Indigenous police officers. As he stated:

I mean, you don't give somebody a two-day course and expect them to be culturally sensitive. Like I say, probably the best scenario is to get Indigenous officers to police Indigenous communities because they know their communities. Outside of that, like, I mean, you can give them training but, you know, I guess through experience, it's – I mean, 34 years [ago] I started, and I still don't know very much about – you know?^{LLL}

Retired Chief Clive Weighill put forward the requirement of cultural education and awareness for police as a recommendation for the National Inquiry. As Weighill's comments demonstrate, this is not merely the completion of a course that one takes and then forgets, but, rather, the requirement for the development of a deeper understanding and knowledge of Indigenous history and contemporary challenges that is always evolving.

We've talked about this here, and you can see from what we've been doing in Saskatchewan and most police services now across Canada, there certainly has to be a huge educational component on the history, the spirituality, what's happened to the Indigenous people right across Canada. Every police officer should be very, very fluent in what's happened with residential schools, what's happened with colonization, the White Paper back in the '70s, the Sixties Scoop, and contemporary issues and downfalls that are happening right now in our Indigenous community. Every police officer in Canada should be able to just tell you that right off the top of their head.^{MMM}

The Lack of Wraparound Services

Another challenge identified by policing representatives when they are working with Indigenous Peoples and communities is the lack of what are sometimes referred to as “wraparound services,” such as mental health support, health care, housing, or other forms of social services and culturally relevant support that individuals who contact the police may need. Police



representatives talked about how they often respond to calls – particularly in rural or remote communities that are significantly underserved – that are not technically police-related but, because of a lack of other services, to which they are forced to respond.

In his testimony, Weighill talked about how a lack of other supports and services has a particularly negative impact on Indigenous youth who may not yet have become involved in the criminal justice system. This lack of services to help them address some of the challenges they are facing increases their chances of becoming involved. Weighill provided the following explanation of this challenge as one of his recommendations put forward to the National Inquiry.

People complain about the *Youth Criminal Justice Act*. They say it doesn't have a lot of teeth, it doesn't work. I would say the reverse is true. The *Youth Criminal Justice Act* is a solid piece of legislation. It allows the police to divert youth away from the criminal justice system. You can use unofficial warnings, you can use official warnings, you can do a pre-charge diversion, post-charge diversion, all kinds of things to keep youth out of the criminal justice system. The unfortunate thing is there's no place to divert the youth to, and everything keeps falling back to the criminal justice system.... To me, this is completely lunacy how we keep doing this in the system. We keep using the criminal justice system to fix the problems. The criminal justice system cannot fix the problems of that youth. They need programming, and they need addiction centres, they need some place to go. So, we've got a great Act that allows the police and the courts to divert the youth away from the criminal justice system, but there's no infrastructure around that. So, that's my first recommendation.^{NNN}

In her testimony, NAPS Detective Constable Alana Morrison spoke about the gap that exists for First Nations women in the communities she polices for following up with women after they have reported an assault – often related to the fact that existing officers and victim services already have too much on their plates.^{ooo} To address this issue, Detective

Constable Morrison drafted a funding proposal that allowed her to develop a Survivor Assistance Support Program to provide support and education, as well as to assist women who want to stay in the community following a report of assault. The program also outlines the challenges of providing that support in small and remote communities. At this point, this program had received one-year funding, though Detective Constable Morrison is hopeful additional funding to maintain the program will be awarded.^{PPP}

She also talked about how the lack of victim services – specifically in remote communities – can create additional difficulties for victims who have not had an opportunity to ask questions or learn about the court process.

When court happens in our First Nation communities, it's pandemonium because you've got the judge flying in, you've got the counsel flying in, you've got the defence flying in, you've got Victim Services flying in, and the NAPS officer has to drive back and forth to get everyone to the school where it's happening, to get everyone set up in the community hall where it may be happening. There's no courthouses in the communities, so sometimes we take over a portion of a school.

So, in all that pandemonium, there is no – or there's very little victim prep for court. So, is that a challenge? Absolutely, it is, because they'll show up to court, but they're not prepared, you know? And, I know the Crowns and the Victim Services try to do the best they can and come in the day before, but, I don't know, I think sometimes that it needs to be ongoing so that that individual feels supported and almost held all the way through, because that's not an easy, you know, road that we're dealing with, because sometimes court doesn't happen. Some communities, it happens four times a year in these communities, so can you imagine being a victim who has to wait so long to deal with, you know, what you started off trying to protect yourself and your body?^{qqq}



First Nations Policing Services: The Case of the Nishnawbe-Aski Police Service

During its Truth-Gathering Process, the National Inquiry had the opportunity to hear evidence about the Nishnawbe-Aski Police Service (NAPS) – the largest First Nations police service in Canada. First created in 1994, NAPS provides policing services to the Nishnawbe Aski Nation (NAN) in northern Ontario. The Nishnawbe Aski Nation has an estimated population of 45,000 people, and NAPS polices this territory with 147 officers across 34 communities, 23 of which are remote fly-in communities. As a First Nations police force, NAPS is independent of other policing agencies, and is governed by an independent board and administered by a chief of police who reports to this board.^{RRR}

Like other police services in remote communities, NAPS faces significant challenges related to the geography, staff, and lack of resources. Nonetheless, as NAPS Chief Terry Armstrong and NAPS Chair Mike Metatawabin described in their testimony, the unique structure of First Nations and Indigenous policing creates additional barriers and risks that make it especially difficult for NAPS officers to protect the safety of Indigenous people living in NAN communities. To understand these distinct challenges, and the difficult process NAPS has undertaken to address some of these challenges, Chief Armstrong and Chair Metatawabin spoke at length about how funding is provided to NAPS, and how systemic and legislative change is necessary to ensure the provision of adequate resources.

Funding for NAPS is based on a tripartite agreement among Nishnawbe Aski Nation, Canada, and Ontario under the First Nations Policing Policy. As Mike Metatawabin explained, the nature of these funding agreements means that, unlike the RCMP or provincial and municipal police services, NAPS is program-based – an arrangement that has until very recently meant there is no legislative framework that ensures safety backed by the rule of law for Indigenous people in this region.^{SSS} Past attempts to draw attention

to the lack of funding and the severe resource limitations NAPS faces have been ignored for many years. For instance, in 2013, when the then-NAPS chair and the grand chief of NAN issued a Public Safety Notice, which was sent to political leaders in Ontario's provincial government, the federal government, and the chief coroner at the time, stating that because of these resource and infrastructure limitations the people of NAN were not safe, NAPS received no responses other than one from the chief coroner.^{TTT}

Chief Terry Armstrong provided several examples of the way chronic underfunding impacts the safety of community members and NAPS officers.^{UUU} He went on to discuss the impact of underfunding on NAPS officers.

NAPS officers face numerous practical barriers in their delivery of policing services: understaffing means that NAPS officers rarely work with a partner and routinely lack the standard backup available to non-First Nations police officers. Given the remoteness of NAN communities, officers frequently wait hours or days for backup or specialized unit support. Twenty-four per cent of NAPS officers are currently on stress or disability leave.^{VVV}

In an effort to draw attention to the dire conditions and lack of resources available for NAPS, in 2014, NAN Grand Chief Yesno and Deputy Grand Chief Fiddler, along with the then-chair of the NAPS board, made the difficult decision to give notice to the province of Ontario that NAPS was going to have to end its service unless there were formal talks initiated to develop a legislative base to its services and one that would address the significant resource limitations. Chief Terry Armstrong described the rationale behind this decision.

The police service was unable to keep the community safe and we swore to do that as police officers. And when I was asked to become the chief, I also came there to keep this community safe and keep the people within the community safe, and we just could not do it. We just cannot do it with the resources as they were – as the program, and without any avenues to get proper resources, human resources, and upper staff and



all those things.... It was a very difficult decision, but we just were no longer in a position, and had not been for a while, to keep the communities at a level of a safety that the rest of Ontarians get, and probably Canadians.^{www}

This action sparked what turned out to be a lengthy period of negotiations between NAPS and the Ontario provincial government to properly legislate and resource First Nations policing services in the province. Ultimately, these negotiations, as Chair Metatawabin and Chief Armstrong described, have resulted in the development of new legislation, Bill 175, the *Safer Ontario Act*, which came into force in January 2019. This legislation is important because it specifically outlines that the need to ensure the safety and security of all persons and property in Ontario extends to include First Nations reserves; “the need to be responsive to the unique histories and cultures of First Nation, Inuit, and Metis communities”; and “the need to ensure that all parts of Ontario, including First Nation reserves, receive equitable levels of policing.”^{xxx} As Chief Terry Armstrong explains, NAPS’s efforts in establishing this legislation was not for NAPS only but as a starting point for legislation for Indigenous policing that other Indigenous police services could follow.^{yyy}

In addition to describing the negotiations related to this legislative framework, Chief Armstrong and Chair Metatawabin also described how, in response to political pressure from Nishnawbe Aski Nation’s leadership to change the negotiation process usually undertaken to renew funding for the tripartite agreement, NAPS will be receiving an increase of 79 new officers over the next five years, as well as funding for a communication system and two new detachment buildings.^{zzz}

Reflecting on this lengthy and ongoing process to ensure equitable police services for those living in NAN, Chief Terry Armstrong shared the following.

So, although we’ve been able to limp through it, that’s – that hasn’t been fair and, you know, just to – just as a police service we really weren’t asking for anything more than anybody else was asking for, we just – we just wanted to be treated

the same and keep the communities safe, because it’s – it’s been pretty tough ... it’s been an honour, but it’s ... when you put on a badge and say you’re going to protect people and you don’t have the tools to do it and you see the devastation day in and day out and you know that there’s remedies, it’s – it’s tough.^{aaaa}

Chair Mike Metatawabin shared his hopes regarding this process and the implementation of Bill 175 and for Indigenous policing in general.

I am hopeful that this process, once it passes, once it becomes implemented, I am hopeful that it will spread across the nation, across the country for our brothers and sisters across the country ... to be accorded the same privilege, to be provided with the ... same resources. I am also hopeful that our young men and women will step up and provide that safety. Indigenous people providing safety to their own Indigenous people nationwide. That is my hope, that is what – what I hope to see in the coming years. This is what’s been lacking, the justice system has been – has fallen very short for our people, for our communities. But in the spirit of reconciliation as well, we, too, must step up, our communities, our leadership.^{bbbb}

Similarly, and citing many of the same concerns as Metatawabin and Armstrong did, Jean-Pierre Larose acknowledged the challenges of working under the contribution agreement framework, mentioning that the agreement governing the provision of services in Nunavik had expired in April and that, within the context of the renewal of the agreement, his force would be asking for an increase in personnel and equipment, as well as in overall resources to be able to police, including a call centre based in Kuujuaq with Inuktitut-speaking operators to better communicate with those seeking help. At present, calls are sent directly to police radios. Larose also mentioned that the force, which had 54 officers 15 years ago, only has 58 or 59 today; this means that, despite significant increases in population, resources under the tripartite agreements have not been sufficiently allocated to enable the police to do their work.^{cccc}



Conclusion

In sharing their truths with the National Inquiry, policing representatives acknowledged the historical and ongoing harms that continue to impact Indigenous families and communities as a result of their interactions with police. The need to make changes to how non-Indigenous and Indigenous police work to protect the safety of Indigenous Peoples was also acknowledged. By creating and updating policies and protocols – particularly those related to major crimes – police demonstrated how standardized processes and expectations related to investigations of cases of missing and murdered Indigenous people and interactions with their families currently exist – at least on paper. Policing representatives also acknowledged, however, that challenges to providing equitable policing to all Indigenous people continue to exist and must be addressed. In his testimony, Daniel Bellegarde, director of the Canadian Association of Police Governance, pointed to the underlying reality that the Canadian justice system and its version of policing are at odds with Indigenous ideas about justice.

It's based on a responsibility to one another collectively, and to the land, that collective rights are not exactly within the umbrella of the individual rights upon which the Canadian justice system is formed. So, it's not a rights-based justice system, it's a responsibility-based justice system, which has a real different approach if you would think about that for a moment.

It's not about discipline and punishment as is the European style, it's more about restoration of harmony, the natural connections, the family, the Elders were the ones that controlled social behaviour. Now, that system has been broken, that system is being packed together again, and that system has got to be revitalized in our various institutions and our various Nations.

So, Indigenous concepts of justice that we have, it's more than a set of rules and institutions; it's an aspect of natural order in which everyone and everything stands in relation to one another.^{DDDD}

Exactly how these changes – many of which have been newly instituted in response to the Truth and Reconciliation Commission's Calls to Action and the National Inquiry – reflect such ideas and translate into concrete change in the lives of Indigenous women, girls, and 2SLGBTQQIA people remains to be seen.



Findings:

- The failure of police services to ensure there is justice and protection for Indigenous women, girls, and 2SLGBTQQIA people through adequate and bias-free policing services, effective oversight and adjudicative mechanisms, and meaningful and accessible remedies for violence contributes to the systemic harm they continue to experience. This treatment is discriminatory and creates environments where Indigenous women, girls, and 2SLGBTQQIA people are underprotected, but targeted for police interventions when exercising their rights.
- Often, Indigenous people are treated as perpetrators and offenders when they need the protection of the police. This is reinforced by the practice of racial profiling. However, when crimes occur against Indigenous people, they do not receive the same access or outcomes from the justice system as non-Indigenous people.
- Police services and other law enforcement officials have tremendous power and do have the ability to infringe and violate the human rights of Indigenous women, girls, and 2SLGBTQQIA people without remedy and recourse. Existing oversight and accountability mechanisms for police services are largely inadequate and fail to elicit the confidence of Indigenous Peoples. Failure to establish and enforce meaningful and transparent accountability and oversight of police services and other law enforcement officials perpetuates poor service delivery and fuels distrust on behalf of Indigenous communities toward police.
- Indigenous Peoples have the inherent right to develop their own system of justice, including policing services. Policies and programs developed and implemented by the federal and provincial governments that allow for Indigenous communities to administer their own police services through the First Nations Policing Program and tripartite agreements are not an authentic exercise of the Indigenous right to self-govern police services.
- Indigenous police services established under the First Nations Policing Program are chronically underfunded and under-resourced. This results in understaffing, burnout of officers, under-resourced detachments, and unsafe working conditions for officers. These limitations heighten tensions within the community and ultimately result in an inability to properly respond to and investigate violence against Indigenous women, girls, and 2SLGBTQQIA people.
- The criminal justice system struggles to respond effectively to cases of sexualized violence and intimate partner violence. Many Indigenous women, girls, and 2SLGBTQQIA people who have been subjected to sexualized violence and intimate partner violence do not report the violence to the police. State prosecution of cases of sexualized violence and intimate partner violence is also challenging, and the prosecution process rarely provides survivors with the justice and protection that Indigenous women, girls, and 2SLGBTQQIA people are seeking. The current laws and criminal justice system responses to sexualized violence and intimate partner violence are failing to protect Indigenous women, girls, and 2SLGBTQQIA people.



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| A | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 34. | X | Chief Superintendent Mark Pritchard, Part 2, Public Volume 9, Regina, SK, p. 216. |
| B | Chief Superintendent Mark Pritchard, Part 2, Public Volume 9, Regina, SK, pp. 210–211. | Y | <i>The Missing Persons Act</i> , 2018 has received Royal Assent but had not been proclaimed or come into force at the time of Chief Superintendent Pritchard's testimony. See https://www.ontario.ca/laws/statute/18m03 . |
| C | Chief Danny Smyth, Mixed Parts 2 & 3, Public Volume 18, Regina, SK, p. 11. | Z | Chief Superintendent Mark Pritchard, Part 2, Public Volume 10, Regina, SK, pp. 283–284. |
| D | Chief Joe Boland, Mixed Parts 2 & 3, Public Volume 15, St. John's, NL, pp. 195–196. | AA | Retired Chief Clive Weighill, Part 2, Public Volume 8, Regina, SK, pp. 42–43. |
| E | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 91. | BB | Deputy Commissioner Brenda Butterworth-Carr (Tr'ondëk Hwëch'in Hän Nation), Part 2, Public Volume 9, Regina, SK, p. 127. |
| F | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, pp. 33–34. | CC | Deputy Commissioner Brenda Butterworth-Carr (Tr'ondëk Hwëch'in Hän Nation), Part 2, Public Volume 9, Regina, SK, pp. 105–106. |
| G | MacKinnon, "SQ officers ignore." | DD | Deputy Commissioner Brenda Butterworth-Carr (Tr'ondëk Hwëch'in Hän Nation), Part 2, Public Volume 9, Regina, SK, p. 113. |
| H | Translation ours. Capitaine Paul Charbonneau, Part 2, Public Volume 9, Regina, SK, p. 149. | EE | Chief Superintendent Mark Pritchard, Part 2, Public Volume 9, Regina, SK, p. 256. |
| I | Daniel Bellegarde (Little Black Bear's Band of the Assiniboine-Cree), Part 2, Public Volume 6, Regina, SK, pp. 96–97. | FF | Chief Superintendent Mark Pritchard, Part 2, Public Volume 9, Regina, SK, p. 239. |
| J | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 40. | GG | Retired Chief Clive Weighill, Part 2, Public Volume 9, Regina, SK, pp. 40–42. |
| K | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, pp. 41–42. | HH | Deputy Commissioner Brenda Butterworth-Carr (Tr'ondëk Hwëch'in Hän Nation), Part 2, Public Volume 9, Regina, SK, pp. 127–129. |
| L | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 42. | II | Deputy Commissioner Brenda Butterworth-Carr (Tr'ondëk Hwëch'in Hän Nation), Part 2, Public Volume 9, Regina, SK, p. 98. |
| M | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, pp. 50–51. | JJ | Chief Superintendent Mark Pritchard, Part 2, Public Volume 9, Regina, SK, p. 219. |
| N | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 55. | KK | Retired Chief Clive Weighill, Part 2, Public Volume 8, Regina, SK, pp. 38–39. |
| O | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 55. | LL | Deputy Commissioner Brenda Butterworth-Carr (Tr'ondëk Hwëch'in Hän Nation), Part 2, Public Volume 9, Regina, SK, p. 114. |
| P | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, pp. 49–50. | MM | Chief Superintendent Mark Pritchard, Part 2, Public Volume 9, Regina, SK, pp. 217 and 230–232. |
| Q | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, pp. 49–50. | NN | Deputy Commissioner Brenda Butterworth-Carr (Tr'ondëk Hwëch'in Hän Nation), Part 2, Public Volume 9, Regina, SK, pp. 115–116. |
| R | Retired Chief Clive Weighill, Part 2, Public Volume 8, Regina, SK, pp. 50–51. | OO | Deputy Commissioner Brenda Butterworth-Carr (Tr'ondëk Hwëch'in Hän Nation), Part 2, Public Volume 9, Regina, SK, pp. 116–117. |
| S | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, pp. 53–54. | PP | Chief Superintendent Mark Pritchard, Part 2, Public Volume 9, Regina, SK, p. 222; Chief Joe Boland, Mixed Parts 2 & 3, Public Volume 15, St. John's, NL, p. 198. |
| T | Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 54. | | |
| U | Deputy Commissioner Brenda Butterworth-Carr (Tr'ondëk Hwëch'in Hän Nation), Part 2, Public Volume 9, Regina, SK, p. 101. | | |
| V | Deputy Commissioner Brenda Butterworth-Carr (Tr'ondëk Hwëch'in Hän Nation), Part 2, Public Volume 9, Regina, SK, pp. 99–100. | | |
| W | Chief Superintendent Mark Pritchard, Part 2, Public Volume 9, Regina, SK, p. 215. | | |



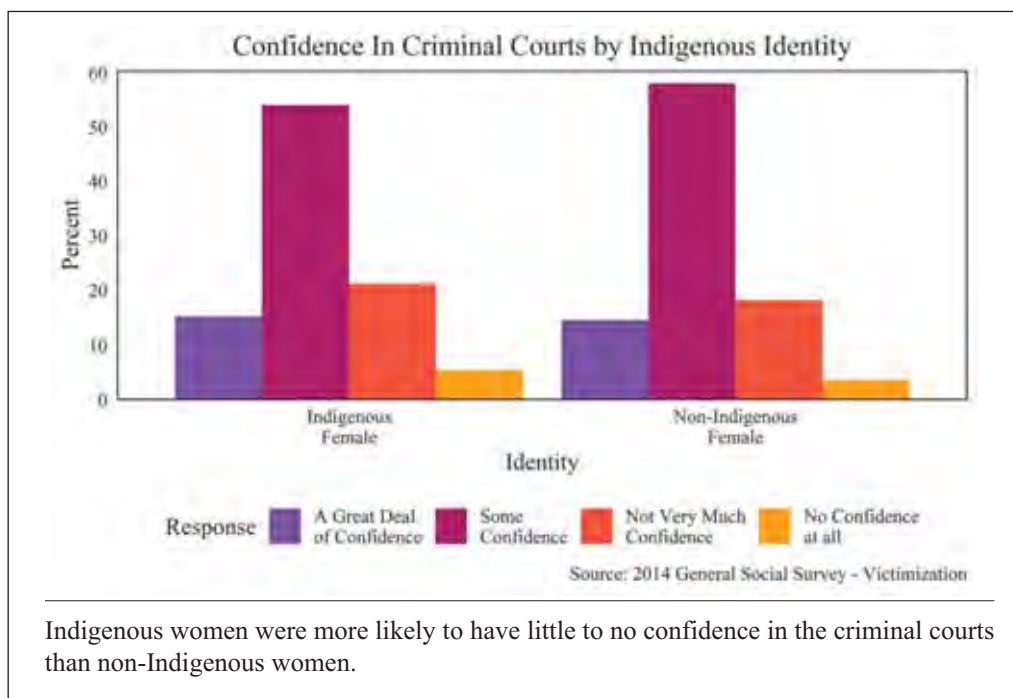
QQ	Deputy Commissioner Brenda Butterworth-Carr (Tr'ondëk Hwëch'in Hän Nation), Part 2, Public Volume 9, Regina, SK, p. 327.	MMM	Retired Chief Clive Weighill, Part 2, Public Volume 8, Regina, SK, p. 62.
RR	Translation ours. Chief Jean-Pierre Larose, Part 2, Public Volume 6, Regina, SK, pp. 154–155.	NNN	Retired Chief Clive Weighill, Part 2, Public Volume 8, Regina, SK, pp. 59–60.
SS	Translation ours. Chief Jean-Pierre Larose, Part 2, Public Volume 6, Regina, SK, pp. 159–160.	OOO	Detective Constable Alana Morrison (First Nations), Part 2, Public Volume 8, Regina, SK, p. 135.
TT	Translation ours. Chief Jean-Pierre Larose, Part 2, Public Volume 6, Regina, SK, pp. 157–158.	PPP	Detective Constable Alana Morrison (First Nations), Part 2, Public Volume 8, Regina, SK, pp. 138–139.
UU	Chief Terry Armstrong, Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, p. 61.	QQQ	Detective Constable Alana Morrison (First Nations), Part 2, Public Volume 8, Regina, SK, p. 145.
VV	Chief Terry Armstrong, Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, pp. 62–63.	RRR	Mike Metatawabin (Fort Albany First Nation), Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, pp. 41–42.
WW	Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 47.	SSS	Mike Metatawabin (Fort Albany First Nation), Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, pp. 45–46.
XX	Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 48.	TTT	Mike Metatawabin (Fort Albany First Nation), Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, pp. 53–54.
YY	Translation ours. Chief Jean-Pierre Larose, Part 2, Public Volume 6, Regina, SK, p. 149.	UUU	Chief Terry Armstrong, Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, pp. 55–56.
ZZ	Translation ours. Chief Jean-Pierre Larose, Part 2, Public Volume 6, Regina, SK, p. 150.	VVV	Chief Terry Armstrong, Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, p. 60.
AAA	Jacqueline Hansen, Mixed Parts 2 & 3, Public Volume 6, Quebec, QC, p. 45.	WWW	Chief Terry Armstrong, Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, p. 76.
BBB	Translation ours. Chief Jean-Pierre Larose, Part 2, Public Volume 6, Regina, SK, pp. 165–166.	XXX	Mike Metatawabin (Fort Albany First Nation), Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, pp. 94–95; Legislative Assembly of Ontario, Bill 175, <i>Safer Ontario Act</i> .
CCC	Detective Constable Alana Morrison (First Nations), Part 2, Public Volume 8, Regina, SK, p. 129.	YYY	Chief Terry Armstrong, Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, p. 108.
DDD	Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, pp. 66–67.	ZZZ	Chief Terry Armstrong, Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, pp. 91–92.
EEE	Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, pp. 66–67.	AAAA	Chief Terry Armstrong, Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, p. 109.
FFF	Sergeant Dee Stewart, Part 2, Public Volume 8, Regina, SK, pp. 159–161.	BBBB	Mike Metatawabin (Fort Albany First Nation), Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, pp. 112–113.
GGG	Retired Chief Clive Weighill, Part 2, Public Volume 8, Regina, SK, pp. 54–55.	CCCC	Chief Jean-Pierre Larose, Part 2, Public Volume 6, Regina, SK, pp. 156–157.
HHH	Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, pp. 70–72.	DDDD	Daniel Bellegarde (Little Black Bear's Band of the Assiniboine-Cree), Part 2, Public Volume 6, Regina, SK, pp. 100–101. See also the Council of Canadian Academies' Expert Panel on Policing in Indigenous Communities, "Toward Peace, Harmony, and Well-Being: Policing in Indigenous Communities," available at https://scienceadvice.ca/reports/policing-in-indigenous-communities/ .
III	Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 84.		
JJJ	Sergeant Dee Stewart, Part 2, Public Volume 8, Regina, SK, p. 181.		
KKK	Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 87.		
LLL	Chief Terry Armstrong, Mixed Parts 2 & 3, Public Volume 5, Quebec, QC, p. 139.		



Beyond the investigation: Access to Justice within the Courts

In sharing their truths about their relationships and encounters within the criminal justice system, family members spoke at length about their experience attending (and at times participating in) court proceedings related to the violence inflicted against their loved one. Many witnesses would likely agree with Fred F.'s characterization of the adversarial relationship between Indigenous people and families and the courts: "I really feel like sometimes the courts victimize the victims over again"⁸² – a comment he made based on his experience of attending the murder trial of Curtis Bonnell, the man eventually found guilty of murdering Fred's 16-year-old daughter, Hilary.

Attending the trial of the person(s) charged with committing violence against someone important to you is understandably a difficult experience. However, for many Indigenous families, friends, and supporters, the difficulty of this experience is magnified by the fact that, once again, they may be forced to seek justice within a process and an institution that have historically been unjust, and that continue to criminalize Indigenous people at much greater rates than non-Indigenous Canadians. While many of the families offer valuable teachings and recommendations on how to cultivate less adversarial relationships within the courts and during court proceedings, their wisdom comes at the cost of having to navigate the court process largely on their own.



John Phelps, federal prosecutor for the Yukon Region, told the National Inquiry that the federal government operates a Crown Witness Coordinator Program in the Northern Territories to help victims of crime, especially Indigenous victims, access information about and participate in court proceedings (as per their rights under the *Canadian Victims Bill of Rights*). While this program serves as a conduit of information between the Crown prosecutor and victims of crime, it does



not provide the full range of services and supports to which Indigenous victims should have access. It does not offer legal counsel to victims of crime, but merely facilitates their access to information. As Phelps explained, “It’s also important for a victim to understand that we are not lawyers for a victim. We are impartial to the system, and it’s our responsibility to put all information before the court, whether or not it’s beneficial to our particular case.”⁸³

“THEY DIDN’T GET MUCH HELP FROM ... VICTIM SERVICES THAT I KNEW OF. WE, AS A FAMILY, AND NOT EVEN MY SISTERS ... WERE NOT INFORMED OF THE VALUE OF PROVIDING A VICTIM IMPACT STATEMENT. NOR WERE WE EVEN MADE AWARE THAT IT WAS AN OPTION. AND THAT’S WHEN A VICTIM LIAISON ADVOCATE WOULD’VE COME IN HANDY. HAD WE KNOWN ABOUT THE VICTIM IMPACT STATEMENT AHEAD OF TIME, I PERSONALLY WOULD HAVE PROVIDED ONE. EVEN IF I COULDN’T BE PRESENT. I WOULD HAVE HAD ONE OF MY SISTERS READ IT FOR ME. IT WAS VERY CHALLENGING TO GET INFO ABOUT ANY KIND OF COURT DATES, AND REACHING FAMILY WAS HARDER. I WAS GOING TO TRY AND BE PRESENT TO ONE OF THE COURT DATES, AND I TRIED ASKING FOR THE ACTUAL DATE. AND IT KEPT GETTING CHANGED ON ME. SO I LOST MY NERVE.”

Charlotte M.

Moreover, the Crown Witness Coordinator Program does not engage with victims of crime immediately after an incident. As Phelps pointed out, “We only become familiar with a file once a charge has been laid, which could be days, weeks, or months, and in the case of some serious crimes, it could be years after the actual offence occurred.”⁸⁴

And, while the program does refer victims of crime to support services, it does not provide support services itself.

Throughout that initial contact, the Crown Witness Coordinator assesses a number of factors with respect to a victim and the victim’s needs. But we do not provide any form of a counselling or significant support service for victims who have needs beyond the information, and beyond what we’re able to provide during a trial process. So our practice is to make referrals to other agencies within the community. Those agencies may be First Nation based, they may be territorial based. For example, in the Yukon Territory, there’s a very well-resourced victim services program. They may be referred to non-government organizations as well, and mental health services, counselling services, that type of things.⁸⁵

In her testimony, National Inquiry Grandmother Blu discussed what it was like for her, as a 16-year-old girl without any support, to attend and participate in the trial of the man later found guilty of murdering her caregiver and grandmother.



But while I was in court, I sat there for about three weeks inside the courtroom, and I – I had no counsel. I had no one to help me. I got on the streetcar. I put my – I think it was a quarter at the time and went down to the courthouse and sat there listening to stuff I couldn't understand, and I remember them calling my name to go up to the stand. I'm sure I told them the story, the same thing, because that was the truth, what happened. I don't remember if they cross-examined me. I don't remember any of that stuff because that whole year was lost.

I remember my aunty, my aunty ... she came with me the day of the sentencing, and she was like a second mother to me ... and – so she helped me. She sat there with me, and that's when I heard what had happened to my kokom. That's when I heard that he was originally charged with second-degree murder and indignity to a human body.... But sitting in a courtroom there and not having anybody to help you, as a 16-year-old kid, right? It wasn't right. You know, I know it's, you know, 41 years ago, but there was no dignity for anybody who was – or identified as an Indigenous person, and it's not much better today. It really isn't.⁸⁶

When reflecting on the experience she and her sisters shared during the trial of the women found guilty of murdering her sister, Charlotte M. described how the lack of information provided to them about the process meant that they were not able to participate in the way they would have wished to, had they had all the information.

They didn't get much help from ... Victim Services that I knew of. We, as a family, and not even my sisters ... were not informed of the value of providing a victim impact statement. Nor were we even made aware that it was an option. And that's when a victim liaison advocate would've come in handy. Had we known about the victim impact statement ahead of time, I personally would have provided one. Even if I couldn't be present. I would have had one of my sisters read it for me. It was very challenging to get info about any kind of court dates, and reaching family was harder. I was going to try and be present to one of the court dates, and I tried asking for the actual date. And it kept getting changed on me. So I lost my nerve.⁸⁷

For other families, one of the things they found difficult about attending court was listening to the demeaning and disturbing characterizations of their missing or murdered loved one. Marilyn W. described how the negative portrayal of her daughter within the courtroom and in the media during the trial made an already difficult situation even worse:

We went to trial just down the block from here and day after day I had to sit in the courtroom with the man who killed my sister. Day after day I had to sit in that courtroom with the media, who all the while they were writing things dehumanizing my sister, revictimizing me and my family.⁸⁸



Pamela F. described a similar difficulty.

It hurts. You don't want to hear someone say untrue things about your child and you know they're untrue. But you can't, you can't really go and get mad and scream in court, why is he allowed to say that? Why can't I say what he did? You can't do that 'cause then you're going to get thrown out of court.⁸⁹

Examples such as these offer reminders of the ways Indigenous women, girls, and 2SLGBTQIA people are positioned within colonial systems as being responsible for the violence they endure, and how this practice of blaming Indigenous women means that those who perpetrate violence remain free to do so. References to the sexual history or activity of Indigenous women, and her behaviour or demeanour at the time of her disappearance or death, are examples of the way pervasive racialized and sexist stereotypes about Indigenous women are mobilized within the criminal justice system to justify a lack of action or accountability. It is for these reasons that Robyn Bourgeois refers to the criminal justice system as the “Canadian injustice system.”

So, I call this the Canadian injustice system because what we see is that again and again – first of all, if there is ever charges laid, because we know – and the Missing Women Commission Inquiry made this really clear, but oftentimes even at the police level, there are decisions made not to press charges, or not to investigate, or to dismiss the violence ... or erase the violence, actually, by categorizing a death, for example, as misadventure or an accident, when, in fact, that there is clear evidence that it was likely a homicide or something more sinister, and I think that's a problem.

But, when it gets to the courts, even if that's the case, and people are charged and brought to the court system, what we see is that again, and again, and again, and again, and again our Canadian courts, they really ... they rely heavily on the hypersexualization of Indigenous women and girls to not only erase the violence, because they will erase it by saying, “Oh, you know what? She consented to this,” or “She, you know, was engaged in prostitution,” or, you know, “She, you know, was drunk and promiscuous,” or any of those things.

I mean, I have heard it again and again in different court cases. But, those are used to minimize the violence, so, you know, it wasn't violence. And, it flips the other way, too, because it's not just about portraying Indigenous women and girls as deviant, but it flips the other way, and quite often, the perpetrators are portrayed as, you know, good white folks, because it's often good white men who make a bad mistake and made a bad choice or, you know, they were good guys who just made a bad choice, which is problematic. And so, what happens within the systems, we see again and again, you know, that perpetrators aren't held accountable, that they're often given lenient sentences if they're



sentenced at all, and that is often – that decision is often made on this kind of belief about the victim herself, an Indigenous woman or a girl. And, you know, they always are coming up with different ways to show, you know, why an Indigenous woman or a girl is not a worthy victim who is worthwhile and deserving of justice within the Canadian legal system.⁹⁰

Understandably, for the families who know the truth about their daughter, sister, mother, or loved one, such characterizations are devastating attacks to their loved ones' memory, and constitute a gross violation of justice.

What became evident by the end of our hearings is that, in the testimonies the National Inquiry heard, the process of making victim impact statements illustrates the fact that the victim and the victim's family don't always feel well-represented by the Crown. Families may have no legal representation at trial and are marginalized, representing a significant failure of the system.

In addition to the emotional toll that attending the court proceedings related to the disappearance or death of their loved ones carries, families often also carry a significant financial burden. In his testimony, Fred F. talked candidly about the financial toll of attending his daughter's murder trial, and the lengths he went to in order to ensure his wife and other children did not have to bear the brunt of these concerns.



At Espace Ashukan in Montreal in 2019, creators of a commemorative quilt to honour missing and murdered Indigenous women and girls stand with their work.



Where did I get the gas money to drive to town every day, 30 miles to go to court? And I have a little shop in town where my house was in town, in the back of my house there's a small shop, it's just like a room for my trade and we'd drive to town, we'd go into the courtroom, do our thing. Then we'd have the hour and a half lunch and I was so broke I was buying cans of tuna and leaving it at the shop so at lunchtime I'd take her [his wife] to get her whatever she wanted and then I'd go and eat my can of tuna to have my lunch to go back to the, to court.

And I don't think I've eaten a can of tuna since because I probably ate 30 or 40 cans of it during the pre-trial and trial. But it wiped me out. I ended up having to sell my home in town because I was so behind on my taxes with the government and bills. So those, those weeks of being in a courtroom where we had, we had a lot of emotional support but what I need to see changed in Canada is we're family members of the victim.⁹¹

In presenting his recommendations to the National Inquiry, Fred returned to the importance of relationship and creating supports and services for families that reflect an understanding of the need for “nurturing” in both an emotional *and* financial sense during this process.

When they're spending endless hours and days in a courtroom they [the families] need to be nurtured. They need to be fed and they need a place to rest during this trial, during the trial or during the voir dire. Because I don't even remember who took care of my kids back then, it was so – I think my parents did, I'm pretty sure they did.

But it was such a traumatic moment where we were just going day to day and sometimes minute by minute of what we're going to do next.... I never imagined how deep it could be, of pain and weakness and stress and there's no words for it. And so when someone else goes through something like what we went through and they have to spend a lot of time in a courtroom, they, they should be uplifted and supported so they can spend their time in a courtroom and have a place to rest after in case they have to drive to the city where the court – you know, there's a lot of places where family members would have to drive to a courtroom which is, you know, in another city. That caused a lot of stress for us. That really does need to change.⁹²

There are, in some jurisdictions, supports that are available, particularly in the area of victim services. Leanne Gardiner, director of the Community Justice and Policing Division for the Department of Justice, Government of the Northwest Territories (GNWT), told the National Inquiry that the government of the Northwest Territories provides funding to different municipal, Indigenous, and community organizations that offer victim services programming. According to Gardiner, victim services offices offer a wide range of supports.



They can walk into any victim services office and ask for assistance. The program ... works independently of the court, the Crown, or police, so a victim does not have to be involved in any of those processes, the criminal justice system, to access those supports. And providers assist with ... a wide variety ... of either referrals or support, so that can be immediate emotional support. It can be a referral to other services. They're not technically a counselling service that they're providing, but they are absolutely, quite often, most immediate emotional support for victims.⁹³

Gardiner also explained that the GNWT provides funding for many other programs that provide support for victims of crime.

Betty Ann Pottruff, Q.C., senior advisor at the Government of Saskatchewan, told the National Inquiry that shifting leadership at different levels of government have made it difficult to implement some of the broad changes necessary to address the crisis of violence against Indigenous women.

The other challenge that I'll just raise ... is that in my experience one of the limitations ... on the momentum to change is the fact that we are dealing with different levels of government, so we're always in the process of ... changing leadership or changing directions, whether it's elections at the First Nations level, elections at the provincial level, elections at the federal level, and so there's this consistent churn in terms of policy direction and commitment, and so it's very hard to keep momentum going when you want to make big, big changes and really shift society. That's one ... of the strengths of democracy, but it's also one of the weaknesses, so I've often said that in a four-year mandate you will often only get 18 months of really productive work because there's so much churn going on at both ends.⁹⁴

Overall, the witnesses who testified before the National Inquiry identified a lack of will and commitment within the courts, largely based in ongoing discrimination and racism directed toward Indigenous people, and women in particular. Marilyn W. understood her experience of a miscarriage of justice that took place during the murder trial of the man accused of killing her sister as just another example of the broader underlying racism Indigenous Peoples face within this system.

I sat in that courtroom, and I saw how the prosecutor was trying to argue my sister's case, and I saw how that judge kept defending the person who killed her, and I knew – I knew the judge already – before the outcome, I knew that the judge already – already was going to side with the man who killed by sister. I knew it ... and so I listened to the man who confessed to killing her. I listened to the recording in the courtroom. I saw him break down. I saw him cry and say, yes, that he killed her and he took her life, and then, the judge ... threw out his confession, and then he let him go free.



How does that happen? How does somebody who confessed to taking a human life, how do they get away with that?⁹⁵

Similarly, Delores S. described this attitude when speaking about her interaction with the justice systems following the death of a loved one, Nadine, in 2015.

The systems involved all respond that Nadine was at fault, and communicated it via body language, word usage, and demeanour in speaking to the family. Their insensitivity to the family ... exemplifies deeply ingrained attitudes and prejudices they hold.⁹⁶

Given the judge's ruling that, at the end of trial, the man accused of murdering her sister was released on a technicality, it is easy to see how Marilyn and other Indigenous families fighting for justice may be left to ask, as she does: "Where's my justice?"⁹⁷



National Inquiry staff and Commissioners sing the Strong Woman Song in Calgary, Alberta.



Trauma, Lack of Accessibility, and Violence against Inuit Women

During the National Inquiry's Truth-Gathering Process, many Inuit witnesses spoke to the need to engage whole communities in healing, understanding the life circumstances of men who have murdered Inuit women in disproportionately high rates.ⁱ The Nunavut Court of Justice (NUCJ),ⁱⁱ created in 1999,ⁱⁱⁱ has heard many cases regarding this issue. In the 11 cases that we examined, the majority that were heard by the NUCJ that dealt with murdered Inuit women involved uxoricide, the killing of a wife. In 7 out of the 11 cases examined, the women had been killed by their long-term romantic partners. Six of these cases follow a similar pattern: a relationship involving a long history of substance abuse and violence culminated in a woman's death.^{iv}

Intergenerational trauma and a lack of adequate government services were important contributing factors in these cases. Decisions in four of the six cases that were heard after 2012^v noted that the killer had endured traumatic early childhood experiences, including experiences of, and exposure to, abuse and sexual assault.^{vi} In 10 out of the 11 cases, the offender had long-standing issues with substance abuse and/or addictions, or was intoxicated at the time of the assault.^{vii}

NUCJ judges have been very vocal about the causes of high rates of violence in Nunavut. In trial and sentencing decisions, they have repeatedly explained that these problems are rooted in a combination of unresolved colonial trauma and inadequate social services to address this trauma.

"In Nunavut, the incidence of spousal and domestic homicide is stunning. It is surpassed only by the paucity of Government services available to address the underlying conditions of this phenomenon."

– Justice Neil Sharkey (*R v. Kinak*, NUCJ, 2011, Transcript at 61, lines 9–14).

"What is really behind the lack of progress [in reducing rates of domestic violence and spousal homicide] is the continuing lack of resources available in Nunavut to address the mountain of untreated trauma that comes before this Court with sickening regularity. Despite numerous pleas by this Court and promises by the Government of Nunavut, there are still no Nunavut-based treatment centers. Until this problem is addressed, there will be little change in these grim statistics."

– Justice Earl Johnson (*R v. VanEindhoven*, 2013, NUCJ 30, para. 72)

"Treatment options are extremely limited in Nunavut. Community-based sentences often fail as a result of offenders being unable to address the issues bringing them into conflict with the law. The sad reality is that without treatment and other forms of community outreach, many of the offenders, despite the best of intentions, do fail. A growing criminal history then drives them into long and longer periods of custody and ultimately into the federal system."

– Justice Robert Kilpatrick (*R v. VanEindhoven*, 2007, para. 18)



"Seventeen years after division from the NWT, there is still no residential treatment facility in Nunavut. Nunavummiut who belong in secure residential treatment wind up in jail. Those few Nunavummiut who are lucky enough to get residential treatment are sent south. Again, where they are isolated and far from home. Those few front-line responders we have are given few resources to deal with the epidemic of alcohol's victims. Few resources are available to help our many neighbours who suffer from real mental health concerns, like Fetal Alcohol Spectrum Disorder. The need to address these issues is urgent.

In my lifetime, Inuit were forced off the land. Many were moved, sometimes forcibly, by alien authority into artificial and isolated communities. Children were taken from the bosoms of their families and sent to far away residential schools. One of the purposes of these schools was to supplant their culture and language. That

painful legacy reverberates today. Sexual predators like Cloughley, De Jaeger, and Horne victimized significant numbers of an entire generation. Their victims suffer still and so do their families. The Inuit world and very way of life was turned upside down. Inuit society is still adjusting to that collective trauma."

– Justice Paul Bychok (*R v. Mikidjuk*, 2017, paras. 17–22)

These statements reflect much of the evidence we heard, and provide important insight into the nature of healing that needs to occur within communities in order to address the high incidence of interpersonal violence that these cases represent. Addressing intergenerational and multigenerational trauma and ensuring essential services, even in remote communities, are of paramount importance in restoring a sense of safety for Inuit women, girls, and 2SLGBTQIA people.

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- I According to the closing written submission of Pauktuutit, Anānaukatiget Tuminqit, Saturviit, The Ottawa Inuit Children's Centre and the Manitoba Inuit Association: "The rapid transformation from living on the land in small family groupings to living in permanent settlements has left many Inuit men behind. Most are no longer able to hunt, fish and trap to provide for their families. Many Inuit men feel trapped between the two worlds and their skills as 'men' have been devalued. Unlike their wives and daughters, men have not embraced education nor attained marketable skills needed for the 21st century in Inuit Nunangat. In their frustration, Inuit men have turned to alcohol and drugs to lessen the pain. Unemployed or underemployed, addicted to alcohol or drugs, living in overcrowded housing, too many Inuit men have taken out their frustration by sexually abusing children and/or being violent towards their intimate partner. It is a toxic mix." Pauktuutit Inuit Women of Canada, Anānaukatiget Tuminqit, Saturviit, The Ottawa Inuit Children's Centre and the Manitoba Inuit Association, Part 4, Final Written Submission, p. 21.
 - II The NUCJ was established in 1999 as a result of the division of the Northwest Territories and the creation of the Nunavut Territory. A search on CanLII's database for the NUCJ yielded 11 cases involving the killing of Inuit women. It is possible that the NUCJ considered other cases involving the killing of Inuit women where decisions were not published on CanLII.
 - III *R v. Akittirq*, 2018; *R v. Salomonie*, 2016; *R v. VanEindhoven*, 2016; *R v. Sateana*, 2016; *R v. Kayaitok*, 2014; *R v. Peter*, 2014; *R v. Nowdlak*, 2012; *R v. Kinak*, 2011; *R v. Anablak*, 2008; *R v. Ammaklak*, 2008; *R v. Jeffery*, 2007.
 - IV *R v. VanEindhoven*, 2016; *R v. Sateana*, 2016; *R v. Kayaitok*, 2014; *R v. Ammaklak*, 2008; *R v. Anablak*, 2008; *R v. Peter*, 2007.
 - V We focus on cases heard after the Supreme Court of Canada's decision in *R v. Ipeelee*, because that ruling led to more extensive discussions of the life circumstances of Indigenous Peoples in sentencing decisions.
 - VI *R v. Salomonie*, 2016; *R v. VanEindhoven*, 2016; *R v. Sateana*, 2016; *R v. Kayaitok*, 2014.
 - VII *R v. Akittirq*, 2018; *R v. Salomonie*, 2016; *R v. VanEindhoven*, 2016; *R v. Sateana*, 2016; *R v. Kayaitok*, 2014; *R v. Peter*, 2014; *R v. Nowdlak*, 2012; *R v. Ammaklak*, 2008; *R v. Anablak*, 2008; *R v. Jeffery*, 2007.



Pathway to Violence: Denying Agency and Expertise in Restoring Justice

In telling their stories about encounters with justice, family and friends shared stories about agency and resistance. As we examined the stories shared related to Indigenous women's experience of justice, the National Inquiry heard about the ways this denial of the agency and expertise of Indigenous women as protectors, advocates, and experts contributes to the violations of the right to justice.

For real changes to take place, and for the apologies offered by RCMP Commissioner Brenda Lucki and others to be meaningful,⁹⁸ Indigenous families and survivors were clear that these words must be accompanied by action. This change begins with recognizing Indigenous women, girls, and 2SLGBTQQIA people as experts in their own experiences of justice. As Marilyn W. shared:

At the end of the day – and you cannot tell me any different because I know and I've seen it. I've lived through it. You cannot tell me that these women are not being killed and murdered, and the government is allowing it to happen.... Our women, we get our strength from the land, from Mother Earth. She gives us strength, and she's sick and she's dying, and our people are sick and they're dying. We're protectors of this earth and so many of our people have forgotten that because they're suffering, and that's because of the system.⁹⁹

Taking Families Seriously

When an Indigenous woman, girl, or 2SLGBTQQIA person goes missing, those closest to her are the experts. This truth was made clear time and time again. Drawing on the knowledge those close to them hold, which is developed through and because of relationship, family members are often the first to notice something is wrong, and hold the most valuable information in correcting that wrong. However, when the police or other representatives of the criminal justice system fail to acknowledge and respect this knowledge and insight, crucial opportunities for creating good relationships are lost. While these good relationships may never be enough to bring back a lost loved one, they can at least bring peace of mind to families who, for many years later, struggle with the "if only's" that haunt their thoughts.

As we have heard in the testimony provided, family members and those closest to the victims "know" when something has gone wrong. Whether this knowing comes in the form of a "bad feeling,"¹⁰⁰ described by many of the mothers who shared their stories about the moments when their child goes missing, or the "pieces of the puzzle"¹⁰¹ that Indigenous women who are living on the street or involved in sex work hold about their sisters and families of the heart, Indigenous women, girls, and 2SLGBTQQIA people know and recognize when violence takes place. This crucial information – in many cases, delivered to the police, despite the complexities of doing so – must be recognized as valuable and important.



As the National Inquiry heard, when this information is presented to police – often in the crucial period right after a disappearance and during which there may still be time for intervention – its value is dismissed, ignored, or – in most cases – interpreted through a filter of racist and sexist stereotypes and beliefs about Indigenous Peoples in general. These stereotypes become blinders that impede the investigation and fundamentally damage the relationship between the families of the missing and murdered and the police.

“AT THE END OF THE DAY – AND YOU CANNOT TELL ME ANY DIFFERENT BECAUSE I KNOW AND I’VE SEEN IT. I’VE LIVED THROUGH IT. YOU CANNOT TELL ME THAT THESE WOMEN ARE NOT BEING KILLED AND MURDERED, AND THE GOVERNMENT IS ALLOWING IT TO HAPPEN.... OUR WOMEN, WE GET OUR STRENGTH FROM THE LAND, FROM MOTHER EARTH. SHE GIVES US STRENGTH, AND SHE’S SICK AND SHE’S DYING, AND OUR PEOPLE ARE SICK AND THEY’RE DYING. WE’RE PROTECTORS OF THIS EARTH AND SO MANY OF OUR PEOPLE HAVE FORGOTTEN THAT BECAUSE THEY’RE SUFFERING, AND THAT’S BECAUSE OF THE SYSTEM.”

Marilyn W.

“Every day I looked”: The Search for Loved Ones

Listening to families talk about the stress and pain that accompany this process of searching emphasized the additional emotional toll on families when police fail to cultivate a helpful relationship with families. As Pamela F. explained,

Well, we would search until the sun came up. So we’d only get a few hours sleep and we’d get up and we’d go search again. That’s what my days were, every day I looked. Every night I looked. If I was able to be awake in the day time I would look but we would search all night.¹⁰²

Wilfred spoke about the emotional toll their search took on them: “You know, one time, she [Bernice] was in a bush and I heard her cry, I thought she found Jen, and I went running and running, but she just broke down. All I could do is hug her and tell her we will find her, you know?”¹⁰³

For many families, this search for answers and, ultimately, for justice begins with a physical search for their missing and murdered loved one – an emotionally and physically gruelling process that often falls on the backs of the families and community members because of the reluctance or failure of police to respond.¹⁰⁴

For example, when the police initially ignored Pamela F. in her attempts to report her 16-year-old daughter missing, she turned to her community, who helped her and her husband, Fred, initiate a ground search for Hilary. As she described in her testimony, when the police wouldn’t help her look for her daughter, her “community did. Big groups of them went all over looking for her. I mean they literally kicked people’s doors in. I will always be grateful to my community for



doing that. They searched for her and still the police weren't searching."¹⁰⁵ Again, it was only after the community search was well underway, and Pamela went to the media, that the police actually stepped in to help. While Pamela did go on to commend certain officers for their help in the search, the praise she receives from one officer for going to the media in order to hold the police accountable speaks to a disturbing precedent and status quo of inaction when it comes to taking reports of missing Indigenous girls seriously.

For Bernice and Wilfred, a lack of support from the police and their own community meant that they were left to initiate a search for their daughter completely alone – one that they continue today. They have to go to even more extreme measures to get the attention of the police: at one point, they took human bones they uncovered during their search to the detachment office.¹⁰⁶

So we found these remains of these bones and we took them – well, we went to the RCMP detachment. I said, “Come over here. We found something. We found these bones, what seems to be a body.” That cop didn't even believe us then. He didn't even want to come. So, I went back, went back to that area, and I took a piece of the knee because it had a bit of cartilage inside of it, right? So, maybe there's DNA in there or whatever. So, I took it, I put it in a bag and I brought it to them. And then only after I physically shown them that, then they – then they moved, you know, it was – it's kind of messed up.¹⁰⁷

Their heartbreaking, 10-year search for their daughter, Jennifer, continues today. As we noted at the beginning of this chapter, they interrupted their search only to attend the National Inquiry in hopes of raising awareness about her.

For the many Indigenous women whose whereabouts may not be known to family members at the time of their disappearance – women who may have been removed and disconnected from their families through residential schools or child welfare, for instance – it is often those closest to them who initiate a search for their missing sisters. Previous investigations into the police response to missing Indigenous women living on the street or involved in the sex trade at the time of their disappearance have indicated the lack of care shown to these women in terms of the police attempt to search for them.¹⁰⁸

“WE DID AN EXTENSIVE SEARCH RIGHT INTO SNOW. WE WERE FORCED TO STOP SEARCHING ONLY BECAUSE OF THE WEATHER, BECAUSE OF THE SNOW. WE SEARCHED FOR, WHAT WAS IT, TWO – OVER TWO MONTHS – EVERY DAY. AND WE HAD A HUGE TEAM AT FIRST BUT PEOPLE HAVE LIVES AND JOBS AND OTHER RESPONSIBILITIES AND AT THE END THE SEARCH TEAM GOT SMALLER AND SMALLER. BUT WE KEPT GOING.”

Tom C.

In these family or community-based searches, family members described taking on the responsibility of creating, printing, and distributing missing persons posters, travelling to places their loved one may have visited, following up on tips, and completing extensive ground and water



searches through fields, forests, and lakes, down alleyways and dirt roads, under bridges, and even in garbage dumps.¹⁰⁹ As Bernice remarked, “It’s the worst thing a parent or anybody can go through ... to try to find your child in a garbage dump where it stinks, because there’s rawhides and everything. It’s a garbage dump.”¹¹⁰

Marilyn W. described her efforts.

We began our search, and we started hanging posters, and we started looking everywhere, and we started trying to get help, and my family came together, and there was a police officer – there was a police officer who was assigned to the case, and he was just – he didn’t care, and we argued, and I was frantic and I was drowning in despair, and I don’t even know if he was even trying to look, and I – I was looking and looking, and then months later after calling and calling and trying to find her and putting myself at risk in going out there and looking for her myself and hanging posters and travelling, and finally ... he went on vacation, and he didn’t even tell me. He didn’t tell me where things were. There was – we had no communication.¹¹¹

When families and community members are forced to initiate and organize searches for their missing loved ones, they usually do so at their own cost – an economic hardship put upon families who are often already struggling to pay the bills. In his testimony, Tom C. spoke about how the economic realities of people’s lives meant that community members could help in the search for his daughter only for so long:

We did an extensive search right into snow. We were forced to stop searching only because of the weather, because of the snow. We searched for, what was it, two – over two months – every day. And we had a huge team at first but people have lives and jobs and other responsibilities and at the end the search team got smaller and smaller. But we kept going.¹¹²

In his testimony, Fred F. described the economic toll his involvement in the search for his daughter, Hilary, took on him and his family.

I’m a self-employed locksmith. I’ve been self-employed now for 30 years. It’s just a proprietorship, it’s just me so I’m the sole provider, I guess, for the family is the way I look at myself. I know I’m really not, Pam is, too, but I take that, that duty on myself very seriously and during the search, I probably put a month into it, I ran out of money. I was broke. People was giving me gas money to fill up my truck and we were going to a certain house to feed us and we, we’d wake up around 10 o’clock in the morning to 11 o’clock and we’d start searching until six o’clock the next morning. We wouldn’t stop.¹¹³

Among the recommendations made by families to the Commissioners was the need for financial support available to families so they can participate in the search for the missing loved one without the additional worry of making sure they have enough money to pay their bills.¹¹⁴

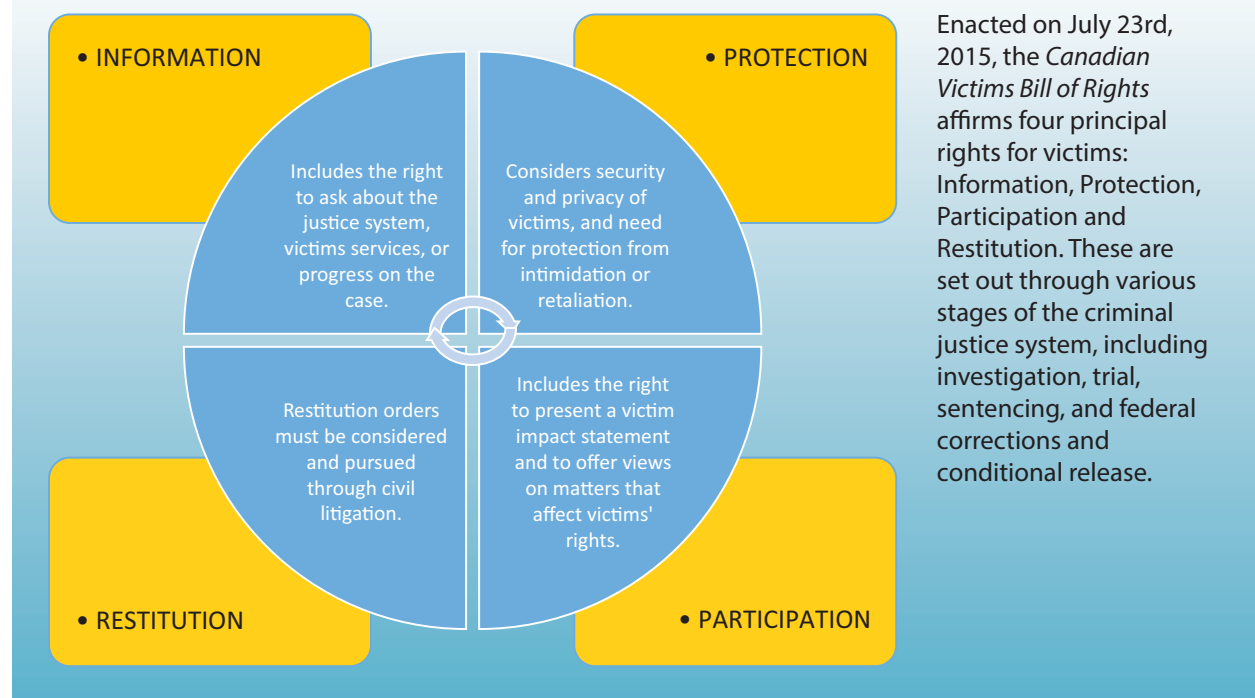


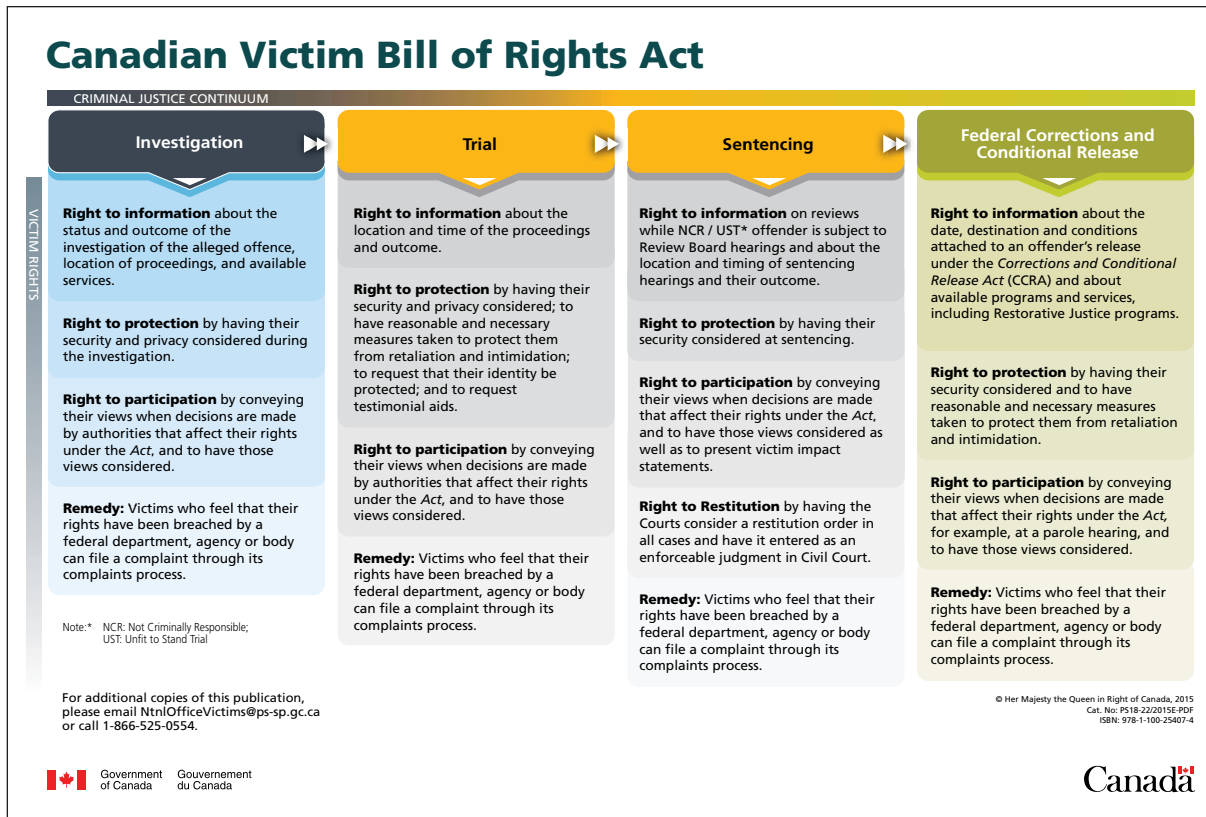
While this recommendation may certainly ease the immediate burden faced by families as they search for a missing loved one, their stories also make clear the need for systemic change that ensures that the families and communities have immediate access to search-and-rescue services equivalent to the services available to non-Indigenous people across all regions.

Self-Determined Services and Supports

Across Canada, victims of crime and their families' rights to protection and information is set out in legislation passed in 2015. Called the *Canadian Victims Bill of Rights*, this legislation outlines principles or rights that must be protected when Canadians and their families become victims of crime. Beyond this legislation, however, and in the context of their testimony, many family members and loved ones identified solutions that already exist, or that need to be adapted to the needs of Indigenous communities, as a way to promote healing and better relationships between Indigenous Peoples and law enforcement. The experiences of these families point to the problems and gaps in relationship between Indigenous victims and families of victims of violence and the criminal justice system, that the programs, services, funds, and legislation that the National Inquiry heard about from Knowledge Keepers and Expert Witnesses during its Institutional and Expert Hearings are meant to repair.

CANADIAN VICTIMS BILL OF RIGHTS





In their testimony, Chief Danny Smyth and Diane Redsky from Winnipeg offered a “model that emphasizes Indigenous-led community services that are supported by the police in a collaborative way.”¹¹⁵ This model is based on a recognition of the expertise of Indigenous women and Indigenous-led women’s organizations in creating safe communities and fostering a new model of justice rooted in a commitment to building relationships that address the structural barriers that continue to create risk for Indigenous women and allow violence to continue. Chief Danny Smyth shared the following observation:

I speak often of community engagement and our partnership with groups like the Winnipeg Outreach Network, and the Sexually Exploited Youth Coalition. These groups are led by strong women; leaders like Leslie Spillett, Diane Redsky, and elected officials like MLA Nahanni Fontaine and MLA Bernadette Smith. And there are so many more women who work tirelessly in our community.

This is the kind of community engagement that I see as important. Partnering with groups like this is the true essence of crime prevention through social development. These Indigenous-led efforts will help break through social barriers that, left unaddressed, can lead to harm. I’m committed to partnering with Indigenous-led service providers like Ma Mawi, Ndinawe, and Ka Ni Kanichihk. And, when possible, to use my voice to validate their efforts and lend additional credibility to support their programs.¹¹⁶



Another important initiative is to create a police service that is reflective of the needs of the community. For the Winnipeg Police Service, according to Chief Danny Smyth, this involves recruiting Indigenous officers and employees, building relationships with Indigenous service providers, and ensuring that police receive training and education so that they “understand the generational trauma inflicted upon Indigenous Peoples through colonization, the residential school system, and government-imposed Child and Family Services.” Chief Danny Smyth echoes the voices of Indigenous advocates about the importance of having Indigenous Peoples in leadership roles in both the police and the community.¹¹⁷ In his testimony, Chief Danny Smyth provided concrete examples of the way in which this commitment to changing relationships is being mirrored in the structures, policies, and actions of the police force in working with individuals engaged in the sex industry and those who are at risk for trafficking.

The first is through the establishment of a Counter Exploitation team, whose purpose centres on relationship building rather than enforcement. He explained:

This team is dedicated to being out in the field to reach out and try to establish relationships with those they encounter in the community. They’re not involved in any enforcement activity, they are strictly there to try to understand what’s going on in the community and establish relationships when possible, educate on resources that are available to these people.¹¹⁸

In contrast to the many stories and previous research documenting the manner in which police approach interactions with Indigenous women with a presumption of criminality, this focus on building relationships and on understanding is a marked shift toward more helpful encounters.

As a second example, Chief Danny Smyth described the development of documenting encounters such as these that are based on relationship building.

As we started to more earnestly shift over to outreach work and supporting those that were involved in the sex industry, those that are being exploited, we needed to find another way to capture some of that work. The acronym, CPTSD, it stands for “crime prevention through social development.” And, really, what we were asking our units, primarily our Counter Exploitation teams, is when they had contact in the field to capture it using that particular type category, CPTSD. And, it could be for anything from a casual conversation to helping someone give them a ride to a safe place, to taking them – you know, anything from a medical appointment to giving them a ride home.¹¹⁹



Third, the police support their work, and let their work and approach be informed, by Indigenous-led women's organizations, such as Ma Mawi Wi Chi Itata, which provides a variety of recreational and social services related to sexual exploitation, and H.O.M.E., or Hands of Mother Earth, which is a healing lodge outside of Winnipeg where youth who have experienced sexual exploitation or trafficking can find safety and do healing work. The police also create more formal partnerships with organizations, community members, and those with lived experience by participating in the Sexually Exploited Youth Community Coalition, a network that works collaboratively to address sexual exploitation in Winnipeg. Participation on this coalition becomes one way of demonstrating a commitment and recognition of the knowledge and expertise held by Indigenous women to promote safety. As Chief Danny Smyth said, "Where we come in, after being invited into the group in the last few years, [is] sharing information and resources with one another. They're able to bring suspicious activity and concerns to us and we're able to share information with them."¹²⁰

Chief Danny Smyth provided an example of how the availability of collaborative relationships between police and Indigenous community organizations, as well as an approach to policing that promotes protection rather than criminalization, works to support many Indigenous women and youth who resettle in Winnipeg from the North and who may be at increased risk for violence or exploitation.

I can certainly recall one young mother who had transitioned down from a remote community in the North. She was struggling when she got here. She was by herself with her young daughter, and particularly, she was having trouble meeting the rent. And she was desperate and she was starting to turn to the street. Some of our community support officers crossed paths with her and certainly became aware of her situation. They were able to actually divert her and get her in contact with Eagle Transition [Eagle Urban Transition is an organization that provides housing and support for people transitioning to Winnipeg from a remote community]. They literally drove her there for her appointment and really diverted her from having to be at risk on the street. They were able to help her provide a subsidy for her rent so she could continue her transition in Winnipeg. They provide an unbelievable service to our community because we have a lot of people that come down to Winnipeg and places like Brandon.¹²¹



International Human Rights Instruments and Principles of Justice

As the preliminary discussion of justice in this chapter demonstrated, access to justice represents a basic principle of the rule of law. In international human rights law, and as protected by a variety of human rights instruments, people have the right to be protected from violent crime, as well as a right to justice when they are victims of these types of crimes. In addition, without the right to justice, people can't be heard, exercise their rights, challenge discrimination, or hold states accountable. The right to justice includes provisions for what are called "effective remedies." The right to justice is engaged in any convention or covenant that addresses the idea of "effective remedies." Effective remedies are those solutions to which people can turn when they are looking for resolution to a problem.

In addition, Canada has the duty of due diligence, which is the responsibility "to take all appropriate measures to prevent, investigate, punish and compensate violence against women. State responsibility can arise either through the direct actions Canada takes, but state responsibility also arises where Canada fails to act to protect and promote these rights."¹²²

The United Nations Development Programme identifies a number of important principles for action as they relate to access to justice, including:

- policies and programs that ensure a specific focus on the disadvantaged and, in our particular cases, those targeted for violence;
- capacity development for access to justice that builds on existing strengths and solutions, which involves recognizing what already exists, in terms of agency and expertise;
- effective reforms rooted in an integrated approach, including the protection of rights, and improving institutional capacities to provide effective remedies; and
- in colonial countries, with legal traditions coming from a colonial past, focusing on identifying and solving problems, rather than imitating models, within a participatory process.¹²³

The international Human Rights Framework includes important instruments that serve to support many of the priorities that families and survivors identified. They include, but are not limited to, the following.

The *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) states that everyone has the right to "effective protection and remedies, through the competent national tribunals, and other State institutions," and grants the right for every person to seek "just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination" (Article 6). In other words, Indigenous Peoples should be able to obtain justice from Canada's legal system; if they don't, and the reason is due to their being Indigenous, they could seek compensation for it.



The *International Covenant on Civil and Political Rights* (ICCPR) also deals with the right to justice in Article 9, which says that each person is entitled to liberty and security and should not be arrested or detained without cause. Further, Article 14 means that each person is equal before the courts, and, in Article 26, the ICCPR also maintains that everyone is equal before the law. In all respects, every person has the right to be free from any discrimination in the justice system based on “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

The *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) engages the rights of women in reference to justice, arguing that States Parties should take measures to guarantee that women can enjoy all of their rights, which includes the right to justice in relation to women who are being trafficked or exploited (Article 6).

The *United Nations Convention on the Rights of the Child* (UNCRC) addresses children in the context of justice, including Indigenous girls and 2SLGBTQQIA youth, defined as “children” by the convention. It argues that the rights of child victims should be protected throughout the criminal justice process, including by recognizing the vulnerability of children and adapting procedures to respond to their needs, as well as making sure that children understand their rights, express their views, receive support, and are ensured safety.



Lakota activist and educator Leah Gazan urges Canada to adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples. Credit: Ben Powless.



KEY CONVENTIONS: RIGHT TO JUSTICE

The National Inquiry considers as foundational to all human and Indigenous rights violations the conventions associated with genocide. In justice, these relate specifically to Article 2, (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; and (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

For reference, the complete Article II of the *Convention on the Prevention and Punishment of the Crime of Genocide*, which provides a definition of genocide, includes “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.”

IESCR:

- establishes that freedom from fear and want, as established by the UDHR, can only be achieved in conditions where everyone can enjoy their economic, social and cultural rights, as well as civil and political rights
- equal rights to men and women

ICCPR:

- asserts that all persons should be equal before the justice system
- includes the right to a fair and public hearing by a competent and impartial tribunal

CEDAW:

- states must take all appropriate measures to suppress all forms of trafficking in women and exploitation of women
- states agreed to establish tribunals and institutions to ensure the effective protection of women

ICERD:

- each person has the right to effective protection and remedies, through competent institutions, against acts of racial discrimination that violate human rights and fundamental freedoms
- this includes the right to seek reparation for damages

CRC:

- States Parties must work to prevent abuse and exploitation, and work to ensure the protection of the rights of the child in any stage of the criminal justice process
- states must undertake measures to ensure proper training with those who work with child victims

IESCR: International Covenant on Economic, Social and Cultural Rights

ICCPR: International Covenant on Civil and Political Rights

CEDAW: Convention on the Elimination of all Forms of Discrimination Against Women

ICERD: International Covenant on the Elimination of All Forms of Racial Discrimination

CRC: Convention on the Rights of the Child



KEY DECLARATIONS: RIGHT TO JUSTICE

The following international human rights instruments hold States accountable in the area of justice.

DEVAW:

- women who are subjected to violence have the right to access the mechanisms of justice and to just and effective remedies for the harm they suffered
- states should also inform women of their rights in seeking redress through such mechanisms

UNDRIP:

- affirms that “all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust”
- distinct political, legal, economic, social and cultural institutions may include those preoccupied with justice

VIENNA PROGRAMME:

- governments should promote an increased awareness of human rights and mutual tolerance, including for police, military and law enforcement
- states must provide effective remedies to redress human rights grievances or violations
- a properly funded and functioning justice system is essential for democracy and development

BEIJING:

- asserts that equality between women and men is a matter of human rights and a condition for social justice
- acknowledges that women may be vulnerable to violence perpetrated by people in positions of authority, including law enforcement
- advocates for more training of all officials in humanitarian and human rights law and for the punishment of perpetrators of violent acts against women, including police, prison officials and security forces

DEVAW: Declaration on the Elimination of Violence Against Women

UNDRIP: United Nations Declaration on the Rights of Indigenous Peoples

Vienna Programme: The Vienna Declaration and Programme of Action

Beijing: The Beijing Declaration



Conclusion: Reinventing the Relationship

No amount of services, supports, or changes to policy can hope to restore justice for Indigenous women, girls, 2SLGBTQQIA people, and their families, if the change doesn't begin with what witnesses emphasized most: relationships.

"THE RELATIONSHIP WAS TOTALLY DIFFERENT. IN THE BEGINNING I WAS, I WAS REALLY DISAPPOINTED WITH THE POLICE IN THEIR LACK OF REACTING AS QUICKLY AS I NEEDED THEM TO. BUT IN THE END I ENDED UP LOVING A FEW OF THEM JUST LIKE THEY'RE MY OWN FAMILY.... THERE WAS SO MANY IN THE END THAT I FELT TOTALLY DIFFERENT ABOUT THEM. LIKE SOME OF THEM, THEY JUST FELT LIKE, IT FELT LIKE THEY WERE GOING THROUGH THE JOURNEY WITH ME AND IT JUST, I FELT A BOND WITH THEM IN THE END. IN THE BEGINNING, NO, BUT IN THE END I COULD SEE THAT A FEW OF THEM, THEIR HEARTS, THEIR HEARTS WERE IN IT."

Pamela F.

In talking about her work as part of the Provincial Partnership Committee on Missing Persons with the Government of Saskatchewan, Betty Ann Pottruff described the need to build trusting relationships as a fundamental step in protecting and respecting justice in the lives of Indigenous women, girls, 2SLGBTQQIA people, and their families.

Well, I think it has been mentioned earlier today, one of the major issues that you need to deal with in work like this is building trust. Because if you don't build the trust and focus on relationships, then – then it's going to be much more difficult for you to be successful. People have to feel they're in a safe environment in which they can – they can say what they want to say, even if what they have to say, you know, might be hard to hear. There's got to be ... safety in ... who you're dealing with, and in understanding that your view is going to be respected, you're going to be listened to, and – and every member there is – is of the same value. Everyone is to be respected and – and treated as equals.¹²⁴

Testifying as the mother of a missing person, Pam F. explained how she built relationships with officers who did ultimately become invested in the search for her daughter.

The relationship was totally different. In the beginning I was, I was really disappointed with the police in their lack of reacting as quickly as I needed them to. But in the end I ended up loving a few of them just like they're my own family.... There was so many in the end that I felt totally different about them. Like some of them, they just felt like, it felt like they were going through the journey with me and it just, I felt a bond with them in the end. In the beginning, no, but in the end I could see that a few of them, their hearts, their hearts were in it.¹²⁵



As the testimony demonstrates in these examples of positive relationship, the police involved in organizing and supporting searches for missing women in relationship with family and Indigenous communities occupy a powerful position that can shape the path of healing or further harm – at times, regardless of the outcome of the search.

This chapter has documented important barriers to justice, including those rooted in inter-generational trauma; in social, economic, and political marginalization; in lack of political and institutional will; and in a failure to acknowledge the agency and expertise of Indigenous women, girls, 2SLGBTQQIA people, and their families. Within both an Indigenous and human rights framework, these encounters highlight crucial disconnections between Indigenous Peoples and justice systems, where the basic right to justice is compromised. We have also looked to different solutions, both human rights-based and Indigenous-led, to argue that finding justice for those victims and preventing violence for the future rest in a fundamental reorientation of relationships among Indigenous women, girls, and 2SLGBTQQIA people, society, and the institutions designed to protect.



Findings: Right to Justice

- The Canadian justice system is premised on settler-colonial society's values, beliefs, laws, and policies. It is a justice system that fails to include Indigenous concepts of justice. The Canadian justice system has been imposed on Indigenous Peoples and has oppressed and replaced the Indigenous justice systems that served Indigenous communities effectively since time immemorial.
- The government of Canada used the Royal Canadian Mounted Police (RCMP) and its predecessor, the Northwest Mounted Police, to implement and enforce laws and policies designed to control, assimilate, or eliminate Indigenous Peoples. On behalf of the Government of Canada, the RCMP: ensured the forced relocations of Indigenous communities; removed children from their families and communities to place them in residential schools; enforced laws that prohibited traditional spirituality and ceremonies; enforced the *Indian Act* governance structures, including the pass system, at the behest of Indian agents; facilitated the apprehension of children during the Sixties Scoop; and enforced other discriminatory and oppressive legislation and policies.
- This historic role of the RCMP has not changed significantly. The RCMP must still enforce present-day discriminatory and oppressive legislation and policies in areas such as child welfare and land and resource disputes.
- The historic and present-day role of the RCMP, the continued racism and sexism by many RCMP officers directed at Indigenous Peoples, the high rates of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, and lack of resolve have caused many Indigenous Peoples and communities to lose trust and confidence in the Canadian justice system, the RCMP, and police services in general.
- The language used in the Canadian justice system, especially the language used in the *Criminal Code* and in criminal justice proceedings, minimizes the nature and severity of violent offences and serves to minimize the responsibility of the offender and the impact of the crime.
- The Canadian criminal justice system fails to provide justice for Indigenous people, especially missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. The system's failure to effectively hold accountable those who commit violence against Indigenous women, girls, and 2SLGBTQQIA people means that violence against Indigenous women, girls, and 2SLGBTQQIA people is met with impunity.
- The failure of the Canadian justice system to protect Indigenous women, girls, and 2SLGBTQQIA people is well established and documented by the Royal Commission on Aboriginal Peoples and the Aboriginal Justice Inquiry of Manitoba. The lack of effective response by the federal government, in particular, to remedy this failure prevents the fundamental paradigm shift that is imperative to end the genocide.



Victims Services Programs

- In many provinces and territories, victim services programs do not have sustainable, long-term funding. As a result, victim services programs in Canada are inconsistently delivered across jurisdictions.
- Victim services programs are often designed to facilitate prosecution and conviction instead of meeting the justice, safety, security, and health and wellness needs of victims of violence. This means that the onus is on the victim to seek out help to meet their needs. This places the victim in the position of navigating a complicated system at a time of trauma, often to find that the services they need do not exist.
- In addition, victim services programs do not necessarily take into account the cultural and social realities and needs of Métis, Inuit, and First Nations women, girls, and 2SLGBTQQIA people, and often lack cultural safety and language accessibility. They are limited in terms of time and scope of services and eligibility. Governments have a positive obligation to deliver victim services as a human right and to resource these services appropriately.

Legal Aid and Legal Instruments

- Legal aid systems and services are inadequate, inaccessible, and inconsistent. As a result, access to courts, dispute resolution mechanisms, and legal remedies is inadequate and inconsistent. The inaccessibility of the justice system continues to be a barrier for many Indigenous women, girls, and 2SLGBTQQIA people seeking to assert their rights. Any meaningful recourse that the Canadian justice system can offer Indigenous women, girls, and 2SLGBTQQIA people is inaccessible for many people, due to geographical isolation, cost, language and other barriers, and lack of legal services.
- Legal instruments designed to provide protection, such as protection orders, are underutilized and ineffective because of inadequate community resources and enforcement mechanisms. Therefore, they do not adequately protect Indigenous women, girls, and 2SLGBTQQIA people.

Sentencing

- There is a commonly held belief that Indigenous offenders receive more lenient sentences because of the application of the Gladue principles at sentencing; there is also a commonly held belief that all offenders receive a more lenient sentence when the victim is an Indigenous woman, girl, or 2SLGBTQQIA person.
- There is a lack of research about the effectiveness of Gladue principles and section 718.2(e) of the *Criminal Code* on the safety of Indigenous women, girls, and 2SLGBTQQIA people and Indigenous communities. In any event, sentencing, as it is currently carried out, is not resulting in creating safer communities or reducing the rates of violence against Indigenous women, girls, and 2SLGBTQQIA people.



- The objectives of section 718.2(e) of the *Criminal Code* and Gladue principles are not being met with respect to the incarceration of Indigenous women, as those rates are increasing.
- The application of Gladue principles and the production of Gladue reports are not consistent between jurisdictions. There are no established standards for what must be included and considered in such reports.
- Those in the justice system have not considered Gladue reports as a right, and Gladue reports have not been accessible to women facing sentencing or properly applied by courts and corrections.
- Gladue reports have limited value when the infrastructure and resources for alternatives to incarceration, such as community-based rehabilitation and healing-focused services, are not available in the community to support sentencing options.
- The use of Gladue reports and sentencing principles are not adequately explained to families and survivors. The manner with which prosecutorial discretion is exercised in cases involving Indigenous women, girls, and 2SLGBTQQIA people has left many families and Indigenous people to question the quality of prosecution and to believe racism and sexism have played a role in that. Families are led to believe that prosecution services, lawyers, and judges do not put the same value on their lives and the lives of their murdered loved ones as is placed on the lives of non-Indigenous people.
- Many cases of the murder of Indigenous women, girls, and 2SLGBTQQIA people by their intimate partners occurred in the context of a pattern of ongoing and escalating violence and abuse. The principles of sentencing as set out in the *Criminal Code* generally are not properly explained to victims and families. Further *Criminal Code* sentencing principles are not always consistent with Indigenous Peoples' principles and values. These factors contribute to Indigenous Peoples' distrust of the justice system.
- There is a lack of transparency regarding plea negotiations and the exercise of prosecutorial discretion generally, which further contributes to Indigenous Peoples' distrust of the justice system and a sense that Indigenous victims of crime are devalued.



Notes

- 1 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, p. 14.
- 2 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, pp. 47-48.
- 3 Cheryl M. (Mi'kmaq), Part 1, Public Volume 18, Membertou, NS, p. 13.
- 4 Cheryl M. (Mi'kmaq), Part 1, Public Volume 18, Membertou, NS, p. 19.
- 5 Cheryl M. (Mi'kmaq), Part 1, Public Volume 18, Membertou, NS, p. 7; Mont, "Victoria Rose Paul: Investigation Report."
- 6 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, pp. 38-39.
- 7 World Justice Project, "What is the Rule of Law?"
- 8 United Nations General Assembly, "Declaration of Basic Principles of Justice."
- 9 United Nations General Assembly, "Declaration of the High-Level Meeting," para. 14 and 15 as quoted in United Nations Development Programme, "Access to Justice."
- 10 Ibid., para. 13.
- 11 United Nations Development Programme, "Access to Justice," 6.
- 12 Ibid., 3-4.
- 13 Ibid., 5.
- 14 Campbell, "New light on Saskatoon's 'Starlight Tours'"; Brave NoiseCat, "I Am Colten Boushie."
- 15 See Shantz, "Another deadly year."
- 16 Blu W. (Cree/Mi'kmaq/Métis), Part 1, Public Volume 117, Vancouver, BC, pp. 33-34.
- 17 Amnesty International Canada, *Stolen Sisters*.
- 18 Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC.
- 19 Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC., p. 33.
- 20 Correctional Investigator of Canada, *Office of the Correctional Investigator Annual Report 2017-2018*.
- 21 Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec, QC, pp. 35-36.
- 22 Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 36.
- 23 Marilyn W. (Cree), Part 1, Public Volume 30, Saskatoon, SK, p. 20.
- 24 Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec, QC, pp. 38-39.
- 25 Interview with Bernie Williams and Audrey Siegl, September 30, 2018, by Kelsey Hutton, pp. 43-44.
- 26 Conroy and Cotter, "Self-reported Sexual Assault," p. 16.
- 27 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, pp. 48-49.
- 28 Kassandra Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec City, QC, p. 39.
- 29 Marlene J., Part 1, Public Volume 6, Smithers, BC, p. 44.
- 30 Jennisha Wilson, Mixed Parts 2 & 3, Public Volume 16, St. John's, NL, p. 131.
- 31 Michele G. (Musqueam), Part 1, Public Volume 84, Vancouver, BC, p. 67.
- 32 A.B. (Squamish Nation), Part 1, Statement Volume 367, Vancouver, BC, p. 26.
- 33 Farida Deif, Part 3, Public Volume 9, Toronto, ON, p. 88.
- 34 Jamie L. H. (Indigenous/Irish), Part 1, Public Volume 78, Vancouver, BC, pp. 24-25.
- 35 Dr. Robyn Bourgeois (Cree), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, p. 52.
- 36 Chief Terry Armstrong, Mixed Parts 2 & 3, Public Volume 5, Quebec City, QC, p. 139; Retired Chief Clive Weighill, Part 2, Public Volume 8, Regina, SK, p. 62.
- 37 Farida Deif, Part 3, Public Volume 9, Toronto, ON, pp. 93-94.
- 38 Farida Deif, Part 3, Public Volume 9, Toronto, ON, pp. 90-91.
- 39 Farida Deif, Part 3, Public Volume 9, Toronto, ON, p. 83.
- 40 Translation ours. Lise J. (Innu), Part 1, Public Volume 32, Maliotenam, QC, p. 109.
- 41 Mealia Sheutiapik (Inuit, Frobisher Bay), Mixed Parts 2 & 3, Public Volume 16, St. John's, NL, p. 25.
- 42 Lanna Moon Perrin (Anishinaabe), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, pp. 204-205.
- 43 Farida Deif, Part 3, Public Volume 9, pp. 83, 92-93.
- 44 Farida Deif, Part 3, Public Volume 9, Toronto, ON, p. 93.



- 45 Kassandara Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec, QC, p. 37.
- 46 Kassandara Churcher, Mixed Parts 2 & 3, Public Volume 7, Quebec, QC, p. 37.
- 47 RCMP, “Missing and Murdered.”
- 48 Human Rights Watch, *Those Who Take Us Away*, p. 80. See also, “Summary of the Forensic Document Review Project,” Annex 1, Volume 1b, in this report.
- 49 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, p. 17.
- 50 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, pp. 15-16.
- 51 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, pp. 22-23.
- 52 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, p. 23.
- 53 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, p. 29.
- 54 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, pp. 23-24.
- 55 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, p. 29.
- 56 Tanya Talaga (Anishinaabe/Polish), Part 3, Public Volume 10, Toronto, ON, p. 64.
- 57 Pamela F. (Burnt Church First Nation), Part 1, Public Volume 44(b), Moncton, NB, p. 11.
- 58 Pamela F. (Burnt Church First Nation), Part 1, Public Volume 44(b), Moncton, NB, pp. 12-13.
- 59 Pamela F. (Burnt Church First Nation), Part 1, Public Volume 44(b), Moncton, NB, p. 13.
- 60 Paul T. (Mikisew Cree Nation), Part 1, Public Volume 20, Edmonton, AB, p. 14.
- 61 United Nations, “CCPR/C/CAN/CO/6 – Concluding observations on the sixth periodic report of Canada.”
- 62 Marilyn W. (Cree), Part 1, Public Volume 30, Saskatoon, SK, pp. 4-5.
- 63 Tom C., Part 1, Public Volume 4, Smithers, BC, p. 113.
- 64 Tom C., Part 1, Public Volume 4, Smithers, BC, pp. 134-135.
- 65 Pamela F. (Burnt Church First Nation), Part 1, Public Volume 44(b), Moncton, NB, p. 14.
- 66 Delores S. (Saulteaux, Yellow Quill First Nation), Part 1, Public Volume 26, Saskatoon, SK, p. 27.
- 67 Marilyn W. (Cree), Part 1, Public Volume 30, Saskatoon, SK, pp. 12-13.
- 68 For example, see Human Rights Watch, *Those Who Take Us Away*.
- 69 Commissioner Brenda Lucki, Part 2, Public Volume 7, Regina, SK, pp. 10-11; Deputy Commissioner Brenda Butterworth-Car (Tr’ondëk Hwëch’in Hän Nation), Part 2, Public Volume 9, Regina, SK, pp. 326-27; Chief Superintendent Mark Pritchard, Part 2, Public Volume 9, Regina, SK, pp. 216-217, 222, 236-237.
- 70 Farida Deif, Part 3, Public Volume 9, Toronto, ON, p. 102.
- 71 Chief Terry Armstrong, Mixed Parts 2 & 3, Public Volume 5, Quebec City, QC, p. 55.
- 72 Mike Metatawabin (Fort Albany First Nation), Mixed Parts 2 & 3, Public Volume 5, Quebec City, QC, pp. 45-53.
- 73 Paul T. (Mikisew Cree Nation). Part 1, Public Volume 20, Edmonton, AB, pp. 14-15.
- 74 Delores S. (Saulteaux, Yellow Quill First Nation), Part 1, Public Volume 26, Saskatoon, SK, p. 18.
- 75 Lillian S. (Mishkeegogamang Ojibway Nation), Part 1, Public Volume 38, Thunder Bay, ON, pp. 18-20.
- 76 Naomi Giff-MacKinnon, Part 2, Volume 1, Calgary, AB, p. 141.
- 77 Carol W. (Muskeg Lake Cree Nation), Part 1, Public Volume 31, Saskatoon, SK, p. 57.
- 78 John Phelps, Part 2, Public Volume 1, Calgary, AB; Naomi Giff-MacKinnon, Part 2, Public Volume 1, Calgary, AB.
- 79 Naomi Giff-MacKinnon, Part 2, Public Volume 1, Calgary, AB, p. 142.
- 80 Naomi Giff-MacKinnon, Part 2, Public Volume 1, Calgary, AB, p. 140.
- 81 Naomi Giff-MacKinnon, Part 2, Public Volume 1, Calgary, AB, pp. 141-142.
- 82 Fred F., Part 1, Public Volume 44(b), Moncton, NB, p. 63.
- 83 John Phelps, Part 2, Public Volume 1, Calgary, AB, p. 58.
- 84 John Phelps, Part 2, Public Volume 1, Calgary, AB, p. 53.
- 85 John Phelps, Part 2, Public Volume 1, Calgary, AB, pp. 59-60.



- 86 Blu W. (Cree/Mi'kmaq/Métis), Part 1, Public Volume 117, Vancouver, BC, pp. 28-29, 32-33.
- 87 Charlotte M. (Kitchenuhmaykoosib Inninuwug First Nation), Part 1, Public Volume 38, Thunder Bay, ON, p. 107.
- 88 Marilyn W. (Cree), Part 1, Public Volume 30, Saskatoon, SK, pp. 8-9.
- 89 Pamela F. (Burnt Church First Nation), Part 1, Public Volume 44(b), Moncton, NB, p. 63.
- 90 Dr. Robyn Bourgeois (Cree), Mixed Parts 2 & 3, Public Volume 17, St. John's, NL, pp. 49-50.
- 91 Fred F., Part 1, Public Volume 44(b), Moncton, NB, pp. 40-41
- 92 Fred F., Part 1, Public Volume 44(b), Moncton, NB, p. 41.
- 93 Leanne Gardiner, Part 2, Public Volume 1, Calgary, AB, p. 87.
- 94 Betty Ann Pottruff, Part 2, Public Volume 1, Calgary, AB, p. 178.
- 95 Marilyn W. (Cree), Part 1, Public Volume 30, Saskatoon, SK, pp. 9-10.
- 96 Delores S. (Saulteaux, Yellow Quill First Nation), Part 1, Public Volume 26, Saskatoon, SK, p. 28. Since providing their testimony, additional information about the investigation into the death of Nadine M. has been made public through the release of a report that reviews the investigation and identifies procedural errors, lack of leadership, and poor communication. For more information see Leo, "The whole investigative system."
- 97 Marilyn W. (Cree), Part 1, Public Volume 30, Saskatoon, SK, p. 10.
- 98 Commissioner Brenda Lucki, Part 2, Public Volume 6, Regina, SK, p. 34.
- 99 Marilyn W. (Cree), Part 1, Public Volume 30, Saskatoon, SK, pp. 16-17.
- 100 Pamela F. (Burnt Church First Nation), Part 1, Public Volume 44(b), Moncton, NB, p. 11.
- 101 Alaya M. (Sandy Bay Ojibway First Nation), Part 1, Public Volume 13, Winnipeg, MB, p. 19.
- 102 Pamela F. (Burnt Church First Nation) Part 1, Public Volume 44(b), Moncton, NB, p. 25.
- 103 Wilfred C. (Waterhen First Nation), Part 1, Public Volume 15, Winnipeg, MB, p. 72.
- 104 Wilfred C. (Waterhen First Nation), Part 1, Public Volume 15, Winnipeg, MB, pp. 72-73.
- 105 Pamela F. (Burnt Church First Nation), Part 1, Public Volume 44(b), Moncton, NB, p. 113.
- 106 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, pp. 33, 39.
- 107 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, pp. 55-56.
- 108 For example, Oppal, "Forsaken."
- 109 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, p. 38.
- 110 Bernice C. (Sagkeeng First Nation), Part 1, Public Volume 15, Winnipeg, MB, p. 38.
- 111 Marilyn W. (Cree), Part 1, Public Volume 30, Saskatoon, SK, pp. 5-6.
- 112 Tom C., Part 1, Public Volume 4, Smithers, BC, p. 114.
- 113 Fred F., Part 1, Public Volume 44(b), Moncton, NB, p. 38.
- 114 Fred F., Part 1, Public Volume 44(b), Moncton, NB, pp. 40-41.
- 115 Chief Danny Smyth, Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, p. 11.
- 116 Chief Danny Smyth, Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, p. 13.
- 117 Chief Danny Smyth, Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, p. 14.
- 118 Chief Danny Smyth, Mixed Parts 2 & 3, Public Volume 18, St. John's NL, p. 47.
- 119 Chief Danny Smyth, Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, pp. 39-40.
- 120 Chief Danny Smyth, Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, p. 56.
- 121 Chief Danny Smyth, Mixed Parts 2 & 3, Public Volume 18, St. John's, NL, p. 60.
- 122 Brenda Gunn (Métis), Part 3, Public Volume 6, Québec City, QC, p. 58.
- 123 United Nations Development Programme, "Access to Justice," pp. 8-9.
- 124 Betty Ann Pottruff, Part 2, Public Volume 1, Calgary, AB, pp. 183-184.
- 125 Pamela F. (Burnt Church First Nation) Part 1, Public Volume 44(b), Moncton, NB, pp. 29-30.

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