



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

**ENDING VIOLENCE AGAINST ABORIGINAL  
WOMEN AND GIRLS:  
EMPOWERMENT – A NEW BEGINNING**

**Report of the Standing Committee on  
the Status of Women**

**Irene Mathyssen, M.P.  
Chair**

**DECEMBER 2011  
41st PARLIAMENT, 1st SESSION**



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# **STANDING COMMITTEE ON THE STATUS OF WOMEN**

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# **THE STANDING COMMITTEE ON THE STATUS OF WOMEN**

has the honour to present its

## **FIRST REPORT**

Pursuant to its mandate under Standing Order 108(2), the Committee has studied violence against Aboriginal women and has agreed to report the following:



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## Context

The Standing Committee on the Status of Women (hereafter the Committee) began its study of violence against Aboriginal women in April 2009 with the stated intention to gather information about the extent of such violence, programs in place to address it, the root causes, and what steps could be taken to break the cycle. In March 2011, the Committee tabled an interim report in the House of Commons, capturing what the Committee heard in hearings in Ottawa and in 14 communities across Canada, from more than 150 witnesses.

For this final report, the Committee has chosen to shift its focus from the aftermath of the violence to empowering young Aboriginal girls and women, supporting their desire to strive for a better life of independence, confidence, influence and power, with the goal of reducing the victimization, poverty, prostitution and abuse experienced by Aboriginal women and girls.

As articulated by one witness:

So far, we are seeing responses that only react and only put resources in the hands of authority. We must do better. We must support family and work together to build stronger solutions. We must start from the infants and work our way up. We need to raise healthy children so we can have strong, educated women and we can be providers to our families, and so we're not stuck in the cycle of poverty again.<sup>1</sup>

This focus in this report echoes a shift in the terms of reference in 2006 of the Women's Program, when Status of Women Canada funded the Women's Community Fund and the Women's Partnership Fund. According to published guidelines for these programs, its 2009-2010 priorities were ending violence against women and girls; improving women's and girls' economic security and prosperity; and encouraging women and girls in leadership and decision-making roles.<sup>2</sup>

The testimony provided by many witnesses, particularly service providers and Aboriginal women and organizations, focussed on the historical underpinnings of the violence Aboriginal women experience at the hands of both family and community members and of strangers. While this report will be more forward-looking, an overview of the past and current situations is included for each of the following topics: Aboriginal poverty, property and economic growth; missing and murdered Aboriginal women,

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1 Michelle Corfield, representative, Union of British Columbia Indian Chiefs, *Evidence*, January 18, 2011, 1715.

2 This information is taken directly from the Guidelines for both the Women's Community Fund and the Women's Partnership Fund, <http://www.swc-cfc.gc.ca/>.

community safety for Aboriginal women with a particular focus on policing; and family violence prevention and healing.

An effort has been made to provide information about the federal government's recent programs, current initiatives, and anticipated changes, including the funding levels and arrangements. Where possible, based on both testimony and information about government programs from other sources, recommendations will seek to redress past issues, and to reduce present and future violence against Aboriginal women by addressing the root causes of the violence and by proposing approaches intended to result in a better future.

## **Aboriginal Poverty, Property and Economic Growth**

The Committee focused in its hearing not only on the results of the violence experienced by Aboriginal women, but also on what steps could be taken by government and other parties to enhance the economic opportunities for Aboriginal people, and women in particular. The following sections — on poverty, property and economic growth — will summarize what the Committee heard and what initiatives are currently in place. In addition, the Committee's recommendations include a focus on increasing the economic security of Aboriginal women.

### **Aboriginal Poverty**

Throughout the Committee's hearings, witnesses identified poverty as cause, effect, or both of virtually all aspects of violence against Aboriginal women. Housing, prostitution, low self-esteem, lack of educational opportunities, addiction — all are linked to poverty, according to witnesses from every region and every walk of life.

The Committee heard extensive testimony about the economic poverty disproportionately affecting Aboriginal people on and off reserve. One witness put the poverty rate among Aboriginal women at 40%.<sup>3</sup> The Committee also heard how this poverty limited options available to women seeking to escape violence in their homes and families:

Women return to or cannot leave abusive relationships because they are unable to adequately provide for themselves and their children on welfare. A crucial measure to

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3 Dawn Harvard, President, Board of Directors, Ontario Native Women's Association, *Evidence*, January 14, 2011, 1700.

prevent the vulnerability of women to men's violence is in providing economic security to [A]boriginal women....<sup>4</sup>

### **Income adequacy**

The Committee heard about the inadequacy of social assistance benefits, both on reserve and off reserve, constraining the potential to invest in developing the potential of both women and children. Other witnesses focussed on poverty as the root cause of the disproportionately high number of Aboriginal women working as prostitutes in Canadian cities, and one proposed that moving women into employment, even part-time, could assist in reducing the numbers.<sup>5</sup>

The Committee heard from officials at Aboriginal Affairs and Northern Development Canada (AANDC)<sup>6</sup> that on reserve assistance is shifting to go beyond income provision to more active measures:

The [D]epartment is moving its income assistance program on reserve to go from solely meeting basic needs towards implementing an active measures approach that will help individuals participate in job readiness and training so they can find employment. As we make progress, this will enable individuals on reserve to become more self-sufficient, and it will ultimately reduce the impact of poverty.<sup>7</sup>

### **Access to education and training**

The Committee was advised that this poverty created its own cycle, making access to education virtually impossible, which prevented women from qualifying for well-paid jobs, which could also reduce the opportunities for education and economic security for their children.<sup>8</sup> The Committee heard explicitly about the role of education in breaking the violence cycle:

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4 Hilla Kerner, Collective Member, Vancouver Rape Relief and Women's Shelter, *Evidence*, January 18, 2011, 1255.

5 Juanita Murphy, Submission to the Standing Committee on the Status of Women, n.d..

6 Please note that the department changed its title during this study. The new name will be used in all cases, except where direct quotations or print documents refer to its earlier title.

7 Mary Quinn, Director General, Social Policy and Programs Branch, Department of Indian Affairs and Northern Development, *Evidence*, April 26, 2010, 1530. Almost identical testimony was also provided by Sheilagh Murphy, Director General, Social Policy and Programs Branch, Department of Indian Affairs and Northern Development, *Evidence*, February 15, 2011, 1240.

8 See, for example, Irene Compton, Manager, Cultural Program, Minwaashin Lodge, *Evidence*, April 28, 2010, 1540.

Without the opportunity to achieve a higher education, to secure well-paid employment, and to receive appropriate health care we will continue to allow [A]boriginal women to remain mired in poverty, which not only chains these women to a life laced with stress and subsistence, but which all too often leads to violence.<sup>9</sup>

At the same time, witnesses identified education as a key factor in Aboriginal peoples achieving success,<sup>10</sup> and cited the positive results achieved in programs that help Aboriginal women to get access to funding for education, especially post-secondary education and training.<sup>11</sup>

AANDC told the Committee that funding under the National Child Benefit is supporting on reserve First Nations by funding home-to-work transition activities.<sup>12</sup> In addition, the Post-Secondary Student Support Program (PSSSP), administered jointly by AANDC, band councils and Inuit organizations, offers grants for Inuit students and First Nations students registered under the *Indian Act*.<sup>13</sup> The grants cover registration fees, tuition and the cost of books and course supplies. A travel fund is also available to students who have to leave their place of permanent residence to study. The PSSSP can also include a living allowance to help cover the cost of food, housing, transportation and childcare, if needed. Non-registered First Nations people and Métis are not eligible for this funding, but may qualify for assistance available more generally to all post-secondary students.

The Speech from the Throne in 2010 committed the federal government to partnering with Aboriginal communities and provincial governments to improve education for Aboriginal people.<sup>14</sup> Budget 2010 repeated this commitment, saying that the government would implement a

... new approach to providing support to First Nations and Inuit post-secondary students to ensure that students receive the support they need to attend post-secondary

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- 9 Rob Barrett, Executive Director, Catholic Family Development Centre, *Evidence*, January 14, 2011, 1650. Similar testimony was provided by Dawn Harvard, President, Board of Directors, Ontario Native Women's Association, *Evidence*, January 14, 2011, 1800.
- 10 C/Supt Russ Mirasty, Director General, National Aboriginal Policing Services, Royal Canadian Mounted Police, *Evidence*, April 26, 2010, 1700.
- 11 See, for example, Ms. Nakuset, Executive Director, Native Women's Shelter of Montreal, *Evidence*, June 10, 2011, 1240.
- 12 Mary Quinn, Director General, Social Policy and Programs Branch, Department of Indian Affairs and Northern Development, *Evidence*, April 26, 2010, 1530. Again, almost identical testimony was also provided by Sheilagh Murphy, Director General, Social Policy and Programs Branch, Department of Indian Affairs and Northern Development, *Evidence*, February 15, 2011, 1245.
- 13 Information about this program is taken from Aboriginal Affairs and Northern Development Canada, "Post-Secondary Student Support Program." <http://www.aadnc-aandc.gc.ca/eng/1100100033682>
- 14 Government of Canada, "A Stronger Canada. A Stronger Economy. Now and for the Future," *Speech from the Throne*, 2010, p. 7.

education. The new approach will be effective and accountable, and will be coordinated with other federal student support programs.<sup>15</sup>

A review process is underway.

**Therefore, the Committee recommends that the review of federal Post-Secondary Student Support Program consider and address the particular situation of Aboriginal women escaping violence.**

### **Role models**

The Committee heard from witnesses and site visits of the importance of increasing visibility of women in leadership roles in Aboriginal communities; these women, the Committee heard, can serve as role models for younger women, opening up the possibilities they might consider for their own futures.<sup>16</sup> In particular, the Committee heard from female chiefs that they make every effort in their communities to encourage younger women to develop their own leadership capacities.<sup>17</sup>

The Committee also heard from the Minister for the Status of Women that program funding is supporting Aboriginal service providers as they provide leadership training to encourage younger women to become strong leaders in their communities.<sup>18</sup>

### **Property**

Access to property is an avenue to economic security enjoyed by many Canadian women, but property rights on reserve are not protected under current legislation. Matrimonial Real Property (MRP), according to AANDC, “refers mainly to the family home where both spouses or common-law partners live during a marriage or common-law relationship.”<sup>19</sup>

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15 Department of Finance, *Budget 2010: Leading the Way on Jobs and Growth*, Ottawa, March 4, 2010, p. 73, <http://www.budget.gc.ca/2010/pdf/budget-planbudgetaire-eng.pdf>.

16 See, for example, Darlene Angeconeb, Coordinator, Building Aboriginal Women's Leadership Project, Equay-wuk (Women's Group), *Evidence*, January 14, 2011, 0850, and Tracy O'Hearn, Executive Director, Pauktuutit Inuit Women's Association, *Evidence*, April 21, 2010, 1605.

17 See testimony by Chief Francine Meeches, Representative, Swan Lake First Nation and Chief Betsy Kennedy, War Lake First Nation, both from the Assembly of Manitoba Chiefs, *Evidence*, January 13, 2011, 1230.

18 Honourable Rona Ambrose, Minister for Status of Women, *Evidence*, March 1, 2011, 1125.

19 Aboriginal Affairs and Northern Development Canada, *Information on the Proposed Family Homes on Reserves and Matrimonial Interests or Rights Act*, <http://www.aadnc-aandc.gc.ca/eng/1317230208494>.

For most Canadians, “provincial and territorial laws protect the matrimonial real property rights and interests of both spouses during a relationship, or in the event of separation, divorce or death.”<sup>20</sup> However, courts cannot apply provincial or territorial family law on reserves in order to deal with cases involving MRP and the *Indian Act* is silent regarding MRP.<sup>21</sup>

According to AANDC, without on reserve MRP laws, the real property rights and interests of spouses or common-law partners living on reserves will not be fully protected in the event of separation, divorce or death.<sup>22</sup>

Bill S-2, *An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves* (short title: *Family Homes on Reserves and Matrimonial Interests or Rights Act*) was introduced in the Senate on September 28, 2011 by the Deputy Leader of the Government in the Senate, the Honourable Claude Carignan.<sup>23</sup> The Bill is intended to ensure that individuals living on reserve have similar protection to those living off reserve.

When married couples divorce, the division of matrimonial property, both real (e.g., land and houses) and personal is determined in accordance with provincial laws, as a result of subsection 92(13) of the *Constitution Act, 1867*. However, as a result of subsection 91(24) of that Act, which specifies that the Parliament of Canada has exclusive legislative authority with respect to “Indians and Lands reserved for the Indians,” provincial laws do not apply to the division of real property on reserve lands. The Supreme Court of Canada has stated that courts cannot rely on provincial law to order the division of matrimonial real property on reserves.<sup>24</sup>

The historical absence of provisions in the federal *Indian Act* or elsewhere governing the division of matrimonial real property on reserves has resulted in what is often referred to as a legislative gap. Consequently, people residing on reserves have not

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20 Ibid.

21 Ibid.

22 Ibid.

23 Anna Gay and Marlisa Tiedemann, *Legislative Summary of Bill S-2: Family Homes on Reserves and Matrimonial Interests or Rights Act*, Publication no. 41-1-S2-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, October 17, 2011, [http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills\\_ls.asp?Language=E&ls=s2&Parl=41&Ses=1&source=library\\_prb](http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?Language=E&ls=s2&Parl=41&Ses=1&source=library_prb).

24 *Derrickson v. Derrickson*, [1986] 1 S.C.R. 285.

been able to use the Canadian legal system to resolve matters concerning the division of real property after the breakdown of conjugal relationships.<sup>25</sup>

Domestic and international reports have referred to the matter, including reports from the United Nations,<sup>26</sup> recommending that Canada take steps to resolve the issue.

Starting in 2003, parliamentary committees have studied this topic, including an extensive study by the Standing Committee on the Status of Women, reported to Parliament in June 2006.<sup>27</sup> Of particular interest for this study, AANDC has indicated that in cases of domestic violence and physical abuse, a court cannot order the spouse to leave a family home situated on reserve, even on a temporary basis.<sup>28</sup>

On June 20, 2006, the Honourable Jim Prentice, then Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, announced that nation-wide consultations would be held on the issue of matrimonial real property (MRP) on reserves, and appointed a ministerial representative to assist with the consultation process.<sup>29</sup>

In her report, the ministerial representative noted that while there had not been sufficient time to reach consensus, “progress was made towards shaping a consensus through substantive discussions of many important policy issues and concerns.”<sup>30</sup>

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25 More recently, some First Nations have established, or have attempted to establish, matrimonial real property regimes. For example, First Nations that are governed by the *First Nations Land Management Act*, S.C. 1999, c. 24, must establish matrimonial real property laws. Other First Nations have included provisions in their housing policies or created by-laws that address the issue, but these by-laws were disallowed by the Department of Indian Affairs and Northern Development on the basis that they exceeded the by-law authority set out in the *Indian Act*.

26 As of February 9, 2009, the most recent United Nations reference to the issue is found in “Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada,” United Nations Committee on the Elimination of Discrimination Against Women, 42<sup>nd</sup> Session, C/CAN/CO/7, November 7, 2008. The Committee “urge[d] the state party to ensure the speedy passage through Parliament and entry into force of legislation addressing the discriminatory provisions of the matrimonial property rights of aboriginal women living on reserves.”

27 House of Commons, Standing Committee on the Status of Women, [Seventh Report \(on matrimonial real property on reserves\)](http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=2311018&Language=E&Mode=1&Parl=39&Ses=1), 1<sup>st</sup> Session, 39<sup>th</sup> Parliament, <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=2311018&Language=E&Mode=1&Parl=39&Ses=1>.

28 Ibid.

29 Aboriginal Affairs and Northern Development Canada, “Minister Prentice Announces Consultations Process for Aboriginal Women,” *News release*, June 20, 2006. <http://www.aadnc-aandc.gc.ca/aiarch/mr/nr/ma2006/2-02766-eng.asp>.

30 Wendy Grant-John, *Report of the Ministerial Representative: Matrimonial Real Property Issues on Reserve*, March 9, 2007, [http://www.nwac.ca/sites/default/files/download/admin/rmr\\_e.pdf](http://www.nwac.ca/sites/default/files/download/admin/rmr_e.pdf), p. 53.

Bill S-2 allows First Nations to develop laws concerning matrimonial real property interests and rights, and provides provisional federal rules that address matrimonial real property rights in the event of separation, divorce or death, and also provide for emergency protection orders and exclusive occupation orders. On November 21, 2011 the Standing Senate Committee on Human Rights held its first meeting on Bill S-2, and on November 30, 2011 the fourth report of the Committee concerning Bill S-2 was adopted.

AANDC has committed to supporting this legislation with a Centre for Excellence, training and education for police officers and material distributed to appropriate judges, and a public education and awareness campaign directed to First Nations people most directly affected by the change in the law.<sup>31</sup> The Assembly of First Nations has stated that the overriding and principal concerns of First Nations were with regard to respect for First Nation jurisdiction and authority in this matter as well as capacity requirements to actually improve access to justice for peoples affected.<sup>32</sup>

Witnesses before the Committee identified the potential benefits from the legislation in terms of giving women more options when facing violence,<sup>33</sup> while others expressed some reservations about its impact.<sup>34</sup>

## **Economic Growth**

Although the Committee did not seek or receive testimony focused specifically on economic growth and its relationship to addressing violence against Aboriginal women, some witnesses did address this as an important element of reducing that violence.

The Committee heard that, historically, Aboriginal people living on some reserves were unable to engage in economic activity in nearby communities. One witness told the Committee:

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31 Aboriginal Affairs and Northern Development Canada, *Planned Support for Implementing the Matrimonial Real Property Legislation*, <http://www.aadnc-aandc.gc.ca/eng/1317142789126>.

32 Assembly of First Nations, "Bill S-2: Family Homes on Reserves and Matrimonial Interests or Rights Act," Technical Update, October 12, 2011, <http://www.afn.ca/uploads/files/mrp/bills-2technical.pdf>.

33 See, for example, Jojo Marie Sutherland, Staff Member, Native Women's Transition Centre, *Evidence*, January 13, 2011, 0900 and France Robertson, Coordinator for the women's shelter and non-violence file, Quebec Native Women Inc., *Evidence*, June 10, 2010, 1235.

34 See for example Chief Francine Meeches, Swan Lake First Nation, Assembly of Manitoba Chiefs, *Evidence*, January 13, 2011, 1210, and Marlene Pierre, Advisor, Robinson Superior Treaty Women's Council, *Evidence*, January 14, 2011, 1710.

We have been excluded over the years from participation in the economic industry or whatever of Canada, and until I was 14 years old, legally I was not able to leave the reserve without a pass. So we were confined, we were excluded legally.<sup>35</sup>

### **Access to on reserve resources**

Witnesses before the Committee also described the current constraints in economic development on reserves, focusing especially on restricted access to the economic benefits of the resources on reserve land. Aboriginal members of the Royal Canadian Mounted Police (RCMP) working in Aboriginal communities flagged the limited economic opportunities on most reserves.<sup>36</sup>

One witness suggested the Committee look to the barriers to reaping the benefits of the resources on reserve:

Poverty is a major issue with everything. Part of it is why are people so impoverished? Whenever we talk about poverty we need to go back and look at when Canada was first colonized. We have no rights to our resources and our minerals.<sup>37</sup>

### **Economic Development**

Some witnesses described economic development as the key to providing non-traditional jobs to those who wanted them; further, such development could provide the resources to meet other social needs, like more affordable housing, which in turn would reduce the overcrowding that can lead to family violence.<sup>38</sup>

Other witnesses described the barriers to economic development, particularly on reserve.<sup>39</sup>

The Minister of Justice, in his presentation to the Committee, noted the Federal Framework for Aboriginal Economic Development as a step the federal government has

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35 Charles W. Hill, Executive Director, National Aboriginal Housing Association, *Evidence*, February 17, 2011, 1120.

36 C/Supt. Russ Mirasty, Director General, National Aboriginal Policing Services, Royal Canadian Mounted Police, *Evidence*, April 26, 2010, 1700.

37 Angie Bear, Community Development Worker, ISKWEW Women Helping Women Co-operative Health Centre, *Evidence*, January 12, 2011, 1415.

38 Béatrice Vaugrante, Executive Director, Canada Francophone Section, Amnesty International, *Evidence*, June 10, 2010, 1135.

39 See, for example, Angie Bear, Community Development Worker, ISKWEW Women Helping Women Co-operative Health Centre, *Evidence*, January 12, 2011, 1415.

taken to address the underlying causes of violence against Aboriginal women.<sup>40</sup> The Framework vision statement refers to “new and changing conditions, leveraging partnerships and focusing on results;” its goal is “to ensure that Aboriginal Canadians enjoy the same opportunities for employment, income and wealth creation as other Canadians.”<sup>41</sup>

The Framework is intended to address key barriers to Aboriginal economic development, as identified by Aboriginal organizations, including issues raised before the Committee: the legal and regulatory environment, access to lands and resources, limited financing options, the need for skilled labour, and the need for investments in infrastructure and capacity within Aboriginal communities. The Framework will serve as a tool for decision making, assessment and communication,<sup>42</sup> and will focus on three strategic priorities: strengthening Aboriginal entrepreneurship, developing Aboriginal human capital, enhancing the value of Aboriginal assets, and forging new and effective partnerships.<sup>43</sup>

The Framework may provide the context for a recommendation made by the Ontario Federation of Indian Friendship Centres,<sup>44</sup> and amended here by the Committee:

**The Committee recommends that the federal government work towards removing barriers to economic growth for on reserve Aboriginal peoples, with a particular focus on barriers to the full economic participation of Aboriginal women.**

## **Missing and Murdered Aboriginal Women**

Across Canada, the disproportionately high number of missing and murdered Aboriginal women is a distinct phenomenon that highlights Aboriginal women’s vulnerability. The Committee heard extensive testimony about police and policy responses to these cases and about the impact on both families and communities who faced the loss

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40 Hon. Rob Nicholson, Minister of Justice, *Evidence*, March 1, 2011, 1135.

41 Government of Canada, *Federal Framework for Aboriginal Economic Development*, 2009, [http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/ffaed1\\_1100100033502\\_eng.pdf](http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/ffaed1_1100100033502_eng.pdf), p. 11.

42 Ibid.

43 Ibid., p. 12.

44 Ontario Federation of Indian Friendship Centres, Submission to the Standing Committee on the Status of Women, August 20, 2010.

of these women. In addition, some witnesses framed their testimony in the context of their direct personal experience, with the loss of a family member or close friend.<sup>45</sup>

Significant attention was drawn to the number of missing and murdered Aboriginal women through the Native Women's Association of Canada's (NWAC) Sisters in Spirit Initiative. In March 2010, as part of this initiative, NWAC had documented 582 cases of missing and murdered Aboriginal women.<sup>46</sup> NWAC received project funding of \$5 million from Status of Women Canada (SWC) between 2005 and 2010 for Sisters in Spirit, with the goal of identifying root causes, trends and circumstances of violence that have led to disappearance and death of Aboriginal women and girls.

As part of this work, NWAC has extensively documented these cases in a database;<sup>47</sup> supported families and communities; worked with service providers, the police and justice systems; and collaborated with Aboriginal organizations, human rights organizations, and the federal government to raise awareness about and address violence.

Although this initiative ended on March 31, 2010, Budget 2010 committed an investment of "\$10 million over two years to address the disturbingly high number of missing and murdered Aboriginal women"<sup>48</sup> and SWC funded NWAC to shift its work from research to action,<sup>49</sup> described in greater detail below.

## Status of Women Canada Funding

SWC provided \$500,000 in funding to NWAC for a six-month project entitled From Evidence to Action I. According to a backgrounder to a government news release:

This initiative will strengthen the ability of Aboriginal women and girls across Canada to recognize and respond to issues of gender-based violence within their families and

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45 See for example Bernie Williams, Co-founder, Walk4Justice, *Evidence*, January 18, 2011, 1735 and Beverley Jacobs, Former President of the Native Women's Association of Canada, *Evidence*, January 18, 2011, 1505.

46 Native Women's Association of Canada: Sisters in Spirit, *What Their Stories Tell Us: Research findings from the Sisters in Spirit initiative*, 2010, [http://www.nwac.ca/sites/default/files/reports/2010\\_NWAC\\_SIS\\_Report\\_EN.pdf](http://www.nwac.ca/sites/default/files/reports/2010_NWAC_SIS_Report_EN.pdf).

47 Ibid.

48 Canada, *Budget 2010: Leading the Way on Jobs and Growth*, 2010, <http://www.budget.gc.ca/2010/pdf/budget-planbudgetaire-eng.pdf>, p. 132.

49 Status of Women Canada, "Government of Canada Invests in Community Projects to Help End Violence Against Aboriginal Women and Girls," *News Release*, February 25, 2011, <http://www.swc-cfc.gc.ca/med/news-nouvelles/2011/0225-2-eng.html>.

communities, as well as strengthen the ability of communities to break the cycle of violence.<sup>50</sup>

This project was followed by *Evidence to Action II*, for which NWAC received \$1,890,844 over three years from Status of Women Canada's Community Fund.<sup>51</sup> The project is scheduled to run from February 2011 to April 2014, with the goal to "strengthen the ability of communities, governments, educators (including the Canadian Police College, post-secondary institutions as well as elementary and high schools) and service providers to address the root causes of violence against Aboriginal women and girls."<sup>52</sup>

## Justice Canada Funding

As noted above, on October 29, 2010, the Minister of Public Works and Government Services and Minister for Status of Women, the Honourable Rona Ambrose, "announced concrete steps the Government of Canada is taking to address the disturbingly high number of missing and murdered Aboriginal women and to make our communities safer."<sup>53</sup> The \$10 million was to be allocated to the Department of Justice Canada to be spent over two years. According to Justice Canada, the aim is to "improve community safety and to ensure that the justice system and law enforcement agencies can better respond to cases of missing and murdered Aboriginal women."<sup>54</sup>

The news release also said that the measures to be funded would include:

- federal funding for culturally appropriate victims services through provinces and territories, as well as funding for Aboriginal groups to help the families of missing and murdered Aboriginal women;
- new awareness materials, pilot projects and new school- and community-based pilot projects targeted to young Aboriginal women; and

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50 Department of Justice, "Backgrounder B: The Government of Canada's Ongoing Support for Aboriginal Peoples," *News Release*, October 2010, [http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc\\_32565.html](http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32565.html).

51 Status of Women Canada, "Government of Canada Invests in Community Projects to Help End Violence Against Aboriginal Women and Girls," *News Release*, February 25, 2011, <http://www.swc-cfc.gc.ca/med/news-nouvelles/2011/0225-2-eng.html>.

52 Ibid.

53 Department of Justice, "Government of Canada Takes Concrete Action Regarding Missing and Murdered Aboriginal Women," *News Release*, October 29, 2010, [http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc\\_32560.html](http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32560.html).

54 Ibid.

- new community safety plans to be developed to enhance the safety of women living in Aboriginal communities.<sup>55</sup>

The Department highlighted seven concrete steps of the initiative, which spelled out in greater detail the allocation of the \$10 million.<sup>56</sup> The first six are:

- \$4 million for a National Police Support Centre for Missing Persons, enhancements to the Canadian Police Information Centre (CPIC), and a national website to encourage the public to provide tips and information on missing persons cases and unidentified human remains;
- \$1 million to support the development of school- and community-based pilot projects to help heal, move forward and provide alternatives to high-risk behaviour for young Aboriginal women, including young offenders;
- \$2.15 million over two years to the Department of Justice's Victims Fund to help the western provinces develop or adapt victim services for Aboriginal people and specific culturally sensitive victim services for families of missing and murdered Aboriginal women, and for Aboriginal community groups to respond to the unique issues faced by the families of missing or murdered Aboriginal women at the community level;
- \$1.5 million over two years to develop community safety plans to improve the safety of Aboriginal women within Aboriginal communities;
- \$850,000 in 2010–2011 to Aboriginal organizations and Public Legal Education groups working with Aboriginal groups to develop materials for the public on the importance of breaking intergenerational cycles of violence and abuse that threaten Aboriginal communities across Canada; and
- almost \$500,000 for the development of a national compendium of promising practices in the area of law enforcement and the justice system to help Aboriginal communities and groups improve the safety of Aboriginal women across the country.

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55 Ibid.

56 Department of Justice, *Backgrounder A: Concrete Steps to Address the Issue of Missing and Murdered Aboriginal Women*, October 2010, [http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc\\_32564.html](http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32564.html).

As its last concrete step, the Department of Justice will introduce amendments to the *Criminal Code* to strengthen investigations and streamline court processes. This includes streamlining the application process when specific court orders or warrants need to be issued in relation to an investigation for which a judge has given a wiretap authorization. As well, other amendments will be proposed to section 184.4 of the *Criminal Code*, which provides authority for wiretapping without a warrant in emergencies, such as cases of murder or kidnapping investigations relating to missing and murdered Aboriginal women.<sup>57</sup>

## Moving Forward

The Committee heard of the critical importance of maintaining and expanding a database of cases of missing and murdered Aboriginal women across Canada, developed by the NWAC's Sisters in Spirit initiative.<sup>58</sup> Witnesses stated that prior to this initiative, there was no comprehensive source of data on missing and murdered Aboriginal women and girls.<sup>59</sup>

The Committee was informed by several witnesses that police data do not consistently identify Aboriginal status for victims of violence.<sup>60</sup> Witnesses stated that there is even more limited information relating to specific Aboriginal identity, whether Métis, First Nations, or Inuit, for victims of crime.<sup>61</sup>

The Committee was told that police have concerns about collecting such data, specifically regarding Aboriginal identity. NWAC addressed these concerns in a recent collaborative effort the organization initiated:

About two years ago we conducted community engagement workshops on justice within 10 different communities to talk about the issue of collection of data on justice issues, and the specific question of collecting information by [A]boriginal identity, including [F]irst

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57 Ibid.

58 See, for example, Kate Rex, Director, Sisters in Spirit, Native Women's Association of Canada, *Evidence*, April 21, 2010, 1550 and Roseanne Sark, Director of Health Program, Mi'kmaq Confederacy of Prince Edward Island, *Evidence*, June 4, 2010, 1040.

59 See, for example, Kate Rex, Director, Sisters in Spirit, Native Women's Association of Canada, *Evidence*, April 21, 2010, 1550 and Chief Elizabeth Cloud, Women's Council, Assembly of First Nations, *Evidence*, April 21, 2010, 1530.

60 Jennifer Koshan, Professor, University of Calgary, *Evidence*, January 21, 2011, 1105; Chief Elizabeth Cloud, Women's Council, Assembly of First Nations, *Evidence*, April 21, 2010, 1530; Helene Johnson, Regional Director, Eastern Region 2, Métis Nation Saskatchewan, *Evidence*, April 21, 2010, 1540; A/Commr Bob Paulson, Assistant Commissioner, Contract and Aboriginal Policing, Royal Canadian Mounted Police, *Evidence*, April 26, 2010, 1645.

61 For example, see Kate Rex, Director, Sisters in Spirit, Native Women's Association of Canada, *Evidence*, April 21, 2010, 1550.

[N]ations, Métis, and Inuit. What came out was a very cautious, yes, this information should be collected, but it must be done in a culturally appropriate way.<sup>62</sup>

The Committee heard that not all data regarding missing and murdered Aboriginal women can successfully be collected by the police,<sup>63</sup> and as such recognizes the important role of grass-roots Aboriginal organizations in helping to uncover and track cases in communities and on the streets.

Central to the development and maintenance of such a database is collaboration. NWAC described how the Sisters in Spirit initiative had established successful working relationships with various provincial police organizations to verify police data<sup>64</sup> or to guarantee the accuracy of their own information in the building of their organization's database.<sup>65</sup> As an example, Sisters in Spirit began establishing memoranda of understanding for information sharing with the Ontario Provincial Police, with the Manitoba Action Group on Exploited and Vulnerable Women, and with the national RCMP database.<sup>66</sup> The Committee heard concerns about the lack of funding to maintain this database, and the lost value as it becomes outdated, making it "more difficult for NWAC to assess whether actions taken to reduce violence have actually resulted in fewer cases of missing or murdered aboriginal women and girls."<sup>67</sup>

The RCMP told the Committee that it is hopeful that the information gathered by the NWAC will contribute to the development of its databases<sup>68</sup> Similarly, NWAC told the Committee that the organization was open to working with the RCMP during the enhancement of Canadian Police Information Centre database.<sup>69</sup>

Based on the testimony suggesting that collaboration between the RCMP and NWAC could benefit future initiatives with respect to missing and murdered women,

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62 Kate Rexe, Director, Sisters in Spirit, Native Women's Association of Canada, *Evidence*, April 21, 2010, 1630.

63 Jeanette Corbiere Lavell, President, Native Women's Association of Canada, *Evidence*, February 3, 2011, 1140.

64 Ibid.

65 Kate Rexe, Director, Sisters in Spirit, Native Women's Association of Canada, *Evidence*, April 21, 2010, 1550.

66 Katharine Inngaut, Acting Director, Sisters In Spirit, Native Women's Association of Canada, *Evidence*, February 3, 2011, 1135.

67 Jeanette Corbiere Lavell, President, Native Women's Association of Canada, *Evidence*, February 3, 2011, 1115.

68 Insp Kevin Jones, Acting Director General, National Aboriginal Policing Services, Royal Canadian Mounted Police, *Evidence*, March 1, 2011, 1205.

69 Jeanette Corbiere Lavell, President, Native Women's Association of Canada, *Evidence*, February 3, 2011, 1220.

**The Committee recommends that the federal government collaborate with the Native Women's Association of Canada to explore the feasibility of i) sharing some or all of the information in the data base with the Royal Canadian Mounted Police Support Centre for Missing Persons; and ii) deciding what, if any information, can ethically be made available more broadly beyond police and justice system officials.**

The Committee also heard from witnesses that families of the missing and murdered Aboriginal women required initial and ongoing support. For example, during a site visit to Kitigan Zibi Anishinabeg in Quebec, the Committee heard from Ms. Laurie Odjick, whose 16-year-old daughter went missing in 2008. Ms Odjick spoke of how little guidance she received when her daughter went missing, how she was unsure of how to deal with the police, and how she needed both financial and healing support as she continued the search for her child. The Committee heard about specific financial and other supports needed, and concerns that current programs do not provide funding for their continued delivery.<sup>70</sup>

The Committee was told of some Health Canada programs designed for the Aboriginal communities at large that could be used by families of missing and murdered Aboriginal women, such as the over \$200 million invested annually in the Inuit and First Nations Health Branch, which offers mental health counselling and addiction treatment centres.<sup>71</sup>

**The Committee recommends that the federal government, through Health Canada and in collaboration with Aboriginal, provincial and territorial organizations, should consider support services in the Inuit and First Nations Health Branch geared towards families of missing and murdered Aboriginal women.**

The legal support services requested by the families of missing and murdered Aboriginal women will be addressed later in the report.

As well, the Committee heard of the work of the Federal-Provincial-Territorial Working Group on Missing Women, which was established in early 2006 by federal-provincial-territorial deputy ministers to examine the issue of missing women in Canada. Co-chaired by British Columbia and Alberta, this group focused on “the effective

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70 Jo-Anne Fiske, Professor of Women's Studies, University of Lethbridge, As an Individual, *Evidence*, January 21, 2011, 1035; Beverley Jacobs, Former President of the Native Women's Association of Canada, As an Individual, *Evidence*, January 18, 2011, 1510.

71 Kathy Langlois, Director General, Community Programs Directorate, First Nations and Inuit Health Branch, Department of Health, *Evidence*, December 14, 2010, 0855.

identification, investigation, and prosecution of cases involving serial killers who target persons living a high-risk lifestyle, including those in the sex trade,” as well as an “examination of best practices to enable earlier detection of potential serial murderers as well as strategies to protect potential victims.”<sup>72</sup>

Witnesses told the Committee that the Working Group would “look at how all points in the criminal justice system deal with reports of all missing persons, from the time a person, the family, or a loved one contacts police, victims’ services, or another social service.”<sup>73</sup>

According to the British Columbia Ministry of Attorney General, a condensed version of the final report of the Federal-Provincial-Territorial Working Group on missing and murdered women was prepared for October 2010 and a final version will be released in 2011.<sup>74</sup> The condensed report is entitled “Issues Related to the High Number of Murdered and Missing Women in Canada,” by the Coordinating Committee of Senior Officials Missing Women Working Group. The group’s condensed report provides 52 recommendations and urges adoption of these recommendations because “while the number of serial predators in Canada may not be large, the number of their victims is significant and the impact of these cases is widespread.”<sup>75</sup>

There was also testimony for the establishment of an independent national inquiry or task force into the missing and murdered Aboriginal women.<sup>76</sup>

## **Community Safety for Aboriginal Women**

Disturbing and consistent testimony heard by the Committee came from women and service organizations who described the dangers for women experiencing violence, not only in their homes, but also in gaining access to services expected to support them. These include police services and emergency shelter and alternate affordable housing.

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72 Carole Morency, Acting General Counsel, Criminal Law Policy Section, Department of Justice, *Evidence*, April 26, 2010, 1705.

73 *Ibid.*

74 British Columbia: Ministry of the Attorney General, *Missing Women Working Group Report*, [http://www.ag.gov.bc.ca/missing\\_women\\_working\\_group/index.htm](http://www.ag.gov.bc.ca/missing_women_working_group/index.htm).

75 Coordinating Committee of Senior Officials Missing Women Working Group, “Report: Issues Related to the High Number of Murdered and Missing Women in Canada,” September 2010, [http://www.scics.gc.ca/CMFiles/830992005\\_e1MAJ-2112011-6827.pdf](http://www.scics.gc.ca/CMFiles/830992005_e1MAJ-2112011-6827.pdf).

76 Bernie Williams, Co-founder, Walk4Justice, *Evidence*, January 18, 2011, 1735; Chief Betsy Kennedy, War Lake First Nation, Assembly of Manitoba Chiefs, *Evidence*, January 13, 2011, 1140; Chief Angus Toulouse, Ontario Regional Chief, Chiefs of Ontario, *Evidence*, January 14, 2011, 0830; Hilla Kerner, Collective Member, Vancouver Rape Relief and Women’s Shelter, *Evidence*, January 18, 2011, 1330; Michelle Corfield, As an Individual, *Evidence*, January 18, 2011, 1715.

These deficiencies were especially severe on reserve and in remote communities. An underlying issue for women calling on either law enforcement or emergency shelters or transition houses was the risk they faced of having their children removed from their families as a result of informing people of the dangers they face and the inadequate options available to protect children in families facing violence. More on child welfare is included in the context of family violence prevention later in the report.

## **Policing**

The importance of the criminal justice system cannot be ignored. As one witness told the Committee:

Flaws in the criminal justice system are probably the most insidious of the systemic factors that subvert [A]boriginal women's safety, because [A]boriginal women are often encouraged to access police and the courts to help them. The stories of the women reveal how the criminal justice system plays a role in their continuing victimization.<sup>77</sup>

However, the Committee heard testimony about successful relationships, as well as the need for reforms. The Committee recognizes that many of these issues are in the provincial or territorial jurisdiction in an off reserve context.

## **Cultural/historical training**

Testimony across the country with respect to policing services, their responsiveness, and the impact of involving them in family violence situations varied considerably. As described above, individuals and organizations reporting the disappearance or murder of family members described varying experiences. Local initiatives in some communities, regions and provinces were reported to have built trust and mutual understanding between police and Aboriginal women and their communities. In other cases, women had reported apparent indifference or discrimination from police when making such reports. These experiences contributed to the willingness or reticence of Aboriginal women and the agencies that serve them to contact police in situations of violence in their own homes and communities.

In addition, in some communities, Aboriginal women and the agencies that serve them reported that police were explicitly racist and/or had no understanding of the history and culture of Aboriginal peoples in Canada.<sup>78</sup> Where witnesses described positive

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77 Sandra Lambertus, Author, As an Individual, *Evidence*, January 21, 2011, 1055.

78 See for example, Dawn Harvard, President, Board of Directors, Ontario Native Women's Association, *Evidence*, January 14, 2011, 1815 and Suzanne Dzus, Founder and Chairperson, *Memorial March for Missing and Murdered Women Calgary*, *Evidence*, January 21, 2011, 1015.

relationships with police forces serving them, they also often described the specific training that had been offered and provided to those forces. In addition, several witnesses described the need to expand this work, and for police officers at all levels to take training that will allow them to request information about Aboriginal identity needed to collect better data, and to assess situations of domestic violence into which they are called; these witnesses including both police witnesses and Aboriginal women.<sup>79</sup> As noted above, the Native Women's Association Research to Action program with respect to missing and murdered Aboriginal women includes a component to work with police partners to develop and deliver such training.

The Committee heard testimony that specific training with respect to Aboriginal history, culture and practice helped to build trust between police and Aboriginal women and their communities and to address violence against Aboriginal women in those communities. Therefore,

**The Committee recommends that the federal government, under the aegis of the Family Violence Initiative, work with the Canadian Police College, Aboriginal women's organizations, and the Department of Department of Public Safety Canada to develop and disseminate training materials with respect to the cultural and historical context in which violence against Aboriginal women occurs.**

### **Response to reports of violence**

One witness described the link between policing and protection from violence in terms of Aboriginal peoples being "over-policed and under-protected."<sup>80</sup> A complex set of factors interact to challenge a better linkage between policing and protection.

For example, both victims of violence and police services who are called in to intervene are challenged by the impact of possible results on the individual, her family and the community at large. This is particularly evident in on-reserve communities and in other small and remote communities. As described by one witness,

The issue is that the woman is experiencing violence against her and she wants that to stop. The reason that a lot of women may be apprehensive about even calling the police

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79 See for example Kate Rexe, Director, Sisters in Spirit, Native Women's Association of Canada, *Evidence*, April 21, 2010, 1715; Chief Elizabeth Cloud, Women's Council, Assembly of First Nations, *Evidence*, April 21, 2010, 1725; and A/Commr Bob Paulson, Acting Commissioner, Contract and Aboriginal Policing, Royal Canadian Mounted Police, *Evidence*, April 26, 2010, 1620.

80 Wanda Daigneault, Treasurer, Saskatchewan Aboriginal Women's Circle Corporation, *Evidence*, January 12, 2011, 1250.

is because they don't want to uproot their family unit. They don't want to lose all that — the community sense, for one, their family sense. All their family are in the community, and it might cause community uproar because of the husband's family. It really impacts the whole community, not just the family.<sup>81</sup>

When women do want police action, the Committee heard from police that in small and remote communities, it may not be possible to remove the perpetrator or find alternative care for children.<sup>82</sup> Others in urban communities told the Committee that police are not quick enough to lay charges, and build cases that can be taken to court in search of convictions.<sup>83</sup> The more promising practices described by Aboriginal women and organizations and police themselves were based on collaboration among police forces, Aboriginal organizations, and providers of programs intended to provide emergency and longer-term support to Aboriginal women experiencing violence.<sup>84</sup>

The Minister responsible for the Status of Women, the Honourable Rona Ambrose, spoke to the Committee on this issue in a larger context:

"[T]here are root causes of violence in the [A]boriginal communities that include things like poverty and racism, and this is why it's incredibly important for us to work with organizations, aboriginal organizations, across the country, and to partner with people like the RCMP and Justice Canada, because this has to be a multi-pronged approach. We need prosecution, we need prevention strategies, and we need community organizations to be involved in a culturally sensitive way."<sup>85</sup>

**Based on this testimony, the Committee recommends that the federal government, under the aegis of the Family Violence Initiative, work with the Canadian Association of Chiefs of Police, Aboriginal women's organizations, Status of Women Canada, Aboriginal Affairs and Northern Development Canada, and the Department of Public Safety Canada to pilot and disseminate results of collaborative approaches at the community level to violence against Aboriginal women.**

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81 Roseanne Sark, Director of Health Program, Mi'kmaq Confederacy of Prince Edward Island, *Evidence*, June 4, 2010, 1140.

82 A/Commr Bill Robinson, Commanding Officer, "D" Division, Winnipeg, Royal Canadian Mounted Police, *Evidence*, January 13, 2011, 1005.

83 See for example Germaine Benuen, Director of Operations, Sheshatshiu Innu First Nation, *Evidence*, October 26, 2010, 0955.

84 See for example Angie Bear, Community Development Worker, ISKWEW Women Helping Women Co-operative Health Centre, *Evidence*, January 12, 2011, 1345.

85 Honourable Rona Ambrose, Minister for Status of Women, *Evidence*, March 1, 2011, 1215.

## Access to Justice

The Committee heard that, in some cases, when women seek legal recourse against their perpetrator, they face major barriers including the attitude of both police and courts and a dearth of legal aid available.<sup>86</sup>

Several witnesses flagged that only a small proportion of reports of abuse ever result in charges being laid.<sup>87</sup> With respect to the court system itself, the Committee heard testimony of the impact of the courts' failure to act,<sup>88</sup> and the importance of legal representation for Aboriginal women who do choose to lay charges and seek convictions.<sup>89</sup> As noted above, the Committee heard of a particular gap that is emerging for family members seeking legal redress with respect to missing and murdered women.

There are wide differences in access to courts, and in their operations with respect to violence against Aboriginal women. In some communities, because only circuit courts are available, there are fewer opportunities to take cases forward.<sup>90</sup> In Edmonton, the Committee learned of the development of a domestic violence court, which holds daily hearings. In some jurisdictions, the police and social workers can interview all the affected parties and their counsel, assess risks, make recommendations to the court, and work with agencies to propose family reconciliation plans.

Several federal investment programs, described in greater detail below, are intended to improve access to the criminal justice system for Aboriginal women. However, none of are intended to provide assistance to help victims or their family members access the legal representation they may need. Therefore,

**The Committee recommends that the federal government continue to work with its provincial and territorial partners and stakeholders to determine what more can be done within existing service models to better address the needs of Aboriginal victims of violence.**

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86 See for example, Ellen Gabriel, President, Quebec Native Women's Association, *Evidence*, June 10, 2010, 1210; and Darcie Bennett, Campaigns Director, Pivot Legal Society, *Evidence*, January 18, 2011, 1815.

87 See for example, Hilla Kerner, Collective Member, Vancouver Rape Relief and Women's Shelter, *Evidence*, January 18, 2011, 1345.

88 Asia Czapska, Advocacy Director, Justice for Girls, *Evidence*, January 18, 2011, 1155; and Janine Benedet, law professor, University of British Columbia (as individual), *Evidence*, January 18, 2011, 1510.

89 For examples, see Darcie Bennett, Campaigns Director, Pivot Legal Society, *Evidence*, January 18, 2011, 1815; and Jeannette Corbiere Lavell, President, Native Women's Association of Canada, *Evidence*, February 3, 2011, 1145.

90 Sandra Tucker, Manager, Abuse Prevention Policy and Programs, Pauktuitit Inuit Women's Association, *Evidence*, January 20, 2011, 0820.

Among the federal programs intended to improve access to justice more generally, the federal government has funded an Aboriginal Courtwork Program, with a stated objective of “providing Aboriginal persons charged with an offence with timely and accurate information at the earliest possible stage of the criminal justice process.”<sup>91</sup> This program was initiated by communities in the 1960s, and has received federal funding beginning in 1968, becoming an ongoing contribution program in 1978. The Minister of Justice, the Honourable Rob Nicholson, told the Committee that the program was “to make sure that people who get involved with the criminal justice system are aware of their rights and aware of the help they may be able to get.”<sup>92</sup>

The Federal Aboriginal Justice Strategy is also led by the Department of Justice, and cost-shared with provinces and territories. The Committee was told that the strategy

... uses traditional dispute resolution methods to address crime and victimization and currently supports more than 120 community-based justice programs in approximately 400 [A]boriginal communities across Canada. Through this holistic process, offenders are held accountable and attempts are made to repair the harm suffered by the victim while at the same time restoring relationships between victims, offenders, and communities.<sup>93</sup>

According to the Department of Justice Canada’s website, this strategy “enables Aboriginal communities to have increased involvement in the local administration of justice and, as such, provides timely and effective alternatives to mainstream justice processes in appropriate circumstances.”<sup>94</sup>

Created in 1991, the Aboriginal Justice Strategy was part of an overall federal Aboriginal crime strategy and has been renewed three times. In 2007, the funding was enhanced to \$14.5 million over two years (from 2007-2008 to 2008-2009).<sup>95</sup> In August 2008, the Minister of Justice confirmed the strategy’s renewal for five years until 2012, with funding of \$40 million over that period.<sup>96</sup> The enhanced funding was to allow expansion “into areas of high need, such as urban, northern, and off reserve Aboriginal communities, in addition to focusing on Aboriginal youth.”<sup>97</sup>

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91 Department of Justice, “Aboriginal Courtwork Program”, <http://www.justice.gc.ca/eng/pi/pb-dgp/arr-ente/acp-apa.html>.

92 Honourable Rob Nicholson, Minister of Justice, Evidence, March, 2011, 1200.

93 Carole Morency, Acting General Counsel, Criminal Law Policy Section, Department of Justice, *Evidence*, April 26, 2010, 1540.

94 Department of Justice, *The Aboriginal Justice Strategy*, <http://www.justice.gc.ca/eng/pi/ajs-sja/>.

95 Ibid.

96 Department of Justice Canada, *Aboriginal Justice Strategy: Mid-Term Evaluation — Final Report*, October 2010, [http://www.justice.gc.ca/eng/pi/eval/rep-rap/10/ajs-sja/ajs\\_mt\\_e.pdf](http://www.justice.gc.ca/eng/pi/eval/rep-rap/10/ajs-sja/ajs_mt_e.pdf), p. 4.

97 Ibid.

While the current commitment is until 2012, the Department's *Report on Plans and Priorities* for 2011-2012 includes its plan to "... in collaboration with federal, provincial, territorial, Aboriginal and community justice partners, design and implement Aboriginal Justice Strategy renewal beyond 2012."<sup>98</sup>

Finally, the National Crime Prevention Strategy has as its mission to "provide national leadership on effective and cost-efficient ways to both prevent and reduce crime by addressing known risk factors in high-risk populations and places".<sup>99</sup> It is administered by the National Crime Prevention Centre, within the Department of Public Safety Canada.<sup>100</sup>

The Committee heard that the National Crime Prevention Centre "has been an active and supportive partner in many [A]boriginal communities across the country by investing over \$46 million to fund 40 crime prevention projects aimed at [A]boriginal communities, most of which are currently active for the next couple of years."<sup>101</sup>

The Committee heard that the National Crime Prevention Strategy is oriented towards long-term results and aims to improve the futures of today's youth. Staff of the National Crime Prevention Centre at the Department of Public Safety told the Committee:

We feel that well-thought-out and properly implemented prevention measures are the best way to reduce the number of victims. At the same time, we are obviously aware that this is a long-term process, and the effects will only be felt several years later, after the projects have been carried out, especially since our targeted groups are youth aged 6 to 24.<sup>102</sup>

Among its three funding mechanisms<sup>103</sup> is the Northern and Aboriginal Crime Prevention Fund, created in 2008. This fund was allocated \$8 million for 2010-2011. According to the Department of Public Safety's website, the fund

... [a]ssists communities experiencing multiple risk factors and other challenges that affect their ability to respond to crime issues, such as remote geographical location and

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98 Department of Justice Canada, *Reports on Plans and Priorities, 2011-2012*, <http://www.tbs-sct.gc.ca/rpp/2011-2012/inst/jus/jus-eng.pdf>, p. 13.

99 Public Safety Canada, *A Blueprint for Effective Crime Prevention, 2007*, as cited in Public Safety Canada, *Supporting the Successful Implementation of the National Crime Prevention Strategy, 2008*, p. 1 <http://www.publicsafety.gc.ca/res/cp/res/fl/ssincps-amosnpc-eng.pdf>.

100 Public Safety Canada, *National Crime Prevention Strategy*, <http://www.publicsafety.gc.ca/prg/cp/ncps-eng.aspx>.

101 Daniel Sansfaçon, Acting Executive Director, National Crime Prevention Centre, Department of Public Safety, *Evidence*, April 26, 2010, 1550.

102 Ibid.

103 Ibid.

limited capacity. It achieves this by providing time-limited funding to support culturally sensitive initiatives that foster the development and implementation of crime prevention approaches in Aboriginal communities, both on-and off reserve and in the North.<sup>104</sup>

## Housing and Shelter

### Housing

The Committee heard extensively about the shortage of affordable housing, on reserve and in non-reserve communities, and its impact on women's capacity to leave abusive home situations. Although also related to the poverty of Aboriginal women, one witness summed up the particular significance of affordable housing with respect to Aboriginal women and violence:

Without a safe place to call home, Aboriginal women are at extreme risk of violence. For mothers living in poverty, finding adequate housing is a major barrier to keeping themselves and their children safe.<sup>105</sup>

The Committee has heard that the widespread shortage of housing on reserve can exacerbate the risk women face with respect to violence. An extensive study of the issue concluded: "A common issue on reserves is the lack of housing. This is especially acute for Aboriginal women fleeing a violent situation. They may stay with relatives, but this is temporary at best and cannot be considered a long-term solution."<sup>106</sup> The same study suggested that a shortage of such housing in nearby towns was also a deterrent to women leaving violent situations.<sup>107</sup>

Similarly, NWAC, in a 2004 document on Aboriginal women's health, reported that "Chronic housing shortages on reserve, and a lack of affordable housing off reserve, leave Aboriginal women at increased risk of violence due to a lack of practical options."<sup>108</sup>

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104 Public Safety Canada, *Northern and Aboriginal Crime Prevention Fund*, <http://www.publicsafety.gc.ca/prg/cp/nacpf-index-eng.aspx>.

105 Darcle Bennett, *Three Ways To Keep Women Safer: Housing, legal and child care support for aboriginal women*, January 20, 2011, <http://www.thevalleyvoice.ca/Voice%20Stories/January%202011/Three%20Ways%20To%20Keep%20Women%20Safer%20-%20January%2020-%202011.htm>.

106 Sandra Lambertus, *Addressing Violence Perpetrated Against Aboriginal Women in Alberta, Final Report*, Project Lifeline, November 2007, p. 169, <http://www.whrn.ca/documents/LifelineEBook.pdf>.

107 Ibid., p. 170.

108 Native Women's Association, *Background Document on Aboriginal Women's Health For the Health Sectoral Session, Following up to the Canada-Aboriginal Peoples Roundtable*, October 2004, p. 4, [http://www.aboriginalroundtable.ca/sect/hlth/bckpr/NWAC\\_BgPaper\\_e.pdf](http://www.aboriginalroundtable.ca/sect/hlth/bckpr/NWAC_BgPaper_e.pdf).

The particular challenges facing Inuit women in isolated communities have been identified by Pauktuutit: “The extreme housing crisis across the Arctic often means that for women living with violence in the home there may be no other safe housing options, and the cost of air travel to seek safety in another community can be prohibitively expensive.”<sup>109</sup>

Other research has described the links between housing and violence as well. For example, a 2008 Public Health Agency of Canada report on Aboriginal women and violence flagged how women could avoid reporting violence or abuse for fear of losing their housing, and related consequences.<sup>110</sup> It also suggested that the assurance of housing would encourage the reporting of incidences of violence.<sup>111</sup>

Finally, the Committee also heard that a lack of housing was a possible trigger for removal of children from families,<sup>112</sup> addressed in greater detail elsewhere in this report.

Officials from Canada Mortgage and Housing Corporation (CMHC) told the Committee that

[a] key part of CMHC's mandate is to work with our provincial, territorial, and non-governmental partners, as well as the private sector, to help Canadians from all walks of life access quality affordable homes. CMHC's assisted housing initiatives are designed to help some of the most vulnerable in society, including women who are victims of domestic violence.<sup>113</sup>

Starting in 2001, the federal government established a framework for cost-sharing new affordable housing construction, with a funding commitment of \$680 million. In 2003, a federal commitment of \$320 million was dedicated to additional funding for housing targeted to low-income households in communities with a particular need for affordable housing. In this phase, the rent of the housing units has to be at levels affordable for low-income households.<sup>114</sup>

In Budget 2006, the federal government announced \$300 million in a one-time transfer through the Northern Housing Trust “to help meet short-term pressures with regard

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109 Pauktuutit, *Violence Against Inuit Women Backgrounder*, <http://www.pauktuutit.ca/index.php/home/backgrounder/>.

110 Public Health Agency of Canada, *Aboriginal Women and Family Violence*, 2008, p. 8, 18, [http://www.phac-aspc.gc.ca/ncfv-cnivf/pdfs/fem-abor\\_e.pdf](http://www.phac-aspc.gc.ca/ncfv-cnivf/pdfs/fem-abor_e.pdf).

111 Ibid., p. 34 and 36.

112 Sheila Nelson, Manager, Community and Family Services, Child Protection Program, Yellowknife Health and Social Services Authority, *Evidence*, January 20, 2011, 0850.

113 Sharon Matthews, Vice-President, Assisted Housing Sector, Canada Mortgage and Housing Corporation, *Evidence*, February 17, 2011, 1115.

114 Ibid.

to the supply of affordable housing in the North.”<sup>115</sup> This funding was allocated to the three Northern territories from 2006-2007 to 2008-2009.<sup>116</sup>

The Committee heard that this investment in housing in Nunavut alone resulted in the construction of 725 “new public housing rent-geared-to-income units.”<sup>117</sup>

In 2008, the federal government announced \$1.9 billion over five years, for housing and homelessness programs for low-income Canadians, which included a three-year commitment for an extension of the Affordable Housing Initiative (AHI).

In July 2011, federal-provincial-territorial governments announced “a \$1.4 billion combined investment toward reducing the number of Canadians in housing need under a new Affordable Housing Framework 2011–2014.”<sup>118</sup> Under the new Framework, provinces and territories are responsible for the design and delivery of affordable housing programs, which allows them to address their specific housing needs and priorities.<sup>119</sup>

A further one-time investment was made through Canada’s Economic Action Plan,<sup>120</sup> which distributed \$1.525 billion in funding through amendments to AHI’s cost-sharing and delivery arrangements with the provinces and territories. This arrangement enabled the federal government to offer the one-time investment in housing stimulus measures to construct new, and renovate existing, social housing.<sup>121</sup>

Two other components of the Economic Action Plan addressed housing needs for Aboriginal peoples. The first, called Addressing First Nations’ Housing Needs Initiative, invested \$400 million over two years in First Nations’ housing needs on reserve.<sup>122</sup> The

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115 Department of Finance, “One-Time Funding to Provinces and Territories,” New Release, 2006. [http://www.fin.gc.ca/n06/data/06-048\\_1-eng.asp](http://www.fin.gc.ca/n06/data/06-048_1-eng.asp).

116 Ibid.

117 Alain Barriault, President, Nunavut Housing Corporation, *Evidence*, February 17, 2011, 1130.

118 Canada Mortgage and Housing Corporation, “Federal/Provincial/Territorial Ministers Responsible for Housing Announce a New Framework for Affordable Housing,” News Release, July 4, 2011, <http://www.cmhc-schl.gc.ca/en/corp/nero/nere/2011/2011-07-04-0930.cfm>.

119 Ibid.

120 The Economic Action Plan funding total includes \$850 million for Renovation and Retrofit of Existing Social Housing, \$400 million for Housing for Low-Income Seniors, and \$75 million for Housing for Persons with Disabilities. Due to the distinctive needs in the territories, \$200 million for Northern Housing is being provided to the territories with no cost-sharing requirement. More details available at <http://www.cmhc.ca/housingactionplan/index.cfm>.

121 Canada Mortgage and Housing Corporation, *Affordable Housing Initiative*, [http://www.cmhc.ca/en/inpr/afhoce/fias/fias\\_015.cfm](http://www.cmhc.ca/en/inpr/afhoce/fias/fias_015.cfm).

122 Barbara Lawless, Director General, Homelessness Partnering Secretariat, Department of Human Resources and Skills Development, *Evidence*, February 17, 2011, 1105. Further details in: Government of Canada, “Addressing First Nations’ Housing Needs,” *Canada’s Economic Action Plan*, <http://www.actionplan.gc.ca/initiatives/eng/index.asp?mode=7&initiativeID=8>.

second allocated \$200 million over two years to fund the construction and renovation of social housing in the three territories. More details of this initiative are provided below.

Of the \$400 million allocated to Addressing First Nations' Housing Needs Initiative, CMHC was to deliver \$250 million over two years to create new on reserve housing and to repair and renovate existing federally assisted on reserve social housing.<sup>123</sup> Data to January 2011 indicate that \$123 million was spent in 2009–2010 and \$127 million was committed for 2010–2011.<sup>124</sup>

The remaining \$150 million (of the total \$400 million), AANDC allocated for first nations over the two years (\$75 million for 2009-2010 and \$75 million for 2010-2011).<sup>125</sup> According to testimony, in 2009- 2010 183 new housing units were built,<sup>126</sup> almost 2,000 units were renovated, nearly 600 lots were serviced (prepared for future construction), and nearly 825 jobs were created.<sup>127</sup> In 2010-2011, AANDC allocated funding for 58 serviced lots, 1,935 renovations, 191 new housing units.<sup>128</sup>

As noted above, the 2009 budget also allocated \$200 million over two years to fund the construction and renovation of social housing in the three territories. Data as of January 2011 indicate that \$100 million was provided in 2009–2010 and \$100 million was to be provided in 2010–2011. Funding was delivered through CMHC, through amendments to existing bilateral agreements between the federal government and territories under the Affordable Housing Initiative.

The funds were to be allocated based on greatest need, with Yukon and the Northwest Territories each receiving \$50 million and Nunavut receiving \$100 million.<sup>129</sup> The Committee heard that the \$100 million investment in Nunavut has led to the construction of 285 new public housing units.<sup>130</sup>

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123 Gail Mitchell, Director General, Community Infrastructure Branch, Regional Operations Sector, Department of Indian Affairs and Northern Development, February 17, 2011, 1105.

124 Government of Canada, *Canada's Economic Action Plan, Year 2 — Built to keep our economy growing — A Seventh report to Canadians*, p. 95, <http://www.actionplan.gc.ca/grfx/pdf/ceap-paec-eng.pdf>.

125 From INAC Submission by Michael Wernick, March 9, 2011.

126 Ibid.

127 Barbara Lawless, Director General, Homelessness Partnering Secretariat, Department of Human Resources and Skills Development, *Evidence*, February 17, 2011, 1105.

128 From INAC Submission by Michael Wernick, March 9, 2011.

129 Sharon Matthews, Vice-President, Assisted Housing Sector, Canada Mortgage and Housing Corporation, *Evidence*, February 17, 2011, 1115. For more detail: Government of Canada, "Northern Housing," *Canada's Economic Action Plan*, <http://actionplan.gc.ca/initiatives/eng/index.asp?mode=7&initiativeID=12>.

130 Jim Lanigan, Treasurer, National Aboriginal Housing Association, *Evidence*, February 17, 2011, 1130.

The funding aimed to assist households who were on, or qualified to be on, a social housing waiting list. Territorial governments were responsible for program delivery and for approval of funding applications for new construction, as submitted by municipalities, not-for-profit organizations and private sector developers. Only existing federally assisted social housing qualified for repair and retrofit funding.<sup>131</sup>

## Shelters

The Committee also heard of the importance of accessible emergency shelters for women who do flee violence, and a range of opinion on whether these supports should be in rural, isolated and/or on reserve communities, or whether they should be at some distance from the communities to provide greater protection and safety for women leaving violent situations. The Committee was disturbed to learn of waiting lists for shelters and safe spaces for women facing violence.

The federal government has funded programming, including the approval by SWC of more than \$1 billion “to end violence against Aboriginal women,” in 2009–2010;<sup>132</sup> and an expenditure of \$29.6 million each year in “family violence prevention programs and services on reserve.”<sup>133</sup> In addition, federal funding targeted to increasing the number of shelter beds for people who were homeless included funding used to build, operate and renovate shelters for Aboriginal women. More details on both programs are provided below.

## Family Violence Prevention Program

The Family Violence Prevention Program (FVPP) “supports a network of 35 shelters serving approximately 265 First Nations communities.”<sup>134</sup> According to testimony, the network is now comprised of 41 shelters.<sup>135</sup>

The total budget of the FVPP is \$18.5 million per year, \$11.5 million of which goes to operational funding and \$7 million is used for approximately 350 community-driven prevention projects in First Nation and northern communities.<sup>136</sup> The community prevention

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131 Ibid.

132 Department of Justice, *Backgrounder B: The Government of Canada’s Ongoing Support for Aboriginal Peoples*, October 2010, [http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc\\_32565.html](http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32565.html).

133 Ibid.

134 Ibid.

135 Mary Quinn, Director General, Social Policy and Programs Branch, Department of Indian Affairs and Northern Development, *Evidence*, Monday, April 26, 2010, 1530.

136 Aboriginal Affairs and Northern Development Canada, *Canada’s New Government Takes Action to End Violence Against First Nations Women*, June 22, 2007, <http://inac-ainc.info/ai/mr/nr/m-a2007/2-2899-eng.asp>.

projects include “public awareness campaigns, conferences, workshops, stress and anger management seminars, support groups, and community needs assessments.”<sup>137</sup>

In June 2007, almost \$56 million in funding was allocated to on reserve shelters through a five-year investment (ending in 2012) in AANDC’s Family Violence Prevention Program and CMHC’s Shelter Enhancement Program (SEP) on reserve.<sup>138</sup>

Of this funding, around \$53.45 million will go to the Family Violence Prevention Program for “operational costs of existing shelters to provide protection and prevention services that meet the needs of women, children and families ordinarily resident on reserve.”<sup>139</sup>

The remaining funding was allocated to the Shelter Enhancement Program, as discussed below, which received the \$2.2 million for the construction of up to five additional shelters on reserve.<sup>140</sup>

### **Shelter Enhancement Program**

The Shelter Enhancement Program, under CMHC aims to provide “financial assistance to repair, rehabilitate and improve existing shelters, both on- and off reserve, for women, children and youth who are victims of family violence. The program also assists in the acquisition or construction of new shelters and second stage housing.”<sup>141</sup>

Through the federal government’s Family Violence Initiative, the Shelter Enhancement Program (SEP) receives \$1.9 million of on-going annual funding.<sup>142</sup>

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137 Ibid.

138 Ibid. and Canada Mortgage and Housing Corporation, *News Releases: Government of Canada Announces Five New Women’s Shelters for First Nations Communities*, March 4, 2008, <http://www.cmhc-schl.gc.ca/en/corp/nero/nere/2008/2008-03-04-1000.cfm>. AND Canada Mortgage and Housing Corporation, *2008-2012: Summary of the Corporate Plan — Building on Innovation*, 2008, [http://www.cmhc-schl.gc.ca/en/corp/about/anrecopl/upload/CPS\\_E.pdf](http://www.cmhc-schl.gc.ca/en/corp/about/anrecopl/upload/CPS_E.pdf), p. 34.

139 Aboriginal Affairs and Northern Development Canada, *Canada’s New Government Takes Action to End Violence Against First Nations Women*, June 22, 2007, <http://www.aadnc-aandc.gc.ca/aiarch/mr/nr/m-a2007/2-2899-eng.asp>.

140 Canada Mortgage and Housing Corporation, *Audit and Evaluation Services: Shelter Enhancement Program 2007 — Evaluation Plan*, 2007, [ftp://ftp.cmhc-schl.gc.ca/chic-ccd/h/Research\\_Reports-Rapports\\_de\\_recherche/eng\\_bilingual/Shelter%20Enhancement%20Program%202007%20Evaluation%20PIan%20\\_Eng.pdf](ftp://ftp.cmhc-schl.gc.ca/chic-ccd/h/Research_Reports-Rapports_de_recherche/eng_bilingual/Shelter%20Enhancement%20Program%202007%20Evaluation%20PIan%20_Eng.pdf), p. 13.

141 Canada Mortgage and Housing Corporation, *2008-2012: Summary of the Corporate Plan— Building on Innovation*, 2008, [http://www.cmhc-schl.gc.ca/en/corp/about/anrecopl/upload/CPS\\_E.pdf](http://www.cmhc-schl.gc.ca/en/corp/about/anrecopl/upload/CPS_E.pdf), p. 52.

142 Department of Justice, *Backgrounder B: The Government of Canada’s Ongoing Support for Aboriginal Peoples*, October 2010, [http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc\\_32565.html](http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32565.html).

Of the nearly \$56 million in funding allocated to on reserve shelters in 2007, SEP received \$2.2 million for the construction of five shelters.<sup>143</sup> The new shelters will be built in First Nations communities in five provinces: Quebec, Northern Ontario, Manitoba, Alberta and British Columbia.<sup>144</sup> According to testimony, as of April 2010, three of those shelters had already been built, and two were scheduled to be completed in May 2010.<sup>145</sup>

### Homeless Partnering Strategy

The Homelessness Partnering Strategy (HPS) is a community-based program that has the goal of preventing and reducing homelessness throughout Canada by investing in transitional and supportive housing through a housing-first approach.<sup>146</sup> The HPS relies on communities to evaluate their own housing and shelter needs and to propose appropriate projects to respond to homelessness.<sup>147</sup> This approach is supported by collaboration among the federal, provincial and territorial governments and communities. The strategy supports 61 designated communities and some small, rural, northern, and Aboriginal communities to develop community-based measures to assist homeless individuals and families.<sup>148</sup>

Established in April 2007, the HPS initially had annual funding of \$134.8 million for two years, and replaced the National Homeless Initiative, which ran from 1999 to 2007. As part of the government's 2008 commitment of \$1.9 billion to housing and homelessness, there was a two-year renewal of the HPS and a commitment to maintain annual funding for housing and homelessness until March 2014. Since April 2011, the government has renewed HPS, with a funding level of \$134.8 million annually, and committed to its funding until March 2014.<sup>149</sup>

The HPS has seven funding components, the most relevant of which is the Aboriginal Homelessness component. This funding is intended to respond to the needs of

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143 Canada Mortgage and Housing Corporation, *Audit and Evaluation Services: Shelter Enhancement Program 2007 — Evaluation Plan*, 2007, [ftp://ftp.cmhc-schl.gc.ca/chic-ccd/Research\\_Reports-Rapports\\_de\\_recherche/eng\\_bilingual/Shelter%20Enhancement%20Program%202007%20Evaluation%20Plan%20\\_Eng.pdf](ftp://ftp.cmhc-schl.gc.ca/chic-ccd/Research_Reports-Rapports_de_recherche/eng_bilingual/Shelter%20Enhancement%20Program%202007%20Evaluation%20Plan%20_Eng.pdf), p. 13.

144 Canada Mortgage and Housing Corporation, *Government of Canada Announces Five New Women's Shelters for First Nations Communities*, March 4, 2008, <http://www.cmhc-schl.gc.ca/en/corp/nero/nere/2008/2008-03-04-1000.cfm>.

145 Mary Quinn, Director General, Social Policy and Programs Branch, Department of Indian Affairs and Northern Development, *Evidence*, April 26, 2010, 1650.

146 Human Resources and Skills Development Canada, *Homelessness Partnering Strategy*, <http://www.hrsdc.gc.ca/eng/homelessness/index.shtml>.

147 Barbara Lawless, Director General, Homelessness Partnering Secretariat, Department of Human Resources and Skills Development, *Evidence*, February 17, 2011, 1155.

148 Human Resources and Skills Development Canada, *About the Strategy*, [http://www.hrsdc.gc.ca/eng/homelessness/about\\_us/index.shtml](http://www.hrsdc.gc.ca/eng/homelessness/about_us/index.shtml).

149 Ibid.

homeless Aboriginal population, through an integrated service delivery system that is culturally appropriate and community-driven. By working in partnership with Aboriginal groups, the program intends to meet the unique needs of “off reserve” Aboriginal people in cities and rural areas. While matching contributions are not required, community contributions are encouraged.<sup>150</sup>

The Director General, Homelessness Partnering Secretariat of the Department of Human Resources and Skills Development, spoke to the results to date of the HPS:

Since 2007, 57 projects valued at just over \$27 million, and funded through the three regionally delivered streams previously mentioned, have targeted Aboriginal women exclusively, and a number of these address the needs of Aboriginal women who are homeless due to violence. As well, through national program spending, we have seen the needs of Aboriginal women who are homeless or at risk of being homeless being addressed through the transfer of federal properties for projects that support victims of domestic violence, through the funding of research projects related to Aboriginal women and/or violence, and through working with other federal departments and agencies to explore new ways to address homelessness.<sup>151</sup>

The Committee learned that funding by AANDC for emergency shelters is currently available only to Aboriginal people on reserves, which excludes almost all communities in the Territories. As suggested by the Northwest Territories Coalition Against Family Violence,

**The Committee recommends that the federal government, in collaboration with national and/or regional Aboriginal groups and territorial governments, review Aboriginal Affairs and Northern Development Canada’s policies within its Family Violence Prevention Program with a view to making Northern communities eligible for funding.**

Further, as suggested by the Ending Violence Association of British Columbia,

**The Committee recommends, should new funding for anti-violence work with Aboriginal women become available, that it include a component for training Aboriginal women so that they can be employed in delivering the service.**<sup>152</sup>

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150 Human Resources and Skills Development Canada, *Aboriginal Homelessness*, <http://www.hrsdc.gc.ca/eng/homelessness/funding/aboriginal.shtml>.

151 Barbara Lawless, Director General, Homelessness Partnering Secretariat, Department of Human Resources and Skills Development, *Evidence*, February 17, 2011, 1100.

152 Marilyn George, Representative, Outreach Services Coordinator, Ending Violence Association of British Columbia, *Evidence*, January 18, 2011, 1150.

## Family Violence Prevention and Healing

Aboriginal witnesses from across Canada told the Committee that preventing violence will require widespread healing, not just of victims, but also the perpetrators of violence and the families and wider community within which the violence takes place. As described in the Committee's interim report, witnesses described colonization practices of the past, including the residential school system, and its aftermath, as well as present practices with respect to child welfare policies and practices. These are dealt with in greater detail below.

### Residential Schools and Their Aftermath

Witnesses described the residential school system as a root cause of so much current violence in communities. Many Aboriginal people spent much of their youth in the residential school system, described in more detail below, where, as described by one witness, they “were stripped of their identity, their culture, and their language.”<sup>153</sup> Another witness said that residential schools were:

a root cause of the cycle of violence that continues to this day. There are all types of violence — physical, emotional, mental, spiritual, sexual, racialized and sexualized — of which [A]boriginal women are direct targets....<sup>154</sup>

Another witness described it as follows:

Residential schools have had such a negative impact on our people that two or three generations later the effects are still clearly evident. Violence against [F]irst [N]ations women and children is rampant in our communities, born from the cycle of abuse created from residential schools.<sup>155</sup>

Between the late 1800s and the early 1990s, the federal government, together with several Christian churches, operated a system of residential schools for Aboriginal children across the country. According to the formal apology issued by The Right Honourable Prime Minister Stephen Harper in 2008, the Indian Residential Schools (IRS) educational system saw more than 150,000 Aboriginal children taken to boarding schools, often miles away from their families,

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153 Jo-Anne Hansen, Representative, Little Warriors, *Evidence*, January 21, 2011, 0900.

154 Beverley Jacobs, Former President of the Native Women's Association of Canada, As an Individual, *Evidence*, January 18, 2011, 1505.

155 Patricia Schuster, Executive Director, Saskatchewan First Nations' Women's Commission, Federation of Saskatchewan Indian Nations, *Evidence*, February 15, 2011, 1100.

to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture. These objectives were based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal. Indeed, some sought, as it was infamously said, “to kill the Indian in the child”. Today, we recognize that this policy of assimilation was wrong, has caused great harm, and has no place in our country.<sup>156</sup>

While the schools mainly took in First Nation and Inuit children, there were also Métis students. Though the system formally ended in 1969, several government-run schools remained open and the last such institution operated with federal support until 1996. Approximately 80,000 First Nations, Inuit and Métis former IRS students are alive today.

Initial revelations of physical and sexual abuses at the schools released a flood of further revelations and a broader focus on other damages wrought by the system.<sup>157</sup> Broadly, four harms came to light:

- the poor quality of education received by Aboriginal students;
- the damage done to family structures through the removal of children from their homes;
- the negative impacts on Aboriginal culture and language, both through the removal of children from their communities and the repression of Aboriginal traditions and languages in schools; and
- the physical, mental, spiritual and emotional damage to students.

In January 1998, the federal government formally responded to the 1995 report of the Royal Commission on Aboriginal Peoples. The government’s policy response, known as *Gathering Strength — Canada’s Aboriginal Action Plan*, outlined a strategy to begin a process of reconciliation and renewal with Aboriginal peoples. At that time, a Statement of Reconciliation by the Minister of Indian and Northern Affairs on behalf of all Canadians acknowledged the contribution of Aboriginal peoples to Canadian society and formally expressed to all Aboriginal people in Canada “profound regret for past actions of the federal government which have contributed to these difficult pages in history of our relationship together.” The Statement singled out the residential school system as one aspect of the relationship that required particular attention, and offered this apology:

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156 The Right Honourable Prime Minister Stephen Harper, *Statement of Apology — to former students of Indian Residential Schools*, June 11, 2008, <http://www.aadnc-aandc.gc.ca/eng/1100100015644>.

157 For a fuller discussion of these impacts, see Royal Commission on Aboriginal Peoples, Chapter 10, “Residential Schools,” in *Report of the Royal Commission on Aboriginal Peoples*, 1996, Vol. 1.

The Government of Canada acknowledges the role it played in the development and administration of these schools. Particularly to those individuals who experienced the tragedy of sexual and physical abuse at residential schools, and who have carried this burden believing that in some way they must be responsible, we wish to emphasize that what you experienced was not your fault and should never have happened. To those of you who suffered this tragedy at residential schools, we are deeply sorry.<sup>158</sup>

The Statement of Reconciliation was accompanied by the announcement of a \$350 million healing fund to aid victims of abuse. An arms-length, not-for-profit, Aboriginal Healing Foundation (AHF) was formally established in May 1998, with an 11-year mandate.

The Foundation received the \$350 million (plus interest generated) as a one-time grant from the federal government of to provide project funding and to cover its expenses for up to 11 years. In 2005, the federal budget committed an additional \$40 million which assisted in extending 88 existing projects to March 31, 2007. Although the funds from the Foundation will be distributed over the life of the organization, all of the funds were committed in full by October 5, 2003. Since its establishment, the Foundation has provided 1,345 grants in Canada for healing initiatives.<sup>159</sup>

In 2007, the AHF received an additional \$125 million under the Indian Residential School Settlement Agreement thereby extending its initial mandate to 2012. This funding has been fully committed to existing AHF-funding grants. Specifically, 134 funded projects were extended until March 31, 2010 and 11 healing centres to March 31, 2012.

With a mission to support community-based healing initiatives for those affected by the legacy of physical and sexual abuse in residential schools, including intergenerational impacts, the Foundation has provided resources for healing initiatives, promotes awareness of the history of residential schools and of the healing issues, and encourages a supportive public environment. Through its work, the Foundation's ultimate vision was to create communities where those affected by the legacy of physical and sexual abuse experienced in residential schools have addressed the effects of unresolved trauma in meaningful terms, have broken the cycle of abuse, and have enhanced their capacity as individuals, families, communities and nations to sustain their well being and that of future generations.<sup>160</sup>

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158 The full 1998 Statement of Reconciliation can be consulted online at: <http://www.aadnc-aandc.gc.ca/eng/1100100015725>.

159 Project details of every funding grant are available and can be consulted online at: <http://www.ahf.ca/funded-projects>.

160 Aboriginal Healing Foundation, *The Aboriginal Healing Foundation 2010–2015 Corporate Plan*, p. 4. This document is available online at: <http://www.ahf.ca/>.

The Committee has heard testimony across Canada of the important work done by the Foundation, and the importance of on-going healing not only of individuals, but also of families and entire communities. One witness said

Part of the healing foundation was to address the cycle of violence as a result of residential schools.... It was a really good process, because it was at the community level where those resources were being used. It provided those counselling services and elder services. It even provided language programs, self-esteem, whatever kinds of things went along with it.<sup>161</sup>

In 2006, a negotiated legal settlement — the Indian Residential Schools Settlement Agreement — was reached between the federal government, representatives of former students at residential schools, the Assembly of First Nations, Inuit representatives and several church organizations. It was endorsed by the provincial courts that had been hearing the IRS survivors' claims against the government and church organizations.<sup>162</sup> The Agreement, which was implemented in 2007, is final and binding on all defendants and on those residential school survivors who have opted in to this settlement.

Under this agreement, individuals who had been in residential schools and their families were eligible to apply for Common Experience Payments (until September 2011), and to be assessed for eligibility for Individual assessment processes which could result in additional compensation (until September 2012).<sup>163</sup>

The government initially allocated \$94.5 million for the Indian Residential Schools Resolution Health Support Program, to provide former IRS students and their families with access to emotional health and wellness support services.<sup>164</sup> Budget 2010 committed an additional \$199 million over two years for mental health and emotional support services for former students and their families and “to ensure that payments to former students are made in a timely and effective manner.”<sup>165</sup> Approximately \$65.9 million of that funding will be directed to mental health and emotional support services over two years.<sup>166</sup>

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161 Beverley Jacobs, Former President of the Native Women's Association of Canada. *Evidence*, January 18, 2011, 1635.

162 The final Settlement Agreement can be consulted online at: <http://www.residentialschoolsettlement.ca/settlement.html>.

163 Aideen Nabigon, Director General, Settlement Agreement Policy and Partnerships, Aboriginal Affairs and Northern Development Canada, *Evidence*, December 14, 2010, 0850.

164 Additional information on Health Canada's Indian Residential Schools Resolution Health Support program is available online at: <http://www.hc-sc.gc.ca/fniah-spnia/services/indiresident/irs-pi-eng.php>.

165 Government of Canada, *Canada's Economic Action Plan Year 2: Budget 2010*, p. 131. <http://www.budget.gc.ca/2010/pdf/budget-planbudgetaire-eng.pdf>

166 Kathy Langlois, Director General, Community Programs Directorate, First Nations and Inuit Health Branch, Department of Health, *Evidence*, December 14, 2010, 0855.

The Department of Health had been allocated funds to support former residents and their families in these processes and in response to new needs identified through the hearings of the Truth and Reconciliation Commission.<sup>167</sup> The Committee also heard that Health Canada has made efforts to build on capacity and expertise built in the Foundation's projects to deliver these services, but did not have a mandate to go beyond support to individuals.<sup>168</sup>

The Committee has heard extensively about the high levels of addiction and mental health problems experienced by Aboriginal peoples and Aboriginal communities as an on-going effect of the residential school experience. One Aboriginal service described their clients:

These women have an internalized shame about their identity and culture that leads them to live lives filled with violence, addiction, and mental illness. They have been lost, disconnected from their spirit, culture, language, family, and community.<sup>169</sup>

As described above, the Department of Health's Inuit and First Nations health programs are intended to address these issues. Several witnesses described the need for these programs, and called for an expansion of these programs, as an important step to preventing violence.<sup>170</sup>

## Child Welfare

Statistics show that First Nations children are overrepresented in the child welfare system. At the end of March 2007, there were about 8,300 on reserve children in care, a little over 5% of all children living on reserves. This proportion is almost eight times that of children in care living off reserve.<sup>171</sup>

Although the child welfare system has evolved over the years, outlined in more detail below, many witnesses told the Committee that fear of having children removed from their family homes is a major deterrent to women reporting violence in their families or

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167 Aideen Nabigon, Director General, Settlement Agreement Policy and Partnerships, Aboriginal Affairs and Northern Development Canada, *Evidence*, December 14, 2010, 0850.

168 Kathy Langlois, Director General, Community Programs Directorate, First Nations and Inuit Health Branch, Department of Health, *Evidence*, , December 14, 2010, 1015.

169 Irene Compton, Manager, Cultural Program, Minwaashin Lodge, *Evidence*, April 28, 2010, 1540.

170 See for examples, Germaine Benuen, Director of Operations, Sheshatshiu Innu First Nation, *Evidence*, October 26, 2010, 1015 and Prof. Jennifer Koshan, Professor, University of Calgary, appearing as an individual, *Evidence*, January 21, 2011, 1155.

171 Office of the Auditor General of Canada, "Chapter 4 — First Nations Child and Family Services Program — Indian and Northern Affairs Canada," in the *Report of the Auditor General of Canada*, May 2008, p. 5, [http://www.oag-bvg.gc.ca/internet/docs/aud\\_ch\\_oag\\_200805\\_04\\_e.pdf](http://www.oag-bvg.gc.ca/internet/docs/aud_ch_oag_200805_04_e.pdf).

seeking support services. Several witnesses described the child welfare system, both on reserve and off reserve, as a continuation of the residential school practice of removing Aboriginal children from their families and most often from their communities.<sup>172</sup> One witness noted that the child protection system can often re-victimize a victim of violence, by removing her children if and when she reports the violence.<sup>173</sup>

Other witnesses drew the link between the child welfare system and the poverty Aboriginal women face. One witness highlighted that in the context of the child welfare system, “[P]overty seems to be a crime.”<sup>174</sup> She emphasized that the dilemma facing Aboriginal women in trying to provide their children: “[I]t’s not a lack of love; it’s a lack of resources.”

As noted above, there have been some significant improvements to this system. Before the 1950s, federal officials intervened in extreme cases if a child living on reserve was abused or neglected; however, their intervention was not based in law. From the 1950s on, provinces began to deliver child welfare services on reserves. In the 1970s, First Nations began to express dissatisfaction with the way provinces delivered child welfare services: many First Nations children were adopted out of their communities, some even outside Canada, severing the children’s ties to their communities and culture.<sup>175</sup> This phenomenon is often referred to as the “sixties scoop.”

In 1990, a First Nations child welfare policy was approved by the federal government. Today, most provinces provide delegated authority for child welfare services on reserves to local First Nations agencies.<sup>176</sup> Since 2007, the federal government has been negotiating Tripartite Frameworks on a province-by-province basis to introduce a new funding formula which has a greater prevention focus.

In 2009, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society of Canada brought a complaint before the Canadian Human Rights Commission, alleging that inequities between the funding of child welfare services on reserve and off reserve constituted discrimination based on race and were in contravention of the *Canadian Human Rights Act*. The Canadian Human Rights Commission issued an order referring the matter to the Canadian Human Rights Tribunal. Several interlocutory

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172 See, for example, Nahanni Fontaine, Special Advisor on Aboriginal Women's Issues, Aboriginal Issues Committee of Cabinet, Government of Manitoba, *Evidence*, February 8, 2011, 1150.

173 Darcie Bennett, Campaigns Director, Pivot Legal Society, *Evidence*, January 18, 2011, 1730.

174 Katharine Irgaut , Acting Director, Sisters In Spirit, Native Women's Association of Canada, *Evidence*, February 3, 2011, 1130.

175 Ibid.

176 Office of the Auditor General of Canada, “Chapter 4 — First Nations Child and Family Services Program — Indian and Northern Affairs Canada,” in the *Report of the Auditor General of Canada*, May 2008, p. 8, [http://www.oag-bvg.gc.ca/internet/docs/aud\\_ch\\_oag\\_200805\\_04\\_e.pdf](http://www.oag-bvg.gc.ca/internet/docs/aud_ch_oag_200805_04_e.pdf).

decisions have been released in this case; however the matter currently remains before the Tribunal.

The First Nations Child and Family Services (FNCFS) Program is one of the social programs provided by AANDC for First Nations. While AANDC does not deliver child and family services, the department funds or reimburses First Nations service providers and provinces for administrative and protection services (operating costs) and for the direct costs of placing children in temporary or permanent care of foster parents (maintenance costs). Over the past 20 years, provincial child welfare authorities have delegated program delivery on reserve to a growing number of First Nations Child and Family Services agencies. Prior to the introduction of Tripartite Frameworks, AANDC reimbursed FNCFS agencies through a funding formula known as Directive 20-1. That funding formula now applies in some provinces only.

A 2007 internal evaluation of the FNCFS Program suggested that the Directive 20-1 funding formula used by AANDC may have been partially responsible for the increase in child apprehensions. Under Directive 20-1, the department covers the costs of children in care regardless of the amount, but it will provide minimal funding for supports for children to be cared for safely in their own family. The 2007 evaluation noted that this funding formula “has had the effect of steering agencies towards in-care options — foster care, group homes and institutional care because only these agency costs are fully reimbursed.”<sup>177</sup>

The costs of providing child and family services to First Nations people have increased dramatically. According to AANDC, “funding to these service providers has more than doubled over the past decade, from \$238 million in 1998-99 to approximately \$550 million in 2008-09.”<sup>178</sup> Yet witnesses emphasized that if the funding available to foster families were available to the families of the children being removed, there would be a reduced need for such removal.<sup>179</sup>

In its efforts to make the apprehension of children the last option, Community and Family Services in the Child Protection Program of the Yellowknife Health and Social Services Authority allocates funding directly to low-income families. The manager of the program explains:

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177 Aboriginal Affairs and Northern Development Canada, *Evaluation of the First Nations Child and Family Services Program*, <http://www.aadnc-aandc.gc.ca/aiarch/arp/aev/pubs/ev/06-07/0607-eng.asp>.

178 Aboriginal Affairs and Northern Development Canada, *Better Outcomes for First Nations Children: INAC's Role as a Funder in First Nations Child and Family Services Updated: July 2010*, <http://www.aadnc-aandc.gc.ca/eng/1100100035210>

179 See, for example, Arlene Hache, Executive Director, Centre for Northern Families, *Evidence*, January 20, 2011, 1035 and Donald Langford, Executive Director, Metis Child and Family Services Society, *Evidence*, January 21, 2011, 0930.

As hard as it may be for people to believe, apprehending a child from a woman who has left an abusive relationship is the last option we want. We put out a significant amount of money to assist families that are on a very limited income, and sometimes income support just doesn't pay enough. It's not uncommon for us to give out gift cards on a regular basis.<sup>180</sup>

In 2007, the federal government started to roll out its new Enhanced Prevention Focused Approach on a province-by-province basis — these Tripartite Frameworks are described below. As these are negotiated individually with the various provinces, there is currently a wide diversity in how AANDC funds First Nations Child and Family Services:

- Tripartite Frameworks have been signed with six provinces, Alberta, Saskatchewan, Quebec, Nova Scotia, Prince Edward Island, and Manitoba;<sup>181</sup>
- Funding of the FNCFS Program through what is known as “Directive 20-1” continues to be applied in British Columbia and New Brunswick;
- The 1965 *Indian Welfare Agreement* continues to be applied in Ontario.

Over the last decade, provinces began to shift to a greater emphasis on enhanced prevention in their own approaches to child and family services. As noted above, in 2007 AANDC also started to roll out its new Enhanced Prevention Focused Approach on a province-by-province basis.

In a 2008 report on First Nations Child and Family Services (see more detail below) the Office of the Auditor General (OAG) recommended that, when negotiating agreements with each province, AANDC should, in consultation with First Nations, seek assurance that provincial legislation is being met; the department should also analyze the information obtained and follow-up when necessary. In response, AANDC committed to developing Tripartite Enhanced Prevention Frameworks with provinces and First Nations. According to the department, the frameworks provide a “wider set of tools for Child and Family Services agencies, strong governance and better accountability at Child and Family Services Agencies.”<sup>182</sup> Also, AANDC believes that the enhanced prevention approach ensures that:

- Families get the support and services they need before they reach a crisis;

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180 Sheila Nelson, Manager, Community and Family Services, Child Protection Program, Yellowknife Health and Social Services Authority, *Evidence*, January 20, 2011, 0950.

181 Additional information on these agreements is available online at <http://www.aandc-aandc.gc.ca/eng/1100100035204>.

182 Ibid.

- Community-based services and the child welfare system work together so families receive more appropriate services in a timely manner;
- First Nations children in care benefit from permanent homes (placements) sooner, such as helping families to plan alternative care options; and
- Services and supports are coordinated in a way that best helps the family.

In 2007, the Office of the Auditor General (OAG) conducted an audit examining the First Nations Child and Family Services Program (FNCFS), reporting on this in May 2008.<sup>183</sup> Among its areas of focus, the OAG included whether the Department was fulfilling its responsibilities under the policy to support child welfare services to on reserve children and families that are culturally appropriate and reasonably comparable with provincial services available off reserves in similar circumstances.

The OAG found that, compared to Directive 20-1, the new funding formula under the New Enhanced Prevention Focused Approach would provide more funds for the operations of First Nations agencies and also offered them more flexibility to allocate resources to different types of child welfare services. For example, it found that on average, funding to Alberta First Nations agencies for the operation and prevention components should have increased by 74% when the new formula was fully implemented in 2010, which should consequently have led to better services for First Nations children.

The OAG also expressed concerns with the new funding formula, as it was based on the assumption that each First Nations agency has 6% of on reserve children placed in care, when the audit found that the actual percentage of children in care can range from 0% to 28%. In a presentation to the Standing Committee on Public Accounts (PAC), the Auditor General noted that

the new formula does not address the inequities of the existing formula. It still assumes that a fixed percentage of [F]irst [N]ations children and families need child welfare services. Agencies with more than 6% of their children in care will continue to be hard-pressed to provide protection services while developing family enhancement services. In our view, the funding formula should be more than a means of distributing the program's budget; it should take into account the varying needs of [F]irst [N]ations children and communities.<sup>184</sup>

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183 Office of the Auditor General of Canada, "Chapter 4: First Nations Child and Family Services Program — Indian and Northern Affairs Canada," in *Report of the Auditor General of Canada to the House of Commons*, May 2008, section 4.5, [http://www.oag-bvg.gc.ca/internet/docs/aud\\_ch\\_oag\\_200805\\_04\\_e.pdf](http://www.oag-bvg.gc.ca/internet/docs/aud_ch_oag_200805_04_e.pdf).

184 Sheila Fraser, Auditor General of Canada, Office of the Auditor General of Canada, , *Evidence*, House of Commons, Standing Committee on Public Accounts 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, February 12, 2009, 1555.

Subsequently, PAC reviewed the audit and issued a report which echoed the OAG observations and recommendations.<sup>185</sup>

It should be noted that the Committee heard<sup>186</sup> and witnessed<sup>187</sup> that not all AANDC officials are knowledgeable about, or even aware of, these reports and their recommendations; it was recommended that training was needed to provide this information as a necessary step to implementing outstanding recommendations.<sup>188</sup>

However, in a report on the federal role as a funder in First Nations family and child services updated as of July 2010, the Department indicated that more than \$100 million would be dedicated to the new prevention approach by 2012-2013, and that its goal was to have agreements with all provinces within this prevention focus by the same year.<sup>189</sup>

According to testimony, when fully implemented, this funding will provide over \$100 million annually in additional funding for the new approach under the six framework agreements with Alberta, Manitoba, Ontario, Quebec, Prince Edward Island, Saskatchewan and Nova Scotia.<sup>190</sup> Budget 2010 provided \$53 million over two years to continue the process of implementing this approach.<sup>191</sup>

An evaluation of the new enhanced prevention approach implemented in Alberta reveals promising results. Departmental officials told the Committee:

We have invested \$91.8 million over five years in Alberta. Overall, there are now more culturally appropriate placements, more permanency supports for children, and increased use by families of prevention programming, as well as increased use of less costly placements. In 2007-08, for instance, in Alberta there were 329 in institutional care; in 2009-10 there were 68. There has been a substantial reduction demonstrated by an

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185 Office of the Auditor General of Canada, "Chapter 4: First Nations Child and Family Services Program — Indian and Northern Affairs Canada," in *Report of the Auditor General of Canada to the House of Commons*, May 2008, section 4.5, [http://www.oag-bvg.gc.ca/internet/docs/aud\\_ch\\_oag\\_200805\\_04\\_e.pdf](http://www.oag-bvg.gc.ca/internet/docs/aud_ch_oag_200805_04_e.pdf).

186 Cindy Blackstock, Executive Director, First Nations Child and Family Caring Society of Canada, *Evidence*, February 15, 2011, 1155.

187 See testimony by Aboriginal Affairs and Northern Development Canada officials, *Evidence*, February 15, 2011.

188 Cindy Blackstock, "Reconciliation means not saying sorry twice: How inequities in Federal Government child welfare funding, and benefit, on reserves drives First Nations children into foster care," Submission, February 15, 2011, p. 12.

189 Aboriginal Affairs and Northern Development Canada, *Better Outcomes for First Nations Children: INAC's Role as a Funder in First Nations Child and Family Services — Updated: July 2010*, p. 7.

190 Sheilagh Murphy, Director General, Social Policy and Programs Branch, Department of Indian Affairs and Northern Development, *Evidence*, February 15, 2011, 1210.

191 Government of Canada, *Canada's Economic Action Plan Year 2: Budget 2010*, p. 125. <http://www.budget.gc.ca/2010/pdf/budget-planbudgetaire-eng.pdf>.

increased use of more cultural and fewer institutional placements of children unable to be in care by their families. In terms of kinship care, we had no one in that kind of arrangement in 2007-08; in 2009-10 we had 375. There has been a dramatic increase, demonstrating that there's a support for that type of culturally appropriate placement within the Alberta context. In terms of post-adoptive subsidies, we've gone from none in 2007-08 to 130 in 2009-10.<sup>192</sup>

In its submission, the Department told the Committee:

With this new approach, First Nations Child and Family Services agencies will be able to ensure that more First Nations children and parents get the help they need to prevent the types of crises that lead to intervention and family breakdown. This may include services such as in-home supports, respite care, and mentoring. The new approach will also strengthen partnerships with other community services to better meet the needs to First Nations children and their families.<sup>193</sup>

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192 Sheilagh Murphy, Director General, Social Policy and Programs Branch, Aboriginal Affairs and Northern Development Canada, *Evidence*, February 15, 2011, 1235.

193 Aboriginal Affairs and Northern Development Canada, Submission, June 18, 2010.

## **LIST OF RECOMMENDATIONS**

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<b>Therefore, the Committee recommends that the review of federal Post-Secondary Student Support Program consider and address the particular situation of Aboriginal women escaping violence. ....</b>	<b>5</b>
<b>The Committee recommends that the federal government work towards removing barriers to economic growth for on-reserve Aboriginal peoples, with a particular focus on barriers to the full economic participation of Aboriginal women. ....</b>	<b>10</b>
<b>The Committee recommends that the federal government collaborate with the Native Women's Association of Canada to explore the feasibility of i) sharing some or all of the information in the data base with the Royal Canadian Mounted Police Support Centre for Missing Persons; and ii) deciding what, if any information, can ethically be made available more broadly beyond police and justice system officials. ....</b>	<b>16</b>
<b>The Committee recommends that the federal government, through Health Canada and in collaboration with Aboriginal, provincial and territorial organizations, should consider support services in the Inuit and First Nations Health Branch geared towards families of missing and murdered Aboriginal women. ....</b>	<b>16</b>
<b>The Committee recommends that the federal government, under the aegis of the Family Violence Initiative, work with the Canadian Police College, Aboriginal women's organizations, and the Department of Public Safety Canada to develop and disseminate training materials with respect to the cultural and historical context in which violence against Aboriginal women occurs. ....</b>	<b>19</b>
<b>Based on this testimony, the Committee recommends that the federal government, under the aegis of the Family Violence Initiative, work with the Canadian Association of Chiefs of Police, Aboriginal women's organizations, Status of Women Canada, Aboriginal Affairs and Northern Development Canada, and the Department of Public Safety Canada to pilot and disseminate results of collaborative approaches at the community level to violence against Aboriginal women. ....</b>	<b>20</b>
<b>The Committee recommends that the federal government continue to work with its provincial and territorial partners and stakeholders to determine what more can be done within existing service models to better address the needs of Aboriginal victims of violence. ....</b>	<b>21</b>

**The Committee recommends that the federal government, in collaboration with national and/or regional Aboriginal groups and territorial governments, review AANDC's policies within its Family Violence Prevention Program with a view to making Northern communities eligible for funding. .... 31**

**The Committee recommends, should new funding for anti-violence work with Aboriginal women become available, that it include a component for training Aboriginal women so that they can be employed in delivering the service. .... 31**

# APPENDIX A LIST OF WITNESSES THIRD SESSION, 40TH PARLIAMENT

Organizations and Individuals	Date	Meeting
<p><b>Assembly of First Nations</b> Elizabeth Cloud, Women's Council</p> <p><b>Métis Nation Saskatchewan</b> Helene Johnson, Regional Director, Eastern Region 2</p> <p><b>Métis National Council</b> Wenda Watteyne, Executive Director</p> <p><b>Native Women's Association of Canada</b> Kate Rexe, Director, Sisters in Spirit</p> <p><b>Pauktuutit Inuit Women's Association</b> Joyce Ford, Manager, Special Projects Tracy O'Hearn, Executive Director Sandra Tucker, Manager, Abuse Issues</p>	2010/04/21	12
<p><b>Department of Indian Affairs and Northern Development</b> Line Paré, Director General, External Relations and Gender Issues Branch Mary Quinn, Director General, Social Policy and Programs Branch</p> <p><b>Department of Justice</b> Carole Morency, Acting General Counsel, Criminal Law Policy Section</p> <p><b>Department of Public Safety</b> Ed Buller, Director, Aboriginal Corrections Policy Division Daniel Sansfaçon, Acting Executive Director, National Crime Prevention Centre</p> <p><b>Royal Canadian Mounted Police</b> Russ Mirasty, Director General, National Aboriginal Policing Services</p>	2010/04/26	13

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Royal Canadian Mounted Police</b> Bob Paulson, Assistant Commissioner, Contract and Aboriginal Policing	2010/04/26	13
<b>As an individual</b> Michelle Mann, Lawyer and Consultant	2010/04/28	14
<b>Minwaashin Lodge</b> Irene Compton, Manager, Cultural Program		
<b>National Association of Friendship Centres</b> Conrad Saulis, Policy Director		
<b>Fredericton Native Friendship Centre</b> Tamara Polchies, Executive Director	2010/06/04	21
<b>Gignoo Transition House Inc.</b> Natalie McBride, Executive Director		
<b>Lennox Island First Nation</b> Melissa Cooke, Women's Shelter Coordinator		
<b>Mi'kmaq Confederacy of Prince Edward Island</b> Roseanne Sark, Director of Health Program		
<b>New Brunswick Aboriginal Women's Council Inc.</b> Gail Nicholas, Vice-President Sarah Rose, Representative		
<b>Newfoundland Aboriginal Women's Network</b> Sheila Robinson, President		
<b>Public Service Alliance of Canada</b> Tanna Pirie-Wilson, Female Aboriginal Representative, National Aboriginal People's Circle		
<b>As an individual</b> Marie-Pierre Bousquet, Associate Professor, Faculty of Anthropology, University of Montreal Mylène Jaccoud, Full Professor, School of Criminology, University of Montreal	2010/06/10	24
<b>Amnesty International</b> Karine Gentelet, Coordinator of Aboriginal Rights, Canadian Francophone Section Béatrice Vaugrante, Executive Director, Canadian Francophone Section		
<b>Native Friendship Centre of Montreal Inc.</b> Pamela Shauk, Outreach Worker		

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<p><b>Native Women's Shelter of Montreal</b>  Carrie Martin, Evaluation Coordinator  Nakuset, Executive Director</p>	2010/06/10	24
<p><b>Quebec Native Women Inc.</b>  Carole Brazeau, Justice and Public Security Coordinator  Ellen Gabriel, President  France Robertson, Coordinator for the women's shelter and non-violence file</p>		
<p><b>Stella</b>  Émilie-Cloé Laliberté, General Coordinator</p>		
<p><b>As an individual</b>  Renée Brassard, Assistant Professor,  School of Social Work, Université Laval</p>	2010/06/11	25
<p><b>Assembly of the First Nations of Quebec and Labrador</b>  Grand Chief Anne Archambault  Stéphane Savard, Suicide and Family Violence Prevention  Counsellor,  First Nations of Quebec and Labrador Health and Social  Services Commission</p>		
<p><b>Huron-Wendat First Nation Council</b>  Ann Desnoyers, Social Worker,  Health, Leisure and Social Services Department  Guy Duchesneau, Social Services Coordinator,  Health, Leisure and Social Services Department</p>		
<p><b>Quebec Native Women Inc.</b>  Mélanie Denis-Damée, Provincial Representative Substitute  Representative,  Council for Young Women</p>		
<p><b>Mushuau Innu First Nation</b>  Kathleen Benuen, Health Director  Joanne McGee, Health Consultant</p>	2010/10/26	32
<p><b>Nunatsiavut Government</b>  Michelle Kinney, Deputy Minister,  Health and Social Development</p>		
<p><b>Sheshatshiu Innu First Nation</b>  Germaine Benuen, Director of Operations</p>		
<p><b>Violence Prevention Labrador</b>  Carmen Hancock, Executive Director</p>		

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<p><b>Department of Health</b></p> <p>Eric Costen, Director, Mental Health and Addictions, Community Programs Directorate, First Nations and Inuit Health Branch</p> <p>Kathy Langlois, Director General, Community Programs Directorate, First Nations and Inuit Health Branch</p>	2010/12/14	44
<p><b>Department of Indian Affairs and Northern Development</b></p> <p>Alia Butt, Director, Policy and Reconciliation</p> <p>Aideen Nabigon, Director General, Settlement Agreement Policy and Partnerships</p>		
<p><b>ISKWEW Women Helping Women Co-operative Health Centre</b></p> <p>Angie Bear, Community Development Worker</p>	2011/01/12	45
<p><b>Prince Albert Métis Women's Association Inc.</b></p> <p>Lisa Goulet-Cook, Urban Aboriginal Coordinator</p>		
<p><b>Saskatchewan Aboriginal Women's Circle Corporation</b></p> <p>Wanda Daigneault, Treasurer</p> <p>Eva McCallum, Representative</p>		
<p><b>Women's Commission of the Prince Albert Grand Council</b></p> <p>Shirley Henderson, Chair</p>		
<p><b>As an individual</b></p> <p>Kelly Gorkoff, Professor of Criminal Justice, University of Winnipeg</p>	2011/01/13	46
<p><b>Assembly of Manitoba Chiefs</b></p> <p>Chief Betsy Kennedy, War Lake First Nation</p> <p>Francine Meeches, Representative, Swan Lake First Nation</p>		
<p><b>Government of Manitoba</b></p> <p>Carolyn Loeppky, Assistant Deputy Minister, Child and Family Services</p>		
<p><b>Ikwe Widdjiitiwin, Women's Crisis Shelter</b></p> <p>Sharon Morgan, Executive Director</p>		
<p><b>John Howard Society of Manitoba, Inc.</b></p> <p>Kate Kehler, Assistant Executive Director</p>		

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<p><b>John Howard Society of Manitoba, Inc.</b> Melanie Nimmo, Member of the Board, Assistant Professor in Criminal Justice, University of Winnipeg</p>	2011/01/13	46
<p><b>Ka Ni Kanichihk Inc.</b> Suzanne Chartrand, Representative Shannon Cormier, Project Facilitator Val James, Representative Leslie Spillet, Executive Director</p>		
<p><b>Native Women's Transition Centre</b> Margaret Marin, Board Member Jojo Marie Sutherland, Staff Member</p>		
<p><b>Ndinawemaaganag Endaawaad (Ndinawe)</b> Cathy Denby, Child and Youth Care Program Instructor, Red River College</p>		
<p><b>Royal Canadian Mounted Police</b> Bill Robinson, Commanding Officer, "D" Division, Winnipeg</p>		
<p><b>Stopping Violence Against Aboriginal Women Action Group</b> Shawna Ferris, Member, Assistant Professor of Women's and Gender Studies, University of Manitoba Lisa Forbes, Member, Asset Building Program Coordinator, Supporting Employment &amp; Economic Development (SEED) Winnipeg Inc.</p>		
<p><b>Women's Memorial March of Manitoba</b> Lisa Michell, Chair and Organizer</p>		
<p><b>Chiefs of Ontario</b> Chief Angus Toulouse, Ontario Regional Chief</p>	2011/01/14	47
<p><b>Equay-wuk (Women's Group)</b> Darlene Angecone, Coordinator, Building Aboriginal Women's Leadership Project Karen Kuzemczak, Community Wellness Facilitator</p>		
<p><b>Beendigen Inc.</b> Patricia Jurivee, Executive Director</p>	2011/01/14	48
<p><b>Catholic Family Development Centre</b> Rob Barrett, Executive Director Ron Bourret, Board of Directors</p>		

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<p><b>Catholic Family Development Centre</b> Carol Cline, Program Manager</p> <p><b>Nishnawbe Aski Nation</b> Lorraine Crane, Member of the Women's Council Christine Simard, Director of Women's Development Theresa Sutherland, Member of the Women's Council</p> <p><b>Ontario Native Women's Association</b> Dawn Harvard, President, Board of Directors</p> <p><b>Robinson Superior Treaty Women's Council</b> Marlene Pierre, Advisor</p>	2011/01/14	48
<p><b>As an individual</b> Janine Benedet Beverley Jacobs, Former President of the Native Women's Association of Canada Jane Miller-Ashton, Professor, Criminology Department, Kwantlen Polytechnic University</p> <p><b>Aboriginal Women's Action Network</b> Laura Holland, Collective Member Darlene Rigo, Collective Member</p> <p><b>B.C. CEDAW Group</b> Shelagh Day, Representative Sharon D. McIvor, Representative</p> <p><b>Battered Women's Support Services</b> Lisa Yellow-Quill, Co-manager, Aboriginal Women's Program</p> <p><b>Ending Violence Association of British Columbia</b> Marilyn George, Representative, Outreach Services Coordinator, Smithers, British Columbia Tracy Porteous, Executive Director</p> <p><b>Justice for Girls</b> Asia Czapska, Advocacy Director</p> <p><b>Pivot Legal Society</b> Darcie Bennett, Campaigns Director</p> <p><b>Royal Canadian Mounted Police</b> Bruce Hulan, Team Commander, Project EPANA</p>	2011/01/18	49

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<p><b>Royal Canadian Mounted Police</b>  Russ Nash, Officer in Charge,  E Division Major Crime Section</p> <p><b>Union of British Columbia Indian Chiefs</b>  Michelle Corfield, Representative</p> <p><b>Vancouver Rape Relief and Women's Shelter</b>  Hilla Kerner, Collective Member</p> <p><b>Walk4Justice</b>  Gladys Radek, Co-founder  Bernie Williams, Co-founder</p> <p><b>Warriors Against Violence Society</b>  Russell Wallace, Vice-President,  Board of Directors</p> <p><b>Women Against Violence Against Women</b>  Darla Laughlin, Aboriginal Outreach Coordinator and Youth  Counsellor</p> <p><b>YWCA of Vancouver</b>  Nancy Cameron, Program Manager,  Crabtree Corner Community Program  Leslie Wilkin, Violence Prevention Worker,  Crabtree Corner Community Program</p>	2011/01/18	49
<p><b>As an individual</b>  Sandra Lockhart, Chair,  Aboriginal Peoples Committee</p> <p><b>Centre for Northern Families</b>  Arlene Hache, Executive Director</p> <p><b>Native Women's Association of the Northwest Territories</b>  Sharon Thomas, Representative  Therese Villeneuve, President</p> <p><b>Northwest Territories Coalition against Family Violence</b>  Lyda Fuller, Representative,  Executive Director, YWCA Yellowknife  Lorraine Phaneuf, Representative,  Executive Director, Status of Women Council of the Northwest  Territories</p>	2011/01/20	50

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<p><b>Pauktuutit Inuit Women's Association</b></p> <p>Sandra Tucker, Manager, Abuse Prevention Policy and Programs</p> <p><b>Yellowknife Health and Social Services Authority</b></p> <p>Barbara Lacey, Manager, Clinical Supervisor, Community Mental Health and Addictions</p> <p>Sheila Nelson, Manager, Community and Family Services, Child Protection Program</p> <p><b>YWCA Yellowknife</b></p> <p>Lyda Fuller, Executive Director</p>	2011/01/20	50
<p><b>As an individual</b></p> <p>Jo-Anne Fiske, Professor of Women's Studies, University of Lethbridge</p> <p>Jennifer Koshan, Professor, University of Calgary</p> <p>Sandra Lambertus, Author</p> <p><b>Awo Taan Healing Lodge Society</b></p> <p>Josie Nepinak, Executive Director</p> <p><b>Edmonton Police Service</b></p> <p>Mike Bartkus, Domestic Offender Crimes Section</p> <p>Nancy Leake, Criminal Intelligence Analyst, Serious Crimes Branch</p> <p>Bill Spinks, Inspector, Serious Crime Branch</p> <p><b>Institute for the Advancement of Aboriginal Women</b></p> <p>Muriel E. Stanley Venne, President and Founder</p> <p><b>Little Warriors</b></p> <p>Jo-Anne Hansen, Representative</p> <p><b>Memorial March for Missing and Murdered Women Calgary</b></p> <p>Suzanne Dzus, Founder and Chairperson</p> <p><b>Metis Child and Family Services Society</b></p> <p>Donald Langford, Executive Director</p> <p>Kari Thomason, Community Outreach Worker</p> <p><b>Royal Canadian Mounted Police</b></p> <p>Mike Sekela, Criminal Operations Officer, "D" Division</p>	2011/01/21	51

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Stolen Sisters Awareness Walk and Movement</b> Gloria Neapetung, Representative April Eve P. Wiberg, Founder	2011/01/21	51
<b>Native Women's Association of Canada</b> Jeannette Corbiere Lavell, President Claudette Dumont-Smith, Executive Director Katharine Irngaut, Acting Director, Sisters In Spirit	2011/02/03	53
<b>Canadian Association of Elizabeth Fry Societies</b> Kim Pate, Executive Director	2011/02/08	54
<b>Government of Manitoba</b> Nahanni Fontaine, Special Advisor on Aboriginal Women's Issues, Aboriginal Issues Committee of Cabinet		
<b>Kitigan Zibi Anishinabeg</b> Bridget Tolley, Member Caitlin Tolley, Representative, Youth Representative for Quebec, Assembly of First Nations Gilbert W. Whiteduck, Chief		
<b>Yukon Aboriginal Women's Council</b> Courtney Wheelton, Representative, Project Coordinator, Yukon Sisters in Spirit		
<b>Department of Indian Affairs and Northern            Development</b> Corinne Baggley, Senior Policy Analyst, Social Programs Reform Directorate Sheilagh Murphy, Director General, Social Policy and Programs Branch	2011/02/15	56
<b>Federation of Saskatchewan Indian Nations</b> Patricia Schuster, Executive Director, Saskatchewan First Nations' Women's Commission		
<b>First Nations Child and Family Caring Society of            Canada</b> Cindy Blackstock, Executive Director		
<b>Canada Mortgage and Housing Corporation</b> Sharon Matthews, Vice-President, Assisted Housing Sector	2011/02/17	57

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<p><b>Department of Human Resources and Skills Development</b></p> <p>Barbara Lawless, Director General, Homelessness Partnering Secretariat</p> <p>Gail Mitchell, Director General, Community Infrastructure Branch, Regional Operations Sector</p> <p>Michael Rice, Senior Policy Advisor, Innovation and Partnerships Directorate</p> <p><b>National Aboriginal Housing Association</b></p> <p>Charles Hill, Executive Director</p> <p>Jim Lanigan, Treasurer</p> <p><b>Nunavut Housing Corporation</b></p> <p>Alain Barriault, President</p>	2011/02/17	57
<p><b>Department of Justice</b></p> <p>Hon. Rob Nicholson, Minister of Justice</p> <p>Lisa Hitch, Senior Counsel, Office of the Senior General Counsel, Family, Children and Youth Section</p> <p>Marc Rozon, Director, Innovations, Analysis and Integration Directorate</p> <p><b>Royal Canadian Mounted Police</b></p> <p>Kevin Jones, Acting Director General, National Aboriginal Policing Services</p> <p><b>Status of Women Canada</b></p> <p>Hon. Rona Ambrose, Minister for Status of Women</p> <p>Suzanne Clément, Coordinator, Head of Agency, Office of the Coordinator</p> <p>Linda Savoie, Director General, Women's Program and Regional Operations</p>	2011/03/01	58

# APPENDIX B LIST OF BRIEFS THIRD SESSION, 40TH PARLIAMENT

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## Organizations and Individuals

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Amnesty International

Assembly of the First Nations of Quebec and Labrador

Awo Taan Healing Lodge Society

Brassard, Renée

Edmonton Police Service

First Nations Child and Family Caring Society of Canada

Fiske, Jo-Anne

Government of Manitoba

Institute for the Advancement of Aboriginal Women

John Howard Society of Manitoba, Inc.

Lambertus, Sandra

Lennox Island First Nation

Murphy, Juanita

National Association of Friendship Centres

Newfoundland Aboriginal Women's Network

Nishnawbe Aski Nation

Ontario Federation of Indian Friendship Centres

Pivot Legal Society

Public Service Alliance of Canada

Royal Canadian Mounted Police

Stella

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## **Organizations and Individuals**

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Stolen Sisters Awareness Walk and Movement

Walk4Justice

Whitehorse Aboriginal Women's Circle

## MINUTES OF PROCEEDINGS

A copy of the relevant Minutes of Proceedings ([40th Parliament, 3rd session: Meetings Nos. 12, 13, 14, 21, 24, 25, 32, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 56, 57, 58, 60 and 61](#)) and a copy of the relevant Minutes of Proceedings ([41st Parliament, 1st Session: Meetings Nos. 10, 13, 14 and 15](#)) are tabled.

Respectfully submitted,

Irene Mathyssen, M.P.  
Chair



## **DISSENTING OPINION OF THE NEW DEMOCRATIC PARTY OF CANADA**

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New Democrats wish to acknowledge the remarkable scope of the study conducted in the third session of the 40<sup>th</sup> Parliament on Violence Against Aboriginal Women. The subsequent interim report, “A Call into The Night: An Overview of Violence Against Aboriginal Women,” was composed based on testimony given by over 150 witnesses. The Committee understood the need for a proactive report and, as such, carried out a thorough compilation of testimony from a broad survey of Aboriginal women, consulting not only the national Aboriginal organizations and government departments, but also travelling into First Nations, Métis and Inuit communities where they conducted a first-hand fact finding mission. The testimony heard gave many specific and urgent recommendations to the federal government.

The interim report’s stated purpose of the study was to gain “a better understanding of the extent and nature of the violence; examining the root causes of the violence, and; recommending solutions in consultation and with the full cooperation of Aboriginal women.” The interim report explores the breadth and prevalence of violence that Aboriginal women experience which has glaringly been omitted from this report.

In comparison to the thoroughness of the interim report, New Democrats are disappointed with the contents of this final report: the recommendations are vague and fail to set out clear government action in response to violence against Aboriginal women. Urgent action is needed to address the crisis Aboriginal, Inuit and Métis women are facing. The committee’s final report neither thoroughly nor accurately reflects the voices of the women who were heard throughout the study, nor does it adequately incorporate the solutions they offered during their testimonies. New Democrats were also disappointed that a motion was passed to limit the scope of the final report. Finally, New Democrats note with concern that the final report takes the unusual step of including information that was not heard during committee hearings.

New Democrats are calling for the development of a coordinated federal response to violence against Aboriginal women — one that is led by Aboriginal women along with their communities and organizations. Such a response should include sustained, multi-year funding sufficient to include action on the following recommendations which are absent from the current report. Following these recommendations will uphold the promises made by the members of the previous Committee to honour the testimony they collected from Aboriginal women and take concrete actions against the ongoing violence with which they live.

## COORDINATED APPROACH

**New Democrats recommend that the Government of Canada, in collaboration with Aboriginal, Inuit and Métis women’s organizations, provincial and territorial governments, address violence against Aboriginal women through coordinated, strategic interventions on a number of fronts, including but not limited to: poverty, child welfare, education, housing, missing and murdered Aboriginal women, the justice system, healing of communities, families and individuals, empowering Aboriginal women, and dealing with the impacts of systemic racism.** During the committee hearings on January 18, 2011, Lisa Yellow-Quill cited the Royal Commission on Aboriginal Peoples: “change of this magnitude cannot be achieved by piecemeal reform of existing programs and services — however helpful any one of these reforms might be. It will take an act of national intention — a major symbolic statement of intent, accompanied by the laws necessary to turn intention into action”. There are multiple underlying causes of violence against Aboriginal women. It is impossible to address the violence that Aboriginal women experience without addressing wider gender inequalities and systemic discrimination that Aboriginal people continue to face generation after generation.

## FUNDING FOR PROGRAMS AND SERVICES

**New Democrats recommend that the Government of Canada designate stable funding for programs and non-governmental Aboriginal organizations across the service spectrum.** This recommendation is glaringly absent from the tabled report. The interim report was clear in that witnesses identified the lack of multi-year and core funding as a barrier to providing consistency of services. Existing community programs already in the social services, health care, education, job training and counseling sectors are working to provide opportunities for families and individuals to receive support and encourage empowerment. A need for recurring and adequate funding for such programs, projects and services was identified throughout the study.

## HOUSING

**New Democrats recommend that the Government of Canada implement a coordinated, collaborative, national housing strategy to combat violence against aboriginal women. The Committee heard that the unmet housing needs of Aboriginal women are correlated to a greater risk of violence.** A national housing strategy is necessary if Canada is to seriously address the reality of violence against Aboriginal women. Housing needs vary greatly, and New Democrats believe the government must commit to a coordinated, collaborative housing strategy, across the housing continuum. Lack of adequate housing is both a root cause and a direct result of violence against aboriginal women. Women fleeing violence require safe, culturally appropriate shelters as well as affordable, accessible secondary housing options. Housing security for low income families and individuals mitigates the circumstances which place women at risk of violence. Housing options must be made available on and off

reservations, in both urban and rural settings. An assessment of Aboriginal women's shelters is needed alongside a funded commitment to implement improvements. Adequate, sustained and multi-year funding to expand access to shelter and transition houses to support women fleeing violence is also needed. On-reserve shelters are underfunded in comparison to non-Aboriginal shelters. For example, Quebec Native Women note in a 2007 press release: "to provide professional services and the same number of beds, the non-Aboriginal shelters in Quebec each receive close to \$487,000 per year from the provincial government. The shelters in the Aboriginal communities each receive just \$150,000, through funding provided by Indian and Northern Affairs Canada". With regard to shelters, the interim report stated that "The uncertainty of funding, its project basis, and the short term nature of some funding programs all contribute to limit the services that can be provided to women seeking to leave violent situations."

## **EDUCATION**

**New Democrats recommend that the Department of Aboriginal Affairs and Northern Development Canada — in collaboration and consultation with Aboriginal communities and organizations — undertake a strategic plan to improve the quality and standardization of on-reserve primary and secondary schools.** The committee repeatedly heard that education was a key to ending violence against Aboriginal women. Cindy Blackstock, on February 15, 2011 told the committee that the "Auditor General, as early as a decade ago, was raising concerns about the inequality in funding for elementary and secondary education on reserves and also calling attention to the condition of the schools themselves and the many communities where there are no schools". While the tabled report makes reference to the fact that quality education would strengthen Aboriginal communities and promote autonomy and choice in the lives of women, it fails to recommend that the on-reserve education crisis be addressed by the government. Across the country primary and secondary schools on reserves receive substantially less funding than their provincial counterparts — we continue to call on the government to end the 2% cap on federal transfers to Aboriginal communities, and to address the education deficit that has grown since the cap in was imposed in 1996. Their levels of standardization and curriculum implementation are lower, and often the buildings themselves that are used as schools are inadequate. It is the federal government's responsibility to fund schools on reserves. New Democrats believe that it is essential that the government identify the education crisis and implement a strategy to address it without delay.

## **SUPPORT FOR FAMILIES AND VICTIMS OF VIOLENCE**

**New Democrats recommend that Department of Aboriginal Affairs and Northern Development Canada — in collaboration with the provinces, territories Aboriginal organizations, and other federal government departments — support the families and victims of violence against Aboriginal women, which should include funding for: searches, legal services, court assistance, victim services, loss and grief counseling and cultural healing services.** Many witnesses told the committee that there

was a need for victim services and support for families. In order to safeguard justice and healing for the victims and survivors of violent crimes, the government could play a role in ensuring ongoing support for families and victims, including legal support, and support for travel to legal proceedings. In addition, better programs are needed to address healing inside families and communities. Sustained counseling for men and women and children are necessary to deal with the aftermath of violence. Currently in Canada, very few opportunities for counseling and psychiatric services are provided on reserves, and these services are not guaranteed to an Aboriginal person who leaves the reserve.

## **DATA COLLECTION**

**New Democrats recommend that Statistics Canada and the Royal Canadian Mounted Police — in collaboration with the Native Women’s Association — work to reform data collection techniques to identify victims of violence by gender and specifically if, applicable as Aboriginal.** Amnesty International has noted “that the government of Canada’s statistics and data collection strategies in regards to violence against aboriginal women and girls is unreliable because police do not have a consistent standard for identifying whether the victims of violent crimes are Aboriginal”. Reform is necessary in the way data is collected about violence against Aboriginal women in order to identify the scale and nature of the problem. Created by the Native Women’s Association in 2005, Sisters in Spirit led the way in research on missing and murdered Aboriginal women. Sisters and Spirit worked with the RCMP, provincial and municipal police forces, and families of victims to pull together, for the first time, a national database in missing and murdered Aboriginal women which brought to light the tragic extent of the systemic violence suffered by Aboriginal women across Canada.

## **LAW ENFORCEMENT & JUSTICE SYSTEM**

**New Democrats recommend that the Royal Canadian Mounted Police and the Department of Justice Canada ensure that its employees receive cultural sensitivity training — that has been specialized training, developed in collaboration with Aboriginal organizations, on how to handle cases of violence against Aboriginal women. We further recommend that Aboriginal police forces receive specialized training on how to proceed with missing persons, domestic violence and violence in all its forms.** The June 2011 interim study illustrated that the criminal justice system is currently failing to properly protect women from violence and this is compounding the disproportionate violence experienced by Aboriginal women. Throughout the country, witnesses expressed frustration and told of experiences of racism, negligence and poor conduct on the part of the RCMP, provincial and municipal police, lawyers and judges who handled cases of violence against Aboriginal women. This must be addressed through genuine community collaboration and programs geared at sensitizing law enforcement agencies and justice system professionals in how to deal effectively and respectfully with cases of violence against Aboriginal women. The Canadian Association of Chiefs of Police must work to implement the resolution that was passed during their 2006 annual

conference that calls for a national protocol on dealing with missing and murdered aboriginal women.

## **CEDAW**

**New Democrats recommend that the Government of Canada take immediate steps to implement CEDAW recommendations on violence against Aboriginal women.**

According to a report published by the Feminist Alliance for International Action (FAFIA): “Three decades have passed since Canada ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). One year ago, the United Nations found that the Government of Canada had failed to comply with its human rights commitments under CEDAW and identified two areas in which human rights violations were so pressing that they required immediate action: 1) Canada’s persistent failure to provide adequate social assistance to women and girls living in poverty; 2) The endemic violence against Aboriginal women and girls.” Since then Canada has not taken adequate steps to implement CEDAW’s urgent recommendations. A letter sent from the UN High Commissioner for Human Rights to Canada’s UN representative on August 25, 2010 continued to reiterate its “grave concern with respect to the situation of missing and murdered aboriginal women, the failure of the police to protect these women and girls from violence and to investigate promptly and thoroughly when they are missing or murdered, and the lack of punishment of perpetrators.” The response from Canada of February 10, 2011 promised that Canada was acting to address the situation, in part through the “forthcoming report and recommendations of the Canadian Parliament’s House of Commons Standing Committee on the status of women, based on its study on violence against Aboriginal women that is expected in Spring of 2011, and response of the Government of Canada on those recommendations.” New Democrats believe that the current report tabled in the house, does not include any directives for the government to implement actions or strategies whatsoever.

## **RACISM**

**New Democrats wish to acknowledge that the lasting effects of racism perpetrated against the first peoples of Canada are among the root causes of the violence that afflicts Aboriginal women.** As it was put by Marilyn George, from the Ending Violence Association of British Columbia, “Violence in aboriginal women’s lives is pervasive, and it is compounded by violence and systemic and institutionalized racism as well as the effects of historical violence, such as residential schools, the Indian Act, and other legacies of colonization.” Active measures to combat racism against Aboriginal peoples are needed in order to break the cycle of violence and support community healing.

**New Democrats further recommend that Canada implement without delay the United Nations Declaration on the Rights of Indigenous Peoples.** Canada is a signatory to this Declaration which offers a framework of reconciliation between Indigenous peoples and the government. The Declaration’s framework must be applied to the elimination of violence

against Aboriginal women. The UN Declaration commits Canada to recognizing the rights of Indigenous peoples to be active partners in all programs and policies which affect them in accordance to section 19 and 23.

The New Democrats believe restoring justice to Aboriginal peoples requires a federal obligation to work nation-to-nation with First Nations, Inuit and Métis peoples. New Democrats will continue to work alongside Aboriginal communities as they reclaim autonomy and health in the wake of Canada's history of discriminatory policies and residential schools.

## **MATRIMONIAL REAL PROPERTY**

New Democrats are concerned with the sudden inclusion of Matrimonial Real Property (MRP) as a sub category of the report. The study heard very little testimony regarding MRP, and nothing directly referring to Bill S-2, which is currently being debated. MRP legislation does not deal with violence against women and should not be presented in this study. In other studies conducted on MRP legislation, witnesses from the Native Women's Association of Canada and the Assembly of First Nations, among others, noted the legislation would be impossible to implement due to preconditions of poverty, lack of access to legal services, general lack of housing options and insufficient reserve land bases for Aboriginal women seeking to claim MRP. Violence against aboriginal women is by no means restricted to reserve land and MRP legislation will not have any effect on women living off reserves. Furthermore, New Democrats believe it is premature for the report to include conclusions related to S-2 when it has yet to be passed in the House of Commons.

## **ACCOUNTABILITY**

**New Democrats recommend that the Department of Aboriginal Affairs and Northern Development Canada, in collaboration with other government departments and agencies, report annually to parliament on the effectiveness of federal government programs in reducing violence against Aboriginal women and request from time to time that this report be evaluated by the Auditor General.** The current report lists programs funded by the federal government; however, testimony was heard throughout the study reporting that women are not getting all the support necessary in order to prevent violence in their communities. In contrast the majority of testimony supports the assertion that the government programs already in place are not doing enough to address the crisis of violence against Aboriginal women. New Democrats would therefore recommend that benchmarks for success be set on an annual basis and that all government funded programs and services be assessed accordingly.

## **CONCLUSION**

The final report as tabled has a stated mandate to exclude testimony that deals with the “aftermath of violence”. Testimony that was included in the interim report clearly identified needs and requirements that fall outside the imposed scope of the final report. The December 2011 report fails to include recommendations on important issues such as services for victims, the housing crisis, shelter reform, and addressing poverty experienced by Aboriginal women. In addition, it does not include a commitment to implement the UN Declaration of Indigenous Rights. New Democrats recognize that, in order to break the cycle of violence affecting Aboriginal women, action is needed now. This is the reason New Democrats are calling for a thorough, collaborative and culturally appropriate national strategy to proactively address the reality of violence against Aboriginal women in its entirety.



**Dissenting Opinion Prepared by  
Hon. Judy A. Sgro, MP, York West  
Liberal Critic for Seniors, Pensions and Status of Women**

**Presented to the Standing Committee on the Status of Women  
December 8<sup>th</sup>, 2011**

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Violence against women persists in all Canadian communities; Aboriginal women are particularly affected.

In 2004, 41% of Aboriginal women victims stated that they had been beaten, choked, sexually assaulted, threatened, or had a gun or knife used against them. In contrast, 27% of non-Aboriginal women victims reported the same type or level of violence.

A recent report by the Native Women's Association of Canada (NWAC) found that nearly 600 Aboriginal women and girls have been murdered, or had been reported as missing, in Canada since 1970. These cases alone amount to nearly 10% of female homicides in Canada, even though only 3% of the total national population is Aboriginal.

It is estimated that if the rate of missing and murdered Aboriginal women was extended to all Canadian women, it would be the statistical equivalent of approximately 19,400 missing and murdered women.

These realities are unacceptable and must be addressed with aggressive leadership from the Government of Canada. With this in mind, Liberal Members of Parliament have been calling for a full public investigation into the circumstances surrounding the murdered and missing Aboriginal women and girls. Additionally, Liberal Members of Parliament have also expressed support for a fulsome and public examination of the systemic causes of this tragedy with the ultimate goal of providing recommendations and specific policy, regulatory and legislative directions on preventing future violence.

Despite these calls, and despite a clear need for a public study or examination of this nature, to date, the Harper government has failed to undertake such an inquiry. Contrarily, government actions would seem to indicate a pronounced indifference to the plight of victimized Aboriginal women and girls.

As an extension of the Harper government's inaction and legacy of obfuscation, Conservative Members of the Standing Committee on the Status of Women used their majority numbers on the Committee to shift the focus of this report from prevention of abuse and violence to empowering young Aboriginal girls and women subsequent to incidents of violence. While Liberal Members of Parliament find the empowering elements of this discussion to be laudable, the total and ongoing lack of attention to understanding and resolving the root causes of the said violence represents a shortcoming that is both intolerable and offensive.

To this point, one particular witness told the Committee, “*So far, we are seeing responses that only react and only put resources in the hands of authority. We must do better.*” In context, it would seem that the witness is likewise suggesting that identifying and understanding the rationale prompting the heightened violence against Aboriginal women and girls, and the advanced prevention of the said violence, should be considered as a priority. Surely the most desirable, prudent and human approach to combating a statistically disproportionate rate of violence directed towards Aboriginal women and girls is to prevent their victimization in the first place.

Contrarily, in 2010, the Harper government eliminated funding for Sisters in Spirit (SIS), in an attempt to muzzle the leading voice for missing and murdered Aboriginal women and girls.

SIS’s research into nearly 600 cases broke new ground in an area that had been previously ignored; the national database it created on these cases became the first of its kind in this country.

Funding for Sisters in Spirit was put in place by Liberals, with \$5 million over five years. When the funding expired at the end of March 2010, the Conservatives offered NWAC a one-time \$500,000 lifeline to keep the project afloat. News reports claim this extension was conditional on NWAC not using the name Sisters in Spirit, and not doing any research, advocacy or policy development as part of its programming.

Again, the Harper government’s inaction and legacy of obfuscation speaks volumes as to the true level of prominence assigned to the prevention of understanding of violence against Aboriginal women. Liberal Members of Parliament reject this approach and again underscore a call for a full public investigation into the circumstances surrounding the murdered and missing Aboriginal women and girls. Likewise, Liberal Members of Parliament support the need for a fulsome and public examination of the systemic causes of this tragedy with the ultimate goal of providing recommendations and specific policy, regulatory and legislative directions on preventing future violence.