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# **Special Committee on Violence Against Indigenous Women**

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**EVIDENCE**

**Thursday, February 13, 2014**

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**Chair**

**Mrs. Stella Ambler**



## Special Committee on Violence Against Indigenous Women

Thursday, February 13, 2014

• (1800)

[English]

**The Chair (Mrs. Stella Ambler (Mississauga South, CPC)):** Good evening, everyone, and welcome to this meeting of the Special Committee on Violence Against Indigenous Women.

We have a technical glitch today, I'm told, so Ms. Turpel-Lafond from Children and Youth cannot be seen presently. Apparently there are technical problems in Victoria, where she is based. We will be hearing from her, so we will have to use our ears and not our eyes tonight because she's only going to be available to us by telephone.

Mary Ellen, can you hear us?

**Ms. Mary Ellen Turpel-Lafond (Representative, British Columbia, Representative for Children and Youth):** Yes, I can hear you. Can you hear me fine?

**The Chair:** Yes, actually, perfectly. Good, okay, this could work.

We thank you very much for joining us tonight, and we do apologize. I'm not sure where the problems are based, but we're glad that you're with us, even if it is just by telephone.

Mr. Saganash.

**Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP):** Yes, just before we start, Madam Chair, we heard today that an organization that was supposed to be one of our key partners to this process withdrew from the process, and I'd like to have an opportunity, perhaps after the testimony and before the consideration of the draft report, to discuss the implications of that withdrawal. NWAC is one of our principal and key players and partners to this process. They announced today in a statement that they're withdrawing from the process, so I'd like us to have an opportunity to perhaps discuss the implications of that decision if that's possible.

**The Chair:** Thank you for that.

I would suggest we do that in the 7:00 to 8:00 p.m. time slot, drafting instructions, which is—

**Mr. Romeo Saganash:** Absolutely.

**The Chair:** —in camera. That's wonderful. We'll do that at 7 o'clock, then, and that way we can concentrate on the witness for the next hour.

For those of you who are observing our meeting today, I would welcome you and ask that we remain calm and respectful of the fact that there is a meeting going on here. I will insist on order so we can hear the witness and get everything we possibly can from her testimony in a respectful way.

Without further ado, Ms. Turpel-Lafond, please begin. You have 10 minutes, and then we'll begin with questions until 7 p.m.

• (1805)

**Ms. Mary Ellen Turpel-Lafond:** Thank you again, Madam Chair, and thank you to members of the committee.

I'll just give you a very short background on my role. I am an independent officer of the Legislative Assembly of British Columbia and in that role I'm the representative for children and youth. I do a number of things. I oversee the child welfare system in British Columbia and investigate whether it's effective and responsive.

I have a very particular focus and mandate on supporting and understanding the needs and services and whether they're effective and responsive to aboriginal children and youth. I investigate, and review, and report on the injuries and deaths of children and youth, particularly those who may have needed or received services. In that regard I have reported quite frequently, including just last week, on an instance of a suicide death or a death of first nations children. Last week I reported on the death of a 14-year-old first nations girl by hanging in her community, a girl who had been physically and sexually abused.

I also provide advocacy support to children and youth throughout British Columbia and have had in the past six years approximately 11,000 advocacy cases. Easily half of those cases are aboriginal children and youth and primarily first nations children and youth.

My work, as I say, is primarily here. My broader professional expertise is that I'm on leave from the Provincial Court of Saskatchewan, where I'm a judge in the provincial court. I'm originally from Saskatchewan and a member of a first nation called the Muskeg Lake Cree Nation in Saskatchewan. Before I was appointed to the court, I practised law—including family law and criminal law—representing largely first nations clients including the Native Women's Association of Canada and others over the years.

That's just my personal background. I'm also a mother of four children myself, including three girls, so I have a very strong interest in the work of the committee and would like to certainly recognize the importance of the public service this committee is doing by examining these important issues.

I'd like to talk a little bit in my introductory comments about my views from my professional experience around the vulnerability, particularly of indigenous girls, and the pathways that I see they have to deeper vulnerability as women and, in particular, frequently as victims living on the margins of Canadian society.

With respect to girls, I would particularly like to share with the committee my view that there is not adequate safety for first nations girls, whether they're living on reserve or off reserve. In the province of British Columbia, 80% of the aboriginal population is off the reserve. Other provinces and areas have different ratios, as you know, but there are very significant issues around safety.

While there are deep factors that cause communities to struggle, such as the deep intergenerational issues around residential schools—we're now into the third generation of survivors of residential schools, if you like—we continue to grapple with some very serious issues around neglect and maltreatment of children, particularly girls. There is their experience of gender discrimination, and in particular there is the fact that they are disproportionately victims with respect to sexual abuse and do not have as easy access to the regular civil remedies and protections as, arguably, other Canadian girls and women when they make disclosures around having been abused or neglected.

There's a significant challenge around having, for instance, a seamless child welfare system that will work appropriately and effectively within first nations communities. In the province of British Columbia there certainly is no meaningful program on reserve for children with special needs. A child who has special needs may be more inclined to be vulnerable to abuse and neglect and may be less likely able to protect and support themselves, and may be less resilient and need services. Certainly, on reserve these services are not equivalent or close to equivalent; there's no equivalent program on reserve for special needs.

The same applies for a program and service for children with mental health challenges who require some additional supports as they recover from trauma in order to be more resilient to face many of the challenges that they can face.

• (1810)

This service gap that we see in the lives of aboriginal girls, particularly first nations girls, is significant.

We also see significant gaps with respect to the level of achievement, for instance in academic achievement. Speaking again specifically about British Columbia, looking at it nationally we have some of the best education outcomes in the country for aboriginal children. Close to half of the aboriginal children will graduate in British Columbia. That compares to about 83% of all British Columbian children, so it's really still nothing too much to brag about. But it is in some ways the envy of other provinces and territories. Yet when we look particularly at the population of first nations children living on reserve, attending school on reserve or living on reserve and being bussed to attend school off reserve, their achievement drops considerably. It's closer to 20% to 25%. So we still see some very significant gaps, which also speak to some big service gaps.

When we look at the issue of vulnerability more broadly in terms of the lives of indigenous girls and first nations girls in British Columbia, we can see that many of the systems of support that are normally in place for other girls have not adequately met them. They haven't had an adequate in-reach into their communities, or outreach from the communities. As a result, when they do struggle, whether it's with a lack of safety, whether it's with a special need or need for

support, they cannot necessarily access the types of services that are required in order to protect them and allow them to reach their full potential.

I think my overarching concern, particularly as representative for children and youth, is that there are far too many first nations girls in a position of deep vulnerability for whom there is no easy access to services and supports to overcome that. The consequence of this is that we see girls leaving the community, sometimes in rather perilous situations such as hitchhiking. Certainly in my work as representative, when I attend first nations communities across B.C., which I do frequently, meeting with young girls who ask me to please get them out of the community, they aren't sure what they're getting out to. But they feel quite uncomfortable with the situation that they may face, especially if there is abuse and neglect, because they feel that they don't have adequate support in the community. I don't think it's the stereotype about communities, but the fact is they do not have the level of service and support that they require. This creates, as I say, this deep vulnerability where they want to come out of the community, yet their ability to cope, their ability to succeed outside the community, is going to be extremely challenging because they have experienced some difficult situations and the services outside the community may not be well organized for them as well.

For instance, in our province the pathway to vulnerability—to for instance participating and being preyed upon in vulnerable areas such as the Downtown Eastside and elsewhere, which sometimes ends up being the end point of that journey from a situation of abuse in the early years—is a difficult one. We are not effectively working to disrupt those pathways.

The work of this committee is important. It requires actual services and actual targeted supports with a strong understanding of the unique discrimination and challenges that girls face early, so that they can be more resilient and also be more supported to succeed.

**The Chair:** Thank you very much. You do have a little bit more time if you'd like to use it. Otherwise we can go straight to questions.

**Ms. Mary Ellen Turpel-Lafond:** I'd like to speak just a bit about a few other topics that I think increase vulnerability for women in particular. I did a report, and my reports are publicly available at the website of the B.C. Representative for Children and Youth. I apologize for the fact that it is not the policy of the legislature of British Columbia to translate all reports into French, so I know that they are not going to be automatically deposited with your committee, but I invite committee members to look at them.

I did a report in the fall of 2013 on a first nations child who was transferred from British Columbia to Saskatchewan, where she was severely abused by her caregivers, a grandparent and step-grandmother. They were later convicted for failing to provide the necessities of life to that child. In that report I spoke quite a bit as a result of my investigation into the circumstances of her mother. She is a mom who as a girl was abused in a community in Saskatchewan, a first nations community. She basically ran from the community to try to start a new life in British Columbia, found herself in the Downtown Eastside using IV drugs, having serious addictions, in part because she couldn't cope and was overwhelmed with her childhood experience of being physically and sexually abused. She had a child, a little girl, who was the subject of the report. She was still struggling with addictions and asked the state, the Province of B. C., to take the child and see that the child could receive a better home than she could provide because she was so deep in the addiction cycle.

Certainly in investigating that case and dealing with the mom, I think it is really important for Canadians to understand how much struggle moms such as this one experience in their lives and how, while she was in an addiction cycle—and she has periods of recovery—she never received adequate support during her early years. She has not been given adequate support to recover from some of the difficulties she experienced around physical and sexual abuse in her community.

Her child then came into care and was sent to Saskatchewan. Ironically, the child was sent back into the very community where the mom said she had been abused, and the child was abused in the very same family. That child is now in a foster care situation and is approximately 10 years old. I do have fear about intergenerational abuse. How will we disrupt these cycles, not simply saying, “Here's the problem that we see but we're not actually disrupting it by addressing the cycle and the fact that there is both physical and sexual abuse occurring?”

It was quite an informative process in terms of being able to, in a very non-judgemental way, in a very supportive way, speak to indigenous women about the struggles they've faced, the difficulties they've faced, and to try to understand their pathways to vulnerability, but also how to protect and support their children so that they can have greater success. This is an area that requires some direct front-line experience from service providers, but also an engagement with indigenous women and children so that we can come to a much stronger understanding of what types of interventions are needed to support the resiliency.

Certainly understanding the pathway is one thing, but you have to actually provide services to disrupt it. I think that we need to be cognizant in Canada that this is the pathway that continues. I certainly share the concern at the national level about women who may be missing, women who may be tragically murdered, or who take their own life early in very tragic situations, and the loss that their families experience. But the fact is that there may often have been multiple lost opportunities to intervene in those lives positively and supportively to disrupt those pathways and I think that is one of our key challenges in Canada.

● (1815)

**The Chair:** Ms. Turpel-Lafond, I just want to thank you very much for your perspective and I think we're all anxious to begin with some questions for you, if that's all right?

We'll start with Mr. Saganash for seven minutes.

**Mr. Romeo Saganash:** Thank you and a big *meegwetch* to Mary Ellen. How are you?

**Ms. Mary Ellen Turpel-Lafond:** Fine, thank you, Romeo.

**Mr. Romeo Saganash:** Well first of all, three thank you's.... First of all, thank you for being with us this evening. Thank you for the work that you have done over the years, specifically on and directly related to indigenous people's fundamental rights, I think that work is important. And thank you for this testimony this evening.

Enough said about that part from me because I would rather hear from you, hear your words and your thoughts on this very dramatic issue that we are dealing with in this committee.

First of all, I know that you have done a lot of work on many aspects of the issues that we are dealing with. In your experiences—and I would say in the multiple positions you have held over the years—what do you see as being, I know there are many factors that contribute to the crisis that we're going through today, but what do you see as the biggest factors contributing to the crisis that we face regarding missing and murdered aboriginal women and girls?

**Ms. Mary Ellen Turpel-Lafond:** I would say that among the issues we face at a national level—we have a greater awareness of the issue perhaps in the public eye—is the lack of a federal presence to disrupt some of these known pathways. Just as examples, there are the absence of strong protections for the rights of children, of the concept of the best interest of the child being a very significant issue around keeping them safe, keeping them supported, and keeping indigenous children connected to their families and communities, which they have a right to. They have a basic human right, not only to their individual rights, but the right to be connected to their communities. We don't see enough meaningful implementation of mechanisms to see those rights happen.

For girls who experience abuse in the community, often the presence of the child welfare system has meant they've been removed from their community. They've lost contact with their community, or it's been disrupted, and the community hasn't been empowered to address the issue or to actually protect children.

If we look at the federal Indian Act as an example—I appreciate we do have some treaties and self-government agreements—you can regulate beekeeping, we can regulate dogs on reserves, but we actually don't have the powers to deal with fundamental issues around family policy, and we don't have powers to deal with issues to create the degree of safety needed to address this. So the fairly archaic regime that we have in place to govern the world of on-reserve in Canada is completely inadequate. It is something of a 17th century model that continues in Canada and, as a result, creates these enormous gaps, not only in accountability, but gaps in services.

Many of the provincial systems—I'll point to the B.C. Family Law Act as an example.... It was very comprehensively changed as of last March with a strong provision to make sure that indigenous children have a right to be connected to their culture and their language, that the family law could be important and it could be protected, that children could be well supported by caregivers and important people in their lives. But we still have many challenges around how that can become meaningful on a reserve and for indigenous children. The absence of any really strong federal understanding of how this will work on-reserve or interprovincially continues to be a gap. Taking away, if you like, the power, the policy, the ability to create safety, good regimes for safety on reserve in Canada.... You really see the absence of that.

I thank you for the question, but one of the biggest challenges is the archaic machinery at the federal level and then the inability of provinces, which largely have the responsibility, to know how to fill that.

• (1820)

**Mr. Romeo Saganash:** Thank you.

**Ms. Mary Ellen Turpel-Lafond:** So we have these very big gaps around what actually happens, for instance when girls are not safe.

**Mr. Romeo Saganash:** Thank you.

I want to stick on the topic of the federal government's role. In your recent report to the B.C. government entitled "Lost in the Shadows" you recommended that the governments of B.C. and Canada work with first nations leaders to remove barriers to those services for children and families in first nations communities.

At the moment in your province, do you believe that Canada is meeting its domestic and international commitments towards children in care?

**Ms. Mary Ellen Turpel-Lafond:** I really don't feel it is because of the fact that these basic issues, as I said earlier... A standard of service on reserve that is equivalent to off reserve.... So levels of support for victims, standards of policing and safety, and standards of child welfare are not equivalent to what are available off reserve.

There is a significant expenditure. I believe federal Aboriginal Affairs spends about \$67 million per year for aboriginal child welfare. In British Columbia the province spends about \$150 million per year. There is an expenditure, I'm not sure it's adequate, but it certainly doesn't lead to equivalent services. One of the key issues I recommended repeatedly is that there be a stronger strategy and a stronger national presence on that strategy.

The approach the federal government has taken, at least in British Columbia from what I can see, is they contract for services with a province, and the province provides the service. They contract only for a very narrow scope of service. They take no fiduciary or other obligation for whether or not those services actually meet the needs of people or reach them, and when they clearly don't reach them or meet the needs, it's left up to no man's land to resolve. On the ground this is where things really fall apart in the lives of vulnerable citizens and particularly first nations girls.

• (1825)

**Mr. Romeo Saganash:** Thank you. How much time do I have left?

**The Chair:** You have thirty seconds.

**Mr. Romeo Saganash:** A lot of witnesses who have come before this committee support a call for a national inquiry into the missing and murdered aboriginal women and a national action plan. They go together, I believe. Do you agree with this request?

**Ms. Mary Ellen Turpel-Lafond:** I think it's extremely important that the issues be looked at. I certainly don't disagree with it. I think I see the issue a little bit differently. I think there are unique issues around murdered and missing women that require attention, whether something's a cold file or a police file. If there has been an inadequate level of care and investigation or there are patterns that need to be looked at, then absolutely that work has to be done.

In my work I really focus on what happens before someone becomes missing or murdered, and that is the early experience of vulnerability or abuse for first nations girls. The need to have—

**The Chair:** We're a bit over time there, so I'm going to move on.

We'll go over to you, Mr. Strahl, for seven minutes.

**Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC):** Hi, Ms. Turpel-Lafond.

I met you for the first time when we were both at an event in Vancouver with Minister Valcourt at the announcement of the coming into force of the Family Homes on Reserves and Matrimonial Interests or Rights Act. "Matrimonial real property on reserve" is perhaps another way to put it. This act served to close a legislative gap that previously existed, which barred a spouse from having police officers remove the other spouse from the family home in the event of domestic violence. We certainly heard frustration when we heard from families of victims about that very issue, about the inability of police to remove from a home an offender or someone who had committed domestic abuse.

You talked about the ability to create safety. What effect do you believe this legislation is going to have in helping prevent violence against aboriginal women and children?

**Ms. Mary Ellen Turpel-Lafond:** When that act was proclaimed in December—and it was a long time coming—I felt, very much so, that it would create a new remedy, or clarify a remedy, which is a protective order that could be obtained under that act and executed on a reserve to allow women and children to remain in the home, even if they were not, for instance, the holders of a certificate of possession of that property or a location ticket under a reserve Indian Act land system.

That legislation is important. It was proclaimed in December. We haven't had enough enforcement under that act yet. For instance, in British Columbia, I haven't been able to see a single order granted yet, but I'm following it. I believe it will create a supportive tool. It still requires police enforcement. If you have an order, the mom and kids are in the home, and there's a breach and the alleged perpetrator returns to the home and has to be charged or what have you, we haven't seen whether or not such a case would be prosecuted and whether it would be successful.

It is a step. Obviously, creating safety in a rural and remote community...some of the first nations communities in B.C. do not have an RCMP station, for instance. An order itself isn't going to be enough. You're going to need more in the community than that. Having a device that's normally available under provincial law is important. That's part of the arsenal of how to respond to domestic violence. So I think that was a very good step, and I was grateful to see it happen.

There was the ability in that act for first nations to create their own regimes to protect in situations of domestic violence, and I know there was support for a clearing house on violence and the act. I know some of that work is getting under way. I look forward to following it. I think it could be a tool. We'll have to evaluate it very closely and actively promote an approach to that legislation that protects aboriginal women and children.

It's promising, and I was certainly very pleased to see that.

• (1830)

**Mr. Mark Strahl:** Okay, great.

Some other tools that we talked about.... Our budget was brought down this week and we talked in the budget about creating a Canadian victims bill of rights; creating a DNA base, missing persons index, \$8.1 million over five years, \$1.3 million going forward; renewing the aboriginal justice strategy, \$22.2 million over two years; and renewal of \$25 million over five years to continue efforts to reduce violence against aboriginal women and girls. But I think the most significant investment was the \$1.9-billion investment in first nations control of first nations education act. You mentioned education, and last week I was with the Prime Minister and National Chief Atleo to announce that act and the path forward there.

Can you explain, in your view, how a K-to-12 education system controlled by first nations could be used, or how it would improve and empower aboriginal women and children to make their communities more viable and safe?

**Ms. Mary Ellen Turpel-Lafond:** Without a doubt, the education investment is a really important one, and as that issue proceeds at the federal level, if there is the ability to get broad-based agreement and have a legislative instrument through the Parliament of Canada, that can allow us to have a more solid footing for that, with greater accountability for outcomes and results, particularly for girls. I think that will be superb, and I think that's a major investment and long overdue. I think everyone will applaud and welcome that.

I think what actually happened inside that school initiative around girls' safety will be important, and again there isn't a broad-based program on reserve equivalent to what we have off reserve. As you know, off reserve we have anti-violence programs throughout

Canada. The Red Cross pioneers some about the right to be safe. Other NGOs and education organizations promote anti-violence programming, anti-bullying programs. Many of these are very effective. They're not necessarily run consistently in schools that operate on reserve, and I think that a new education initiative.... Obviously, that act hasn't been tabled yet in the House of Commons. I'm sure it may be. I'm hoping that will have, perhaps, some particular attention and focus on the need to provide a supportive environment for girls.

**Mr. Mark Strahl:** I just have one more question. Sorry, we're up against the clock here, I appreciate that.

You mentioned twice that girls come up to you when you're travelling and say, "Get me out of the community," and you talked about running from the community as well. My question is, off reserve if there has been physical or sexual abuse against a child, the offender is kept away from the victim by either a restraining order or there's some ability to put some distance between the offender and the victim. The challenge on reserve is that often the offender has nowhere else to go, and the victim has nowhere else to go, and so they're stuck, by geography, in that same community. How do you see that being resolved, again, the ability to create safety when you have both people who need to remain or do remain in the same community because they have nowhere else to go?

**The Chair:** A fairly quick answer if you can, please.

**Ms. Mary Ellen Turpel-Lafond:** I think the difficulty is the fact that the victim, particularly where it's a girl, will face retaliation from other members of the community, and the victim will suffer additionally and unnecessarily. There have to be supports around the victim. Unfortunately, in my work what I find is mostly it's retaliation against the victim, and you do not have the issue of sexual abuse, for instance, coming forward, being addressed adequately, because they're discouraged from doing so because they fear actual retaliation or retribution, which is a reality in their life. So the degree of safety they experience is just far from adequate.

**Mr. Mark Strahl:** Thank you.

**The Chair:** Thank you very much.

Over to you, Ms. Bennett, for seven minutes.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Thanks very much.

I too want to thank you for all your life's work on children and youth. Our country is a better place because you're fighting every day for this, so thank you.

If you were writing the recommendations for this report, what would they be in regard to creating safety? What I think you're seeing is that the on-reserve situation in the federal jurisdiction maybe doesn't work well with the provincial systems that may have the support systems and the expertise. How would it look in B.C.? How would it look in Saskatchewan? What would it look like if it was working well in creating the safety?

Certainly today, when we met with the Feathers of Hope young people on the conference that they held, they certainly did say exactly as you did: that the victims face retaliation if they report, to the point that the leadership seems to sometimes circle around.... The victims get called liars and then they flee.

How could we do this better? What would make your heart go pitter-patter if you saw it in our report?

• (1835)

**Ms. Mary Ellen Turpel-Lafond:** Thank you so much for that.

First of all, I want to say that the December 2011 report of the House of Commons Standing Committee on the Status of Women, "Ending Violence Against Aboriginal Women and Girls", contained extremely valuable recommendations. I go back to those again and again, and I look at them and I think about them. I think they're very strong, and many of them are outstanding, so I think we have a good path there.

In terms of the process, I think that when we talk about a commission of inquiry that has been recommended, my take on it to create safety is to actually have a commission of inquiry about the safety of girls on reserve, where you perhaps could have a bit more of an inquisitorial process, not an adversarial process, and where you actually allow girls to speak about what is happening in their lives, in community, to someone who has enough authority and responsibility to actually help create some safety around them immediately. I think this is missing. It's absent. Although there are many brave organizations and individuals who have come forward, I would have to say, regrettably, that at this point 90% of the girls who disclose violence, sexual violence, neglect, or maltreatment end up the worse for it.

The initiative that I think we need to have at a national level is a very strongly empowered reach, an in-reach to first nations girls. Also, we need to have a strong consensus on the part of everyone in those communities that safety for those girls is an unequivocal value that we will represent, and that we will listen to them and we will actually do something about it. For the little girl who I reported on who committed suicide, the big issue she had prior to her suicide was that she said, "I keep telling people about this, but no one does anything." In point of fact, the recent report I did.... She was telling people, and no one actually did anything. When I went back into the community to investigate and ask why no one actually did anything, they said, "Well, we're all too afraid to do anything."

This is not acceptable, so we in Canada need to reach into the community to girls and create the safety so that they can actually come forward, disclose, receive support, get the resilience they need and can achieve, and go on to do well, but we need to disrupt the cycle of abuse.

**Hon. Carolyn Bennett:** Are there other policies or programs that you would see putting in place?

**Ms. Mary Ellen Turpel-Lafond:** Again, I think the recommendations around having strong crime prevention strategies, strong aboriginal-driven strategies around family violence, and filling the gaps that exist in Canada around that—on reserve especially—are so crucial. The anti-violence work with aboriginal women is crucial to making sure there is a component of the training for anyone who

works in the social services system in regard to understanding these circumstances.

Most importantly, as I said, it's actually the footprint of services in child and youth mental health and anti-violence support inside the criminal justice side and inside the education side that will really make the difference, because people actually need a service. They don't just need a study. They need a service.

**Hon. Carolyn Bennett:** You've written a lot about FASD. Both in terms of children in care and in terms of children with special needs, are there recommendations you think this committee should make on either of those things, the children in care and FASD?

**Ms. Mary Ellen Turpel-Lafond:** On the issues around children involved in the child welfare system, there is an extremely high level of aboriginal children involved in the child welfare system for a variety of reasons, mostly because there are intergenerational issues, but also because there's maltreatment, and that has to be addressed.

A recommendation is that there be a stronger effort to outline, if you like, either through a first nations child welfare act, or what have you, stronger standards around what services will be available on reserve so we don't have these terrible gaps. Much like we're talking about in the education side, we need this. In the U.S. they've had the Indian Child Welfare Act for almost 40 years. This has allowed communities to have a fairly strong role in order to support and look into issues around persistent maltreatment and abuse of children, and respond to them appropriately. We haven't had that type of national coordination in Canada that's needed.

I think these initiatives are crucial.

Around the issue of special needs, just the committee recognizing the intersecting vulnerabilities that happen when you have a girl or a woman who is not only facing these life issues, but may have a developmental disability.... In particular, it might be something for which there isn't adequate support and understanding, which might lead to an expressive language disorder or other things that make it very difficult for her to protect herself or to be able to find a position of safety. That recognition that there are these intersecting vulnerabilities that occur in the first nations community.... It is very important to recognize and make sure that it's a component of the response.

• (1840)

**Hon. Carolyn Bennett:** Mary Ellen, is it in the American system that children cannot be removed for poverty, cannot be removed because the housing's bad? Is there something we could do in terms of policies around why children are removed from their homes?

**Ms. Mary Ellen Turpel-Lafond:** Absolutely. There has been a massive system of improvement in the U.S. based on outcomes, measures, and incentives, so it's a much more coherent policy framework. But the U.S. has two concepts. One is there's a duty to protect children from abuse and maltreatment, but it also comes with a duty to support families where you know there are known intergenerational issues. If there's deep poverty, if there's an issue where you have a particular segment of the population that's experiencing deep challenges, you have an obligation to look at the presenting problems and work on them.



If you look at the U.S., there's very significant work being done, for instance in domestic violence, saying when there's domestic violence, you don't punish the mothers by removing the children, therefore placing them into greater vulnerability and despair. You actually support the mothers to adequately respond to domestic violence by actually creating safety and supports for them and their children.

The U.S. jurisdictions have done much stronger work around the duty to support families in crisis. For first nations families in Canada, they've really been so far outside even the nominal supports that are in provincial systems that they've taken the brunt, largely, of removals, hence they're very hostile often to the child welfare system. But at the same time we have serious maltreatment of children, and girls in particular. We're only going to crack that if we actually make a stronger investment in support, and support that works and is based on evidence.

**The Chair:** Thank you very much.

Over to you, Ms. McLeod, for seven minutes.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Thank you.

I'd also like to thank our witness tonight. I'm also from British Columbia. I'm the member of Parliament for Kamloops—Thompson—Cariboo, so certainly familiar with the work that you've done and want to thank you for the tremendous work that you've done.

From your perspective, because you have a very unique opportunity to look at the intersection of federal government responsibilities, provincial government responsibilities, and first nations responsibilities, can you talk about some of those challenges and barriers in terms of that particular aspect of the work you do?

**Ms. Mary Ellen Turpel-Lafond:** When it comes to preventing violence and responding to violence, I think the first and foremost principle is that everybody has a responsibility. It comes down to those issues of whether you're a friend or a neighbour, whether you're a government—municipal, first nations, provincial, or federal. We spend a lot of time, when it comes to first nations girls and women, finger-pointing about who has the responsibility and who delivers what, as a contract or what have you. I think we can see that, unfortunately, this framework does not work. There is a need to have a very different framework around looking at the needs, for instance, of safety for girls, and building the system around the need for safety with a degree of collaboration that perhaps we've never had. Maybe it's overly idealistic in Canada, but it's going to be needed to actually respond effectively.

We have adopted Jordan's principle, around supporting the person and figuring out who pays for it later. I have to say on the ground that's more of a theory than a practice. Frequently, for girls, they're just caught in that situation where everybody apparently has a responsibility, but nobody's on the ground to respond. That type of accountability is needed. If someone has the responsibility, I expect them to be accountable and be present and serve. I find significant barriers there on the ground around who's actually doing what and are they present in the lives of the victims who need them.

• (1845)

**Mrs. Cathy McLeod:** Thank you.

You talked about the lack of support and services. I've spent quite a few years of my life in a rural, semi-remote community. To what degree is that lack of support and services related to the more isolated or rural aspects of the community, and to what degree, perhaps, is it related to other aspects?

**Ms. Mary Ellen Turpel-Lafond:** I think you're absolutely correct that surveying communities that may be rural or remote is significant, and there are often big barriers. When we look at the 203 first nations in British Columbia, many of those are rural. Of course, some are remote as well. Some are more contiguous to urban areas. But in the rural ones the service barriers are huge. For instance, it may require an hour of travel to get to the community. Often the services that are provided are governed by some really odd contracts, so someone works a 9:00 to 4:00 day, but it's two hours to get to the community, then they'll only have an hour, because they have to turn around and return because there may be inclement weather. They're not going to work differential hours, which means they're not necessarily going to work when people need them.

Many of the services have not been aligned to take into account the needs of those who live in rural or remote first nations. So it is going to cost more. You need flexibility, and you need to have a different type of partnership. That has to be understood up front, so the cost metrics around how you serve victims need to reflect this. As you know, in British Columbia the supports, for instance, in the area of domestic violence start to disappear once you get into rural British Columbia, and they become virtually non-existent in remote communities. Hence, you have a real need to fill that service gap.

**Mrs. Cathy McLeod:** One of the things that, again, from my experience has changed over time, and maybe I could hear if you've observed this, is that the access to very high-quality, highly skilled day care is becoming more available than it was 10 or 15 years ago. Are you noticing any improvements in that area? In my past there was nothing. I certainly know that in the many communities around where I live now there seem to be some pretty good structures, quality, and trained staff.

Are you noticing any difference there?

**Ms. Mary Ellen Turpel-Lafond:** That's another good example. Child care, for instance, on reserve through Head Start and other programs... These are important programs. They're not always equivalent to what's offered in a provincial or municipal spectrum, but they're important programs. They need strong service accountabilities as well to make sure they're focused on infant and child development.

Around the supported infant development centres that may exist in, say, rural communities in British Columbia, we don't always have an equivalent aboriginal infant development approach, so the children with special needs are frequently not identified until they enter school or are school-age, and even then they're frequently missed.

Child care and early childhood education are key strategies, and there needs to be a strong understanding about vulnerability there. I think we still have a long way to go to make sure there are programs and services. Even just, for instance, nurse home-visiting, good maternal fetal care, we still don't have that from place to place yet in British Columbia on reserve with a strong model. We're always sort of constructing it in a place and deconstructing it. So some of the basics that are proven in the evidence to be quite helpful are under construction, but they're not there yet. Certainly, your work could support that.

● (1850)

**The Chair:** Thank you very much.

Over to you, Ms. Mathysen, for five minutes.

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Thank you very much, Madam Chair.

I'll share my time with Mr. Genest-Jourdain.

Thank you, Madam Turpel-Lafond, for your advocacy and for presenting here tonight.

I have a quick question in regard to what you've been talking about and the protection of children. You talked about B.C. and you talked about Saskatchewan, and about the fact that they have different regimes. There's no consistency.

When it comes to looking after or protecting children, and making sure that girls are safe, that safety is created, that there is consistency in terms of child care—my understanding is that child care is not funded at all adequately when it comes to first nations children—does the federal government have an important role here? I'm thinking in terms of investing in local community action grants to support the community, helping that community develop its own action plan with an emergency management team so that communities are in fact equipped to intervene in incidents of violence, to intervene and make sure that these children are indeed safe and that we've provided in the best possible way.

**Ms. Mary Ellen Turpel-Lafond:** Yes, I think it's essential to have that. You need an adequate investment and you need regular evaluation as to whether that investment is actually reaching those who need it. You need strong oversight and accountability to see if that's working.

With regard to the idea of a crisis team, you know, not every community is the same. I certainly see in my work that there are pockets where there is need for deep intervention and immediate crisis response. There are others where you just need ongoing support. Certainly many communities require, at the minimum, a safe house and some victims services that are well designed and run by, and hopefully for, aboriginal women. You often need something as basic but as committed as a navigator, a person who can actually navigate the criminal justice and victims services system and create safety.

Many of these require an investment, a consistent, stable, long-term investment with an evaluation as to whether or not they're meeting the needs of women. That is not present at the moment. There are episodic investments, there are plans, but as I say, I have

difficulty seeing on the ground, in the 203 first nations in B.C., that these have a strong footprint.

**Ms. Irene Mathysen:** Thank you.

Monsieur Genest-Jourdain.

[*Translation*]

**Mr. Jonathan Genest-Jourdain (Manicouagan, NDP):** Good evening, Ms. Turpel-Lafond.

[*English*]

I have a quick question in regard to violence prevention programs aimed at men. I want to know your appreciation of such initiatives.

**Ms. Mary Ellen Turpel-Lafond:** Yes, that is a critical issue. In order to create safety for girls and women, the evidence is very strong, and it's also my experience around domestic violence policy, that when there is not engagement with men, there will not be long-term safety.

There has to be engagement with men, first of all to do assessments around the degree of risk they may pose. Family reunification may not be possible. You need to understand that. For lower-risk individuals, men and boys, there needs to be appropriate therapeutic interventions to de-escalate the violence and also to promote better strategies to support child development and well-being. Where you see these types of programs in place, support programs for men in particular, you see a strong correlation between those and a reduction in violence.

I do not see programs like that available on reserve. That is a strategic area that requires an investment.

**Mr. Jonathan Genest-Jourdain:** Thank you.

**The Chair:** Thank you very much.

Mr. Dechert, for five minutes.

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Thank you, Madam Chair.

Thank you, Ms. Turpel-Lafond, for sharing your expertise with us. I have to say that hearing your background, as you described it earlier, you seem very, very well versed in the topic we're discussing at this committee.

One area I want to discuss with you is the relationship between aboriginal people and the police generally. We've heard from a number of witnesses, including the families of some of the victims, that they feel they cannot trust the police to protect them.

Do you see aboriginal youth sharing this same view of police? If so, what in your view can police do to restore or establish good relations with aboriginal communities? And do you know of any positive practices that exist between aboriginal communities and police that you could point to that we should expand upon nationally?

● (1855)

**Ms. Mary Ellen Turpel-Lafond:** Yes, I think there are very serious concerns that have been brought forward. I of course don't investigate police issues to be able to comment on specifics, but certainly some reports, like the Human Rights Watch report, have brought out some serious concerns on the part of girls and women.

For instance, in the suicide report that I did recently, I was very troubled by the fact that the girl, when she disclosed having been sexually abused, was interviewed by a fully uniformed RCMP officer in a room where they normally interrogate a suspect. Her grandparents weren't told what she was being interviewed about, and essentially the interviewer continued to question her about whether she had consented, whether she had consented. So she broke down and the whole process ended.

I don't fault the officer on the handling of it. He was fairly fresh out of Depot, serving in a rural community, not being very supportive and not necessarily having a high degree of training. There are serious issues in the delivery of police services that have to be addressed, and a lot of that comes down to how police respond to the disclosure of an incident.

I don't think it's as deep as a culture of disbelief, saying "We don't believe sexual abuse happens". I think it's more a culture of their being overwhelmed by other things and not being sure they can address this. What concerns me more is the front-line police experience is often one of "We don't know what to do here, and we are not sure how we're going to bring this issue out because it seems to be pretty widespread". That is a concern. I see the police frequently bringing cases to my office saying they'd like some other response because they are concerned about this but it is difficult to deal with.

I think you are right that the policing issues are there. They have to be addressed, and I think they have to be addressed through better relationships between police and girls and women. And when a girl discloses, for instance, physical and sexual abuse, there has to be safety around that child. I'm not saying you have to believe everything they say. There has to be a proper investigation and report

**Mr. Bob Dechert:** Was someone prosecuted for the sexual abuse against that young woman?

**Ms. Mary Ellen Turpel-Lafond:** Well, no. The police didn't prepare a report to crown because after she was interrogated—

**Mr. Bob Dechert:** That's tragic.

I'm sorry, we're a little short of time, and I did want to ask you about the \$25 million that appeared in the budget this week for use to take concrete actions to address the disturbingly high number of missing and murdered aboriginal women and girls. I'm reading from the budget document.

How would you recommend the federal government use that \$25 million to reduce violence against aboriginal women and girls?

**Ms. Mary Ellen Turpel-Lafond:** The number one thing I would see is to get out to girls. Do outreach to girls with community if you can, and if not, get to girls and ask what's going on, what's happening here. Actually hit the ground, as we say, boots on the ground. Get in there and ask what's going on and respond to it.

Whether \$25 million is enough, I don't know. I'm not looking at all the metrics of it, but I'm grateful for the fact it is there. I'm grateful that it's a beginning, and it needs to be used strategically and

appropriately and it needs to build on those who are actually in community dealing with girls, whether that be through the schools or other service streams, to make sure they can feel safe to come forward. They have to have safety and protection from retaliation. It has to be done.

I've seen it done in a few instances, and I know it takes a lot of delicacy with police and others. It takes a lot of talking to community leaders, a lot of talking to leaders in the community asking how to deal with this issue, because not dealing with it is no longer an option. How will we deal with it? I want those resources to actually get down to that level.

**Mr. Bob Dechert:** Fair enough.

**Ms. Mary Ellen Turpel-Lafond:** I don't want the funds to be spent on high-level planning.

**Mr. Bob Dechert:** Okay, fair enough.

You're a provincial court judge. You mentioned that you have been.

**Ms. Mary Ellen Turpel-Lafond:** Yes, I'm on a leave from my position as a provincial court judge to be the representative for—

**Mr. Bob Dechert:** Are you familiar with the aboriginal justice strategy, and can you provide any comment on it? I notice it was renewed again in the budget this week.

**The Chair:** Very quickly, if you don't mind, please.

**Ms. Mary Ellen Turpel-Lafond:** I'm glad it was renewed, and I know that it has a lot of broad-based reach. I'm not sure how strong the focus has been on girls and women, but nevertheless I think it is valuable to bring forward some of the deeper root causes around the intergenerational problems, yes.

● (1900)

**Mr. Bob Dechert:** Thank you very much.

**The Chair:** Thank you very much, Ms. Turpel-Lafond.

We really appreciated your testimony, and I'm sure it will help to inform the report. Thank you very much for joining us by telephone today all the way from British Columbia. We appreciate it very much. I hope you have a good evening.

**Ms. Mary Ellen Turpel-Lafond:** Thank you, Madam Chair. I wish you all the best with your deliberations and I look forward to seeing your report.

**The Chair:** We appreciate that. Thank you so much.

Because the next hour of the meeting is in camera, I will suspend for a minute or two to transfer to in camera.

**Mr. Romeo Saganash:** Can I make a point of clarification...

**The Chair:** There's no such thing as a point of clarification, so I'm going to suspend...

**Mr. Romeo Saganash:** I have a point of order then.

**The Chair:** ...and say we'll come back in a minute. We're going to clear the room for the in camera and then start again.

*[Proceedings continue in camera]*





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