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Les Femmes Michif Otipemisiwak / Women of the Métis Nation Submission to the House of Commons Standing Committee on Justice and Human Rights on the Study of Controlling or Coercive Conduct within Intimate Relationships

Les Femmes Michif Otipemisiwak / Women of the Métis Nation (“LFMO”) speaks as the national and international voice for Métis women across the Motherland. LFMO aims to consult, promote and represent the personal, spiritual, social, cultural, political and economic interests and aspirations of women, Two-Spirit and gender-diverse people of the Métis Nation across the homeland.

In its on-going efforts to address gendered and race-based violence against Métis women, girls and 2SLGBTQQIA people, LFMO is actively engaged with Elders and representatives from across the Métis motherland in developing a Métis-specific component of the National Action Plan to end Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ people. At the centre of the work on the National Action Plan, families and survivors are leading the process. From the beginning, their experiences and perspectives have shaped our approach. Métis Elders continue to ensure our work is grounded in Métis values and knowledge and to keep our discussions safe, healing and trauma-informed.

As part of our efforts to provide a Métis lens on proposed legislation and policies impacting Métis women, girls, 2SLGBTQQIA+ peoples, we submit the following perspectives on the proposed of Bill C-247, *An Act to amend the Criminal Code (controlling or coercive conduct)*. As part of our continued work addressing issues related to Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ people, this submission draws from the work of our 2019 report, “Métis Perspectives of Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People” (“Report”) and our 62 Calls for Miskotahâ (change).

Bill C-247 could be an important tool for Métis women, girls and 2SLGBTQQIA people seeking justice against perpetrators of domestic and intimate partner violence. While there is a lack of disaggregated data and research on the violence that Métis women, girls and 2SLGBTQQIA

people endure, Indigenous women face higher proportions of violence in comparison to non-Indigenous women in Canada. Specific to spousal violence, in 2016 the report by the Chief Public Health Officer on family violence in Canada stated that 59% of Indigenous female spousal violence victims reported injury in comparison to 41% of non-Indigenous female victims.¹ In addition, 52% of Indigenous women are more likely to fear for their lives as a result of spousal violence in comparison to 31% of non-Indigenous female victims. Younger Indigenous women are also more likely to become victims of spousal violence, as well as girls in comparison to boys.² Furthermore, from our Report, we know that systemic racism, colonialism, the imposition of patriarchal values and norms and sexism have led to the breakdown of Métis community and familial structuring.³ There are persistent attitudes by men in our communities that frame Métis women and girls as sexual objects. These factors create an environment that perpetuates violence towards Métis women, girls and 2SLGBTQQIA people.

We agree with the National Association of Friendship Centre's ("NAFC") testimony to the Standing Committee on February 18, 2021 that systemic racism in law enforcement and the justice system creates numerous harms for Indigenous peoples and is a major barrier from Indigenous peoples being able to benefit from this proposal. The racism, colonialism and sexism inherent to the justice system, including law enforcement, prevents Métis women, girls and 2SLGBTQQIA people from accessing justice. From our Report, we know that Métis victims of violent crimes and their families are often mistreated.⁴ The murder of Cindy Gladue and the subsequent handling of the *R v Barton* case by the Crown, the Court and the Chief Medical Examiner is a case in point of the terrible treatment Métis victims of extraordinary violence have endured and continue to face. Furthermore, Métis women, girls and 2SLGBTQQIA people have a history of not being believed or respected by police. Law enforcement refuses to recognize racial bias as a challenge in their policies and practices, and are not required to record racial data. This lack of identity data prevents police from understanding the experiences of Métis women, girls and 2SLGBTQQIA people, leading to poor treatment and a lack of support for victims and families. Importantly, any proposal to amend the *Criminal Code* must be done in such a way as to not backfire and further criminalize Métis women, girls and 2SLGBTQQIA people.

We strongly urge Parliamentarians and the Government of Canada that any approach to address domestic and intimate partner violence must be accompanied by sufficient funding, victim services and necessary supports that are Métis-specific. A new provision in the *Criminal Code* will not benefit Métis women, girls and 2SLGBTQQIA people unless survivors, families,

¹ The Chief Public Health Officer. "A Focus on Family Violence in Canada." Public Health Agency of Canada. October 21, 2016. Accessed February 26, 2020. <https://www.canada.ca/content/dam/canada/public-health/migration/publications/departementministere/state-public-health-family-violence-2016-etat-sante-publique-violence-familiale/alt/pdf-eng.pdf>

² *Ibid.*

³ Les Femmes Michif Otipemisiwak. "Métis Perspectives of Missing and Murdered Indigenous Women, Girls and LGBTQ2S+ People." June 30, 2019. <https://en2.metiswomen.org/wp-content/uploads/2019/11/LFMO-MMIWG-Report.pdf> ("LFMO Report").

⁴ *Ibid.*

and kinship networks are adequately supported and can safely come forward to the police. Given that Métis experiences in the justice system can be re-traumatizing and re-victimizing, services and supports must be delivered in a culturally safe trauma-informed way. Call for Miskotahâ Number 19 from our Report speaks to the support and resources that are required and how it needs to be extended to the entire kinship network of the victim:

19. Action is required by the provincial and federal governments to fund and ensure that Métis women who are victims of violence receive proper support and resources, such as counselling, healing, advocacy services that are culturally competent, culturally safe and trauma informed. These victim supports must be extended to the entire kinship network of the victim. If requested, the support from Métis Elders, Knowledge Keepers or others throughout all court proceedings shall be available.⁵

We urge the Government of Canada to work with us to implement this Call for Miskotahâ.

Furthermore, training and increased awareness of Métis-specific impacts of trauma and colonization needs to be provided to law enforcement, and throughout the justice system, the health care system, and child and family services. Infusing a trauma-informed approach to this training will ensure that women, girls and 2SLGBTQQIA people suffering from domestic and intimate partner violence will be safely and effectively supported, and have access to better services. This closely aligns with Call to Miskotahâ Number 6 from our Report, which calls for Métis culture and historical awareness program for police, early responders and other service providers:

6. Action is required to address and reduce the racism and stereotyping Métis women and girls experience when accessing services. The federal government must fund a comprehensive “Métis culture and historical awareness” program for Métis women to educate and support all public servants, including but not limited to police, early responders, medical and health services, social workers, income assistance, community and family support services, transition workers and others working with Métis people to better understand the unique circumstances of Métis women and girls. Without this type of training, services providers will not be equipped to identify Métis people and in turn, adequately collect and analyze data and deliver appropriate services.⁶

We urge the Government of Canada to work with us to implement this Call for Miskotahâ.

More broadly, we agree with the NAFC that in addressing domestic and intimate partner violence, action is required in other areas that directly impact Métis women, girls and 2SLGBTQQIA people. This includes, but is not limited to, health, housing, education, and child and family services. The justice system does not operate in a vacuum, and Métis women, girls and 2SLGBTQQIA people’s interactions with the system often reflect, and are impacted by, their

⁵ LFMO Report, *supra*.

⁶ LFMO Report, *supra*.

experiences and trust with concurrent services. Dispossession of Métis from their land, systemic racism, colonialism, sexism, and historically being the “forgotten people” and non-recognition by provincial and federal governments has directly led to high rates of poverty, housing precarity, homelessness and food insecurity. Métis suffer from harms that are unique from other Indigenous peoples, and institutionalized racism and sexist and cultural biases are persistent in existing services and programs. Métis women, girls and 2SLGBTQQIA people are among the most disadvantaged in Canada and are uniquely vulnerable to violence as programs and supports that are available to other Indigenous peoples are not available to Métis. While there have been recent investments and policy changes at the federal level, there is a need for a holistic approach to address the social determinants of health, and to provide culturally and contextually-relevant services that Métis women, girls and 2SLGBTQQIA people are involved in developing and implementing. This must be done Nation-to-Nation and on a distinctions-based approach. Calls for Miskotahâ numbers 18, 20, 25, 26, 29, 51, 53, 54 and 57 speak to this need and what is required. We urge the Government of Canada to work with us to implement these Calls for Miskotahâ.

Finally, any future legislative proposal by Parliamentarians or the Government of Canada to decriminalize coercive and controlling conduct or address domestic or intimate partner violence must include the voices of Métis women and 2SLGBTQQIA people at the table from the beginning. There is an absolute need to address this violent conduct and provide the necessary supports to Métis women, girls and 2SLGBTQQIA people. Only Métis people know what we need based on our unique experiences, and how we can best support our families, communities and kinship networks.