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Chair

The Honourable Hedy Fry

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•(1105)

[English]

The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)): I will call the meeting to order.

Even though we have two witnesses who have not yet arrived, we will begin with what we have. We also have Chief Whiteduck, who is going to be here at noon, so we will begin with the three witnesses who are here.

This committee is meeting pursuant to Standing Order 108(2) to conduct a study of violence against aboriginal women. We are looking at the extent of violence against aboriginal women, the root causes of violence against aboriginal women, and the forms of violence against aboriginal women—in other words, is it societal violence, is it domestic violence? We're looking at the whole nature of violence against aboriginal women and the root causes.

Having said that, I will begin. I just want to let witnesses know that you each have seven minutes to present. Please look at me occasionally. I will give you a two-minute warning and then a one-minute warning, because we really need to be as tight as we can so that we can go to questions and answers. If you cannot finish what you have to say, be sure that when you get a question, you throw it in so that you can still get it on the record.

I will begin with the Canadian Association of Elizabeth Fry Societies.

Welcome, Kim.

Ms. Kim Pate (Executive Director, Canadian Association of Elizabeth Fry Societies): Thank you very much.

Thank you to the committee for inviting us to present. I'll keep my comments brief in the interest of being able to answer some of the questions from the committee. In reviewing some of the proceedings, I realized some questions have come up, so I will try to address those in a very broad way.

I want to start by acknowledging the traditional territory in which we have the privilege of meeting.

In my responsibilities working first with young people, then with men, and then for the last 19 years with women and girls in particular in the justice system, the impact of colonialization and contact becomes very clear when we see the number of indigenous young people—men, but most particularly women—in the prison system.

I also want to acknowledge that there are members of our organization whose interests I represent, particularly our 26 members across the country. They work with marginalized, victimized, criminalized, and institutionalized women and girls. We're best known for the work we do with women in prison, but we actually work with a full range of women. Some of our organizations are the only social service—the only women's service, the only victims' service—in some of their communities. That's part of the context.

I also recognize that I have the responsibility of bringing forth some of the voices of the women who can't be here because they are locked up or institutionalized. Some are in prison. Some are in other forms of detention, such as psychiatric detention and the like. I take that responsibility seriously.

We are now in a situation in which women are the fastest growing prison population in this country. They are also the fastest growing prison population in many other countries. In this country, they are particularly indigenous women, poor women, other racialized women, and women with mental health issues. Those percentages cover a range, except that it's very clear that women who have self-identified as being indigenous women are now more than a third of the federal jail population. More than a third of the women serving federal sentences, and almost half of the women serving sentences of two years or more in this country, are racialized women.

We also see, according to the latest statistics coming out of the Office of the Correctional Investigator, that as many as 45% of those women have significant mental health issues. Not surprisingly, when you look at the indigenous women, you see a significant number of those women, particularly among the women who are dealing with the 91% rate at which they have experienced physical and/or sexual abuse prior to being incarcerated. Their victimization is very clear. Many of them have been left without resources in the community and so have ended up having to self-medicate, in many cases, sometimes with legal and sometimes with illegal or illicit medication or drugs. They often are women who have very few fiscal or financial resources. They often have very few social and personal supports and end up very marginalized very quickly. We've seen cuts to social programs, cuts to health care, and cuts to educational services in this country, so it's not a big surprise that these are also the women who are most clearly impacted by those cuts.

When you look at violence against women generally, and the backlash we've had in this country over the last two decades to much of the important work that's been done on violence against women, again you see the disproportional impact on indigenous women and the way in which that trajectory feeds them right into the streets, where there are very few resources.

The only system that cannot turn its back on them is the criminal justice system. They can be criminalized for anything from being on the street to being seen as a nuisance. When they're being prostituted, often they'll be picked up on charges of armed robbery and robbery when they're actually trying to negotiate payment for the sex acts they've provided. They are often reported by the individual who refuses to pay. We have a number of women in prison, particularly indigenous women, in that situation.

We've seen police not come when they've been called when these women are experiencing violence. They have essentially been deputized by the state, but we've had the withdrawal of state support and then the invasion of state support when it comes to following up after they have been left to defend themselves or defend others.

You would know well many of the stories. You've been across the country and have heard some of the stories of 9-1-1 calls not being answered until there is something else besides the situation of a woman being beaten. If you need stories, I can give you stories of the number of women who talk about having called the police.

• (1110)

The police don't come when they're called as a result of a woman being battered; they come when they're told that the woman has actually had to defend herself, that she might have stabbed someone who has attacked her or that sort of thing.

You know about the issues of the decisions to prosecute even in situations in which there may be defences. I can also give you examples of the numbers of times women plead to charges even when they know they have not committed the offence for which they've been charged. That's for all kinds of reasons. They're expected to by their families. They're expected to by others. They don't want to sit in custody, waiting. Contrary to some of the rhetoric we hear, they don't actually want to sit on remand and in custody for extended periods of time.

Even after those situations have occurred, we also have situations in which we've succeeded in encouraging women to appeal their sentences. A woman successfully appealed as recently as last month. After winning an appeal after she had defended herself against an attacker, her sentence was overturned, the conviction was overturned, and a new trial was set. When she was asked to potentially go for bail, she could not put up any property because she and all of her family lived on-reserve, and on the reserve, of course, the band council owns the property. Even though I offered to put up my house as a surety, she refused that.

Everybody agreed that she had a very strong case for self-defence. Clearly the crown did too, because when she won her appeal, the crown immediately offered her a deal to plead. She initially had been convicted of second-degree murder, and the crown offered her a deal of manslaughter and time served. That's what she ended up agreeing to, because she didn't want to sit in jail for another year or two awaiting a new trial, even though there was a strong case of self-defence. She wanted to get back to her child and get back to the community.

There are many other examples. Suffice it to say that I'll look forward to the questions.

• (1115)

The Chair: Thank you very much, Kim.

I want to welcome Ms. Tolley. Bridget, welcome.

The next person is Nahanni Fontaine, special adviser on aboriginal women's issues for the Government of Manitoba.

Go ahead, Ms. Fontaine, for seven minutes.

Ms. Nahanni Fontaine (Special Advisor on Aboriginal Women's Issues, Aboriginal Issues Committee of Cabinet, Government of Manitoba): Okay; I was told I had 10 minutes, so I'll cut parts of my speech or speak really fast.

First off I just want to say *meegwetch* to everyone for inviting me here to speak. I also acknowledge the traditional territory where we are situated today.

In attempting to better understand, appreciate, and address violence in all of its forms in respect to aboriginal women and girls, one must invariably and rightly begin with the advent of colonialism in Canada—that is to say, start at the root causes of said violence.

I will not spend much time outlining our collective history and those marginalizing policies—residential schools, the Indian Act, etc.—that were enacted with devastating consequences for aboriginal women and girls. Rather, I would simply state that it is imperative and requisite to acknowledge and incorporate, without fail, this shared history into our discourse, analysis, processes, and resultant directives.

Particularly as we operate from within this residential school post-apology era, with its expressed desire to move forward together in a journey of collective healing and reclamation, we now enjoy a safe space in which to discuss openly and respectfully the colonial legacy and its impact on aboriginal women and girls, with exacting reference to violence.

Aboriginal women and girls experience violence from within a myriad of manifestations, including racism, sexism, classism, sexual identity discrimination, social and economic marginalization, lack of adequate and safe housing, lack of access to education, lack of access to justice, and lack of access to social services such as lawyers, specialized shelters, and various social service programs, to name but a few.

Taken together, all these manifestations of violence create an overwhelming, inequitable space of marginalization and dislocation and a sense of hopelessness in the daily lives of aboriginal women and girls. Often we see intergenerational trauma and crisis in the experiences and narratives of aboriginal women and girls, with little opportunity to escape or move forward toward healing.

Although each of the above manifestations deserves its own separate volume of discussion, deliberation, and debate, I choose instead to focus my comments specifically on the tragic phenomenon of missing and murdered aboriginal women and girls, which is indisputably the ultimate and final manifestation on this spectrum of violence.

We know that even moderate figures designate approximately 600 aboriginal women and girls as either missing or murdered. We know, too, that each of these women and girls is representative and reflective of the diversity within our indigenous community. Some were teachers, some were students, some were workers, some were sexually exploited, and some had transient mental health disorders. Indeed, these women represent a microcosm of most, if not all, Canadian women and girls. They were mothers, daughters, grandmothers, aunties, and cousins. Indeed, there exist two prominent connecting features amongst missing and murdered aboriginal women and girls: they were aboriginal, and they were all loved and cherished by their families.

It is within this spirit that Manitoba affirms that the issue of missing and murdered aboriginal women and children is both a regional and a national tragedy demanding immediate attention, condemnation, and action by government, civil society, non-governmental agencies, grassroots associations, and their respective leaderships.

There are close to 80 missing or murdered aboriginal women and girls from Manitoba alone. We continue to commit to their families and loved ones—and what's more, to all Manitobans—to thoroughly, methodically, and strategically address this issue and ensure that justice is achieved for these loved ones.

Consequently, on August 26, 2009, the Government of Manitoba announced the creation of the Manitoba integrated task force for missing and murdered women, in partnership with the Royal Canadian Mounted Police and the Winnipeg Police Service.

One week following, on September 3, 2009, Manitoba established the Manitoba action group on vulnerable and exploited women, seeking partnership between government and grassroots organizations to address this critical issue.

A special adviser on aboriginal women's issues was appointed to work specifically on this file in concert with government, community, and families. In addition, the special adviser is assigned to work directly with the RCMP and the WPS in a liaison capacity on behalf of the families of missing and murdered aboriginal women and girls, providing a much-needed trusting link between the two parties.

• (1120)

Current research from Chandler and Lalonde shows us that truly meaningful social outcomes for aboriginal communities are achieved when—

The Chair: You have one minute.

Ms. Nahanni Fontaine: Oh, my Lord. Well, I have copies of my presentation, so I will disseminate those.

I'll make a final comment, then. It seems I wrote too much, but I'll finish it with this: to this end, Manitoba encourages the Government

of Canada to engage all stakeholders in an equitable partnership with the aboriginal community to develop a national strategy on missing and murdered aboriginal women and girls, with restorative and preventative mandates. Manitoba offers the Government of Canada our expertise and partnership in the development and execution of a national strategy on missing and murdered aboriginal women and girls.

Meegwetch.

The Chair: Thank you very much.

Now I'll go to Ms. Wheelton for seven minutes, please.

Ms. Wheelton, for those of you who don't know, is a representative of Yukon Sisters in Spirit from the Yukon Aboriginal Women's Council.

Ms. Courtney Wheelton (Representative, Project Coordinator, Yukon Sisters in Spirit, Yukon Aboriginal Women's Council): To begin, thank you for letting me speak here as a witness, and I'd also like to acknowledge the traditional land that we are on.

Rates of violence against women are higher in the north than in any other jurisdiction in Canada. Aboriginal women are more likely to experience violence than any other women. If we combine these two factors, we know that aboriginal women in the north are more likely to experience violence than any other group in the country. Violence in northern communities has become an epidemic, and that's just the cases that are reported. There are a great number of violent incidents that are not reported in Yukon communities. Violence against aboriginal women continues to be one of the most pressing issues our community faces.

We have worked hard over the years to create programs and services to support these women and their families in a culturally relevant context. We have taken a proactive and preventative approach wherever possible. Many times, however, we are working with victims in the aftermath of a crisis.

We have fought hard for more resources for aboriginal women in Yukon communities. In the summer of 2010, we began a regional Sisters in Spirit project to do community-based research on missing and murdered Yukon aboriginal women. Within three short months of research, we became aware of at least 29 cases of missing and murdered aboriginal women in our communities. While this number probably doesn't sound high, in a jurisdiction the size of the Yukon—35,000 people—this number is important. Twenty-nine of our Yukon sisters are dead or missing. This is simply unacceptable. There is at least one from every major first nations family in the Yukon, which means that all of us here have been impacted by this tragedy.

We have begun working with the Native Women's Association of Canada to help us do our research and develop our project, but since their funding has been cut, our project is in jeopardy of not being as in-depth as we had hoped. The project is contingent on the analysis of information we collect so that we can work with families and communities in a healing process and help engage them in the prevention of violence. We are concerned that without the assistance and expertise of the Native Women's Association Sisters in Spirit staff, our original project will not be successful, which means that our efforts aimed at preventing violence against aboriginal women will not be as successful.

There are 29—29 and counting—missing and murdered aboriginal women in the Yukon alone. That's 29 women who are valued as mothers, sisters, daughters, aunts, cousins, grandmothers, wives, and girlfriends. They are 29 women who, through not only their deaths but through their lives, affected the lives of their families and communities. Can we put a price on their value? Can we put a price on those who will become missing or murdered in the years to come?

• (1125)

The Chair: Oh, my goodness.

Ms. Courtney Wheelton: Yes, it's short.

The Chair: Thank you. That's very good.

Ms. Bridget Tolley is representing the youth.... I'm sorry. You're—

Ms. Bridget Tolley (Member, Kitigan Zibi Anishinabeg): I'm a member of the Kitigan Zibi Anishinabeg.

The Chair: Thank you very much.

Go ahead, Ms. Tolley, for seven minutes.

Ms. Bridget Tolley: First of all, I would like to say *meegwetch* to the standing committee for giving me this opportunity to speak. This is my mother. I dedicate this presentation to her.

My name is Bridget Tolley, and I am a proud Algonquin woman and grandmother from the Kitigan Zibi Anishinabeg reserve. Some of you may know me or know of me, as I have fought for justice in the death of my mother Gladys Tolley for the past nine and a half years. This fight for justice in many ways has become part of who I am, but it is the many experiences in my life that have led to me finding my voice and standing up for justice. I am on this journey for justice for my grandchildren, my great-grandchildren, my great-great-grandchildren, and for the next seven generations.

You may be familiar with some of the statistics about violence in aboriginal communities. The numbers reported by various governments and government departments reveal too many common experiences of violence, especially violence against aboriginal women and girls. However, I'm not here today to talk about numbers, because it seems as though people, communities, and community leaders have become numb when they hear numbers.

What does it mean to you when you hear a number related to family violence, physical and sexual abuse, incest, or addiction? As a survivor, I can tell you what it means to me.

Some of my earliest memories are of the fighting that went on in my home. My parents separated when I was only a couple of years

old, but their fighting will always be a defining feature of their relationship and of what echoes in my mind when I think of them together. After the separation, my father would not let my mother take me or my siblings, so I grew up with my father and grandmother. It was not a safe and secure home, but a home where I learned to be afraid.

I was a small girl when the sexual abuse began. Looking back, I realize I really didn't know what was going on. It was my uncle who took away the innocence of my childhood, someone who is a part of the family, and someone I didn't dare tell these stories about. Like many children, I suffered the abuse in silence, until my uncle went to the spirit world. He was an old man when he died. I remember how good it felt when he was gone, but my life would never be the same.

The trauma of my childhood, however, didn't end there. A few years later, when I was 11 years old, my dad committed suicide by shooting himself in the heart one day when we were not home. I don't think I can explain to you what these experiences do to a child. I had no way to cope with the emotions, the fear, the feeling of complete chaos at the time when I needed to feel safe and have guidance to understand that this is not how life should be.

After my father died, my mom came back into our lives, but we continued to live with my grandmother until she passed away in 1980. I was about 20 years old at the time, and struggling to understand who I was while raising a family as a young mom.

The sad reality was that I couldn't cope. Partying was a way to escape, numb myself, and not have to confront all the memories, emotions, experiences, and pain. Running away from my thoughts and my mind was the only way I knew to keep going.

This came to a tragic halt the day my mother was killed, on October 5, 2001. Not only had I lost my mother once as a child; this time I would lose her forever. What was worse was that her life was stolen from her when she was struck and killed by a *Sûreté du Québec* cruiser as she was walking home one night.

• (1130)

The pain and anger of losing my mom is what turned my life around. I have lived much of my life caught up in the system. The system was then, and remains today, plagued by failures and by racism. It has also taught our people lateral violence against one another.

With strength from the Creator and perseverance, and after nearly 40 years, my outrage with this injustice is how I keep going. I have been through a lot in my life, but I've realized the strength that comes when you begin to speak out and share your story.

What I realize now is I'm not alone. When you look at the statistics, each number tells a story, and sometimes more than one. I am one person, but I carry with me a lifetime of pain.

What I ask of you is this: when you walk out of this room today, I hope that you begin to picture a face, a person, each time you hear a number related to violence, abuse, and survival. I also challenge you to take my story and every other story seriously by committing to aboriginal women, men, children, families, and communities that you will make a change.

As elected officials, you have the power to say ending violence in aboriginal communities must be a priority of your party and your leadership. Please don't let another generation suffer as I have. Invest in programs for community healing, places for survivors and families to come together to find their strength and their voice, and resources to ensure communities have health and mental health services to serve the ongoing needs of individuals throughout their life cycle. Finally, please give us a place to honour all those who are no longer here with us today to tell their stories.

While I am extremely grateful for the existence of this committee, I can't help but be skeptical. I also have many concerns and questions about these proceedings, as do many other family members of the missing and murdered aboriginal women.

These are just a few of my questions. Why weren't family members notified when this committee came to Kitigan Zibi in June? Why were the minutes of these meetings not posted online, as they were for other locations? Why did the committee choose to go to Prince Albert, Saskatchewan, but not to Regina and Saskatoon, where the numbers of missing and murdered aboriginal women are higher? Why haven't families been notified of this committee process? Why haven't we been invited to provide our input into how the process unfolds? Why have we not been consulted about what we need in terms of funding? Why were these decisions made by people who are not living our reality?

Many of us remain wary, even if Sisters in Spirit does have its funding renewed, that there will be all kinds of compromises that will have to be made by the Native Women's Association of Canada in order to get this money. What happens if these compromises are not in the best interests of these families? What is our recourse? I hope that some of these questions will be answered.

As I have done for the past five years, I will continue to stand alongside the Native Women's Association of Canada to provide vigils across Canada to honour my mother and the lives of the missing and murdered aboriginal women and girls. In the past five years, Sisters in Spirit has become a genuine national movement, with vigils in more than 84 cities and communities, including international ones.

The momentum is very strong. It gives me great motivation and strength to see the community standing up for itself and finding its voice, so I will continue to fight on behalf of the family members who often feel ignored and silenced. I will never end my fight for justice and an end to violence.

•(1135)

Thank you. *Meegwetch.*

The Chair: Thank you very much, Ms. Tolley.

You asked some very important questions about the process of the committee. We did try to consult as much as we could with as many

groups as we could to find out the best thing to do, but when we travel as a committee, we are bound by the allocated budget that is given to us. We have to make decisions about where we go, and we try to go into every region. While it would have been great to go to Regina because of the large number of missing and murdered women, we also had to go to very isolated communities where no one had gone before. Then we were in East Vancouver, which, as you well know, has a large number.

We felt that we could understand those issues in cities, but we wanted to go to isolated areas and we wanted to go to reserves. We wanted to talk to the average, ordinary aboriginal person and not only to organizations, because sometimes we felt that we could hear, as in your case, Ms. Tolley, very personal stories that might not come out in their realities when you speak to a larger organization.

I'm very sorry that we weren't able to come to every region and probably do as much as we could to meet with everyone, but I want to thank you specifically for bringing up those issues and for presenting to us such a very personal and moving story.

Thank you.

Ms. Bridget Tolley: Thank you.

The Chair: We're going to go to the question-and-answer section. The first round is a seven-minute round, and I'm going to be quite strict with that round. What I'd like to suggest to you is that the seven minutes include both question and answer. It isn't seven minutes for questions and any amount of time for answers. I'm going to again be giving an indication as to where you stand on the times to give you an opportunity to get in everything you want, but perhaps in shorter sentences.

Thank you very much.

Ms. Neville, for the Liberals, has seven minutes.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Thank you, Madam Chair, and thank you to all of you for being here today.

Ms. Tolley—Bridget—I want to echo our chair's thanks to you for sharing a profoundly personal story. We appreciate it, because it certainly gives us a greater understanding and insight into what many have experienced. Thank you.

I have so many questions and so little time. I'm going to start with Kim.

You and I have talked before, and one of the overriding issues—well, there are so many, but one of the issues that I'm concerned about—is that so many of the women who are incarcerated are in jail because they are responding to action by the perpetrator of violence against them. What we encountered in our travels was extraordinary stories of systemic racism.

I wonder whether you could elaborate, as we did in a private conversation, on some of the experiences you've had with women who are in jail and who are there because they are victims.

Ms. Kim Pate: Thank you very much, Ms. Neville.

As we discussed, one of the things that I noticed when I first started working exclusively with women and girls, and in particular with the indigenous women and girls, was the number who had entered guilty pleas and had not even gone through the process of having a trial. Part of the issue, we thought at first, was lack of legal representation. I think that is part of the issue for some. Certainly the cuts to legal aid and the elimination of the court challenges program have significantly impacted the ability to take on systemic issues, particularly issues of systemic racism.

Also, when we look across the board at the number of indigenous women who are categorized as incarcerated for violent offences, I can think of only one case in which it was not a response to violence.

That doesn't mean it's always excusable. Some were defensive moves, and I talked in my initial opening comments about one or two examples of defensive violence that have not been recognized as defence before the courts, largely because the women haven't had an opportunity to tell that story. However, there are also many cases in which it's reactive violence. I think, for instance, of a couple of women in jail whose sisters were raped. They went after the man who they knew had repeatedly raped with impunity in their community. When they went after the man, it was considered a vengeful act; it was something they were punished for. In fact, in one of the cases the woman wanted to plead guilty to murder, and did in that respect. This very much limits our ability to even try to open up that case again to put the context in place.

As I mentioned to you, one of the things we've been trying to do... I teach a course at the University of Ottawa—in fact, I just started the current term last week—on defending battered women on trial. There are so many cases of indigenous women that we can't just bring a few examples, but we could only find one case in which a woman was convinced to actually fight the charges against her. She was acquitted, not surprisingly. Once there was an opportunity to tell the story, to put in the context, she was acquitted, in a case in which she had killed an abusive partner.

I could go on. There are so many examples of this situation.

● (1140)

Hon. Anita Neville: What would be your recommendation to this committee in terms of our discussions and ultimately our recommendations?

Ms. Kim Pate: As has already been discussed by the other women on this panel, who have done incredible work in their own right in their own communities both individually and within organizations, we could go back to some of the very basic recommendations of the Royal Commission on Aboriginal Peoples that have not even been touched. When we talk about social justice and equality, particularly for indigenous women, we have women living in what the United Nations has recognized as conditions lower than those in most developing countries, in particular women and children on reserves in this country. Those are some of the places where we can work to try to address the issue.

Once they're in prison, it's part of my job, and the responsibility of the organization I have the privilege and responsibility of working with and for, to try to get those women out, but it's almost "too little, too late" by then, because there are virtually no programs. Most of the women, because of the way their offences are categorized, never

get access to those programs. Most of them are characterized as higher security. Right now, all of the women who are classified as the highest security are indigenous women. All of them have mental health issues, all of them are locked in isolation, and all of them have virtually no access to programs and services right now.

Hon. Anita Neville: Do I have more time?

The Chair: You have just about a minute and a half.

Hon. Anita Neville: Thank you.

Does anybody else want to comment on this issue?

Ms. Nahanni Fontaine: I concur with everything Kim is saying.

The other piece that needs to be looked at is systemic racism for aboriginal women and girls operating from within a system. When we look at the women who are incarcerated, we see that the vast majority are also there on breaches, because of the system that we have. I visit the Portage Correctional Centre in Manitoba. About 85% of the women are there on breaches because they don't have a phone—so they can't call in—or they can't go to an appointment that they have to go to, or the conditions that are placed on them or so unrealistic that it just further criminalizes. You can't get out of that system; once you get in, it's virtually impossible to get out. As well, it impacts upon their children: they don't have access to their children while they're in there.

It's quite a travesty that the vast majority of women who are incarcerated right now are there on breaches. We have to engage government and justice and all of those people in understanding this reality. I would say that a lot of people don't understand the reality that aboriginal women and girls operate within.

I'll leave it there.

● (1145)

The Chair: Thank you very much, Ms. Fontaine.

Now I will go to Madame Demers from the Bloc Québécois. You have seven minutes.

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Thank you, Madam Chair.

Thank you for being with us, ladies. I feel very humble before you. I am very touched by your testimony, Ms. Tolley. Thank you for welcoming us on your territory and for trusting us sufficiently to share your viewpoint with us even though, as you said, you don't necessarily believe that we are going to be able to take action—which is what we need to do. You are probably right. We don't act enough. It is true, we've been conducting studies and producing reports for many years now and we don't act enough. I hope that this time the report will be sufficiently exhaustive so that we can undertake true reforms. I do hope so.

You've given us a few possibilities for solutions. I know that one of the problems that disturbs me the most is that 30% of the women in prisons are aboriginal. Most often, a large proportion of these women were also victims of fetal alcohol syndrome. And yet, programs are being cut back.

In your opinion, how come there are cutbacks in programs that could lead to a reduction in the incidence of fetal alcohol syndrome and therefore reduce the presence of aboriginal women in the incarcerated population? Could one of you respond on this subject? Ms. Pate?

Ms. Kim Pate: I'm sorry, but I will speak English.

[English]

One of the challenges with fetal alcohol is that it's a raced and gendered way to blame women for issues the state doesn't want to deal with. When I met with pediatricians a few years back, when we first started working on this issue, a number of them asked why we weren't looking at the inadequacy of nutrition, the lack of running water, or the lack of adequate health care as the issues that set up young people and children to be at a deficit. Instead we picked the one we can find and blame the mother for, and therefore divest the state of responsibility. I think that's part of the story of why the programs have been cut.

The other thing is we had some very courageous women—I think of Trish Monture, who sadly passed three months ago, and B.C. children's advocate Mary Ellen Turpel-Lafond, a judge—who took some very brave decisions. On the issue of fetal alcohol, she had some young people brought before her and was told they had fetal alcohol syndrome, so there were virtually no options aside from sending them to jail. Her response was that if they had fetal alcohol syndrome and therefore couldn't respond to programs, then it was the responsibility of the minister of social services and perhaps health care to find some programs and develop some services to meet the needs of those young people. Sadly, it was overturned on appeal, but I think she had the right impulse in saying not to throw them in jail, where they were going to get no support and likely develop additional issues and additional problems.

One of the aboriginal women I was talking about is in exactly that situation now. She's locked in isolation, just tried to kill herself for the umpteenth time, and has just been transferred across the country again. Her story is much the same as Ashley Smith's, and I only raise that point because people know her story; it's been more public.

The reality is that we should be focused on getting those individuals into the community and into support in the community, where they will end up eventually, hopefully, if they don't end up

dead in prison. That's what we should be focusing on, not on trying to apply band-aids and putting more programs into the prisons. I think we need to be developing those services in the community in a preventative way and also in a supportive way.

We should not be continuing to pretend that saying it's the mother's fault because she drinks, or anaesthetizes herself with something else, will solve the problem. As we know from generations past, most of our mothers had no idea of the impact of medication or anything, and yet they weren't vilified for having a drink or that sort of thing. I think it's become a way for the state to divest itself of responsibility.

It doesn't mean that I don't think it's a very real issue; I think these issues are very real, but I think there are other equally important issues that we allow ourselves to ignore because they require state responsibility and state resourcing.

• (1150)

[Translation]

Ms. Nicole Demers: Ms. Fontaine, you said that you thought that it was a safe space to discuss violence against women.

During all the meetings we had, in all the provinces we visited, there was a problem that reminded me of the issues related to the residential schools. Because in all the places where we went, children are still being removed from women. They are sent to places that are not familiar to them. So they're still having their culture and identity taken away. In 20 years, we are going to end up with the same problem.

I find it's not all that safe. We end up with the same problem and I'm wondering what we can do to encourage governments to stop this way of doing things.

Mrs. Nahanni Fontaine: Thank you, Madam.

I am sorry but I must speak English.

[English]

I want to quickly note that fetal alcohol syndrome is a disability. It's a rightful disability that we need not criminalize. I just want to say that.

You know that the reality with child welfare, as everybody knows, is that the vast majority of the children being apprehended are our children. The criterion now for apprehending children seems to be poverty, right? So we have women operating within really abject poverty being told, "You're not a good mother, so we will apprehend your children." Going back to what Kim was saying, that's after the fact. Again, we're blaming the mother and blaming the parents, because they live within a context of poverty that is a historical context as well.

We need to invest and to engage with government in communities. We need to invest in families. When you look at some of the social assistance dollars that people live on.... I know that on one reserve in Manitoba, a family gets \$174 per month for social assistance. You can almost see that their children are going to be apprehended in some capacity at some point, because they don't have the means to provide for them, yet this family is also dealing with all of these intergenerational traumas that we heard today and that we all operate within.

We have to invest those dollars not only in social assistance but also in education. We know there are communities in Canada that don't even have schools for kids to go to, so what will happen? We know that invariably a lot of children will get into trouble, their families will get into trouble, and they'll get apprehended. It's just a vicious cycle.

A lot of communities across the country say that the current social service and child welfare system is just a continuation of the residential school. We have to be courageous and invest those dollars in education and health and nutrition and all of those pieces.

• (1155)

[Translation]

Ms. Nicole Demers: And we mustn't forget social housing.

[English]

The Chair: Madame Demers, we've gone a minute and a half over our time.

I want to remind everyone to please try to make your answers as short and as concise as you can. I want to congratulate you, Ms. Fontaine, on your passion. You crammed a lot of answers into that question, but I do need to remind you folks to keep within the time, please.

We'll go to Madame Boucher now, from the Conservatives.

[Translation]

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Good morning ladies. Welcome to the Standing Committee on the Status of Women. This issue seems to me to be more and more important. We often hear about violence against aboriginal women, but for various reasons, we don't know much about this subject.

Today, you're sharing with us a part of your reality and thus you're shedding light on a large number of problems that you are experiencing. Violence against women is not something well known to the public. There's not much talk about it. For my part, I think it's very important to understand this reality because I'm not aboriginal and I'm white. We also experience problems of violence, but one gets the impression that the issue is dismissed and not talked about. To my mind, that's unacceptable. I'm addressing all of you because I haven't heard much about it at all. Are you familiar with the Family Violence Initiative? This is what is said about it:

The Family Violence Initiative (FVI) is a long-term commitment of the Government of Canada to address violence within relationships of kinship, intimacy, dependency or trust. The Public Health Agency of Canada leads and coordinates the FVI on behalf of 15 partner departments, agencies and crown corporations. With the long-term goal of reducing the occurrence of family violence in Canada, the Government of Canada provides the Initiative with permanent annual funding.

I was wondering if you were familiar with this initiative and if one of you had ever used it.

No? You weren't aware of its existence? That may be one avenue. There has been a lot of talk about it. Perhaps this would allow you to contact the Public Health Agency of Canada. This a long-term commitment.

[English]

Ms. Nahanni Fontaine: With respect to this long-term family violence program, in what capacity did the government consult with and engage aboriginal communities and organizations in developing this?

[Translation]

Mrs. Sylvie Boucher: All right. It is important, but I wanted to tell you that that program existed and that it was for everyone. I think that you, aboriginal women, should make use of it. We could meet again and discuss it.

I'd also like you to tell us about your prevention programs. When you work with aboriginal women, do you use these programs? Do you work in cooperation with several organizations, including the Native Women's Association of Canada? Last week, someone whose name escapes me told us that education also had to involve men. Do you have programs that could demystify violence against your sisters, programs that are designed for men?

[English]

Ms. Kim Pate: I just want to go back. I know that the issue of family violence, domestic violence, has been on the government's agenda, and on various governments' agendas, for many years. The challenge is that it has been de-gendered in a way that has caused some problems.

There were some productive consultations in the mid-nineties that occurred between what were broadly called "women's groups". It included organizations here today and other organizations the committee has consulted with, and it provided a way to make recommendations for real initiatives. I commend to you the document "99 Federal Steps Towards an End to Violence Against Women", which is one of the products of those consultations.

It included women at the grassroots level who worked on anti-violence, as well as indigenous women and other racialized women. It included a whole range, and it made recommendations, but it didn't continue, largely because it became a bit uncomfortable. It challenged all of the representatives about the manner in which the subject was being addressed.

To address violence against women, you have to address the structural inequalities that women experience: social inequality, financial inequality, racial inequality. You have to address all of those areas. We have yet to see a concerted effort to address these issues and to demand that we have substantive equality for women at every level.

Eliminating the Court Challenges program was probably the best worst example we could have of a mechanism that allowed women—particularly poor women, racialized women, women with disabilities—to argue for the duty to accommodate that needs to be in place.

I think there are real challenges, but there are also real opportunities.

Prevention is about developing social equality and financial equality so that women don't end up in a position of trying to manage. We have created an infinitely criminalizable group of people by allowing the provinces to cut social assistance the way they have.

We have cut mental health services. In the Kirby commission, Senator Kirby talked about mental health issues. Women have always been overrepresented there. We've cut that. In the prisons, women used to be able to move ahead through post-secondary education. All that was cut in 1992.

We've had a succession of cuts that have created more of these problems. That's why women are the fastest-growing prison population. It's not because you walk outside and you're concerned that your safety is at risk from women. It's not accidental that these are linked. That's some of the prevention. Women who come from the community come back to the community, and unless we have their services and supports in place, we're going to continue to see this.

In fact, I was just called by Correctional Services. They advised me that they are about to have to break the law and start transferring women all over the country illegally, because they have no beds. It's quite something to be advised of that by the government.

• (1200)

The Chair: Thank you, Ms. Pate.

Now I move on to Ms. Mathysen, for the New Democratic Party.

Ms. Irene Mathysen (London—Fanshawe, NDP): Thank you.

I'm most grateful that you're here, and I want to thank you for all of the information you are providing. It helps us to start to fill in all the cracks, all the gaps, in our understanding.

I want to talk to everyone, but I want to start with Ms. Pate. You said something that troubled me. You said there is a backlash regarding violence against women. I wonder if you could elaborate on that.

Also, I want to talk a little bit about the Sapers report from 2008. Essentially, he made a number of recommendations, but what is most appalling about this report is that the management protocol was used and is still used against aboriginal women. It is by and large aboriginal women who are in this horrific situation, and aboriginal offenders are less likely to be granted parole.

It's not a very specific question, but I wonder if you could touch on some of those things, because I think institutional violence against women is also something we should look at.

Ms. Kim Pate: When I said “the backlash”, I meant that it's very clear that we are seeing increased charging. As women call the police for protection, they're increasingly likely to also be charged if

they have used any kind of defensive force, so we have a large number of women in prison now who have been charged with assault in situations in which it should have been recognized that they were actually trying to defend themselves and/or their children.

I would commend to you the research of Elizabeth Comack and the work that's been done. It was argued that women are becoming equally violent, that emancipation and equality mean that women are equally violent.

When she actually looked at the statistics, just in Winnipeg alone she and her researchers found that although the charging rates were about equal, in virtually none of the cases of women who had been charged with assault did the people who were the victims require medical attention. In almost all of the cases involving the men who had been charged with assault, at least medical attention—and often hospitalization—was required. You just have to peel back that one layer of the police file and see very clearly the differential in terms of charging practices, prosecutorial practices, and, I would say, sentencing practices.

When I see a woman and a man charged.... There was another case out of Winnipeg last year or the year before. A woman was charged who had first been the victim of the man she was co-charged with. She had been lured into a situation in which she was sexually exploited. Then she had been used to lure other young women in with her. She was charged for procuring. She was charged for sexual assault. She received the same sentence as the man who had first been her victimizer—the perpetrator.

Now, I'm not suggesting that there's no accountability or agency on her part—not at all—but is there the same agency and accountability when that's the manner in which she became involved in that act? I would suggest not.

That's part of the countercharging aspect.

In terms of the management protocol, Correctional Services has said that they will end the protocol. By next month, we're supposed to have a new plan. We've urged them to actually look at some of the options, such as the Brockville treatment centre, to get the women completely out of federal corrections and out of the prisons, because the environment is such that the manner in which those four indigenous women—right now labelled under the supermax designation—are treated is worse than in the supermax special handling unit that exists in Quebec for men.

These women are escorted everywhere. They're in isolation. They're developing mental health problems. Those who had mental health problems when they came in are getting worse. The ability for those women to ever integrate back into the institution, the prison, let alone the community, is being hampered. Prison is becoming the greatest risk factor for those women and for public safety. We've argued that we should look at somewhere to get them out from under the prison setting so that they're not continually being punished for behaviour that in a mental health setting would be seen as symptomatic of the mental health label they carry and that would not necessarily be seen as something that should be punished.

I think there are many examples of things to be done. Also, Louise Arbour made many recommendations about limits to the use of segregation and the way to have correctional accountability. I would commend her comments to you.

I won't go on further.

● (1205)

Ms. Irene Mathysen: Thank you.

I assume the recommendation that the Minister of Public Safety immediately direct the CSC to appoint a deputy commissioner for aboriginal corrections has not been followed through on.

Ms. Kim Pate: It has not been followed through on, no.

Ms. Irene Mathysen: Thank you.

Ms. Tolley, I want to thank you for your testimony. You said a number of things, but at the end, your questions were very compelling. In those questions, you asked why there was no consultation regarding funding resources. I don't know the answer to that.

I wonder if you could elaborate on that question, because it seems to be an integral key in what we're hearing: resources, the lack of resources, and the unwillingness to provide adequate resources.

Ms. Bridget Tolley: Do you mean about the need for funding?

Ms. Irene Mathysen: Yes. I'd like to hear about the situation you described, a childhood and a young adulthood of real despair in terms of the lack of support systems. Madame Demers has touched on it, on the lack of affordable and decent housing and having no place to go. I wondered about funding resources and the kind of consultation you would like to see.

Ms. Bridget Tolley: Well, this is what we've been talking about. I have been with the missing and murdered aboriginal women since the beginning, and I've seen a lot of families. What everybody is really in need of is a voice. I feel that now that the Sisters in Spirit has lost its funding, our voice is gone. We need to bring that voice back. I understand that the funding was only for five years, but we need to continue the Sisters in Spirit. A lot more services need to be done, especially at the community level. I was talking about my case. There are lots of people on the reserve, as everybody is saying, who need to have these services.

I'm very lucky that I was able to get out. It could have been worse. I could have been dead too. I think about that every day. It's just the younger people. I don't want to see what happened to me happen to them. I pray to God that this never happens to my grandchildren. This is what they need to be taught in schools. They need to be understood. I understand that a long time ago we weren't able to talk about this, but now we can talk about it. Sexuality is out in the open. There's no more hiding. We're in the 2000s now. It's time for our children to understand what we never had a choice about and what we had to keep inside all these years. It's going to help our children.

We need to provide mental and physical health and social services, and we need doctors and nurses, not just social services. We need doctors and nurses to help these people get back their health, because there are a lot of them. Most of my friends are all caught up like this in the system. I'm 50 years old. I can't wait any longer for you guys to do anything. I have to go out and tell people and make sure that

we are heard. We as families need to know that somebody cares. We need a lot. We need a place to grieve. We need a place, as I said, to honour our missing and murdered aboriginal women, and this is what I would like you guys to look at.

● (1210)

The Chair: Thank you very much, Miss Tolley.

Now we're going to go to a second round, and that round is a five-minute round. If I give this hand signal, it means that you're over time and you're going to have to wrap up. I really don't want to cut people off. Sometimes when someone is telling a moving story, it's difficult to do so, but we do have to get everyone in and give them an opportunity to have this interaction.

We're going to start with a five-minute round. We will begin with Ms. Simson, for the Liberals.

Mrs. Michelle Simson (Scarborough Southwest, Lib.): Thank you, Madam Chair, and I'd like to extend my thanks to all of you for appearing before this committee.

Just by way of observation to your point and your questions, Miss Tolley, the fact that this country even has a Standing Committee on the Status of Women—that we still require such a committee—says a lot. When you add the racism to it, you have a recipe for disaster. I just wanted to get that off my chest.

Any one of you can answer. This might be a question for Miss Fontaine, because you're involved with the provincial government in Manitoba. It appears to me that provincially and federally we can always use more money for resources. We'd always like more money for programs, but we're not even close to utilizing it properly. We are operating in this country in silos: this is provincial; that is federal. We're trying to take an issue and twist it like a pretzel to fit into programs being developed provincially and federally that really have no bearing and will not help any part of reality. Would that be a fair statement?

Also, without consultation with the stakeholders—in this case the aboriginal community—programs are developed that may or may not have any type of successful outcome.

I leave it to you. Just jump in.

Ms. Nahanni Fontaine: It's a tough question for me to answer. I've only been with the government since November, when I was appointed special adviser on aboriginal women's issues. Prior to that I worked in our community for the last 15 years.

When you're working on the outside, the basic perception is that everybody is working in isolation from one another and there's no concerted effort. Had I been presenting in that form, I would have said, "Yes, there's absolutely no connection between the federal government, the provincial government, our communities, etc."

However, being now in the midst of the provincial government, I will say that there are all kinds of things going on, both federally and provincially. There are FTPs on violence against aboriginal women. I know that in Manitoba we have an interdepartmental group that works on violence against aboriginal women and on missing and murdered aboriginal women and girls, so there is a connection, but is it as much as we need to do? Again, we need those resources, but I think it's shifting away from working in those silos.

• (1215)

Mrs. Michelle Simson: I think Ms. Pate has an observation.

Ms. Kim Pate: I would recommend that the committee review the Parliamentary Budget Officer's review of Bill C-25, as it then was. We've already had the stats that a third of the women serving federal jail sentences are indigenous. In one of the appendices for that document, the Parliamentary Budget Officer showed what it was costing to keep one of the women on the management protocol. I would encourage you to look at those figures, because Correctional Services has estimated that it costs, on average, a minimum of \$185,000 a year to keep a woman in federal custody. When you consider what has brought those women into custody and what that money could be doing in the community to benefit not just those women or their children but the entire community, you can see that \$185,000 a year could go a long way.

But let's go much higher than that. We're talking about more than 100 indigenous women held at higher security levels. It's costing up to and more than \$500,000 a year to keep them in isolation. They require three to five staff and they're fully shackled everywhere they move. Those are incredible resources that could be used in much more productive ways in the community.

If you think it's just the scheming or dreaming of people who are doing the work and maybe are not able to see the whole picture, I encourage you to look at what the heads of corrections said in the mid-nineties, not what Kim Pate from Elizabeth Fry says or what the University of Ottawa says. The heads of corrections said that if the provincial, territorial, and federal governments came to an agreement, you could probably release up to 75% of the people then serving prison sentences and not increase any risk to public safety.

That's an incredible number. That tells you how many were in for poverty-related and other inequality issues. Have them in the community, paying back and being held accountable. We're not talking about people running off willy-nilly and not being held accountable for their behaviour. They could be in the community in ways that others have already talked about—restorative ways—while paying back, living in the community and contributing to it, and working. There are many examples.

With regard to indigenous women and women in general, I was in Cape Breton two weeks ago testifying on how unequal it is that you still have to take women to central locations, even in a provincial or territorial context. You have to take them out of their homes and disrupt their families and disrupt their employment, even on very

minor and short sentences. I think there are lots of examples of other things we could be doing. There are ways we could be spending that money better. We don't have to say, "Get new money"; we have lots of money being spent already.

Mrs. Michelle Simson: That's my point, yes.

The Chair: Thank you very much, Kim.

Now I'll go to Mr. Boughen for the Conservatives.

Mr. Ray Boughen (Palliser, CPC): Thank you, Chair.

Let me add my voice to those of my colleagues in welcoming you women here. In sharing with us your experiences, we appreciate your time and energy. Without your input, we don't know about it. It's very good of you to appear.

I have a host of questions, and you'll have to bear with me, if you will. I'm new to the committee and I don't have a lot of background. If my question seems somewhat off base, just blink and go with it. I would appreciate that.

I have an observation, first of all.

Kim, maybe you can allude to this in terms of a response.

I'm hearing things that tell me there are enough structures in place to handle different avenues, to deal with people in an upfront manner, to be of assistance to them, and to handle what their needs are, but we're not following those procedures.

I would allude to the fact that right now there's talk about the administration of a number of band councils that are utilizing dollars for themselves instead of for the residents of the band. That's yet to be talked about, but the idea is, as you have said, Kim, that there's enough money. Are our structures not being followed?

I'll ask about a public defender. If an aboriginal woman is in court, why does she not have access to a public defender? If a person is charged and can't afford a lawyer, in our country lawyers are public defenders.

• (1220)

The Chair: Excuse me. I'm stopping for a second.

I want to introduce Chief Whiteduck, who came in a little bit late. Chief, if you would like to join in on the question-and-answer period, feel free to do so. Also, at the end of this meeting I will give you a few minutes to say something that perhaps you might want to throw into the mill.

Thank you.

Ms. Kim Pate: Your point is well taken. If I sounded as though I was saying that all of these resources are there right now, then I need to correct myself, because most of the resources that I'm talking about have been systematically eliminated. Social services, education, and health care have been eviscerated in this country, as the provinces and territories have been allowed—with the elimination of the Canada assistance plan in the mid-eighties—to basically spend federal tax dollars in very different ways and not prioritize those who are most marginalized. I think we have to start there.

Even if you have access to public legal aid, the reality is that if you don't have a risk of going to prison and it's not represented as that in the first instance, you may start to develop a record and then become at risk of being imprisoned in the ways that Ms. Fontaine talked about, and, once you've breached, ending up in prison. That's how most people end up in prison first. Ashley Smith is an example. She didn't go to jail first because she committed an offence. She went to jail because she breached after she was on probation for committing an offence.

There are alternatives being used, but unless we shore up those very services that have been cut and unless we provide alternatives to sentencing for judges.... I do judicial education all the time. In fact, I'm in the midst of planning another one. One of the big issues, particularly for women with mental health issues, indigenous women, and poor women, is what to do if there aren't resources in the community.

I would argue that this is where the committee has a huge chance to influence the government to actually put resources back in place for those very vital services, so that we're not putting more people at risk of being marginalized and victimized; when that happens to people, the only system that can't say "Sorry, our beds are full" or "Sorry, you don't fit our mandate"—sorry, sorry, sorry—is the prison system.

It doesn't take much to get charged, as probably everybody in this room knows. If you're on the street and you're a nuisance, you can be charged with mischief. If you're on the street and start asking for money, if it's perceived as problematic, you'll be charged with being threatening or all kinds of things that we see happening all the time.

I think it really is about looking at how we're spending the money and reallocating it, and not necessarily saying that it's the fault of those who are trying to shore up a sinking system. Right now we're rearranging the deck chairs on the proverbial *Titanic*, because we're trying to shift these women around as though we don't know what the real issue is. The real issue is this: why are they coming into the system? When we know that crime rates are going down and prison rates in other places are going down, why is it that rates for women are going through the roof? It's not related to a risk to public safety.

The Chair: Chief, would you like to answer the first part of the question?

Chief Gilbert W. Whiteduck (Chief, Kitigan Zibi Anishinabeg): Thank you for the opportunity to say a few words.

There was a reference to band councils potentially using resources that might go to women or programs for elsewhere. I take great exception to that. At our community level, we do the best with the limited funding we get. What I'm always hoping to hear in these

kinds of debates is that it's not a blame game. We can't play around by blaming. We have to take action. We have to do things that are concrete and that are going to give results.

For too long, it has been that one party blames the other one, but it's the women and the communities that are caught in all of this debate. We need to see some concrete action. That's what the communities are asking. That's what the women are asking. It has to be built from the community. It's a community effort that has to pull it together. It will vary from one community to another, of course, depending on the capacity, but that's where it lies.

The answer lies with first nations people. It comes with the support of government, of course, but it lies with first nations people.

Thank you.

The Chair: Thank you very much.

Now I will go to Monsieur Desnoyers of the Bloc Québécois.

Again, if you don't have your translation devices on, can you please put them on? Actually, if you are on the English channel you will hear the English as well, so you don't need to keep taking them off every time.

When you're all ready, we'll start.

• (1225)

[*Translation*]

Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ): Thank you, Madam Chair.

Welcome to all of you.

Ms. Tolley, as you mentioned, we visited your reserve. We heard important testimony about a young aboriginal woman who disappeared a year and a half earlier. Whether there's one or 29, as Ms. Wheelton said, or 80 like in Manitoba, it's just as important. I always say that among white people, when there's a death, it makes the headlines and everything is done to find the guilty party. Unfortunately, it seems that the government doesn't want to do anything when it comes to aboriginal communities.

In the document produced by the Sisters in Spirit initiative, we see 582 cases listed. Today there are more than 600 and that includes two people who were killed two weeks ago in Vancouver. Here again, nothing is being done. That's absolutely unacceptable. A few weeks ago, a person came to meet us here. The recommendation was more or less what the chief just said, namely that we have to listen to the community rather than allow the government to impose rules that do not apply to that community or do not reflect it completely. Such a way of doing things does not lead to attaining the desired objectives.

The Sisters in Spirit initiative conducted surveys in the community. These people managed to list each case. I was told that in Vancouver, a few weeks ago, they had come up with 18 and that dozens of police officers had worked on these cases but they had put an end to the investigation because they were not achieving their goals. They could have worked with the people from Sisters in Spirit, who probably had relevant information on each of these files.

That said, a few weeks ago we received someone who told us that this had to be done in the community, that history, culture and education were important, as Ms. Pate mentioned. Even within the prisons, something like that needs to be done. So we are talking here about prevention, protection, health and ongoing funding to solve this problem once and for all.

The police should not become the only tool to solve this problem. In fact, it isn't. It cannot solve the problem of poverty in these communities. According to this person—and I'd like to hear your views on this—everything has to be grouped together in cooperation with the main stakeholders. There could be one large envelope. It could be used to solve various problems. It would be done in and by the community. If 16 departments each have an envelope, they all end up reducing it regardless of what they do. To them, this is not important because it's a matter of dollars. The best way to manage and solve these problems would be to hand this over to the community.

What do you think of the idea of a recommendation that would involve everyone and in which a specific amount of money would be set out, as well as the way it would be used, and the way things would be done, not by the government, but by the community?

[English]

The Chair: Thank you.

Would someone like to answer this question?

Chief Whiteduck, do you think you might have something to offer here?

[Translation]

Chief Gilbert W. Whiteduck: I'd just like to make a few comments. To our mind, there is no doubt that prevention is basic, first of all. After that, the intervention must exist and it must be supported. That is very important.

Would a large budgetary envelope meet the needs? It's always up to the community to make sure that the money goes where it should when it receives funding. I've always believed that given the projects and approaches of this type, whether it's the federal government or the community, it should report to Canadians annually to say whether or not it has succeeded and what the status of the project is. The community has a responsibility not only toward the community itself, but toward everyone and the federal government as well. We all bear a responsibility.

When you put elements in place, you have to ensure that there are things... It is not a matter of waiting five years and reviewing the file after those five years to determine whether it worked or not. That has to be done every year somewhat like a report card that everyone is given. We mustn't forget what lies behind all this. We must take action immediately. I do understand that some things are being done, but we need much more direct action. That's the real criterion. We are in a critical situation and have been for a long time and we can no longer wait.

• (1230)

[English]

The Chair: Thank you very much.

Now we will go to Ms. Mathysen of the NDP. You have five minutes.

Ms. Irene Mathysen: Thank you, Madam Chair.

We keep hearing over and over again that there's no money to do anything. The money is a significant problem, and yet we have lots of money for more and more jail cells.

Ms. Pate, we're going to be putting together recommendations for our final report. You talked about the services that have been cut and what needs to be restored. You made mention of the Court Challenges program, and of course legal aid has been cut.

What services need to be restored? If we're making recommendations, what do we say to this federal government along the lines of what needs to be in place if we're ever going to resolve any of these issues?

Ms. Kim Pate: I think fundamentally we have to talk about reinserting national standards. Those of us who are long enough in the tooth to have been around at the time the Canada assistance plan was eliminated didn't think that plan was the best. We wanted to see stronger and more enduring national standards at the time than we had.

I think the recommendation that has been made about going back to community is important. I have yet to go to a community, whether it's a very small, remote community or a very large city, where people don't have all kinds of ideas about what they could do with the resources that are currently being spent to prosecute, detain, and ultimately to try to reintegrate individuals into their community. There is probably a much smaller number—not just of women, but of men and young people too—who need to be incarcerated, and there are far more creative things that we could be doing.

There are ways that you could make recommendations to put real pressure on to change what's happening. I think also making some recommendations about the effects of the increased number of bills that are impacting how long people will be in prison would address a huge issue. It's going to disproportionately impact indigenous peoples, especially indigenous women. It's going to disproportionately impact the poorest and those with mental health issues. We need national standards that really challenge the mechanism whereby we're making imprisonment the norm. The fact that we talk about crime prevention as a way to meet social issues and the fact that we're making imprisonment the norm has become one of our biggest social problems.

We feed children in breakfast programs and call it crime prevention. Do we really want to send messages to all those children across the country that we're feeding them so that they don't become young criminals? That's essentially what we do when we argue in those kinds of ways.

We need to be pulling back and making recommendations that are fundamentally about what Louise Arbour talked about not long ago when she was still at the United Nations. She said that we need to have basic human rights. Every person in this country should be entitled to be fed, clothed, housed, and educated, and to have their health needs met. When countries had that fundamental standard—whether in the Scandinavian countries, or Australia when they had better social programs, or our own country when we had better social programs—crime rates and rates of incarceration were much lower for that reason.

If the other mechanism worked, then we'd all be flocking to move to the United States, because it would be the safest place and everybody would be taken care of. We know that quite the opposite is true.

Ms. Irene Mathysen: Yes, and we certainly saw that in Ontario—the criminalization of poverty.

Ms. Fontaine, would you comment?

Ms. Nahanni Fontaine: I just wanted to note a specific recommendation for programs that need funding.

We have the National Crime Prevention Centre's youth gang prevention fund. As we speak, in Winnipeg, Manitoba, there are five programs that are going to be closing their doors March 31.

Somebody spoke earlier about engaging men in the preventative mechanism on violence against aboriginal women. These programs are key to that, and those doors are going to be closing. We have one program, Circle of Courage, that is for aboriginal gang members. It brings them back into ceremony, teaches them their culture, and teaches them their rightful place as indigenous men, what it means in their internal and intimate relationships, and how it transforms into their family lives. They're closing their doors March 31.

There's a tangible recommendation right there.

•(1235)

Ms. Irene Mathysen: Thank you.

The Chair: You have 30 seconds, Irene.

Ms. Irene Mathysen: Well, Ms. Wheelton, you haven't had a chance to speak. Perhaps you won't get a chance to answer this question at this point, but perhaps you will have an opportunity later.

You talked about the loss of funding for NWAC's Sisters in Spirit and said that it impacted your community negatively. It sounded as though you had some things in hand, things you wanted to do, and you simply needed that financial support.

What plans did you have in regard to prevention and to support for families?

Ms. Courtney Wheelton: The Yukon Sisters in Spirit project isn't directly funded through NWAC—we're funded by other means—but we had been working with them prior to everything in regard to sharing research, and we're trying to almost copy their project and make it at a grassroots level.

Currently they only have six Yukon women in their database, and we have discovered 29. We're just trying to relate to what they have found so that we don't duplicate the work, and to bring back to our

community what they have found in working with families and family gatherings in order to restore our people.

Because of the lack of funding, they're not able to continue their research. We have been working in the Yukon, but it's hard to bring it back to NWAC. It's been difficult for our project on some levels. It hasn't completely stopped it, and it won't, but there are some negative effects seen in the Yukon.

Ms. Irene Mathysen: Yes, and certainly research has been seriously undermined.

Thank you.

The Chair: Thank you very much, Ms. Mathysen.

Now I would like to give the chief the opportunity to give us a presentation for three minutes, because he could not get here until noon. Once he's finished, I will ask each of the other four who presented to give a one-minute wrap-up. In one minute, if you have three things to recommend that this committee should recommend, tell us what they are so that we can get that said clearly. Then we will have to go in camera for the meeting we have to have a little later.

Thank you.

Chief, begin, please.

Chief Gilbert W. Whiteduck: Thank you very much for the opportunity.

Today I want to reiterate what our community faced on a couple of occasions: the disappearance of the two young ladies, Maisy Odjick and Shannon Alexander, and the impact that has had on our community.

No community can be ready for this. No community can have the tools. We had just been elected in 2008, and in the fall all of this started to unfold. We don't have expertise in this. We didn't know where to turn. The police were unsure. We raised a lot of questions. We were frustrated. The family—and I understand this—were frustrated, maybe by our lack of efforts, and were wondering where we were going.

There have to be opportunities for tools to be developed to help communities address this.

The other situation is Ms. Tolley's situation and the fact that her mom was killed by an SQ patrol car going through the community. There are a lot of questions that the family has asked in trying to get clarification and looking for justice at the end—looking for answers, looking to understand and hopefully learn from it.

That door has continually been shut. Why is that? Why is it that Bridget, as a woman, as the head of her family, had to seek this kind of response and find that the doors are closed to her?

The frustration, I believe, that we meet with in the community is that although you may be talking about it at a very high level and there are programs, the reality is that a lot of these things don't flow down to the community, and they need to. We need to better understand and to be better able to share. Programs come and go; funding gets used by some organization, and then it may trickle down, or it may not.

I believe that the Sisters in Spirit movement and everything it represented was beginning to find its place, and then all of a sudden the door was closed. There was an opportunity. It's capacity development, it's opportunity-building. My concern would be, and the way it appears now is, that the legs are being cut from this movement, which I believe could have generated support and understanding and, really, the main thing: that very important momentum.

I want to close with this: I was watching TV last night, and they were talking about Ronald Reagan and his legacy. He was making a speech someplace in very simple words that I put to you. He said, "We have it in our power to bring about change."

We do indeed have it in our power, but do we want to exercise it? I hope so. I hope this standing committee will indeed stand and support aboriginal women and first nations women, and bring about those changes that need to happen now.

Thank you.

• (1240)

The Chair: Thank you very much.

I'll ask Kim to start. You have one minute, please.

Ms. Kim Pate: Given the reality of why I was invited to come, the fact that women are the fastest-growing prison population, and the links that has to women's inequality generally, it strikes me that a report card of the kind that was done some years ago, which resulted in the status of women committee coming into existence, would be very useful at this time.

It would be linked to the justice policies, the economic policies, and all the other ways in which structural and substantive inequality are contributing to the problems within the justice system in terms of women being victimized, as in the cases of the missing and murdered indigenous women, and also the cases of women being increasingly criminalized, imprisoned, and institutionalized. That would be an extremely useful addition at this time, and extremely timely.

The Chair: Thank you, Kim.

Now I'm going to ask Ms. Fontaine.

Ms. Nahanni Fontaine: There are three recommendations I would give this standing committee. First, we as Canadians should affirm that the solution to violence against aboriginal women and girls comes from and fundamentally drives itself from the community. As a collective, we affirm that concept and put those things in place to consult with the community, give ownership to the community, and engage the community.

Second, we should take the courageous step and reallocate some of the dollars in the system to support families, women and children, education, housing, and all of the things we spoke about today that are the central components we need to eradicate violence against aboriginal women and girls.

Third, on the collective approach to this issue, I recommend that the Government of Canada also take a courageous step and develop a national strategy specifically with respect to missing and murdered

aboriginal women and girls, and engage provinces, communities, first nations leadership, and all of that.

Those are my three. *Meegwetch.*

The Chair: Thank you very much. Very good.

Go ahead, Ms. Wheelton.

Ms. Courtney Wheelton: I agree with Chief Whiteduck that there need to be more opportunities for communities to develop their own tools and practices.

I also think that continued funding for the Native Women's Association and their Sisters in Spirit project is necessary, considering that they've researched and discovered over 800 missing and murdered aboriginal women in Canada, and have only documented six from the Yukon when my research has come up with 29. It's proof that it needs to be continued and taken seriously.

Through this project, prevention can occur, because as we are learning these women's stories, we can prevent other women from being introduced to violence or going missing.

The Chair: Thank you.

Ms. Tolley, would you comment?

Ms. Bridget Tolley: Thank you.

I would like to recommend that there be programs in our community for healing—places for survivors and families to come together to find their strength and their voices. There should be resources to ensure that communities have help through mental health services to serve the ongoing needs of individuals throughout their life cycles, and have a place to honour those who are no longer with us.

I would also like to invite everybody to our rally on Parliament Hill on justice for the families. We will be there on February 14, which is Valentine's Day, to honour our missing and murdered women. I invite you all to join us.

Meegwetch.

• (1245)

The Chair: Thank you very much.

I want to thank our witnesses for coming today. We have been across the country, and we have heard so many things that you have echoed here. You have presented us with some new information that we didn't have, and especially, Kim, your presentation on the incarceration of aboriginal women was extremely moving and extraordinarily tragic and outrageous from my perspective. I did not even know the statistics that you gave us, and it's very sad.

In closing, normally I ask a question, but I think you've covered many of the things, so my asking a question might be redundant. I just wanted to make an observation.

I don't know how many of you know that not too long ago a hundred dogs were culled quite brutally in my province of British Columbia. I was outraged by it, because I think we as Liberals had an animal cruelty bill, which never really got to the fore, that could have addressed our treatment of the vulnerable animals in our society who can't speak for themselves.

However, I wanted to say that while I found that culling a very reprehensible thing, within four days the province of British Columbia asked for an inquiry into the culling of the dogs. For 20 years women have been missing and murdered in that province, and not a single inquiry was called until recently.

We have to ask ourselves—and you pointed that out to us—how as human beings and as Canadians we place priorities, how as human beings and as Canadians we value humans in our society. Aboriginal women, I suppose, can ask that question very validly.

Thank you very much for coming. We will now move on to business. It is not in camera, so the witnesses can take their time to leave.

What we are doing right now is electing a new vice-chair. As you well know, Ms. McLeod is no longer a member of the committee, so we need to elect a new vice-chair. The committee decided last Thursday that we would do it today.

I would entertain a nomination. I'm going to move out of the chair so that the clerk can conduct this and I can have a vote. That's how it's done. The clerk will conduct it.

Go ahead.

[*Translation*]

The Clerk of the Committee (Mrs. Marie-France Renaud): Pursuant to Standing Order 108(2)...

[*English*]

The Chair: Excuse me; we have a vote that's about to take place. I would ask members to please return to their seats.

Thank you.

[*Translation*]

The Clerk: ... the first vice-chair must be a government member.

[*English*]

I am now prepared to receive motions for first vice-chair.

Go ahead, Madame Boucher.

[*Translation*]

Mrs. Sylvie Boucher: I nominate Ms. Tilly O'Neill-Gordon as first vice-chair.

The Clerk: Ms. Boucher moves that Ms. Tilly O'Neill-Gordon be elected first vice-chair of the committee.

[*English*]

Are there any further motions?

Is it the pleasure of the committee to adopt the motion?

Some hon. members: Agreed.

[*Translation*]

The Clerk: I declare the motion carried and Ms. Tilly O'Neill-Gordon is duly elected first vice-chair of the committee.

[*English*]

The Chair: I want to congratulate Ms. O'Neill-Gordon on assuming the role of vice-chair.

Now, there are a couple of things that I need to bring the committee up to scratch on. Since this is really committee business, maybe I can give us about a half a minute so that we can move in camera.

I would like to ask everyone in the room who is not a member of the committee and not authorized to be here for in camera meetings to please leave.

Thank you.

We'll suspend for a minute while we go in camera.

[*Proceedings continue in camera*]

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