



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

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

---

FEWO • NUMBER 089 • 1st SESSION • 42nd PARLIAMENT

---

**EVIDENCE**

**Tuesday, February 13, 2018**

—  
**Chair**

**Mrs. Karen Vecchio**



## Standing Committee on the Status of Women

Tuesday, February 13, 2018

• (1555)

[English]

**The Chair (Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC)):** I call the meeting to order.

Good afternoon, and welcome to the 89th meeting of the Standing Committee on the Status of Women. Today's meeting is in public.

As we continue our study of indigenous women in the federal justice and correctional systems, we are pleased to have joining us today, by video conference from Vancouver, Ms. Darlene Shackelly, Executive Director of the Native Courtworker and Counselling Association of British Columbia; by video conference from Edmonton, Ms. Audra Andrews, representing the Union of Safety and Justice Employees; and by video conference from Calgary, Mr. Lowell Carroll, Manager of the Calgary, Red Deer, and Siksika Legal Services Centres of Legal Aid Alberta.

As well, from Regroupement des centres d'amitié autochtones du Québec, we have Madame Claudie Paul, Services Director, and Madame Jacinthe Poulin, Health and Social Services Advisor. I'm very sorry for slaughtering any language so far today.

Thank you very much.

Each group will have seven minutes to speak, after which I will be cutting you off, because we do have shortened time.

We're going to start off with Ms. Darlene Shackelly. You have seven minutes.

**Ms. Darlene Shackelly (Executive Director, Native Courtworker and Counselling Association of British Columbia):** Hello. My name is Darlene Shackelly. I'm the Executive Director of the Native Courtworker and Counselling Association of British Columbia.

Our organization was formed in 1973 because of the high numbers of indigenous people who were pleading guilty as they were going through the criminal justice system. We have 30 workers throughout the province of British Columbia

When we were asked to give a presentation to this committee, it was on the understanding that we are not workers within the federal corrections system, but rather the group that actually deals with the people who are coming into the criminal justice system charged with a criminal offence. It is our responsibility to ensure that they fully understand what they've been charged with and that they obtain the referrals necessary on the charge they're facing within the system.

We're on the unceded territory of the Coast Salish people: the Musqueam, Squamish, and Tsleil-Waututh nations. That is where I'm streaming from.

I would also like to thank our board of directors for allowing me to come today to give a presentation.

I want to give some background, and you've probably heard it many times, of the residential school trauma as it affects indigenous women who are in the institutions. We know that high numbers of women who are in the centres are women who have children and women who are facing trauma-related health issues. It is our opinion that once you're disconnected from your culture, the chance of staying within the system is a likelihood.

What we're concerned about is the actual parenting of children. Since 2006, the aboriginal population has grown 42.5%. That's more than four times the growth rate of the non-indigenous population for the same period. I would point out that these are not the children who attended residential school; these are the next generation of children. Our caseload shows that indigenous women are actually being charged with more violent cases than occurred before. It is this generation that we need to focus on.

We also know that most of the women who are in the institutions ended up in systems of foster care, in group homes, or were adopted. It is our belief that it's time to take a look at supporting the women who are in the institutions, especially the ones who have children, around technology feeds.

In the community of Bella Bella-Bella Coola, we have technology for video court streaming into Vancouver, from a very isolated community. It's about time the federal government looked at streaming to support families and the children the inmate has and looked at how we can make sure that indigenous women have a connection to their families and their children.

The support system for children of parents who are incarcerated has been studied quite intensively, but we actually have to look more at the women who are in federal institutions and be able to stream in isolated communities where a lot of indigenous women are from and be able to access technology so that they have visits from their communities by their children and their family members. That would go a long way to keeping the connection in place, so that once they're released, the connection is there already.

Our final recommendation is to invest in an indigenous women's justice panel to develop a five-year plan and a federal investment strategy to address the issues that I have just mentioned.

Thank you for your time.

•(1600)

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

We're now going to move over to Ms. Audra Andrews for seven minutes.

**Ms. Audra Andrews (Union of Safety and Justice Employees):** Good afternoon, and thank you for having me. I usually feel more comfortable in front of a room full of offenders, so I apologize if I stumble a little.

I would add that the Correctional Service of Canada does not look kindly on those staff members who would speak out, but I believe that your questions deserve a perspective from those of us working on the front line.

I want to stress the following areas for immediate action that I believe should be pursued for increased positive outcomes with federally incarcerated indigenous women.

One, increase supports for women with mental health issues. Two, review employment programs and look at funded community partnerships outside the current CSC program model. Three, revisit the role of elders to free them from paperwork, and hire elders to work in the community. Increase the numbers of indigenous staff and parole board members. Finally, have real and meaningful consultation with the staff who are doing the work.

With recent current events in the justice system, I believe that the study you have undertaken is more important than ever to build relationships with indigenous people and renew their faith that they will be treated humanely and fairly. I agree completely with the testimony from previous witnesses about the reasons for the over-incarceration of indigenous women.

I struggled with what to say in this short statement, as I often feel as if I have a foot in two worlds: one in the world of the Correctional Service of Canada, with its policies and academics, and the other as an indigenous woman who has a similar background, in many ways, to the people I work with.

I am speaking with the blessing of the Union of Safety and Justice Employees, of which I am a member along with other parole officers, aboriginal liaison officers, program officers, and other support staff. I am a front-line community parole officer with 16 years of experience and I am currently working with an all-female caseload. I previously worked with women on conditional release, between 2002 and 2007.

I have also worked with the Parole Board of Canada in elder-assisted hearings, as well as at an urban indigenous organization, and also with at-risk youth.

I listened to the testimony of previous witnesses and I echo what they said: that indigenous women need help to heal from their trauma and reconnect with their families and their communities. I have witnessed first-hand the pain and trauma of these women and their struggles to reintegrate into the community, but I have also had the enormous privilege to witness them change their lives dramatically if they are provided appropriate support and guidance.

Many offenders say to me that being in the community is sometimes more difficult than being incarcerated, because in the

community, for example, they must negotiate poor employment opportunities, lack of affordable housing, and child welfare issues, all the while dealing with their personal issues.

CSC needs to reinvest not only in institutional operations but also in the community if they wish to increase their results with this population. There has been some progress in community investments, as recently evidenced by expansions of section 81 facilities such as Buffalo Sage, but this model is not always viable in some centres with smaller numbers of indigenous offenders.

CSC should think about revisiting past programs that were cut, such as the private home placement program, which is a possible solution to the above problem and could accommodate low-risk, low-needs offenders in both urban and rural areas.

Other suggestions for improvement in the institution and community include offering realistic employment skills and training, as well as education programs and work releases, to increase the women's marketable employment skills and to give them the ability to support themselves and their children.

I would like to specifically highlight the increasing complexity of cases, including those of women with serious mental health issues, violence, complex health issues, and serious addictions, that challenge the capacity of staff and infrastructure in both the institution and the community. We need such resources as psychologists, mental health nurses, and bedspace in specialized mental health units to deal with these cases, as there are often wait-lists to access these and a very small number of beds available in regional psychiatric centres.

For other offenders, increased capacity in the Pathways units in the institutions should be looked at. The aboriginal intervention centres they have proposed for institutions need more development, however, and should include more meaningful consultation with staff before this initiative is finalized, to see what works and what does not.

CSC also needs to revisit the role of elders, as we dishonour them and undermine their role in tying them to paperwork. They need to be free to work with offenders to heal through ceremony and one-to-one work. A full-time or even part-time dedicated elder in the community for women who are residing on their own is also needed, as indigenous women's failures in the community are often tied to their inability to access these cultural interventions outside the institution or section 81 facility.

•(1605)

Recent and current events in the justice system this week illustrate the importance of having more indigenous staff members and parole board members if you have high numbers of incarcerated indigenous women. CSC clearly needs a radical approach, and all options should be considered, including re-engaging our community partners and supporting them to offer alternatives to the one-size-fits-all CSC program model. There is an overreliance on actuarial tools with regard to program referrals and a movement away from allowing parole officers to exercise professional discretion.

CSC should also focus not just on treating indigenous women as victims, but on empowering them and treating them as survivors. Treatment interventions noted above should reflect this.

The answer to the committee's question is, of course, to ensure that these women never reach the federal system, through better use of diversion programs, increasing education regarding indigenous issues among professionals in the justice system, making Gladue reports more available during sentencing, and working with the provinces on child welfare issues.

However, once these women are incarcerated, CSC must ensure that no further harm is done and that the women we work with are in a better position than when they first came to us. In many instances, staff are overwhelmed, under-resourced, afraid to speak out, and not confident that they will be listened to by the organization.

I've often said that parole officers and other members of the case management team work in the shadows where many people fear to tread, exposing ourselves as we are witness to unbelievable trauma and pain. Nevertheless, staff believe in the importance of the work we do. We simply need the tools, training, resources, and support from management to assist these women to reassert their roles as mothers, aunts, daughters, and healthy, productive, positive members of the community.

I believe there's a recognition by CSC that change is required; however, it will take time and a radical change in approach for this to occur.

**The Chair:** Excellent. Thank you so much.

We're now going to move on for seven minutes to Mr. Lowell Carroll, Manager of Calgary, Red Deer, and Siksika legal services.

**Mr. Lowell Carroll (Manager of Calgary, Red Deer, and Siksika Legal Services Centre, Legal Aid Alberta, As an Individual):** Thank you.

My name is Lowell Carroll, and I'm the Manager for the Legal Services Centres in Calgary, Red Deer, and Siksika Nation. I'm a former member of the FASD network in Red Deer, Alberta, and I'm also a current member of the Justice Sector Constellation, which is a committee that's composed of various stakeholders in the community and in the province to work towards improving the justice system. Today I'm speaking just on behalf of myself about my individual experiences and observations working within the justice system.

I was asked to speak about specific issues regarding indigenous women's access to justice in Canada and to provide my feedback on

specific issues around incarceration rates and penalties imposed on indigenous women in Canada.

While I acknowledge that it is absolutely important to discuss these topics, it's reasonable to assume that this committee knows the statistics regarding the incarceration rates for indigenous women and understands that they're extremely problematic. Hence the reason for this study today.

We know indigenous women are the fastest-growing prisoner population. We know they're overrepresented in nearly every facet of the justice system, so for me, it's much more valuable if we focus on the various interconnected social and legal issues that perpetuate this problem and focus on cause and prevention.

Before I start with my observations or any of my feedback, I'd like to start out by making a statement.

It is my contention that in order for us to make any sort of positive impact on these social and legal issues, there needs to be a drastic shift in how we think about justice. We need to figure out or decide whether the justice system exists as a conduit for punishment or retribution, or whether the focus of the justice system is on prevention, rehabilitation, and creating a society that is just for all. We need to acknowledge that in its current state, our justice system doesn't function to prevent crime, it doesn't rehabilitate inmates, and it doesn't create a just society. In fact, in my experience, I find the system in many ways perpetuates poverty and creates various social issues and social inequality.

It's important to acknowledge that historically there are systemic issues that have a negative impact on the way aboriginal women perceive the justice system. Many do not see the justice system as a place where they can get well or improve themselves. They see it largely as a system of punishment and a place where they get lost and forgotten.

This is why I'm a strong supporter of community courts, which is what I'd like to advocate for today. There is a pilot project in Vancouver, which is why I bring this up, and we are working on a pilot project in Calgary through the committee I'm working on. How that would work is basically by having a crown that's willing to work with the defence in order to come up with some sort of strategic plan and support system for the accused. To me, this is probably the most impactful system we could have. When the accused comes before the court, we often do not take a look at the reasons they ended up in court in the first place. The justice system functions by looking at what was done. When it looks at the "why" factor, it usually looks at it in relation to sentencing, not prevention.

Community courts aim to tackle these issues of poverty, domestic violence, homelessness, displacement, and historical issues by identifying the systemic issues that led to the accused being in court, and then setting them up with community supports that can assist them in resolving these issues.

Additionally, in theory the crown would hold the accused accountable throughout the process by not withdrawing the charges until these programs are completed. This helps not only aboriginal women, but every Albertan who's experiencing issues in the justice system. As I mentioned, there are programs similar to this that work very well. Actually, there's another family program in Siksika, which I'm a manager of, that is a family program dealing with domestic violence. It operates like a community court, and it's very successful.

One of the major issues I see in our justice system is a lack of holistic practices and insight into the interconnectedness of social and legal issues faced by aboriginal women and aboriginal people in general. I acknowledge that there are various programs in the correctional system that are intended to be aboriginal-focused, and they indeed try to focus on prevention and healing. The problem, however, is that many of these programs are only available once a person becomes a federal or provincial inmate in an institution. To me, these programs are available far too late to be as impactful as they need to be. There's also obviously an issue with these being less available to aboriginal women, which is also problematic and unfair.

When I was on the board for the FASD network in Red Deer, we came across a report on the Edmonton Institution for Women, and we discovered that 100% of women in the institution were aboriginal, and we suspected that a large portion of them suffered from FASD. Aboriginal women make up the fastest-growing prison population, as I mentioned, and they're overrepresented in segregation. Actually, they're almost twice as likely to be overrepresented in maximum security units in segregation.

• (1610)

If you examine these numbers, you can see the abhorrent cycle of injustice. You have a population that suffers from poverty, domestic violence, mental health issues, and displacement, and because of these issues we end up seeing these people in the justice system. They become incarcerated, they are placed in segregation, they aren't treated for their brain injuries or mental health issues, their families become separated, and they get pushed further into poverty and isolation. To put it bluntly, there is no healing, and there is no focus on prevention that I can see.

I am running out of time, so I'm going to skip a little bit, but I mention in my notes that community courts are seen as ineffective because they are seen as a way for the accused to somehow avoid their prison sentences. When we look at victims, however—the ones I have interviewed and talked with—the perception of the public is that the justice system exists for retribution, yet no matter how long the sentence is, no matter how harsh the punishment, the victims often feel unsatisfied. They are unsatisfied with the justice system.

For me, it's because they recognize the perpetual failure of the system. They realize that longer sentences are not statistically linked to deterrence in crime. They also realize that the accused often leaves prison without being rehabilitated and in fact sometimes in a worse state than before going to prison.

To my mind, the best way for the victim to heal is to know that whatever happened to them and whatever harm the accused caused them will not happen to another person again. They need to be able to see that the justice system is actually fruitful and that some good

will come out of it. Again I would say that community courts are the best way to administer this type of justice.

In closing, I'll just say that we really need to take a hard look at the justice system and decide what its purpose is, and we need to be accountable for that statement. If it's about rehabilitation, if it's about making a just society, these changes really need to be made.

Thank you.

• (1615)

**The Chair:** Excellent. Thank you so much.

We're now going to move over to Claudie Paul and Jacinthe. You have seven minutes.

[*Translation*]

**Ms. Claudie Paul (Services Director, Regroupement des centres d'amitié autochtones du Québec inc.):** Good afternoon, my name is Claudie Paul, an Innu from the Mashteuiatsh First Nation.

Today, we are representing the Regroupement des centres d'amitié autochtones du Québec, the provincial organization of friendship centres in this province. The friendship centre movement is active across Canada. There are about 120 friendship centres across the country and one provincial association in each province. All friendship centres have the same mission across Canada. It is the largest service infrastructure.

We advocate for indigenous rights and interests in cities. Associations support the development of services within friendship centres in cities. Quebec has nine friendship centres in the following cities: Chibougamau, La Tuque, Joliette, Maniwaki, Montréal, Roberval, Senneterre, Sept-Îles and Trois-Rivières.

Two new centres have been opened in the past two years. They are hubs for indigenous community services, living environments and cultural roots. That's sort of what urban centres represent. Naturally, democratic organizations emerge from communities. The efforts of the indigenous population in cities help centres emerge. We are talking about 50 integrated and interconnected services.

We work in the following areas: early childhood, family and youth, skills development, employability, justice, increasingly, educational success, health, social services, as well as social and economic development. We provide a continuum of services. People who arrive in the cities need support. Today, 53.2% of indigenous people in Quebec live in cities. This percentage is much higher than elsewhere in Canada. There are many reasons for moving to the cities, including housing, education, work and other reasons, including the desire to improve living conditions. We will soon look at how this relates to justice.

I will now give the floor to Ms. Poulin.

**Ms. Jacinthe Poulin (Health and Social Services Advisor, Regroupement des centres d'amitié autochtones du Québec inc.):** Good afternoon.

My name is Jacinthe Poulin and I am a Health and Social Services Advisor for the Regroupement des centres d'amitié autochtone du Québec. My background is in criminology. So I am very interested in the topic being studied today.

We have had various concerns about the directions suggested for today's discussion.

First, the Gladue reports are underused in Quebec compared to the rest of Canada, which we think may have an influence not only on the judicial process that leads indigenous women to serve sentences in a penitentiary, but also on sentencing.

We also want to share with you today one of our other concerns about the lack of understanding of the justice system and the processes. The result of this lack of understanding is that indigenous accused plead guilty more often.

The traditional way of settling First Nations and Inuit conflicts leads people to admit to committing criminal acts when it would sometimes be in their interest to plead not guilty. We think it is important to point this out.

We would also like to talk about one of the recommendations of the Truth and Reconciliation Commission of Canada, which issued two calls for action on training lawyers and law students on indigenous realities and cultural competence development. That's an aspect we want to share with you today.

There is also the way the correctional system treats women. We also have concerns about the actuarial risk management tools used by the Correctional Service of Canada. Those tools are systematically discriminatory, since they take into account static risk factors, such as age and sex, but mainly dynamic risk factors, those related to economic living conditions, poverty, addiction and mental health problems. Other witnesses have mentioned all those aspects.

As you know, in the case of incarcerated indigenous people, using such dynamic factors to analyze the risk will often result in a higher security classification. As our colleagues have pointed out, indigenous people often end up with maximum or enhanced maximum security, which means that they are considered to be high-risk, high-needs offenders. Indigenous female offenders are more often placed in isolation than non-indigenous female offenders and they are released on parole less often. Those are concerns for us.

There has been a change in the tools being used. We have moved from the level of service or case management inventory (LS/CMI) to the security classification scale, but both are actuarial tools.

Furthermore, security classifications have an impact on the programs to which indigenous female inmates can have access. Clearly, when a female inmate has a maximum security or enhanced maximum security classification, it is difficult to access certain programs.

Quebec has a penitentiary for women that offers those programs, in Joliette. We were told that the small number of women and the fact that they are often assigned a high security classification means that they do not have access to correctional programs. There is only one indigenous healing centre for women in Canada, in Saskatchewan. Of course, women in Quebec do not have access to that healing centre. In addition, section 81 of the Corrections and Conditional Release Act refers to those healing centres. The first criterion for going to those centres is that the offender is able to obtain a minimum security classification or, as the case may be, a

medium security classification. This means that women do not have access to those healing centres.

Our experience on the ground shows that indigenous communities and indigenous people in urban areas are divided on traditional healing. Not all indigenous women adhere to traditional healing and may not be comfortable with programs for the general population. So there is a lack of services for those women. Cultural reappropriation is not the solution for all women.

Over time, various strategies have been put in place by the Correctional Service of Canada. It would be interesting to find out the outcome of the evaluation of those strategies. We are talking about hiring aboriginal staff—

● (1620)

[English]

**Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.):** The interpreters are having a hard time following.

**Ms. Jacinthe Poulin:** I'm sorry.

**The Chair:** It's okay. Just slow it down a little bit. We'll get you a little extra time.

**Ms. Jacinthe Poulin:** I have a lot of things to say, and it's a short time.

[Translation]

Various strategies put in place involve hiring indigenous staff, but they are subject to prison and correctional logic. That's one of the shortcomings that we are seeing.

In addition, in terms of reintegration, there was some discussion about the fact that indigenous women are less eligible for parole. Furthermore, in general, there is no transition between penitentiary and urban communities or indigenous communities, if women want to go back there. Some indigenous women want to stay in urban areas, but those women are not supported.

In Quebec, there is a halfway house, and of 40 places available, only one or two are given to indigenous women. It's a very small part of the pool of services available to those women.

[English]

**The Chair:** We are going to have to cut this off. I gave you an extra 30 seconds, but we will have to now get into our line of questioning.

We're going to start off with seven minutes from Pam Damoff.

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** Thank you, Chair, and thank you to all of our witnesses.

Before I start my questions, Audra, I want to assure you that you can't suffer ramifications at work from anything you say at committee, and if you do, please let us know; we'll make sure to follow up on it.

My first question is going to be to Mr. Carroll. What are your thoughts on limiting or abolishing peremptory challenges during jury selection? Do you have any?

**Mr. Lowell Carroll:** Challenges such as....?

**Ms. Pam Damoff:** I mean challenges during jury selection, when certain members of the jury can be removed. It's been in the news because of what just happened.

I'm wondering whether you've encountered this. Do you think it would be a good thing to get rid of these? Do you have any thoughts on the matter?

**Mr. Lowell Carroll:** Honestly, I have a personal opinion concerning jury selection, but it's not a professional opinion. I wouldn't feel comfortable answering that.

**Ms. Pam Damoff:** Ms. Shackelly, do you have any comments on this point?

**Ms. Darlene Shackelly:** Because of what happened last week, I think the issue itself is still pretty raw. I too would not want to comment on it.

• (1625)

**Ms. Pam Damoff:** I'm going to turn to Audra. It's nice to see you again, Audra.

When I was out in Edmonton, one thing I heard quite a bit was that the cuts made to corrections by the previous government have made it really difficult for your parole officers and program officers to do their job and that you're being inundated with paperwork, as distinct from dealing with people and ensuring their success.

Could you comment on that?

Let me say that you do an amazing job. I don't mean this in any way to imply that you're not doing a great job, in spite of all the work you have, but you are basically having to do a lot more work. You have more paperwork and less people time.

**Ms. Audra Andrews:** I agree with that statement. We are consistently being asked to do more with less, and the expectations on staff to deliver despite all of that are still quite high. It leads to more staff stress and burnouts.

Despite that, we still try to do our best by these ladies and males whom we work with. As I said, our stress and burnout increase is a result of this. I don't disagree with your comment at all.

**Ms. Pam Damoff:** Another thing I heard was that access to work release is one of the best indicators of success when someone is released later.

However, at Pê Sâkâstêw—not when I was with you folks—they were saying that the amount of time between when an employer says they'll hire someone and the offender's paperwork working its way up the chain and back down can be so long that it means that the job is actually lost.

Have you encountered that as well?

**Ms. Audra Andrews:** I haven't personally, as I'm working in the community, but I will say that we have more success with our offenders if they have the opportunity to access work releases.

Work releases take time and money. It takes a lot of work to seek out potential employers who are willing to work with our offenders. It can be quite frustrating for the employers at times after we've done this, and they still have to wait. It's frustrating for everybody involved.

**Ms. Pam Damoff:** What about supports on release? When indigenous women are released from prison, they need housing and employment. Do you feel that those are lacking in the community, and is there anything we could do to help ensure their success upon release?

**Ms. Audra Andrews:** With indigenous females, as with a lot of our offenders in the community—but especially for the women, because they have children as well—finding affordable housing is an extreme challenge for them, especially if they're leaving our halfway houses and are coming out into the community on something called statutory release. It's very challenging for them. They're usually underemployed. Having some more marketable employment skills, as I mentioned, would be extremely helpful.

As I mentioned also, having immediate access to an elder would be extremely helpful, because I've noticed recently myself that the lack of those cultural supports can really have an adverse impact on these ladies.

**Ms. Pam Damoff:** What about access to parole hearings and the need for more appointments to the Parole Board to make sure that these women actually get a parole hearing?

Is that a fair comment?

**Ms. Audra Andrews:** Yes. We are experiencing a bit of a backlog right now. These ladies are having to wait longer and longer, which has a cascading effect, because it fills up our halfway houses. Other women are often waiting inside the institutions, and these women in the halfway houses are waiting longer for their full parole or other kinds of releases. It has a cascading effect all the way back into the institution.

**Ms. Pam Damoff:** How can we attract more indigenous people to work in corrections?

**Ms. Audra Andrews:** The HR processes that are involved right now are quite long and arduous. First of all, CSC also needs to go and reach out into the indigenous communities and make it an appealing place to work. That includes listening to the staff they already have. Essentially, though, the HR processes for the Parole Board and for CSC right now are quite long and arduous in all respects.

**Ms. Pam Damoff:** You basically have to be without income for a while, I understand.

**Ms. Audra Andrews:** Yes, you do. If you're going in to be a correctional officer, and you're going into the training.... I'm not sure if it's similar to Depot at the RCMP, but you need to go without income for at least two or three months. I can't remember exactly, but you're without income for about that long if you make it into that.

• (1630)

**Ms. Pam Damoff:** There are no supports for you. Okay.

I will just end by thanking all of you for being part of this study. I wish I'd had more time.



I think that's it.

**The Chair:** Excellent. Thank you so much.

We're now going to move over to Stephanie Kusie for seven minutes.

[*Translation*]

**Mrs. Stephanie Kusie (Calgary Midnapore, CPC):** Thank you, Madam Chair.

[*English*]

Mr. Carroll, I'm wondering if you can expand upon what you mean by "community courts" and what you see as the process of evolution between the present-day sentencing system to the end result of community courts. Please, can you expand upon that?

**Mr. Lowell Carroll:** The community courts project that I was referring to.... I believe the first one was in Vancouver. I'm on the Justice Sector Constellation, where we recently obtained approval for a small grant to start a project of our own in Calgary. What we're doing right now is figuring out how that's going to work logistically.

Even before sentencing, before it gets to the stage of incarceration and all those things, the key is to start tackling the issues that have caused the accused to end up in the court system in the first place. Right now in Calgary, for instance, they've created a mental health court. There's drug court in Edmonton. These courts are extremely effective, but they seem to just focus on one problem area. We're starting to realize more and more, as we look into it, that there's an array of issues: it's housing, it's income, it's displacement, and it's mental health issues. You need an all-encompassing court that can look at all those issues. You're in the mental health court, but you may have a drug problem. That's the problem: all these pilot projects are focusing on one area, when all of us know there are numerous areas that are problematic and that cause these people to end up in the justice system.

Community courts kind of aim to tackle that, and that's why I feel it's a better system. It looks at everything, rather than just focusing on one problem area.

**Mrs. Stephanie Kusie:** Thank you very much.

Ms. Andrews, I'm wondering when the private home placement program was removed, and why it was removed.

**Ms. Audra Andrews:** On why it was removed, I think the upper management of CSC could probably better respond to that. I might be incorrect with the date, but it was probably about 2008 or 2009, somewhere in there.

**Mrs. Stephanie Kusie:** You're saying 2008 or 2009. How long had it been in place prior to being removed?

**Ms. Audra Andrews:** Again, my recollection might be incorrect, but it was there for at least eight or nine years. I think it was brought about in 2000, or somewhere in there. It was in place for at least eight or nine years, I believe.

**Mrs. Stephanie Kusie:** Thank you very much.

You mentioned increased supports for mental health. This was the first of five points you mentioned. Can you expand upon that, please, Ms. Andrews, in terms of what you would like to see for further mental health supports?

**Ms. Audra Andrews:** We're seeing many more incarcerated individuals—not just indigenous women, but especially our indigenous women—coming in with much more complex mental health issues. Sometimes they're coming in with an alcohol and drug addiction that run concurrently with their mental health disorders. As a result, they tend to act out more, and there's more injury and self-harm and suicidal tendencies.

I'd like to see, as I mentioned, more mental health nurses and psychologists, which would reduce some of the wait-lists to access some of these mental health supports for these women, which they very much need.

**Mrs. Stephanie Kusie:** You also mentioned worker programs. Could you please expand upon what types of worker programs you think would be useful and helpful?

**Ms. Audra Andrews:** Getting more women into something like the trades would help, something that might actually enable them to support themselves and their families when they are released into the community. I think we need to aim a little higher. Trades would be one example. Assisting them to increase their education levels while they're inside and in the community would also be very helpful.

• (1635)

**Mrs. Stephanie Kusie:** Thank you.

Mr. Carroll, you mentioned that there is unfortunately a cycle: they often leave feeling less well than when they arrived, when the purpose was rehabilitation. What do you feel can ultimately be done to prevent indigenous women from being criminalized?

**Mr. Lowell Carroll:** I don't feel at this point that institutions, both federal and provincial, do a good job of rehabilitating people. If there's any diversion that you can do.... There are many things, such as restorative justice, and I've already mentioned drug court, mental health court, and things like that. There are many diversions you can do to avoid someone's going to jail. Not only is it costly, but it doesn't really help, oftentimes.

I keep bringing up community courts, but we need to be looking at the issues you're in for. For instance, if you're in for theft because you're stealing because you're in poverty, maybe you need to be set up with income support, but if you're homeless, that's not going to work; you need to be set up with housing and those kinds of things.

The problem with legal aid and with many of the other institutions we have is that we don't give warm transfers. When someone is in the justice system, we tell them to go and apply for housing, and they may never get there. In the community courts, when someone gets there and you identify what the problems are, the defence works in conjunction with the crown to figure out how to tackle those issues. It's a much more collaborative way of dealing with things, rather than just punishing someone, putting them in jail, and then hoping they get better.

**Mrs. Stephanie Kusie:** Thank you very much.

[*Translation*]

Ms. Poulin, what is the difference between the challenges faced by indigenous women in cities and those of women in rural areas?

**Ms. Jacinthe Poulin:** The difference is that, when women come to the cities, the social fabric is thinner. As a result, they—especially those who are released from a detention facility—are often significantly more isolated. Often, the people and family that were around them before are no longer there. The isolation is significant, and the friendship centres can help break it. Of course, in terms of hardship, the conditions are similar in rural communities and in urban areas, but the social fabric around those women is very thin.

[*English*]

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

We're now going to move on to Irene Mathyssen for seven minutes.

**Ms. Irene Mathyssen (London—Fanshawe, NDP):** Thank you very much, Madam Chair, and thank you to all of our panellists. You bring a wealth of information and a wealth of experience that we hope will be applied to make things better.

I'm going to start with a confession. Eight years ago I was on this committee, and we were talking about precisely the things we're talking about here today. I feel very much that we have failed, failed some very vulnerable women and their children.

I want to drill down on some of the things you have said. I want to start with the importance of the judiciary—the judges, the lawyers, the law enforcement professionals—in terms of the training they get, the culturally sensitive competency training. Is there enough of it? Are we seeing any positive results from it?

Can any of you comment on that all-important training?

**Mr. Lowell Carroll:** I can comment on the crown side of it. When we were doing this community court project, just getting a crown, for instance, to agree to work with us in this way was tremendously difficult, which speaks volumes to the crown's willingness to actually make a positive impact. We had evidence that shows it actually does deter crime and helps communities, and we couldn't find a crown who was willing to jump on board.

I think there's a strong disconnect between what's really happening, what needs to be done, and what the crowns feel is a proper administration of justice. Honestly, most of them had no interest in these community courts or even in looking at these issues.

**Ms. Irene Mathyssen:** Why the resistance? Did anyone ever articulate why on earth they wouldn't accept this opportunity?

• (1640)

**Mr. Lowell Carroll:** This is why I mentioned the victims. Often the crown would take the position that they are advocates for the victims, not the accused. I think that in itself is a problematic outlook. This is why I was saying that it's really important to change the way we think about justice, because even the crowns themselves think about themselves as in opposition to the defence. That's not necessarily the best way to deal with things, especially when it's a perpetual problem that's caused by all these social and political issues. It seems like an “us versus them” thing: “I'm not here to help the accused; I'm here to put them in jail.”

I'm not speaking about all crowns, but we found some who were absolutely not interested in even talking about it.

**Ms. Irene Mathyssen:** Thank you.

Mr. Carroll, you referred very briefly to many of the women or of the individuals incarcerated suffering from FASD. What was the proportion or the percentage? That's my first question.

FASD is a brain trauma.

**Mr. Lowell Carroll:** That's right.

**Ms. Irene Mathyssen:** When you're sick, you don't belong in jail. You belong in a different facility.

What kind of response are you getting to this information?

**Mr. Lowell Carroll:** There are two things. With FASD, the biggest challenge we had on the network was assessments. To diagnose FASD is not as simple as some people may think.

One of the other panel members mentioned that there are sometimes many complex issues. We found that it's very expensive to do these assessments. We have to hire doctors and things like that.

We got funding to do it, but it would take so long for us to be able to diagnose each person. Based on the interviews they did, they suspected the proportion was at least more than half.

To your point about its being a brain injury, another problem with these courts is that we have mental health courts, but they do not take FASD people, because basically that's a brain injury. They don't consider it a mental health issue. Perhaps it might be factored into sentencing, but otherwise these people are treated just like everyone else.

If we did a national inquiry on how many people who are in jail suffer from FASD, I assume the rate would be extremely high.

**Ms. Irene Mathysen:** It's interesting that you talk about the expense. I did some work in regard to FASD, and it is very difficult. The victims have profound inabilities to interact with people and even to focus.

In terms of the cost of incarceration—of repeatedly putting someone in this kind of situation, and the courts, and all of this—doesn't it make sense that one cost would balance off another?

Has anybody given that any thought?

**Mr. Lowell Carroll:** Yes. That's the biggest problem, I think. Much of it involves playing for votes. I'm not taking a shot at any government in particular, but that's part of it.

The other part is that these community courts and such things are very costly on the front end. As you said, though, in the long term they save millions of dollars and people's lives are changed for the better, because you reduce the likelihood of people being victims in the future and of people being on income support and things like that.

Historically, this government, and the previous government especially, just looked at the short term: what is going to cost us the least amount of money? For them, it was easier to throw people in jail than to create innovative courts that deal with people properly.

**Ms. Irene Mathysen:** You kept coming back to prevention, and again, working with folks in terms of FASD, there's discussion about prevention. There's also the prevention you referred to in connection to proper housing, access to child care, employment, and educational opportunities.

How many of the women who are ending up in jails and prisons are women who have come from remote and rural communities where there was no housing, there was domestic violence, and there was no escape except to come into the urban setting? Has there been any follow-up in that regard?

•(1645)

**Mr. Lowell Carroll:** Is that for me?

I don't have the statistics on that, but I've interviewed people myself—hundreds, probably thousands—and yes, a lot of times that is the case. They don't have a place to go to. They don't have an income. As I said, they're perpetual problems that are, you know...

**Ms. Irene Mathysen:** Yes, I understand. Thank you.

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

We're now going to move over to Bernadette Jordan for five minutes.

**Mrs. Bernadette Jordan:** Thank you, Chair, and thank you to the witnesses for being here today. I have so many questions.

I'm going to start with Ms. Shackelly. You talked a lot about how important women's access to their children is when they're incarcerated, and we heard a lot from other witnesses about that. It's not only positive for the woman who is incarcerated, but also for the other women within the facility.

When we're making recommendations, what can we do to make sure women and children stay together? What kind of programming needs to be offered? I'm just wondering if you can comment on that.

**Ms. Darlene Shackelly:** Just from my research, there are limitations in programs within the institution to help with support. I know when a child is first born, there is an access, a mother-child program. What I was speaking to was the connection of technology streams that would actually bring the family to the woman who is incarcerated.

It's one thing to come and visit in person, but it is an institutionalized environment, where children would no doubt be traumatized by what they're witnessing. I was speaking on the technology side, which is kind of what we're doing here. You can see that your parent is there. You can see your children.

We need the support, obviously, from the Ministry of Children and Family Development. If the child is in care, you need it from foster parents. You need it from grandparents, if they're raising their grandchildren. There's a whole extension of children involved here, but I believe that waiting until a woman is released from the institution is too short-sighted. It really needs to happen throughout the whole period of time that the woman is incarcerated.

**Mrs. Bernadette Jordan:** Okay. Thank you.

Ms. Andrews, I'm going to go to you for a minute, because you talked about the intergenerational trauma and the struggle to reintegrate, heal, and connect using cultural practices. You said we needed to revisit the role of elders.

Can you expand on that a bit, and on what you see as the role of elders within the justice system, or are you talking more about once released into the community?

**Ms. Audra Andrews:** Actually, it's everything you just said. It starts right during the court process, as they fall through the court process and into the institutions. I can speak only personally, but from my experience in working with elders in the institutions and in the communities, they are an absolutely integral part of it.

They right now are required to do a lot of paperwork, which they weren't originally intended to do. That's not their role. Their role is to work with the women, with the offenders in the institution and community. If you spoke personally to some of the elders working in the institutions, you would probably hear from them that they really are tied to a lot of paperwork, and it prevents them from doing as much work as they would like to do with the women.

**Mrs. Bernadette Jordan:** Thank you.

I'm going to go to Jacinthe and Claudie.

You talked about how there are no Buffalo Sage cultural centres specifically, but we've heard from Justice and from Corrections Canada that they have other programs available for people who don't have those centres. Have you recognized programs such as the Pathways program, and have you had success with that? Do you see it as an alternate model to something like an actual healing lodge?

[*Translation*]

**Ms. Jacinthe Poulin:** With the help of a researcher from Laval University, we have identified certain programs such as the Spirit of a Warrior, the “seven sisters”, the Pathways Unit at La Macaza Institution, and In Search of Your Warrior.

I cannot tell you about the success rate of those programs. In Quebec, the challenge is that there are not enough inmates in the only penitentiary for women in the province and those programs are not available there. That's the information I have. We are told that you have to spend, on average, 238 days in the penitentiary before getting access to those programs, when they are available. I therefore cannot give you information on how effective those programs are, because I don't have it with me. We would have needed more time to have more information. In Quebec, as I told you, few programs are offered to female inmates.

• (1650)

[*English*]

**Mrs. Bernadette Jordan:** Is that information available? Could you submit it to the committee through the clerk?

[*Translation*]

**Ms. Jacinthe Poulin:** Yes, I can.

**Mrs. Bernadette Jordan:** Thank you.

[*English*]

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

Once again I would like to thank the witnesses for coming today. Once again, I'm going to do my best with your names: Darlene Shackelly, Audra Andrews, Lowell Carroll, Claudie Paul, and Jacinthe Poulin.

Thank you very much for coming.

We're going to suspend for two minutes to switch up the panels. I'm going to ask that we immediately resume with the new witnesses.

You have two minutes.

• \_\_\_\_\_ (Pause) \_\_\_\_\_  
•

**The Chair:** We're going to reconvene. Could everybody please take their conversations outside or come back to their chairs? We're going to start once again.

Thank you very much.

I would like to welcome Madame Marie-Claude Landry, the Chief Commissioner, and Ms. Fiona Keith, Senior Legal Counsel, from the Canadian Human Rights Commission.

We also have Ms. Teresa Edwards, Member of the Board of Directors, representing the Indigenous Bar Association in Canada.

We're going to begin with the Canadian Human Rights Commission for seven minutes.

**Ms. Marie-Claude Landry (Chief Commissioner, Canadian Human Rights Commission):** Good afternoon, everybody.

I will make my remarks in French and English—in both languages.

Thank you very much for inviting the Canadian Human Rights Commission to take part in your study on indigenous women in the federal justice and correctional systems.

Allow me to introduce my colleague Fiona Keith, Senior Counsel for the Commission. She is here to answer some of your questions, as I am.

[*Translation*]

From 2009 to 2015, I sat as the first independent chair of disciplinary hearings (independent person chair disciplinary hearings) at federal correctional facilities in Quebec. In that capacity, I had to rule on institutional charges against inmates. That experience, coupled with my current role as Chief Commissioner of the Canadian Human Rights Commission, is the basis of my testimony today.

My experiences on the ground confirm what the commission has long recognized, including through the complaints it receives, that vulnerable groups are disproportionately subject to unfair treatment while in a correctional facility.

Indigenous women in prison have often been victims of a toxic combination of racism, violence, sexual assault and other forms of abuse. In addition, their troubled past often causes them to suffer both physically and psychologically, and this suffering frequently contributes to the reasons for their incarceration. However, once incarcerated and without support, they experience difficulties related to their past that manifest in difficult behaviours.

In response to those behaviours, correctional services can use nothing but isolation, yet many studies have confirmed its devastating effects. As a result, those indigenous women, many of whom are victims of abuse and suffer from depression, post-traumatic shock, and so on, find themselves isolated and deprived of all human contact. This triggers a destructive cycle that the correctional service seems unable to stop for the moment. This cycle often ends tragically and sometimes even has fatal consequences.

• (1655)

[*English*]

In 2003 the commission issued a report entitled “Protecting Their Rights: a Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women”. The report made 19 recommendations and continues to be cited in recent court decisions.

The first recommendation I would like to bring to your attention is that the Correctional Service of Canada act immediately to address the issues concerning the disproportionate number of federally sentenced indigenous women classified as maximum security by, first, immediately reassessing the classification of all indigenous women currently classified as maximum security, using a gender-responsive classification tool, and second, by changing the blanket policy of not allowing maximum security women at the healing lodge.

Fifteen years later, many of our 19 recommendations have not been implemented. The same can be said for recommendations in numerous other reports.

Three years ago, the commission held a series of round table discussions with indigenous women from across Canada. We have copies of this report; it's going to be available in both languages for all of you.

These round tables helped us learn about the difficulties that indigenous women face in the justice system. The participants identified 21 barriers to accessing justice, including the complexity of legal processes, language barriers, lack of awareness, lack of support, and lack of legal aid and other resources.

They also expressed a profound distrust of police and the judicial process. When they are the victims of crime, they don't feel safe going to the police for help. This could explain why only a small fraction of the commission's discrimination complaints come from female indigenous inmates in the federal corrections system.

Let's be honest: to be an indigenous woman in prison is to be invisible, to be ignored, to be denied their humanity, to be forgotten. We have forgotten them, because the findings from 10, 15, 20 years ago continue to hold true. Nothing has been done. These women continue to be ignored.

Indigenous women continue to be classified at higher security levels, based on classification tools and processes that do not reflect their unique characteristics. They continue to be placed in segregation and other forms of isolation at disproportionate rates, despite their histories of trauma and violence. They fail to have proper access to appropriate mental health services and cultural and spiritual supports. They continue to experience—even more, actually, within prison walls—the harassment, violence, misogyny, that marked their lives prior to their incarceration. Indigenous women have higher rates of recidivism because the corrections system fails to rehabilitate and reintegrate them, which is compounded by the lack of support they receive after release.

As very few recommendations have been implemented, litigation has proven to be the only way to make change—court-ordered change. In the case of indigenous women, this creates a double disadvantage. The court system is intimidating for most individuals, and even more so for indigenous women who have little to no support to navigate what can be a lengthy, costly, and very stressful process.

Despite all this, I remain optimistic that there is a genuine desire at the political level to make improvements, to do better. I hope that this government will start implementing the many recommendations that have been made over the years.

With that said, based on what indigenous women told us, here is what needs to happen to improve indigenous women's experience within the federal and correctional systems.

First, build trust. Indigenous women who have been victims of crime must feel that it's safe to come forward.

Second, provide support and assistance wherever indigenous women are. Services must find them: in their community or urban

centre, at the police station, before a judge, in a remand centre, in a federal institution, and on release.

• (1700)

**The Chair:** Awesome. Thank you so much.

Now we're going to move over to Teresa Edwards for seven minutes.

**Ms. Teresa Edwards (Member of the Board of Directors, Indigenous Bar Association in Canada):** Good afternoon.

*[Witness speaks in Mi'kmaq]*

I just said that my name is Teresa Edwards, I'm Mi'kmaq First Nation, and my traditional name is Young Fire Woman.

I want to acknowledge the Algonquin people on whose territory we're gathered and of whom I'm a guest today. I also want to thank the committee for the opportunity to present on the topic of improving indigenous women's experience with the federal justice and correctional systems.

Today I'm presenting as a board member on behalf of the Indigenous Bar Association. The IBA is a national not-for-profit organization incorporated in 1994, made up of lawyers, academics, and law students from across Canada. The objectives at the IBA are to advance issues and concerns that indigenous people have with the justice system and to be a national voice for indigenous peoples generally. The IBA has also been recognized by governments, courts, and tribunals in many instances. I hope that you'll take our recommendations into account today.

I also have to acknowledge that my other hat here is as legal counsel and executive director for the Legacy of Hope Foundation. It's a national indigenous organization aimed at educating Canadians about the ongoing impacts of residential schools upon survivors, their families, and their communities.

With the last school having closed in 1996, we as a society are faced with generations of indigenous peoples who have been subjected to racism within policy, within legislation, and within the justice and correctional systems. Survivors have experienced all forms of violence—physical, emotional, and spiritual abuse—and have often not been given proper education or life skills to thrive as adults or as parents. These experiences have significantly contributed to the many social and economic conditions that they are facing today, including the strong links to poverty and to conflict with the federal justice and correctional systems.

I brought a research report for the committee today. There are only copies in English. I do have copies in French and I'll be giving them to the committee as well; tomorrow I'll have someone from my office bring them over.

The LHF fulfills its mandate by providing curricula and educational resources to schools across Canada. We've secured curricula for the three territories, and now we're working on an agreement with the Government of Alberta and concurrently with the Government of Ontario to do the curriculum from K to 12 so that it will actually include the appropriate history of indigenous peoples in Canada, including that concerning residential schools, the sixties scoop, and ongoing child welfare.

The reason for this is that we will expose the links that exist with social ailments today and build a stronger empathy and acknowledgement, just as we honour veterans in teaching histories of wars or teaching the history of Auschwitz and other issues. We need to do the same for Canada's dark history.

We make use of art and a series of exhibitions to uncover historical wrongdoings to understand where society went wrong in its treatment of indigenous peoples.

I will go on to speak of the effects that are affecting women, that are connecting them to conflict with the justice system.

It still has to be said that there's another side of the story for Canadians and justice officials whereby racism has to be addressed.

We have incidents of contact with the police. From the first instance, if the person is non-indigenous or not a racialized person, they're often given five or 10 warnings. I know this from personal experience in 25 years as a lawyer, in travelling to more than 110 communities and working as a legal counsel at NWAC—the Native Women's Association of Canada—and the AFN. In story after story, I hear of children, a group of five, who are apprehended by police together. Non-indigenous children are brought home to their parents and given a slap on the hand; the others are brought to the station and immediately charged, and their career begins.

You have this whole link of survivors of residential school with children who are survivors of a residential school or else are second generation. They may have been in contact with the state, being removed from the home largely because of poverty. These kids then come into contact with the justice system, and so starts the cycle.

You have racism at every impact. I really want the committee to be conscious of that point, inasmuch as we have to look at all the impacts of residential schools on indigenous people. When we look at the solution, we need to address that context.

• (1705)

I love the anecdote of “Bob hit Mary”, which becomes “Mary is an abused woman”. We look at solutions for Mary the abused woman, and Bob is gone from the equation.

We need to look at the fact that there is racism within the justice system from all angles before we can address the solutions.

I really concur with the comments that were made before mine. I would just add that for several generations indigenous communities have had to struggle with the impacts of residential schools and the imposition of foreign systems, policies, and laws that have disrupted our nations and have contributed to the social and economic hardships I spoke about.

We've had human rights violations and continuous colonization of indigenous women, and their children have been affected the most by these violations. We've had dispossession of traditional lands, of traditional roles and responsibilities, of our participation in political and social decisions. All are contributing factors that harmed our families, cultures, traditions, and languages. The UN Committee on the Elimination of Discrimination against Women has consistently recognized that indigenous women in particular face these multiple forms of discrimination that I've spoken about.

In Canada, indigenous women are more likely to be involuntarily segregated and to endure longer segregations than non-indigenous women. They are prisoners who are younger than their non-indigenous counterparts, with an average age of 29, as compared with 32 for non-indigenous women. We know that they make up 5% of the female population in Canada, but 39% of the female prison population, and they make up 50% of federal segregation placements.

As well, I have heard people speak about the mother-daughter programs. In reality, I've seen on paper what they're supposed to look like and how their implementation is supposed to work, but I've also met with women who spoke of having a half hour a week to visit their newborn child.

There are so many instances that I could give you. I know you are all going to receive the report that I already submitted, so I'll go straight to my recommendations.

**The Chair:** Teresa, we have to go into questioning, because you are past your seven minutes. We only have time for one round from each group.

I'm going to start with seven minutes with Emmanuella Lambropoulos.

**Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.):** Thank you for being here with us today to answer our questions. My first question is going to go to Teresa.

Would you like to give your top recommendations on how we can improve the situation?

**Ms. Teresa Edwards:** Thank you.

One—eliminating legal provisions that discriminate against indigenous women—has been mentioned. Next is compulsory training for all law enforcement, judges, and Correctional Service of Canada staff regarding indigenous peoples, particularly on the specific circumstances of indigenous women.

I've been trying to do culturally sensitive training with the police for 13 years. I'm happy to report that I met with a body of police officers at Deerhurst two weeks ago, and that was a breakthrough. Change is happening, but it really needs to happen on a larger scale.

Next, ensure enforcement and application of Gladue principles. I can't stress that enough. People are checking off the box, but there are no Gladue principles being articulated by lawyers who are representing indigenous clients.

Next is facilitation and implementation of sections 81 and 84 of the Corrections and Conditional Release Act for the benefit of criminalized indigenous women prisoners.

I'm hearing about the Buffalo Sage facility and other instances in which beds are given away to non-indigenous women. We have such high rates of incarceration for indigenous women, but because of their high classification, they're not making it into those healing lodges. I agree with looking at classification and at transferring, where there are medical needs, because there is an extreme amount of mental health difficulty and PTSD for these women.

Make sure that they have access to culturally based programs and spiritual services while in prison, and take all necessary measures to address the issue of separation of indigenous children from their parents.

Provide adequate supports and counselling with respect to mental health and well-being while inside and ensure healing and coping strategies to deal with matters on the outside.

Here is a huge issue: supporting indigenous women in their pursuit of education, as has been said. Indigenous women have low completion rates while incarcerated. This would include providing life skills and other training that will help with their successful integration.

We now know statistically that in Canada indigenous women have higher education than indigenous men, but it's not translating into income. We need to shift that. We need support programs that will help indigenous women to be able to participate in the workforce and to access employment upon release. In particular, trades is a great avenue for our women to follow, so that their first job will bring a sustainable income with which they can support themselves and their children.

Another need is helping indigenous women to secure safe and affordable housing for themselves and their children upon release. We have stories of women who are given four bus tickets. They get on a bus, they take it as far as it will go, and they go and commit a crime so that they'll get back and have a place to live. There's no plan in place.

We need to have those plans for women, as well as safety plans for women and children who are escaping violent situations, with proper transitional supports and programs that support their physical and psychological well-being upon release.

Thank you for that opportunity.

● (1710)

[Translation]

**Ms. Emmanuella Lambropoulos:** Ms. Landry, can you tell us about the vicious circle you mentioned, the never-ending cycle?

Can you tell us what you recommend to the government to help break the cycle?

**Mrs. Marie-Claude Landry:** Thank you for your question.

My first recommendation is simply

[English]

stop studying, start implementing.

[Translation]

We must stop conducting studies. Studies have been done for a number of years. There was Ms. Arbour's study and several others prior to that. There was the study of the Canadian Human Rights Commission in 2003, and there have been many others ever since.

There have been recommendations, but they have not been implemented. This is the priority. This is the most important message that the commission wants to get across today.

[English]

**Ms. Emmanuella Lambropoulos:** How much time do I have left?

**The Chair:** You have three and a half minutes.

**Ms. Emmanuella Lambropoulos:** I'm going to pass my time to Eva,

[Translation]

**Mrs. Eva Nassif (Vimy, Lib.):** Thank you, Madam Chair.

My thanks to the witnesses for their presentations.

Ms. Landry, I would like to ask you a question about something that I have been thinking about.

I have not found concrete evidence of differences in the experiences of indigenous women when they have to deal with female or male police officers. Do we know whether indigenous women who are victims of racism and misogyny, and are discriminated against by police, are treated better by female police officers? Based on your experience or the studies you have consulted, are female police officers more understanding and better equipped to intervene with incarcerated women?

**Mrs. Marie-Claude Landry:** I have no numbers; I have none. There is no study—

**Mrs. Eva Nassif:** I don't need numbers. Could you just answer based on your experience and what you know?

**Mrs. Marie-Claude Landry:** Based on my background and experience at the commission as Chief Commissioner, there is a difference in how female police officers address and manage things relating to female inmates. That's clear. The responsiveness or the connection between the two groups is significantly easier than between male police officers and female inmates.

**Mrs. Eva Nassif:** We could therefore say that female police officers don't have the same prejudice toward indigenous communities.

**Mrs. Marie-Claude Landry:** I'm not sure whether it's a matter of prejudice or a difference in approach. The relationship is perhaps easier between women. As I was saying in my remarks, it is important to keep in mind the historic trauma of women, often victims of all sorts of abuse, such as physical and psychological violence. Generally speaking—and I don't want to get into stereotypes—women are victims of violence because of men, spouses, males. Of course, the authority relationship of police officers or correctional service officers is also more difficult. As I said in my remarks, the necessary connection, the trust is missing.

• (1715)

**Mrs. Eva Nassif:** Ms. Edwards, do you want to add anything?

[English]

**Ms. Teresa Edwards:** I would add that sexual abuse that women have experienced compounds this as well. Yes, of course, trust in the relationship is easier to build when you have women interacting with indigenous women.

**Mrs. Eva Nassif:** Thank you for your presentation.

**The Chair:** Teresa, we are going to take your information and are going to have it translated so that everybody can see all of your recommendations. You had a great piece to provide to us. We'll make sure everybody gets it.

We're now going to move on to Rachael Harder for seven minutes.

**Ms. Rachael Harder (Lethbridge, CPC):** Thank you.

Welcome. My first question here is going to go to Ms. Landry.

I wonder whether you can comment on the prevention side and on what suggestions you would have for the committee for being able to assist women to live empowered lives so that they don't even face incarceration to begin with. Rather than putting focus on the “during incarceration” or “after incarceration” stage, what do we do to just prevent it, to empower these aboriginal women to be able to live great lives?

Let me be very specific. I'm interested in your take on this. Is it best accomplished through big government programs, or would it be better accomplished by empowering community members and organizations to do the work on the ground?

[Translation]

**Mrs. Marie-Claude Landry:** Certainly.

[English]

In my opinion, it's to empower the community, for sure, and to raise awareness and give them the resources and the help they need to be informed and to address the different challenges they have to face. It's certainly one part of addressing the systemic discrimination. We need to address the systemic discrimination that those women face.

**Ms. Rachael Harder:** One witness we heard from, whose organization does incredible work in Saskatchewan, has as one of their main clients, I guess you could say—or individuals or groups that they work with—young aboriginal moms. They work with them in order to empower them and to help them in terms of being able to care for their children, cook for themselves, find secure housing, and live really great lives. In doing that work, these women are enjoying life, they're giving back to society, and they're doing remarkably

well. For me, that's a great example of prevention. These women are being invested in and empowered to live these great lives.

This program was accomplished through what's called a “social bond” or a “social impact bond”, meaning that this organization is accomplishing this, and based on the results of the work they're doing, they are funded through public dollars as well as a combination of private dollars in order for them to continue to do the work they're doing.

Could you see a model like this being used within communities? Could you see this being beneficial if we were to expand these types of endeavours in order to further assist women?

**Ms. Fiona Keith (Senior Legal Counsel, Human Rights Protection Branch, Canadian Human Rights Commission):** I'd like to defer to my colleague. The first thought that comes to my mind is that I think you should ask the communities.

**Ms. Teresa Edwards:** If I may, I'll quickly give an answer to that. The majority of indigenous people live off reserve, so in talking about communities, you're talking about communities in Canada, in the provinces and territories. That's the reality. Indigenous people live in urban settings. A very low percentage live on reserve, so to say that if we had programs in communities....

I take your point. Indigenous communities that already have trust can help women to empower themselves. That's great. I'm a huge believer. I volunteer with indigenous women who are living in a homeless shelter to help them have financial literacy, to encourage them to go back to school, and to help them to secure housing and get an education, but most of all, the number one factor is to help them gain employment, because the reality is that they can have all the education, as a lot of indigenous women do.... I have six degrees, and I am blessed that I have a successful career as a lawyer, but many indigenous women have multiple degrees and are living on assistance because they don't have the economic transition to get the jobs that are out there.

We need to support women in getting jobs. They could have education, yet be living in a violent situation. They could go to a safe house or a transition house, but after a month they don't have any money, so they have to return to that violent situation. If you give a woman a job, if you help her to gain employment, even in a violent situation she can put money away, have a plan, and escape the violent situation. That's one little aspect, but you still need the holistic supports that support all the abuse that has happened, the sexual violence and everything that a woman has lived.

The last residential school closed in 1996. That's not a hundred years ago. That's 20 years ago.



• (1720)

**Ms. Rachael Harder:** I'm sorry, but just for the record, on that statement, I don't think we want to support the abuse that has happened. We want to support the victim after the abuse has happened.

**Ms. Teresa Edwards:** No, I'm not saying.... I'm sorry. It's just because I'm trying to address the point. What I'm saying is to give supports—

**Ms. Rachael Harder:** Yes.

**Ms. Teresa Edwards:** —for the abuse they've experienced, such as having counselling available.

A perfect example is the child welfare situation. Families are losing children primarily because of poverty. They cannot support their child, or they can't have a house that has a bedroom for a girl and one for a boy; after they're five years old, they need to have two bedrooms. Child welfare comes in and says, "Sorry, you can't support your child adequately, so they're going to the state." The child goes into state care, and then we give a family \$2,000 a month to raise someone else's child, whereas if the state were providing supports.... That's what I'm referring to. If supports had been provided for that person beforehand, they wouldn't have lost custody of their child in the first place.

It's similar to other supports for indigenous women. They need to be receiving a holistic approach of counselling, well-being, getting financial literacy training, support and encouragement for education, and the means and opportunity for child care, which is huge. It's number one. Eighty per cent of indigenous women are single mothers, so you can have all the programs you want, but if you don't have child care, they can't make it there because they're taking care of their children.

Also, in our culture, we take care of our parents, so they are responsible for both, and they're doing it alone.

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

We'll now move on to Irene for seven minutes.

**Ms. Irene Mathysen:** Thank you, Madam Chair.

Thank you very much for coming here and again providing the information we need.

Teresa, you make it sound so simple. All we need to do is provide all of these supports. It makes absolute sense. It's humane. It addresses the human being. It respects the experience of that individual. Why aren't we doing it?

**Ms. Teresa Edwards:** Well, it's a profitable business to put people in prison.

**Ms. Irene Mathysen:** Is it as simple as that?

**Ms. Teresa Edwards:** Well, if you measure the amount we're putting into law enforcement and into putting people in jail, in terms of what it costs to keep a person institutionalized, it's not to the economic benefit of Canadians to be doing that. What is the answer? Why are we not doing something different? It may look like it costs more in the immediate term, but even in a five-term plan you're going to be benefiting financially, socially, and every which way by investing in women and children in this area.

We've seen it in terms of the 30 years of studies and the millions of dollars that have gone into it. If that had been targeted to programs for indigenous women and child care, we would be looking at a different scenario.

**Ms. Irene Mathysen:** It's interesting when you talk about investing in women and children. This is something that we've known about developing countries for generations. If you empower the women and if you provide the support systems, they will look after their children and they will be a much healthier community, but we can't seem to translate that into our own experience. It's frustrating. It's very frustrating.

You talk about curricula. I was a teacher, and I believe very much in the power of education.

In terms of the curricula that you described in Ontario, Alberta, and the territories, is that in place now? When will it be in place? Have you seen it in action?

• (1725)

**Ms. Teresa Edwards:** Yes, it's already in place in the territories. Legacy of Hope, where I work, has been around for 20 years, and the curricula in the Northwest Territories has been in schools for five to 10 years, I believe. In Alberta, we're just beginning. In Ontario, we're doing it in a piecemeal fashion, because we haven't signed with the Ontario government yet. We haven't announced with Alberta. It's under way, very concretely under way.

We hope to be announcing deliverables within the next one to two years about how this is making a change in society, because children are our future leaders. These are going to be our future doctors, teachers, lawyers, and judges, so we need to educate them on the reality that indigenous people aren't just from messed-up socio-economic backgrounds.

What I teach the women I work with and mentor is that on a scale of 15,000 years, for 14,850 years indigenous women were strong. We had thriving communities, very strong socio-economic trade and justice systems, and functioning people. It's only been in the last 150 years that we've known these issues, largely tied to residential schools. It's not in our DNA to be on welfare, addicted, or in prison, so we can change this. We can rewrite. We can create a new path for our people.

**Ms. Irene Mathysen:** You've seen positive results, then, in the territories, where this has been in place for some time?

**Ms. Teresa Edwards:** Absolutely. In the territories, they have a high rate of indigenous people who are employed in government and who have to speak the language. It's a cultural revitalization. It's all leading to positive results.

**Ms. Irene Mathysen:** It's respect for the culture that you're serving.

**Ms. Teresa Edwards:** Yes.

**Ms. Irene Mathysen:** Isn't that an interesting concept, though? Thank you.

If there's time, I want to talk to you, Marie-Claude.

You were talking about solitary confinement. Howard Sapers reported on this issue ages ago. As far as we know, the current government has decided that there will be no more solitary confinement. Is that in fact what's happening, or are people still being subjected to it?

**Ms. Marie-Claude Landry:** Let's say first that there are many ways to do segregation or isolation. People need to understand that. In federal institutions, we can use a lot of words to define it, but it's all the same.

Let's take an example. When people are at risk of self-injury, what are the institutions going to do? What they do is put them in a cell with oversight, but those cells are in the segregation unit, which means they have no contact with human beings. It is as if they are in segregation, in fact, and that creates a lot of problems.

There is also what they call "administrative segregation". That's when they believe the inmates are a risk to themselves or of putting the institution at risk. That's another way. What are they going to do? They are going to call it administrative segregation, but there is no oversight, or almost no oversight. They will put them in the segregation unit and they will not have any contact with human beings, or almost none.

There is also the disciplinary sanction. After they receive a sanction for, say, bad behaviour, an administrative person could decide that they will put them in segregation. That's going to be punitive segregation.

It still happens.

**The Chair:** Irene, you have 15 seconds.

**Ms. Irene Mathysen:** CEDAW recommended that female prisoners have female guards: no more males because of the harassment and potential sexual harassment. Have you heard any complaints in that regard? Have you any experience of that?

• (1730)

**The Chair:** Give a very short answer, please.

**Ms. Fiona Keith:** Yes, we have received complaints from female inmates about the use of male guards in their facilities.

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

We're now going to Sean Fraser for one question.

**Mr. Sean Fraser (Central Nova, Lib.):** That's perfect. I thought I was done—

**The Chair:** I thought you were too.

**Voices:** Oh, oh!

**Mr. Sean Fraser:** Thank you. This was powerful and moving, and I look forward to including your testimony in our report and recommendations.

I have one question for you, Ms. Edwards. Building on the testimony of Madam Landry, the issue of trust in the system is

obviously a very real one. Indigenous people and indigenous women are dramatically overrepresented in the incarcerated population.

I note that in Nova Scotia, the first time we had a Mi'kmaq lawyer in the system was in 1993. Is there an opportunity for us to include more indigenous people, and indigenous women in particular, in the system? Will that help build the kind of trust that is so sorely lacking today?

**Ms. Teresa Edwards:** I do believe it will, and as well on juries and in every aspect. We need to see ourselves reflected in public service in every aspect, including within the justice system, so it can only help.

**Mr. Sean Fraser:** Thank you very much.

**The Chair:** Once again, I'd like to thank Marie-Claude Landry, Fiona Keith, and Teresa Edwards for joining us today.

Before we wrap up, although I'm done with the panel, I do have one thing. The estimates were tabled. In the past, we have always invited the minister, so I'm looking for consensus. Everything has to be returned to the House by March 21. What we also have to take into consideration is that budget day is February 27; therefore, there will be one day when we won't be sitting. I'm just wondering if I can get approval to extend an invitation to the minister.

**Mr. Sean Fraser:** Do we have another meeting before that?

**The Chair:** Pardon me?

**Mr. Sean Fraser:** Do we have a free slot?

**The Chair:** We're going to have to mix and match. There's already a lot of mixing and matching that we have to do because of budget day and a variety of other things. I'm just looking for consensus to invite the minister. Can we get approval on that?

**Ms. Rachael Harder:** Are you asking if we can do it before February 20?

**Mr. Sean Fraser:** No. I—

**The Chair:** No. We have about two days to do it. Alas and unfortunately, because for three weeks out of the next month we're not here, there are only a few options.

We'll have the clerk try this.

**The Clerk of the Committee (Ms. Kenza Gamassi):** All right.

We're not sitting on the 15th, which is next Thursday. Because of the budget on February 27, that leaves us with one day. It would be March 1.

**The Chair:** Yes, Pam?

**Ms. Pam Damoff:** That means we won't be starting on economic security until the end of March, then?

**The Chair:** No. We do start that the following week, the week of February 26 or 27.

**The Clerk:** What we can do is that the first hour we can have the minister, and the second hour we can start the consideration of the draft report.

**Ms. Pam Damoff:** That would be on the 27th.

**The Clerk:** It would be on the 1st.

**Ms. Pam Damoff:** It would be on the 1st, and then we're not sitting on the 27th.

That still means that on the 1st we have one hour for the report, and then we won't get back to the report until March 20.

**The Chair:** That's correct, because we have three weeks off.

**Ms. Pam Damoff:** Okay.

We normally invite her, so I don't think we have much choice, just in terms of the numbers of weeks we have off, right?

**The Chair:** Yes; unfortunately, the way the calendar is scheduled, we don't have lots of options.

**Mrs. Bernadette Jordan:** We can invite her and see if she's available.

**The Chair:** As someone mentioned, it's also based on her availability too. That's going to be something to consider. I just want consensus to go ahead and invite her.

**Some hon. members:** Yes.

**The Chair:** Okay, please invite her.

Thank you very much.

The meeting is adjourned.

---





Published under the authority of the Speaker of  
the House of Commons

---

### SPEAKER'S PERMISSION

---

The proceedings of the House of Commons and its Committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its Committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the House of Commons website at the following address: <http://www.ourcommons.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

---

### PERMISSION DU PRÉSIDENT

---

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante : <http://www.noscommunes.ca>