

New Brunswick Aboriginal Peoples Council

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Missing and Murdered Indigenous Women and Girls Community Engagement Session February 22 and 23, 2020 Final Report

The New Brunswick Aboriginal Peoples Council (NBAPC) hosted a two-day community engagement session on February 22 and 23, 2020 pertaining to the Congress of Aboriginal Peoples co-development of the Missing and Murdered Indigenous Women and Girls (MMIWG) National Action Plan. Thirty-two members of NBAPC from across New Brunswick gathered in Fredericton to participate in the engagement sessions. This report is a collection of all the responses from NBAPC members that attended the engagement sessions regarding each of the seven sessions from the Calls for Justice that are the result of *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. In all of the sessions and Calls for Justice, participants voiced their concerns that Aboriginal peoples who live off-reserve and are non-Status are not specifically included in the Calls for Justice which must change. Off-reserve is not mentioned, I think I found it once throughout the Calls for Justice. Everywhere should say all Aboriginal peoples. UNDRIP should be further emphasized throughout the Calls for Justice.

Treatment, consideration, laws and policies of Aboriginal peoples who are non-Status and live off-reserve must be equal to the those of Aboriginal peoples who live on-reserve. We must be included. These are our rights. We want the same benefits and services and health services as Aboriginal peoples who live on reserve. We are all Aboriginal peoples. All governments and society must start treating us as equals to Aboriginal peoples who live on reserve. We should be included but we are not.

Session One

Calls for Justice for All Governments: Health and Wellness:

Aboriginal peoples who live off-reserve and are non-Status must be included, respected and recognized. There continues to be a lack of recognition of Aboriginal peoples who live off-reserve. There can be no discrimination against open spirited people and attempts to categorize people must be cautioned. Some people do not always want to identify for fear of discrimination even though it may be beneficial to them. We must ensure rights, health and wellness for all people and that programs are available to all Indigenous people on and off reserve. Education was another important and consistent factor amongst participants. Education must include communities and families at home. There needs to be services and programs for all Aboriginal peoples.

Programs and services offered in reserve communities must also be offered off-reserve. Discussions regarding Aboriginal youth who are experiencing psychological and emotional distress together with those who have psychological disorders must have trained staff in schools to assist and support them, their friends and loved ones. A number of people talked about the diabetes program that used to be available. It was a health program offered to Aboriginal peoples living off-reserve and included mental health. The health program was canceled and it is important that it is updated and offered again.

Participants discussed how learning starts at home. Teach children when they are young. Parents need to be included and encouraged to participate in educational initiatives. As well, full support within the community includes conversations with Elders, knowledge keepers, and youth. With regards to missing and murdered Aboriginal peoples, even those hurting from a suicide need to have an immediate support after the trauma of losing a loved one and ongoing support, such as local healing centers. Support systems must be in place for non-Status Aboriginal people who live off-reserve to address immediate needs after a traumatic incident. Long term support systems must also be put in place. and

also have support systems for long term. Seniors should be respected and have proper care and proper services. A local healing center in each off-reserve community would support those needs. We need to build capacity for supports, education and services for Aboriginal peoples who live off-reserve and are status or non-Status so that they can deliver the services, supports and programs to us. The same services and supports received by those who live on reserve must be provided to Aboriginal peoples who live off-reserve.

Calls for Justice for All Governments: Human Security:

Participants shared that human security must include off-reserve and non-status Aboriginal peoples. Creating an easy to use helpline for people who need supports would be reduce some of the difficulties of trying to access supports and services. A livable income would assist people with obtaining secure housing so that Aboriginal peoples who live off-reserve do not need to experience, or continue to experience, homelessness. It was recommended that additional funding for Skigin-Elnoog Housing and Gignoo Transition home is necessary to expand programs and remove people from waiting for housing.

Walk-in centers, safe shelters and supports for people experiencing addictions for Aboriginal people who live off-reserve is important and must be created. There must be penalties for trafficking offenses or those who are found guilty of offenses on Aboriginal women and children. Police need to crackdown on known places of trafficking such as hotels or drug houses and there needs to be a better response time for those who are missing and murdered. Response times are critical and reports of missing persons must be immediate.

It was shared that young Aboriginal children living in foster homes and group homes are more vulnerable to violence. In order to address this, there needs to be housing and supports specifically for Aboriginal children in care who live off-reserve. Seeking ways to increase safe public transit, special accommodations for fly-in, northern, and remote communities and increased commercial transportation

is important and must be established. Consideration must also be given to where all of the problems that Aboriginal peoples continue to experience come from. Housing programs and Child and Family services provided to Aboriginal peoples who live on-reserve must be offered and allocated to Aboriginal peoples who live off-reserve.

Calls for Health and Wellness Service Providers:

Participants shared that programs must include off-reserve and non-Status Aboriginal peoples. There are concerns that Aboriginal young boys do not have enough supports because they are male, and work on prevention is necessary. Training Aboriginal peoples to educate members of off-reserve communities. Healing and rehabilitation centers together with support persons available for people to call and text is important.

Supports are required for Aboriginal youth, women, and women who are either pregnant and postpartum to help with psychological needs. As well supports for Aboriginal prenatal and postnatal care and new mothers is needed from preferably Aboriginal Licensed Practical Nurses (LPN) and/or other trained professionals. Training for Aboriginal doulas (postnatal care and midwifery) for off-reserve Aboriginal peoples and increased funding and capacity to Friendship centers to assist and support children and parents is also necessary. The same services, supports, program and funding provided to Aboriginal peoples who live on reserve must be provided to Aboriginal peoples who live off-reserve. We are entitled to services and supports offered to Aboriginal peoples who live on reserve so that is what we want to have.

Participants discussed importance of police to increase involvement in hotels and on streets where there may be sexual violence or trafficking. Off-reserve and non-Status Aboriginal peoples must be recruited by RCMP and urban police forces and include youth involvement. Police need to work closer with off-reserve Aboriginal youth so that they do not offend or re-offend and keep them out of jail. A

task force to look at MMIWG must be created. Participants discussed the need for education and increased awareness, prevent grooming, exploitation and sexual exploitation. A question regarding why does it take so long for police to look into missing persons cases including cases involving missing persons that occurred a long time ago needs to be addressed. Police and governments response time is critical for Indigenous peoples. When someone is missing, it must be reported immediately. Police must look for women and children in the same time frame as others.

Calls for Transportation Service Providers and the Hospitality Industry:

Off-reserve Aboriginal peoples require safe transportation to appointments the same as Aboriginal peoples who live on-reserve. Additional education and a task force needed to learn and be able to address concerns that transportation service providers and people who work in the hospitality industry. Creating a task force would address these issues.

Session Two

Calls for Justice for All Governments: Human and Indigenous Rights:

Aboriginal peoples who live off-reserve and are non-Status must be included in all Calls for Justice. Understanding and addressing underlying issues and root causes is necessary. We cannot be restricted to address band-aids. Police discrimination must stop. Reports must be sent to the public to create awareness. The rights of off-reserve Aboriginal peoples must be respected and all provincial governments should be forced to follow Federal treaties. The same services, supports, programs and funding provided to Aboriginal peoples who live on reserve must be provided to Aboriginal peoples who live off-reserve.

United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) must always be implemented and respected by governments. Inuit, Métis and Aboriginal peoples who live on and off-reserve must have equal rights that are adhered to by all governments. Long term funding for Aboriginal

peoples who live off-reserve must be implemented. There can be no discrimination when someone identifies as being Aboriginal.

Métis-Specific Calls for Justice:

Participants shared that Métis should have the same principles as off-reserve Status and non-Status Aboriginal peoples. Some thought that Métis should be replaced by Indigenous or Aboriginal because they do not think there should be distinction. It was also noted that the provincial government has stated that there are no Métis here in New Brunswick. Others shared that off-reserve Aboriginal peoples continue to be ignored by government. There is a unique history of non-Status off-reserve Aboriginal peoples that most people do not know. As such, participants said that governments need to remember and implement rights, services, funding programs and models according to Article 35 of the Constitution and Daniels decision. All programs and services must be made available to NBAPC members not only Métis peoples or Aboriginal peoples who live on-reserve. All Calls to Justice must include all Aboriginal peoples who live off-reserve Aboriginal peoples. We are all Aboriginal peoples.

Calls for Justice for All Governments: Distinctions-Based:

Participants shared that government obligations and distinctions must be based for off-reserve and non-Status Aboriginal peoples. Further, that governments need to stop ignoring the needs of Aboriginal peoples who are non-Status and live off-reserve. Governments must have understanding of issues concerning issues specifically from Aboriginal peoples who are non-Status and live off-reserve. There must be equal representation of Aboriginal peoples who live on and off-reserve in governments to hear our voice and meet the needs of our people.

Session Three

Calls for Justice for All Governments: Justice:

Participants in the community engagement sessions shared that the rights and needs of Aboriginal peoples who live off-reserve and are non-Status must be addressed and included. The same rights, funding, programs and services provided to Aboriginal peoples on reserve must be provided to Aboriginal peoples who live off-reserve. Some recommended a task force to identify partnership, resources and capacity for those involved with justice, police services and correctional services Canada. It was noted that all police services for victims should be the same and appropriate and that this cannot be at police discretion. There is also a need to have a known place where people can go to obtain a lawyer or legal aid. Participants shared that judges must take cultural humility training and there needs to be an increase of recruitment and hiring of Indigenous judges.

Restorative justice practices must be implemented. Before court action, a person's community would have options for restorative justice. Creation of a task force in partnership with communities would address the needs of Aboriginal peoples who live off-reserve. An approach of cultural humility for effective services is necessary. The lack of resources for victims and women was shared together with the need to increase resources. There must be places on and off-reserve to obtain access to services and resources. Education for children regarding justice is also necessary. Civilian police oversight needs to include off-reserve Aboriginal peoples. Recruitment and police forces should have more Aboriginal police officers to serve off-reserve Aboriginal peoples. Legal representation by Aboriginal peoples for Aboriginal peoples must be a right. Governments must have a greater understanding of non-Status issues. Together, we need to facilitate connections with family, land, community and respect our cultures.

Instead of the Call for Justice 5.15 "the justice system to consider Gladue reports as a right" there should be no consideration. Rather all Aboriginal peoples whether they are on-reserve, off-reserve, are

required, and entitled, to have a Gladue report. Access for Aboriginal legal aid supports and representation and training for Aboriginal knowledge.

Calls for Justice for All Governments: Police Services

Police services must include police officers identifying and acknowledging Aboriginal peoples who live off-reserve as Aboriginal peoples with policing the same for on-reserve and off-reserve communities. There must be more recruitment of off-reserve and non-Status Aboriginal peoples and training in cultural humility for police. Anti-racism training including education of history of Aboriginal peoples together with local police working with our local community members. We believe that when police approach a member 2SLGBTQQIA they are not treated properly.

There must be consistent treatment of people whether they are Aboriginal or not and police should work with our organization to set up alternative justice program for accountability. Mediating on work that bring victims and those offending together is necessary in order to achieve outcomes as outlined above. Lastly, victims have the right to talk with a lawyer before talking with police. Many people do not know that they have this right. Training and education sessions must be available so that every Aboriginal person who lives off-reserve knows their rights.

Calls for Justice for All Governments: Correctional Service Canada

All people must receive their medications as prescribed and there needs to be more supports available for Aboriginal women who are pregnant and who are incarcerated. Distinct needs must include off-reserve Aboriginal women.

Session Four

Calls for Justice for All Governments: 2SLGBTQQIA

Aboriginal peoples who live off-reserve must be included together with Aboriginal languages of the region. Conversion therapy must be banned. Counseling and healthcare and mental health, including

supports for 2SLGBTQQIA, family members and loved ones must be readily available and easily accessible. There are not enough supports for the 2SLGBTQQIA community. Creation of roles for Elders who would hold the same authority as community professionals and be recognized as professionals in court needs to be included. Accordingly, there would also need to be ways of knowing who is recognized as an Elder, for example, a person who has dedicated their life to traditions, ceremonies, and walking beside others sharing knowledge and ceremonies and traditions). Any Aboriginal person should have access to their language and culture anywhere they reside and all Aboriginal youths should have access to programs and services.

Two-spirited is part of Aboriginal cultures and ways of knowing that women and Elders shared. We need to bring this knowledge back. There is also need to accommodate non-spirited people.

An emphasis on moving forward with a strong understanding of historical issues is needed together with knowledge, safety, education, health, ways of knowing and psychological health. A reminder that labeling can harm people. Check marks can stigmatize because some people do not want to be labelled. They may not even want to always identify in particular ways. They may transition into another identity. Why should we try to fit into one box all of one's lives? "Other" may be enough. Further we cannot use an "X" to mark how a person identifies because in school, an "X" means you have something wrong and no one is wrong with how they identify.

Providing resources for knowledge keepers and Elders to work frequently and closely with youth to share their teachings is important. Governments need to educate non-Aboriginal peoples on who we are and our rights as off-reserve Aboriginal peoples. Participants repeatedly expressed that education is important.

Session Five

Calls for Justice for All Governments: Media & Social Influencers

Participants shared that the Calls for Justice need to include Aboriginal peoples who live off-reserve and are non-Status and the need for trained Aboriginal spokespersons. Training is also necessary to educate Aboriginal peoples on how to speak about issues in media and to educate people. Increase number of Aboriginal people in the media. Cultural humility teachings need to be included in university and high school for mainstream reporters as well as awareness that we need stories that are not sensationalizing people. We want the truth reported.

Calls for Justice for All Governments: Education

Participants shared the need to educate the public with the true history and present day of Aboriginal peoples, including local Aboriginal urban and rural communities that are off-reserve in all schools and universities. Education needs to include Federal laws – Section 35 of the Constitution and how these laws apply to urban and rural Aboriginal peoples who are status and non-status. Elders and allies need to be included in teachings and in educating others as well. Aboriginal peoples who live off-reserve and Elders should be included in all Calls for Justice and action. It is important to educate the public and speak out against violence and domestic violence in schools and at home. Governments have to start treating us the same as our families who live on reserve. There also needs to be more training for families but also educators. Educators need to learn about us.

Calls for Justice for All Governments: Calls for All Canadians

Those who attended the community engagement sessions discussed the importance of increased public education initiatives such as the Moosehide Campaign as ways to talk about racism, teach ways of knowing, cultures and ways that allies and non-Aboriginal people can provide support.

Session Six

Calls for Social Workers and Those Implicated in Child Welfare

There are concerns from participants Aboriginal peoples who live off-reserve are not included in these Calls for Justice. These issues also pertain to Aboriginal children and families who live off-reserve. Participants also shared that the importance of keeping children in their familial homes and not in foster homes. Foster parents must be a last resort, if at all. Rather, the priority is keeping the child in their home or placing the child with family or family friends only if absolutely necessary. We need to get our youth out of foster care. Give them education, the right services and a chance. There needs to be more support for families, especially for parents who are abusive, so children have a safe place to go because they are at risk for trafficking when youth leave their homes and run away because they are being abused.

Aboriginal children and families who live on and off reserve, need mentoring, community connection and knowledge of sacred teachings. Participants noted the need for non-Aboriginal Foster parents must receive mandatory training to learn Aboriginal teachings from Elders, urban and rural Aboriginal peoples. If the foster child is Aboriginal, foster parents must attend Aboriginal ceremonies. If the child attends Under One Sky, foster parents must participate in parent/child social gatherings.

Participants identified the need for social housing for youth as well as spaces for Aboriginal youth who live off-reserve such as a drop-in center so that youth can readily access supports, services, resources as well as connect to others. Participants would like for NBAPC to be able to increase capacity to offer supports and services for our children.

Session Seven

Extractive and Development Industries

Aboriginal peoples who live off-reserve and are non-Status need to be included in these Calls for Justice. The need for pay equity was discussed together with identifying that we cannot restrict the Calls for Justice to hydroelectric projects in northern Manitoba but rather any and all resource-extraction and

development projects across Canada. As well, industries must bear the responsibility for planning safety and security of peoples and current extraction processes should be restricted with other methods of harvesting implemented. For example, instead of replanting when woods are clear cut, use the processes utilized in European countries wherein there is natural reseeded. Several trees are left in the center of where the wood was harvested so that their seeds can begin to grow more trees. Crack down on current extraction process

Summary of sessions

Governments must recognize and ensure the rights and wellbeing of all Aboriginal peoples who live off-reserve and who are non-Status. In order to move forward, we believe that education is the key. We need to ensure that appropriate programs, resources, services and supports are available, including those of the 2SLGBTQQA. There should be no barriers regardless of status and location. Aboriginal peoples who live off-reserve and are non-Status have the same rights as those of Aboriginal peoples who live on reserve which must be recognized by all governments. In its decision in *Daniels*,¹ the Supreme Court of Canada recognized that non-Status Indians and Métis are “Indians” under section 91(24) of the *Constitution Act, 1867*² and as such the federal government is responsible for legislation about them.³ Governments continue to perpetuate injustices and assimilation of Aboriginal peoples who live off-reserve. As such, we must continue to resist these attempts of marginalization, assimilation and take action to ensure that the acknowledgement of the same rights and recognition as those of Aboriginal peoples who live on reserve is achieved. Governments must stop continuing with colonial policies and legislation that continue to perpetuate acts of assimilation, injustices, marginalization and criminalization of Aboriginal peoples. The inherent rights and voices of off-reserve Aboriginal peoples

¹ *Daniels v Canada (Indian Affairs and Northern Development)*, 2016 SCC 12 [*Daniels*].

² See New Brunswick Aboriginal Peoples Council and Native Council of Nova Scotia. *Final Written Submission to the National Inquiry into Missing and Murdered Indigenous Women and Girls*, online (pdf): <https://www.mmiwg-ffada.ca/final-report/> December 2018. Fredericton p. 2 (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, Appendix II, No. 5.

³ See *Daniels*, supra note 1 at paras 19, 46, 50.

must be included as we move forward with a national action plan implementing Calls for Justice to end genocide and transform systemic and societal values that maintain colonial violence.⁴

⁴ See *Calls for Justice*. (June, 2019. online (pdf) https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls_for_Justice.pdf at 168.